



AGENDA

Greenwood City Council

Special Meeting

Thursday, November 14, 2019

20225 Cottagewood Road, Deephaven, MN 55331

*The public is invited to speak when items come up on the agenda (comments are limited to 3 minutes).
Hearing devices are available from the recording technician.*

5:30pm 1. CALL TO ORDER | ROLL CALL | APPROVE MEETING AGENDA

5:31pm 2. Consider: Res 45-19 Findings for Conditional Use Permit Request, Akshay Patel, 21380 State Highway

6:00pm 3. ADJOURNMENT



Agenda Number: **2**

Agenda Date: **11-14-19**

Prepared by Dale Cooney

Agenda Item: Consider Res 45-19 Findings for Conditional Use Permit Request, Akshay Patel, 21380 State Highway 7

Summary: Copies of the application materials and staff report are attached for reference. Notice of the public hearing was published in the Sun-Sailor newspaper on 10-31-19. The planning commission held a public hearing at their 11-13-19 meeting. The city council must incorporate city code sections 1150.20 CUP criteria as well as any conditions in the motion.

Key Dates:

Application complete: _____ October 21, 2019
Notice of Public Hearing published: _____ October 31, 2019
Planning Commission Public Hearing: _____ November 13, 2019
City Council Consideration (Special Meeting): November 14, 2019
60-Day Deadline: December 20, 2019
120-Day Deadline (if necessary): February 18, 2020

Council Action: The city council must take action by 12-20-19 unless the council decides to exercise the city's option to take another 60 days to consider the request. Possible motions ...

1. I move the city council 1) adopts resolution XX-19 laying out the findings of fact **APPROVING** the conditional use permit request of Akshay Patel for 21380 State Highway 7, as proposed, and 2) directs the staff to mail a copy of the findings to the applicant, and place an Affidavit of Mailing for the mailing in the property file.
2. I move 1) the city council **DENIES** the conditional use permit request of Akshay Patel for 21380 State Highway 7, and 2) directs staff to draft a resolution based upon said findings to be considered at the December 4 city council meeting.
3. I move the city council directs city staff to exercise the city's option to take 60 additional days to process the variance and conditional use permit application of Akshay Patel for 21380 State Highway 7, by mailing written notice and placing an Affidavit of Mailing in the property file. The written notice shall state the reason for the extension is:
_____.

Note: MN statute 15.99 requires a council decision within 60 days. The council may approve or modify a request based on verbal findings of fact and the applicant may proceed with their project. However, if the council denies the request, the council must state in writing the reasons for denial at the time that it denies the request. The council may extend the 60-day time limit by providing written notice to the applicant including the reason for the extension and its anticipated length (may not exceed 60 additional days unless approved by the applicant in writing).



Agenda Item: Public hearing to consider the conditional use permit request of Akshay Patel, 21380 State Highway 7, to replace existing signage with rebranded signage.

Summary: Akshay Patel is requesting a conditional use permit to replace existing signage at 21380 State Highway 7 in order to rebrand the property from Minnoco to Arco. The signage would be in the same location as existing signage. The property was granted a Conditional Use Permit in 2016 for the current signage (see attached). The signage to be replaced would be the canopy signage as well as the pylon sign. Gas pumps would also be rebranded.

Section 1140.40(3)(2) of the Zoning Ordinance states “No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a conditional use permit from the city in accordance with section 1150 of the city’s ordinances.”

Background:

The property has gone through several iterations as a gas station/convenience store. The station has been known as Food and Fuel, Oasis Market, Lakeshore Market, and is still colloquially referred to as Greenwood Market. The original Food and Fuel was issued a Conditional Use Permit in 1982.

Existing and Proposed Conditions:

Staff has included several photos of existing conditions for the site. Staff has also included photos of Arco branding showing what the proposed signage would look like.

Pylon sign: The existing pylon sign will be replaced in place with the a 1 for 1 changeout of the branded portions of the sign. The city required that the original halo light include a dimmer when installed, and staff has not received any complaints or comments about the signage since it was installed.

