

City of Excelsior
Hennepin County, Minnesota

Minutes
Planning Commission

Tuesday, August 5, 2014

1. CALL TO ORDER

Chair Craig called the meeting to order at 7:00 p.m.

2. ROLL CALL

Commissioners Present: Busch, Chair Craig, DiLorenzo, Duyvejonck, Honzl, Wallace, and Wilson

Commissioners Absent: None

Also Present: City Planning Consultant Richards, City Planner Smith, City Attorney Staunton

3. APPROVAL OF MINUTES

Commissioners Busch, Duyvejonck, Honzl, and Craig had changes to the minutes. Commissioner Busch moved, Commissioner DiLorenzo seconded, to approve the Planning Commission Minutes of July 8, 2014. Motion carried 7/0.

4. PENDING ISSUES/PROJECTS

(a) Appoint Liaison to City Council meeting August 11, 2014 Busch volunteered. Wilson volunteered for August 18, 2014. Duyvejonck volunteered to be backup on 11th and Craig volunteered to be backup on 18th.

5. PUBLIC HEARINGS

(a) Variance to Construct a Porch 11 feet from the Front Property Line – 243 Third Street, PC No. 14-05

City Planner Smith introduced the item. The Planning Commission had recommended approval and the City Council granted approval for this variance in 2013; however, the one year period elapsed to start construction as required by the approved resolution. Scott Carlson, 243 Third Street, addressed the Commission. Chair Craig opened the public hearing. No one spoke. Smith noted that Judy Mueller, 228 Center Street, called to voice her opposition to the variance because she believed it would increase the hardsurface on the property. Smith explained that the project is actually decreasing the amount of impervious surface on the lot. Wilson motioned to recommend approval subject to the conditions listed in the staff report, Duyvejonck second. Motion carried 7-0.

(b) Concept Plan/Planned Unit Development and Variance to the Demolition Ordinance – Kowalski's and Associated Development – 400 - 470 Water Street, PC No. 14-06

Planning Consultant Richards introduced the subject. Planning Commission, HPC and City Council reviewed a similar proposal in 2012. The proposal would

add a partial second story on the 400 Water Street building. The HPC has already reviewed the proposal and will meet again on August 6th to review the demolition of the two single family residences and the design of the 400 Water Street building.

The developer is seeking a PUD for both properties. This PUD request is mostly for the requested signs. 470 Water St is also part of the PUD request. Deliveries would come up Oak Street and exit either on George St or Water Street. Landscape plan is similar to what was approved earlier. City does not allow monument signs except by CUP. Richards is recommending that the signage on the monument not be approved because of the amount of signage being proposed and the existing rooftop sign. Kowalski's is proposing a new **brick façade and increasing the height of the building. A second story would be added for a portion of the existing Mason Motors building.**

Oppidan is proposing a stepback on the 400 Water Street building. Kowalski's is asking this to increase the visibility of the Kowalski building. DiLorenzo asked about sidewalks along Water and George streets. Richards stated sidewalks would be consistent with the existing sidewalk system.

Joe Ryan presented the developer's proposal. Ryan introduced the Kowalski family. Ryan is asking to demolish the two residences prior to receiving a building permit. Looking to open March 2015. Mary Ann Kowalski has purchased the property from Oppidan. Looked at this site 5-6 years ago, but now sees an excellent opportunity here. Owns nine Kowalski stores and one Cub store. Excited to be in Excelsior. Peter Coyle, Larkin Hoffman, went through the PUD ordinance and how the project meets those criteria. Oppidan is asking for flexibility for the signage to ensure the project is successful. Kowalski's is requesting backlit signs for all signs on their building. 400 Water Street would have exterior lit signs. Coyle mentioned that the second story of 400 Water Street is allowed by code and the rooftop patio is important to Oppidan.

Craig asked why the second story was added. Ryan stated that Oppidan is looking to locate their offices there. Also saw the opportunity to include needed office. Setback would be a rooftop deck for Oppidan's use.

DiLorenzo asked if Kowalski looked at trying to comply with the code. Coyle stated that Oppidan has been challenged to attract a quality grocer. Craig stated that the city didn't require a grocery store but only after so many concessions to the developer.

Joan Maher, 905 Excelsior Blvd, thrilled that Kowalski's is coming to Excelsior. John Anderson, 200 George Street, lived here about 45 years and wants to welcome Kowalski to Excelsior. Anderson was disappointed about the second story on 400 Water Street, but not opposed to it. He thinks the building looks good. Back of the building has changed for the better. Concerned with the kind of lighting because Mason Motors' lights shined in his windows. Bob Bolles, 229 George Street, also sits on the HPC, but not speaking for them. Bolles is concerned about the lighting, getting up to 6-foot candles. He believes this would produce a lot of glare. Richards stated that the project would have to

meet city lighting requirements. Bolles asked the city make sure developer is using the correct lights. Bolles is concerned about early demolition to save a few days for the developer. Pizza Hut was torn down because it was a dangerous building. Bolles stated the two residences on George Street are not. Bolles stated that the City should be concerned about setting precedence for decks in the downtown. Bolles stated that the project looks very nice and is happy for the project. Linda Putman, 152 Third Street, pleased to see a second story on 400 Water Street. A one story building seems a waste of space, would personally be fine with three stories. Dan Johnson, 240 Third Street, neighbors would be upset if Kowalski doesn't succeed here. Chair Craig closed the public hearing. Also stated that no one isn't opposed to Kowalski being located here.

