

City of Excelsior
Hennepin County, Minnesota

Minutes
Planning Commission

Tuesday, December 2, 2014

1. CALL TO ORDER

Chair Craig called the meeting to order at 7:02 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

a) Planning Commission Meeting of October 29, 2014

With the removal of Wilson and Wallace from the "present" list, Commissioner Honzl moved, Commissioner Duyvejonck seconded, to approve the Planning Commission Minutes of October 29, 2014. Motion carried 7/0.

b) Planning Commission Meeting of November 5, 2014

Commissioner Honzl moved, Commissioner DiLorenzo seconded, to approve the Planning Commission Minutes of November 5, 2014. Motion carried 7/0.

4. PUBLIC HEARINGS

a) Conditional Use Permit for Victor's on Water, 205 Water Street – Parking Impact Fee for Lower Level (PC No. 14-16)

Planning Consultant Richards introduced the item. The request is for parking impact fee for the lower level for a jazz club. Victor's has already received CUPs for parking impact fees for the main level and sidewalk seating. Richards state that there are no issues with the Comprehensive Plan or Zoning. Richards stated that this is an unusual application because much like the brewery many people may be standing around the piano area and not seated. He suggested the Planning Commission may want to consider this aspect. The applicant does not believe he should have to pay the full price of the impact parking fee as the jazz club is only planned to be open Thursday, Friday and Saturday nights. Wilson asked about the seating. Richards replied it's just around the piano area that he calculated for standing room area. Craig asked about the notion that the hotel was not providing enough parking. Richards stated that was a miscommunication.

Janel Novachis, representing Victors, stated that 20 to 30 cars are being valeted at night. The 24-seat room could be reserved any night of the week, not just Thursday, Friday or Saturday. Staunton stated that the parking requirement for the Brewery was based on seats and not standing room. There's no guarantee that Victor's will continue to lease private public parking spaces in the future. Council looks at parking capacity and the impact fee at the beginning of each year. Duyvejonck asked if staff has reviewed the operations of the valet. Richards replied no. Smith replied that no

complaints have been received. Wallace suggested looking at square footage for restaurants instead of seats in the future for parking requirements. Seats can always be added without staff's knowledge. Craig stated that the private dining area should be counted for the parking impact fee. DiLorenzo asked about the impact of the valet. Wilson stated it was a choice made by the restaurant because they are not removing cars out of the downtown. Staunton stated that in the past the city allowed parking off site, but has since changed that because there's no way to determine if the off-site spaces were being used. Wallace said the key is that the fact that there's a charge for the valet service.

Duyvejonck stated that the City tries to put processes in place that does not add burden for enforcement for staff, but would like to give them a valet credit. Could the City put the burden on the applicant to get the credit? Novachis stated that they have 40 off-site parking spaces. Right now they are paying for seven parking spaces. Victors is paying for two on-street parking spaces based on the meter rate. DiLorenzo asked if other restaurant patrons are using the valet service. Novachis does not know, but has told valet service to go ahead and park their cars.

Craig opened the public hearing. Duyvejonck stated that the applicant would be responsible to provide documentation that the valet parking was being used at the end of each year. DiLorenzo recapped that the commission is favoring 16 parking spaces for a full rate but allowing a credit if the applicant can prove that the valet is being used. Wilson asked about setting a precedent for other businesses that want to get around the parking impact fee. Craig stated the purpose of the parking impact fee is to raise money to provide parking. DiLorenzo is concerned that the parking impact fee is hurting smaller businesses. Craig closed the public hearing.

Staunton stated that the Commission has a quasi-judicial decision in front of them, but is also discussing a legislative issue changing the ordinance of giving credits for valet service. DiLorenzo suggested that Victor's keep the parking logs for future review. Parking impact fee is paid up front each year. Staunton stated that owners are required to pay by September 1 of each year.

Duyvejonck stated that the valet service credit be based on all their parking requirements. Richards suggested that Victor's bring back their parking logs at the end of February, then the Planning Commission could review the credit in March.