Canopy Signage: Applicant proposes to replace the signage for 3 of the 4 canopy faces. (The north facing canopy would remain blank.) Proposed branding elements would be illuminated including the Arco wording and logo. Canopy size is 3’ x 27’ on two sides and 3’ x 51 on the longer side. The Arco letters would be approximately 2 feet tall and the logo would be a 3 foot diameter circle. Applicant is also proposing to replace the green LED halo at the top of the canopy with a blue LED strip around the canopy. Non-signage under-canopy lighting will remain the same.

Applicant was approved for illuminated signage on 2 of the 3 canopy faces for the Minnoco branding. However, only one face of the canopy currently has illuminated lettering. The new branding will have illuminated channel letters on 2 sides and illuminated logos on all three sides. The 2016 CUP granted total canopy signage of 57.75 square feet and 38.5 square feet of illuminated canopy signage. Staff has been in touch with the sign contractor and expects to have dimensions of the proposed signage in advance of the planning commission meeting.

Gas Pumps: Minnoco gas pumps will be replaced with Arco gas pumps. Staff recommends approval of this changeover without conditions.

Conclusion: In staff’s judgement, the branding changes would be comparable to existing conditions and are, except for the additional illuminated logo, a 1-for-1 replacement of existing branded signage. The pylon sign would have the same amount of signage that it currently has. The canopy sign will have a comparable area of signage within the canopy.

Staff Recommendation:

Staff recommends **approval with conditions** of the application of Akshay Patel for the Conditional Use Permit to replace signage at the property located at 21380 State Highway 7. The proposal meets the requirements outlined in Section 1140.40 Regulation of Signs, and the criteria for Section 1150.20 of the ordinance in that:

- a) the proposed use complies with the specified regulations of the district in which it is located;
- b) the use is a permitted accessory use in the C-1 zoning district;
- c) the use would not be detrimental to or endanger the general welfare of the neighborhood or city;

- d) the use is harmonious with the objective of the comprehensive plan in that it maintains the aesthetic standards for commercial signage;
- e) the use will not be hazardous or disturbing to existing or future neighboring uses;
- f) the use will be adequately served by essential public facilities and services;
- g) there will be no excessive additional costs for public facilities or service and will not be detrimental to the economic welfare of the community;
- h) the proposed use will not include uses that would be detrimental to any persons due to traffic, noise, smoke fumes, glare or odors;
- i) the use will not create traffic congestion;
- j) there will be no loss or damage of any natural, scenic or historic features; and
- k) the use will not depreciate surrounding property values.

And subject to the following conditions:

- a) The total signage for the pylon sign shall not exceed 79 square feet for each sign face.
- b) Total canopy signage shall not exceed 57.75 square feet of total signage, and shall not exceed 38.5 square feet of illuminated signage.
- c) The blue LED "halo" lights on the pylon sign and on the roof of the canopy will be installed with dimmers. Applicant agrees to adjust the brightness of these lights if the city receives complaints from the community.
- d) Signs will remain illuminated only during the regular business hours of 6 a.m. to 10 p.m.
- e) Flashing, animated, blinking, or other illegal signs, as defined by city code, are not authorized as a part of this permit.

Minnoco: Existing Conditions





Conditional Use Permit Application



Person completing form: Property Owner Builder / Architect

If you prefer to complete this form electronically, it is available at www.greenwoodmn.com.

Date application submitted	10/21/19
Date application complete (office use only)	
Property address	21380 Highway 7, Greenwood, MN 55331
Property identification number (PID)	
Property owner's current mailing address	17661 South Corl NE, Otsego, MN 55374
Names of all property owners	AKSHAY PATEL
Cell phone and email of property owner(s)	612-323-0274 patelakshay12@gmail.com
Name of builder / architect (if any)	
Company name of builder / architect	
Cell phone and email of builder / architect	
Company address	
Present use of property	
Property acreage	
Existing variances or conditional use permits	<input type="checkbox"/> No <input type="checkbox"/> Yes – please attach a copy
Request is for	<input type="checkbox"/> New Construction <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Remodel <input checked="" type="checkbox"/> Replace <input type="checkbox"/> Other:
The CUP is being requested to (e.g. install a swimming pool)	