Chair Craig asked Mary Ann Kowalski about the signage. Mary Ann stated that all the signs in Excelsior are "boutiquey." Mary Ann stated that the visible signs are necessary and well lit, parking lots need to be secure. Lighting and signage is key to a grocery store. Mary Ann stated that Kowalski is located at the end of downtown and Starbucks and other tenants also need backlit signs. Mike Kowalski mentioned that wall signs would be on 24 hours as the store will be open 24 hours. Could turn them off when the store is off if they change hours. Only one Kowalski building is open 24 hours. Richards stated the code requires most lights to be turned off one hour after store closing. Wallace asked why signs are important because groceries are not impulse buying. Mary Ann Kowalski stated that the building needs to be easy to find. Mary Ann acknowledged that we live in a state that is dark most of the year. Mike Kowalski knows that Excelsior residents will be able to find the store, but needs residents from other communities to find the store to be successful. Wilson asked what the population based needs to be to support the store. Mike said Excelsior is going to be a great space but needs to draw outside Excelsior. Typically a three mile radius. Bob Kowalski mentioned that one of the things that makes this challenging is the lake effect. Fish don't buy groceries. Needs to attract travelers on Hwy 7. Joan Maher stated that the city of Excelsior spent funds to put signs on Hwy 7 and Second Street. Believes signage is important.

Duyvejonck believes it's important to note that the one piece of negative feedback that the city has received is the franchise signage in the area. As the area continues to be developed, it's a concern to the Commission. Craig has more of an issue with the Starbucks sign because no other coffee shop has been allowed a backlit sign. Duyvejonck asked why an externally lit sign doesn't work. Mary Ann Kowalski stated that externally lit signs aren't bright enough. Craig asked if the other tenants could be externally-lit? Chris Kowalski stated that they would like the Commission's consideration. Mike Kowalski stated that the letters will be individually lit, not on a raceway or box. Mary Ann stated that it's the Kowalski choice that the other tenants also have internally lit signs. The signs on all sides of the buildings would be internally lit.

Wallace believes we should either allow them throughout town or not. Difficult to pick and choose. Staunton mentioned that using a PUD allows the city and

the applicant to negotiate between what the city needs and what the tenant needs. DiLorenzo believes signage is critical for the project and the development is tasteful, likes the idea that the minor tenants have externally-lit signs. Duyvejonck, Craig and Honzl seconded DiLorenzo comments. Busch concurs with DiLorenzo that there's already been some cooperation that the 400 Water Street building has externally-lit signs. Staunton stated that the Commission make a motion to approve with condition to explore the secondary signs.

Richards stated that Mason Motors received CUP approval for a monument sign at the corner of Water Street and Oak Street. Red Owl used the parapet sign. Joe Ryan stated that keeping the monument sign is critical. Kowalski is not on the monument sign. Honzl asked if the monument sign could be included in the next packet. Ryan stated that the parapet sign is proposed to be backlit. Commission liked the idea of getting rid of the monument sign.

Duyvejonck stated that Water St and Hwy 19 gets very crowded at rush hour and would like the traffic to be studied with the new development.

Richards stated that Coyle was correct in that there's nothing in the city's code that prohibits a rooftop patio. . Duyvejonck stated she is concerned about the pedestrian and automobile conflicts near the Water Street entrance near the store.

Staunton is not concerned about the precedent of the setback and patio because this is a PUD and there's a number of give and take issues involved with the project. The Commission was generally amenable to the rooftop patio and setback. Wallace raised the point that tenants can change. Duyvejonck mentioned that she can't see many umbrellas being put up on the patio. Mary Ann Kowalski stated they would take them down. DiLorenzo believes the early demolition is a reasonable request. Staunton stated that the request before the Commission is a variance for the demolition of the two residences prior to issuance of a building permit. Council adopted the ordinance because of the concern of losing single family homes, leaving the lots vacant, then combining the lots. Duyvejonck asked if we could add some provisions to ensure the lots are not left disturbed if the project doesn't move forward.

Craig reopened the public hearing. No one spoke. Craig closed the public hearing.

DiLorenzo motion to recommend approval of the Concept PUD subject to the applicant and staff work on lighting of signs, lighting of the parking lot, traffic and pedestrian concerns, getting additional information on the monument sign, lighting for secondary tenants, Busch seconded. Motion approved 7/0.

Honzl motioned to recommend approval of the variance to allow demolition prior to issuance of a building permit with the condition that if no building permit is issued by October 1, 2014, the site be graded and sodded, Duyvejonck seconded. Motion approved 7/0.