Duyvejonck moved to recommend approving the CUP of the conditions of 1,2 and 4 with number 3 being changed that the applicant submit parking logs by the end of February so the Planning Commission could review possible credits. Busch seconded. Motion carried 7/0.

- b) Amend Appendix E, to add Section 51-7 Design Standards within the B-2 District for a 50 Foot Setback on Water Street

Richards introduced the item. Craig opened the public hearing. Bob Bolles stated that the Council relaxed parking standards to increase developed, which has worked, but now there's a parking shortage. For restaurants, four seats for one car is too relaxed. Bolles stated the national standard is one parking space for two seats. In addition, the current ordinance has no parking requirement for staff. Richards stated that the restaurant parking should be discussed in the future. Craig closed the public hearing.

Wallace recommended approval of amending the Zoning Ordinance requiring a 50-foot parking setback extend to Oak Street along Water Street. The creation of the Cottage District should be put on hold. DiLorenzo seconded. Motion carried 7/0.

Craig requested that the Planning Commission be given the parking study to provide context for future parking discussions.

- c) Amend the City Code, Chapter 10 to add Regulations for Mobile Food Vehicles (PC No. 14-15)

Richards introduced the item. DiLorenzo asked if the intent was for residents to pay fee for private food trucks. Duyvejonck stated that the fee is to administer the permit. Wallace asked how this would impact the ice cream truck that moves through town. Richards stated that the food truck ordinance should include a reference to the peddler ordinance. Wallace asked if there's a difference if a food truck parks on the private property or a street. Wilson stated that in the residential district, it doesn't matter where the food truck is parked. Trucks driving through town is regulated through the peddler ordinance. Richards recommended that staff review the ordinance and compare it to the peddler and hawker ordinance. Wallace stated that the mobile food cart may not be covered in the food truck ordinance. Otherwise the Commission thought the ordinance looked good. Duyvejonck recommended, Honzl seconded that the item be continued to the January meeting.

- d) Amend the City Code, Appendix E revising the Planned Unit Development Regulations (PC No. 14-18)

City Planner Smith introduced the item. Commission asked about changing the PUD process from three steps to two steps. DiLorenzo favored a two step process. Craig and Wallace favored leaving it as a three step process as long as the developer has the option of combining steps to make it a two step process. Wallace recommended approval amending the PUD ordinance, Duyvejonck seconded. Motion carried 7/0.

5. Duyvejonck recommended adding an agenda item to discuss the Commissions Bylaws. DiLorenzo seconded. Motion carried 7/0.

6. UNFINISHED BUSINESS

- a) Parking Update – Implementation

i. Parking Counts – Richards introduced the item. Started with 45 open spaces for the parking impact fee. Now at 16. Staff should look at a multi-year analysis.

ii. Parking Management – this will go to the City Council in February.

7. NEW BUSINESS

- a) Bylaws – Wallace recommended moving the Commission meeting date to the second Monday of each month, Duyvejonck seconded. Motion carried 7/0. Staff will send out a new calendar.

8. COMMUNICATIONS and REPORTS

- (a) Historic Ordinance Steering Committee – Smith gave the update
(b) Next Planning Commission Meeting – Tuesday, January 6, 2015
(c) Next City Council Meeting – December 15, 2015

9. MISCELLANEOUS

a) Staunton and Smith informed the Commission of recent City Council actions. The meeting on December 17th the Council discussed recreational vehicles and boats. Council gave staff direction on proposed changes. Council limited the number of liquor licenses. Council adopted an ordinance on a e-cigarette moratorium. Council considered a revamp special event policy. The owners of the hotel requested an extension and submitted a TIF application. Council requested staff to review the TIF application and present findings to their December 15th meeting. Council is talking to local legislature to move forward with a special sales tax to help fund improvements to the Commons. Council believes the South Shore Center is a great asset to the community but financially does not make sense. Council approved hiring BKV to complete the space needs analysis. Chambers would like to move the Farmers Market to Tuesdays in order to spread out the parking demand.

e) ADJOURNMENT

Commissioner DiLorenzo moved, Commissioner Busch seconded, to adjourn the meeting at 9:55 p.m. Motion carried 7/0.

Respectfully submitted,

Patrick Smith
City Planner