Making your case for the grant of a conditional use permit: The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented complies with the city conditional use permits ordinance section 1150 (view at city hall or at www.greenwoodmn.com). The council may impose such conditions and safeguards upon the premises benefited by a conditional use permit as may be necessary to maintain compatibility with other properties in the neighborhood. Examples of conditions include, but are not limited to: controlling size and location of use, regulating ingress and egress, controlling traffic flow, regulating off-street parking and loading areas, location of utilities, berming, fencing, screening, landscaping, restricting hours of operation, controlling noise, controlling lighting, controlling odors, and compatibility of appearance. Violation of such conditions and safeguards, when made part of the terms under which the conditional use permit is granted, shall be deemed a violation of this ordinance and punishable under section 1180 et seq.

Please answer each of the below questions:

Will the proposed use comply with the regulations specified in the ordinance for the district in which the proposed use is to be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Is the proposed use one of the conditional uses permitted for the district in which it is to be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use be harmonious with the objectives of the comp plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use be hazardous or disturbing to existing or future neighboring uses?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:

Will the proposed use be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use create excessive additional requirements at public cost for public facilities and services or be detrimental to the economic welfare of the community?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use involve activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature of major importance?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:
Will the proposed use unreasonably depreciate surrounding property values?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain:

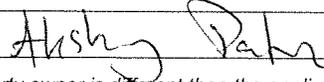
The applicant(s) contacted the following regulatory bodies and will seek approvals if required:

(1) Lake Minnetonka Conservation District 952.745.0789 (2) Minnehaha Creek Watershed District 952.471.0590

Applicant's acknowledgement and signature(s): The undersigned hereby submits this application for the described action by the city and is responsible for complying with all city requirements with regard to this request. This application should be processed in my name, and I am the party whom the city should contact about this application. The applicant certifies that the information supplied is true and correct to the best of their knowledge. The undersigned also acknowledges that before this request can be considered and / or approved, all required information and fees must be paid to the city, and if additional fees are required to cover costs incurred by the city, the city has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees. An incomplete application will delay processing and may necessitate rescheduling the review timeframe. The application timeline commences once an application is considered complete when all required information and fees are submitted to the city. The applicant recognizes that they are solely responsible for submitting a complete application and that upon failure to do so, recognizes city staff has no alternative but to reject the application until it is complete or to recommend denial regardless of its potential merit. A determination of completeness of the application shall be made within 10 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant with in 10 business days of application. I am the authorized person to make this application and the fee owner has also signed this application.

Signature: 	Date: 10/21/19
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Property owner's acknowledgement and signature: The undersigned is the fee title owner of the page 1 described property. I acknowledge and agree to this application and further authorize reasonable entry onto the property by city staff, consultants, agents, planning commission members, and city council members for purposes of investigation and verification of this request.

Signature: 	Date: 10/21/19
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Note: If the property owner is different than the applicant, signatures from the both the applicant and the property owner are required.

Conditional Use Permit Fee (nonrefundable)	\$400
Shoreland Management Review Fee (nonrefundable)	\$200
Total Amount Due (make check payable to the City of Greenwood)	\$600

For Office Use Only	Fee Paid: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check #:	Amount \$ 400
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RESOLUTION NO 34-16

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA
ACTING AS THE BOARD OF APPEALS & ADJUSTMENTS

APPROVING

In Re: Application of Brahmani, Inc., 21380 State Highway 7 for a conditional use permit under Greenwood ordinance code section 1140.40 and 1150.20 to replace and install new signage at the property.