- (b) Proposed Amendments to Section 18-4 of Appendix E Related to Parking of Recreational Vehicles and Boats on Single Family Property

City Planner Smith introduced the item. Chair Craig opened the public hearing. Peter Kinn, 530 Third Ave. stated that if the City changed the limit from 3 to 2 or 3 to 1, this is limiting what people can store on their property. Three items is fine. Ann Hersman, 823 Hidden Lane, does not know where they could store boats and jet skis without on the driveway. Kinn stated the City shouldn't be concerned with how other cities regulated storage of boats. Jeff Morris, 152 Bell Street, doesn't notice a problem in Excelsior. Limiting to two shouldn't be considered. Craig stated that the code currently prohibits storage in front yards. Craig and Honzl would like to change the prohibition of front yard parking. Jay Rudnicki, 512 Grace Street, if living on a lake, must store it toward the street. Pete Studer, 604 Glencoe Road, doesn't see the need for change in the code. Mark Brabec, 185 West Lake Street, stated that the City rents out dock slips for up to 24 foot boats. The 18-foot requirement seems too restrictive. 24 foot boats need 26 foot trailers. John Anderson, 200 George Street, concerned about taking away property rights. Has been breaking the 18-foot requirement with his camper. Reducing the number of boats/RVs from three to one is absurd. May eliminate some problems but would harm more people. Busch suggested looking at Shorewood for storing in front yard. Duyvejonck would like to look at making the ordinance less restrictive to allow larger items and strike language on front yard. DiLorenzo agrees with making it less restrictive. This is Excelsior and a lake community. Duyvejonck would like this to go directly to the City Council without coming back to the Planning Commission. Administrative permit should start at 30 feet. Richards stated that the code does not allow living in RVs. Street side makes sense, if it's impractical to put it in the side or rear yard.

Craig closed the public hearing. DiLorenzo motioned to recommend that the City Council adopt the following,

Seasonal outside storage of items on one zoning lot shall include no more than one each for a total of three of the following in the R-1 and R-2 districts: one building for winter ice fishing, one camper, one camper trailer, one utility trailer which may contain multiple motorized recreational vehicles, one motor home, and one boat or other motorized recreational vehicle. None of the above may exceed 30 feet in length, none shall be stored in the address-side yard, and all shall be subject to the side and rear yard setback requirements of accessory structures as found in subsection 18-2(g)(2) of this Appendix E. If there is not a practical way to store the items in compliance with these requirements, then the items may be stored in the address-side yard. Recreational equipment that exceeds 30 feet in length may be allowed by an administrative permit, as specified in article 8 of this Appendix E, provided that adequate space is provided on the lot so that the equipment is parked in conformance with the accessory structure setbacks specified in subsection 18-2(g) of this Appendix E.

Honzl seconded. Motion approved 7/0.

6. PUBLIC HEARINGS – (Continued)

(a) Proposed Ordinance to Amend Article 38 of Appendix E of the Excelsior City Code of Ordinances to Provide Restrictions on Formula Businesses within the Business Zoning Districts – Richards recommends that the public hearing be closed. Staunton was going to send a memo to the City Council to provide more direction to the Planning Commission. Duyvejonck moved to close public hearing, Busch second, motion carried 7/0.

7. UNFINISHED BUSINESS

(a) Parking Update – Implementation

i. Parking Counts -

ii. Parking Map

iii. Parking Management – Richards stated that staff continues to work on meters and getting more information.

(b) Parking Options for Water Street/Design Standards for 50 foot Setback Requirement on Water Street – Richards stated this item should be back to the Planning Commission next month.

(c) Planned Unit Development Process/Design Standards Updates – Richards stated the HPC and Planning Commission have been reviewing the new language, and the HPC should review it again at their next meeting.

8. NEW BUSINESS

a) None

9. COMMUNICATIONS and REPORTS

(a) Memo on Construction Management Agreement – Smith updated the Commission on the Construction Management Agreement. The next steps are sending an email to local developers and then bringing the item back to the Planning Commission for a public hearing. Busch suggested putting the construction hours in Fall newsletter.

(b) Next Planning Commission Meetings – Wednesday, August 20, 2014, and Tuesday, September 9, 2014

10. MISCELLANEOUS

(a) Recent City Council Actions – Staunton updated the Commission on recent City Council actions. Approved liquor license for Olives Fresh. Approved valet

ordinance. Approved parking impact fee for Victors and Olives Fresh. Approved front yard setback for 161West Lake Street. Council directed staff to work with Mr. Martin and the HPC to come to a solution regarding Martin's rooftop addition. Also had ongoing discussion on the Southshore Center.

11. ADJOURNMENT

Commissioner DiLorenzo moved, Commissioner Busch seconded, to adjourn the meeting at 10:40 p.m. Motion carried 7/0.

Respectfully submitted,

Patrick Smith
City Planner