

City of Excelsior  
Hennepin County, Minnesota

Minutes  
Planning Commission

Monday, July 25, 2016

1. CALL TO ORDER

Chair Duyvejonck called the meeting to order at 7:03 p.m.

2. ROLL CALL

Commissioners Present: Busch, Craig, Chair Duyvejonck, and Wallace

Commissioners Absent: DiLorenzo

Also Present: Planning Consultant Richards and City Attorney Staunton

3. APPROVAL MINUTES

a) Planning Commission Meeting of June 27, 2016

Commissioner Wallace moved, Commissioner Busch seconded, to approve the Planning Commission Minutes of June 27, 2016. Motion carried 4/0.

4. PUBLIC HEARINGS

a) Temporary Family Health Care Dwellings

Planning Consultant Richards presented the staff report.

The Planning Commission asked questions regarding the legislation and the opt out process. Planner Richards explained that the Staff recommended the City opt out in that Excelsior lots are small, the narrowness of the side lots will make it difficult to locate the structure in the back yard, and finding a location that will meet all the principal setbacks may be difficult.

Busch asked why should the City opt out? There is a demand for such facilities and giving options to families to care for family members is an increasingly important need in the community. She indicated that this provides an important option and should be considered.

Wallace agreed with Busch and preferred that the City opt in. He suggested that City Staff draft the ordinance amendments to accommodate the temporary care dwellings.

Duyvejonck suggested that if the City does not opt, there would be the incentive to have an ordinance drafted quickly by staff, reviewed by the Planning Commission and adopted by the City Council.

Craig asked to go through the list of cities that were going to opt in or opt out. The Planning Commission reviewed the list and discussed the options.

Duyvejonck opened the public hearing. No members of the public spoke.  
Duyvejonck closed the public hearing.

The Planning Commission asked for clarification on the September 1, 2016 date related to the new law going into effect. City Attorney Staunton indicated that if the City does not opt out, any application for a temporary care dwelling would need to be considered by the City starting on September 1, 2016. If the City decides to draft its own ordinance with regulations specific to Excelsior, it should do so, and then pass an ordinance to opt out, and then adopt the regulations.

Duyvejonck suggested that the City could opt out or opt in but we should have a City ordinance that allows for temporary care facility.

Wallace preferred that the City not opt out, and have Staff draft the ordinance. Once the ordinance is complete, the City could opt out and adopt the ordinance.

Wallace motioned a recommendation to not opt out, and authorize Staff to draft an ordinance regulating temporary care facilities.

Craig seconded the motion.

Duyvejonck asked City Attorney Staunton about not opting out by September 1, 2016. City Attorney Staunton indicated that if an application comes into the City on September 1, 2016, the City must accept it and apply the requirements of the State Statute. The City may then draft their own regulation and then opt out.

Motion carried 4/0.

5. UNFINISHED BUSINESS
- a) NOISE ORDINANCE – OUTDOOR SPEAKERS

Duyvejonck opened the discussion and asked Staff to make a presentation.

City Planning Consultant Richards reviewed the topic and the noise regulations from other cities that had been included in the packet.

The Planning Commission discussed the various city noise requirements and agreed that the simple, straight forward regulations like Rochester's or Bloomington's are the examples that should be used. It was suggested that the term "audible" should be defined.

The Planning Commission agreed that the separate City Code noise requirements and Zoning Ordinance regulations should be combined.

Staff indicated that they would have a draft ordinance for the August meeting.

b) **PARKING MANAGEMENT**

City Planning Consultant Richards up-dated the Planning Commission on the recently installed parking stations. The Planning Commission asked questions on how they work and are enforced.

6. **ADJOURNMENT**

Commissioner Busch moved, Commissioner Craig seconded, to adjourn the meeting at 8:52 p.m. Motion carried 4/0.

Respectfully submitted,

Scott Richards  
City Planning Consultant