WHEREAS, Brahmani, Inc., the owner of property commonly known as 21380 State Highway 7, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0017) being real property in Hennepin County Minnesota and legally described as follows:

That part of Lot 20, "Partridge Heights" lying and being Westerly of a line described as follows: Commencing at the most Easterly corner of said Lot 20; thence Westerly along the Northerly line thereof a distance of 275.00 feet to the actual point of beginning; thence deflect to the left 89 degrees 01 minutes 35 seconds a distance of 68.58 feet more or less to the Southerly line of said Lot 20 and there terminating; together with the vacated portion of street; all according to the map or plat thereof on file and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

; and

WHEREAS, application was made for a conditional use permit (CUP) in conformance with Greenwood ordinance code sections 1140.19(2) and 1150.20; and

WHEREAS, the applicant proposes replace and install new signage at the property; and

WHEREAS, notice of a public hearing was published, notice given to neighboring property owners, and a public hearing was held before the planning commission to consider the application; and

WHEREAS, public comment was taken at the public hearing before the planning commission on August 17, 2016; and

WHEREAS, the city council of the city of Greenwood has received the staff report, the recommendation of the planning commission, and considered the application, the comments of the applicant, and the comments of the public.

NOW, THEREFORE, the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments does hereby make the following:

FINDINGS OF FACT

1. That the real property located at 21380 State Highway 7, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0017), is a commercial lot of record located within the C-1 district.
2. Pursuant to Greenwood ordinance code section 1140.40, Subd. 3, erecting, altering, reconstructing, maintaining or moving signs in the city requires the property owner to apply for a CUP.
3. Pursuant to Greenwood ordinance code section 1150.20, Subd. 3, Conditional Use Permits (general regulations), the city council may impose such conditions and safeguards upon the property benefitted by a CUP as may be necessary to maintain compatibility with other properties in the neighborhood.
4. Greenwood ordinance section 1150.20, subd 1 states:
"Subd. 1. The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented is such as to establish:
(a) That the proposed use will comply with the regulations specified in this ordinance for the district in which the proposed use is to be located.
(b) That the use is one of the conditional uses permitted for the district in which it is to be located.

- (c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
 - (d) The use will be harmonious with the objectives of the comp plan.
 - (e) The use will not be hazardous or disturbing to existing or future neighboring uses.
 - (f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
 - (g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 - (h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - (i) The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
 - (j) The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
 - (k) The use will not depreciate surrounding property values.”
6. The applicant asserts that the proposed CUP request complies with CUP standards in Greenwood ordinance section 1150.20, subd 1.
7. The planning commission discussed the CUP request and on a 3-0 vote recommended approval because the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20, subd 1, if the following reasonable and necessary conditions relating to the present request are made a condition of approval:
- a. The total signage for the pylon sign shall not exceed 79 square feet for each sign face.
 - b. Total canopy signage shall not exceed 57.75 square feet of total signage, and shall not exceed 38.5 square feet of illuminated signage.
 - c. The under canopy area lighting will be fitted with shades that direct light downward and shield the surrounding area from excess glare. New fixtures to be reviewed and approved prior to the issuance of the electrical permit.
 - d. The green LED “halo” lights on the pylon sign and on the roof of the canopy will be installed with dimmers. Applicant agrees to adjust the brightness of these lights if the city receives complaints from the community.
 - e. Signs will remain illuminated only during the regular business hours of 6 a.m. to 10 p.m.
 - f. Flashing, animated, blinking, or other illegal signs, as defined by city code, are not authorized as a part of this permit.
 - g. The pylon sign height shall not exceed 20 feet.
8. Based on the foregoing, the city council determined that the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20 subd 1, if the following reasonable and necessary conditions relating to the present request are made a condition of approval:
- (a) The total signage for the pylon sign shall not exceed 79 square feet for each sign face.
 - (b) Total canopy signage shall not exceed 57.75 square feet of total signage, and shall not exceed 38.5 square feet of illuminated signage.
 - (c) The under canopy area lighting will be fitted with shades that direct light downward and shield the surrounding area from excess glare. New fixtures to be reviewed and approved prior to the issuance of the electrical permit.
 - (d) The green LED “halo” lights on the pylon sign and on the roof of the canopy will be installed with dimmers. Applicant agrees to adjust the brightness of these lights to a level satisfactory to the city zoning administrator.
 - (e) Signs will remain illuminated only during the regular business hours of 6 a.m. to 10 p.m.
 - (f) Flashing, animated, blinking, or other illegal signs, as defined by city code, are not authorized as a part of this permit.
 - (g) The pylon sign height shall not exceed 20 feet.
 - (h) Applicant will remove existing poster board window signage.
 - (i) The project must be completed according to the specifications and design requirements in the approved plans.
 - (j) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the city council acting as the Board of Appeals & Adjustments makes the following conclusions of law:

1. The applicant has made an adequate demonstration of facts meeting the standards of sections 1140.40 and 1150.20 necessary for the grant of a CUP.
2. The CUP requested is reasonable and should be granted on the following conditions:
 - (a) The total signage for the pylon sign shall not exceed 79 square feet for each sign face.
 - (b) Total canopy signage shall not exceed 57.75 square feet of total signage, and shall not exceed 38.5 square feet of illuminated signage.
 - (c) The under canopy area lighting will be fitted with shades that direct light downward and shield the surrounding area from excess glare. New fixtures to be reviewed and approved prior to the issuance of the electrical permit.
 - (d) The green LED "halo" lights on the pylon sign and on the roof of the canopy will be installed with dimmers. Applicant agrees to adjust the brightness of these lights to a level satisfactory to the city zoning administrator.
 - (e) Signs will remain illuminated only during the regular business hours of 6 a.m. to 10 p.m.
 - (f) Flashing, animated, blinking, or other illegal signs, as defined by city code, are not authorized as a part of this permit.
 - (g) The pylon sign height shall not exceed 20 feet.
 - (h) Applicant will remove existing poster board window signage.
 - (i) The project must be completed according to the specifications and design requirements in the approved plans.
 - (j) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

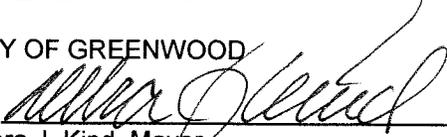
NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments that the city of Greenwood does hereby grant and issue a Conditional Use Permit to the applicant for the subject property to install commercial signage at the property with the following conditions:

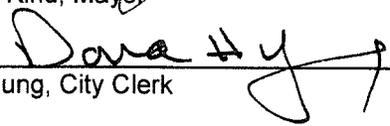
- (a) The total signage for the pylon sign shall not exceed 79 square feet for each sign face.
- (b) Total canopy signage shall not exceed 57.75 square feet of total signage, and shall not exceed 38.5 square feet of illuminated signage.
- (c) The under canopy area lighting will be fitted with shades that direct light downward and shield the surrounding area from excess glare. New fixtures to be reviewed and approved prior to the issuance of the electrical permit.
- (d) The green LED "halo" lights on the pylon sign and on the roof of the canopy will be installed with dimmers. Applicant agrees to adjust the brightness of these lights to a level satisfactory to the city zoning administrator.
- (e) Signs will remain illuminated only during the regular business hours of 6 a.m. to 10 p.m.
- (f) Flashing, animated, blinking, or other illegal signs, as defined by city code, are not authorized as a part of this permit.
- (g) The pylon sign height shall not exceed 20 feet.
- (h) Applicant will remove existing poster board window signage.
- (i) The project must be completed according to the specifications and design requirements in the approved plans.
- (j) A certified copy of this resolution shall be filed by the applicants with the Hennepin County Register of Titles and proof of filing provided to the city of Greenwood before any permits may issue or the project commence.

PASSED this 5th day of October, 2016 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

4 AYES and 0 NAYS

CITY OF GREENWOOD

By: 
Debra J. Kind, Mayor

Attest: 
Dana Young, City Clerk

dalec@mediacombb.net

From: AKSHAY <patelakshay12@gmail.com>
Sent: Wednesday, November 6, 2019 10:17 AM
To: Dale Cooney
Subject: Fwd: MINNOCO TO ARCO INFO & PRICING

According to the order there is 2 sets of channel letters and 3rd side will just have a logo

----- Forwarded message -----

From: Ed Gallagher <edmundster@aol.com>
Date: Sun, Oct 13, 2019 at 9:44 PM
Subject: MINNOCO TO ARCO INFO & PRICING
To: <patelakshay12@gmail.com>

Here is what you would need to order.

ID SIGN

TOP-Arco sign cabinet & faces with bottom mount plates to fit top of goal post 96 inches wide

BOTTOM- Arco gas price cabinet with 2 sets of gas price signs regular unleaded & E-85 to fit between goal post 73 inches wide x 8 ft. tall opening

CANOPY-Size 51ft x 26ft 3 in x 37 inch height with 2 sets of channel letters 3 sparks 110ft of blue LED bar 3 pump dispenser top valance kit & bottom doors

Labor to install all listed above plus power wash & paint canopy ceiling, paint canopy poles, bollards & sign poles

Prices so not include sales tax, permit fees, & electrical hook up on pump dispensers

Thanks

Ed Gallagher

FAST EDDY'S SIGNS

6611 Concord blvd. E.

Inver Grove Heights, MN 55076

651-248-1271

RESOLUTION NO 45-19

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENWOOD, MINNESOTA
ACTING AS THE BOARD OF APPEALS & ADJUSTMENTS

APPROVING

In Re: Application of Akshay Patel, 21380 State Highway 7 for a conditional use permit under Greenwood ordinance code section 1140.40 and 1150.20 to replace signage at the property.

WHEREAS, Akshay Patel, DBA as AS Patel LLC, is the owner of property commonly known as 21380 State Highway 7, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0017) being real property in Hennepin County Minnesota and legally described as follows:

That part of Lot 20, "Partridge Heights" lying and being Westerly of a line described as follows: Commencing at the most Easterly corner of said Lot 20; thence Westerly along the Northerly line thereof a distance of 275.00 feet to the actual point of beginning; thence deflect to the left 89 degrees 01 minutes 35 seconds a distance of 68.58 feet more or less to the Southerly line of said Lot 20 and there terminating; together with the vacated portion of street; all according to the map or plat thereof on file and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

; and

WHEREAS, application was made for a conditional use permit (CUP) in conformance with Greenwood ordinance code sections 1140.40(3)(2) and 1150.20; and

WHEREAS, the applicant proposes replace and install new signage at the property; and

WHEREAS, notice of a public hearing was published, notice given to neighboring property owners, and a public hearing was held before the planning commission to consider the application; and

WHEREAS, public comment was taken at the public hearing before the planning commission on November 13, 2019; and

WHEREAS, the city council of the city of Greenwood has received the staff report, the recommendation of the planning commission, and considered the application, the comments of the applicant, and the comments of the public.

NOW, THEREFORE, the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments does hereby make the following:

FINDINGS OF FACT

1. That the real property located at 21380 State Highway 7, Greenwood, Minnesota 55331 (PID No. 35-117-23-12-0017), is a commercial lot of record located within the C-1 district.
2. Pursuant to Greenwood ordinance code section 1140.40, Subd. 3, erecting, altering, reconstructing, maintaining or moving signs in the city requires the property owner to apply for a CUP.
3. Pursuant to Greenwood ordinance code section 1150.20, Subd. 3, Conditional Use Permits (general regulations), the city council may impose such conditions and safeguards upon the property benefitted by a CUP as may be necessary to maintain compatibility with other properties in the neighborhood.
4. Greenwood ordinance section 1150.20, subd 1 states:
 - "Subd. 1. The planning commission shall make findings and recommendations to the city council. The council may then authorize a conditional use by resolution provided the evidence presented is such as to establish:
 - (a) That the proposed use will comply with the regulations specified in this ordinance for the district in which the proposed use is to be located.
 - (b) That the use is one of the conditional uses permitted for the district in which it is to be located.

- (c) The use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or city.
 - (d) The use will be harmonious with the objectives of the comp plan.
 - (e) The use will not be hazardous or disturbing to existing or future neighboring uses.
 - (f) The use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, sewer, schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
 - (g) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 - (h) The use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - (i) The use will have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
 - (j) The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
 - (k) The use will not depreciate surrounding property values.”
6. The applicant asserts that the proposed CUP request complies with CUP standards in Greenwood ordinance section 1150.20, subd 1.
7. The planning commission discussed the CUP request and on a 3-0 vote recommended approval because the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20, subd 1, if the following reasonable and necessary conditions relating to the present request are made a condition of approval:
- a. The total signage for the pylon sign shall not exceed 79 square feet for each sign face.
 - b. Total canopy signage shall not exceed 57.75 square feet of total signage, and shall not exceed 38.5 square feet of illuminated signage.
 - c. The blue LED “halo” lights on the pylon sign and on the roof of the canopy will be installed with dimmers. Applicant agrees to adjust the brightness of these lights if the city receives complaints from the community.
 - d. Signs will remain illuminated only during the regular business hours of 6 a.m. to 10 p.m.
 - e. Flashing, animated, blinking, or other illegal signs, as defined by city code, are not authorized as a part of this permit.
8. Based on the foregoing, the city council determined that the proposed CUP request complies with the CUP standards in Greenwood ordinance section 1150.20 subd 1, if the following reasonable and necessary conditions relating to the present request are made a condition of approval:
- a. The total signage for the pylon sign shall not exceed 79 square feet for each sign face.
 - b. Total canopy signage shall not exceed 57.75 square feet of total signage, and shall not exceed 38.5 square feet of illuminated signage.
 - c. The blue LED “halo” lights on the pylon sign and on the roof of the canopy will be installed with dimmers. Applicant agrees to adjust the brightness of these lights if the city receives complaints from the community.
 - d. Signs will remain illuminated only during the regular business hours of 6 a.m. to 10 p.m.
 - e. Flashing, animated, blinking, or other illegal signs, as defined by city code, are not authorized as a part of this permit.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the city council acting as the Board of Appeals & Adjustments makes the following conclusions of law:

- 1. The applicant has made an adequate demonstration of facts meeting the standards of sections 1140.40 and 1150.20 necessary for the grant of a CUP.
- 2. The CUP requested is reasonable and should be granted on the following conditions:
 - a. The total signage for the pylon sign shall not exceed 79 square feet for each sign face.
 - b. Total canopy signage shall not exceed 57.75 square feet of total signage, and shall not exceed 38.5 square feet of illuminated signage.
 - c. The blue LED “halo” lights on the pylon sign and on the roof of the canopy will be installed with dimmers. Applicant agrees to adjust the brightness of these lights if the city receives complaints from the community.

- d. Signs will remain illuminated only during the regular business hours of 6 a.m. to 10 p.m.
- e. Flashing, animated, blinking, or other illegal signs, as defined by city code, are not authorized as a part of this permit.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments that the city of Greenwood does hereby grant and issue a Conditional Use Permit to the applicant for the subject property to install commercial signage at the property with the following conditions:

- a. The total signage for the pylon sign shall not exceed 79 square feet for each sign face.
- b. Total canopy signage shall not exceed 57.75 square feet of total signage, and shall not exceed 38.5 square feet of illuminated signage.
- c. The blue LED "halo" lights on the pylon sign and on the roof of the canopy will be installed with dimmers. Applicant agrees to adjust the brightness of these lights if the city receives complaints from the community.
- d. Signs will remain illuminated only during the regular business hours of 6 a.m. to 10 p.m.
- e. Flashing, animated, blinking, or other illegal signs, as defined by city code, are not authorized as a part of this permit.

PASSED this 14th day of November 2019 by the city council of the city of Greenwood, Minnesota acting as the Board of Appeals & Adjustments for the city of Greenwood, Minnesota.

___ AYES ___ NAYS

CITY OF GREENWOOD

By: _____
Debra J. Kind, Mayor

Attest: _____
Dana Young, City Clerk