

City of Excelsior
Planning Commission Meeting
Minutes
Tuesday, March 2, 2010
Council Chamber, City Hall, 339 Third Street
7:00 P.M.

1. CALL TO ORDER

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

2. OATH OF OFFICE

City Clerk Cheri Johnson administered the Oath of Office to new Planning Commissioner Chris Jensen.

3. ROLL CALL

Commissioners Present: Jensen, Putnam, Craig, Gaylord, and Chair Gephart

Commissioners Absent: Wallace

Also Present: City Planner Richards, City Attorney Staunton, and City Planner Fuchs

4. APPROVAL OF MINUTES

(a) Planning Commission Meeting of February 3, 2010

Gaylord asked if anyone had any additions or corrections to the Minutes.

It was moved by Commissioner Putnam, and seconded by Commissioner Gaylord, to approve the Minutes of the Planning Commission Meeting of February 3, 2010 as presented. Motion carried 5/0.

5. PENDING ISSUES/PROJECTS

(a) Appoint Liaison to City Council

Commissioner Jensen will serve as the Planning Commission liaison to the March 15, 2010 Council meeting.

Gephart provided a brief overview of the Planning Commission appointment process.

Commissioner Putnam moved, Commissioner Craig seconded, to table items 7(a) – (c), 8(b) – (c) to follow items 7(d) and 9(a). Motion carried 5/0.

6. PUBLIC HEARINGS

(a) None

7. PUBLIC HEARINGS

(d) Proposed Ordinance to Amend Articles 18 and 55 of the City of Excelsior Zoning Code Pertaining to Applicable Storage and Dry Stacking of Boats

Fuchs stated that boat storage is regulated through Article 18, Accessory Buildings, Structures, Uses and Equipment and Article 55, P, Public Park District of the City of Excelsior Zoning Ordinance.

7. PUBLIC HEARINGS

- (d) Proposed Ordinance to Amend Articles 18 and 55 of the City of Excelsior Zoning Code Pertaining to Applicable Storage and Dry Stacking of Boats

Fuchs explained that the City received a request from Tom Drummond, Tommy's Tonka Trolley, to expand Tommy's Tonka Trolley business to include the seasonal rental of kayaks. He noted that the zoning ordinance currently prohibits the dry stacking of boats in all zoning districts. He elaborated on the definition of dry stacking and dry storage contained in Article 2 and the permitted uses in the Public Park District.

Fuchs reviewed the proposed amendment to Section 18-4: Recreational Equipment to allow boat dry stacking and dry storage in the P, Public Park District and to add dry stacking in the Public Park District as a permitted use.

Richards noted that the Comprehensive Plan contemplates allowing additional uses in the Park District.

Tom Drummond, owner of Tommy's Tonka Trolley, provided a brief overview of his request.

Gephart opened the public hearing. Hearing no comments, Chair Gephart closed the public comment portion of the meeting.

Gephart asked how many areas of the City this would impact. Fuchs responded that there are three designated Park District areas in the City and all three are controlled by the City.

Staunton stated that the City maintains control over all aspects of park lands, including parking.

Richards stated that the City has metered parking adjacent to The Commons park.

Gaylord asked what the benefit to the City is to allow additional park uses and if other vendors can use City lands. Staunton responded that there aren't any additional users at this time and that the City Council has the ability to decide if additional users are warranted.

Gaylord inquired about the City Charter amendment. Staunton answered that the new Charter amendment prohibits sales except for City-sponsored park land uses. He explained that the City would require an indemnification.

Gaylord asked if this prohibits inside storage. Staunton responded that the language would address this.

Gaylord asked how slides are permitted.

The Planning Commission discussed out of water storage of kayaks, canoes, paddle boats, slides on public property and the use of private property. The Commission discussed dry storage, the maximum number of boats, height, interior boat storage that is out of sight. The Commission felt that this may be a private property issue. The Planning Commission asked that Staff prepare revised language and forward for review.

It was moved by Commissioner Putnam, and seconded by Commissioner Gaylord, to schedule a special meeting for Monday, March 22, 2010 and continue the Public Hearing to the March 22, 2010 meeting. Motion carried 5/0.

9. NEW BUSINESS

(a) Sketch Plan Review - 287 Water

Richards provided a brief overview of the sketch plan. He noted that the proposed building is adjacent to 287 Water Street, a property that was recently renovated by the applicant, Brian Burdick. He explained that the building would be located on the portion of the lot that has the existing parking lot. The proposed building is a two story structure with an underground parking level. The first floor would be utilized for retail, the second floor would be office, and the underground parking garage would provide eight parking spaces. He noted that the existing parking lot is striped for 10 parking stalls.

Richards noted that the subject parcel is grandfathered with 15 parking spaces, 10 of which are located where the proposed structure is shown. The existing building at 287 Water Street requires 13 parking spaces for its current retail use and the new building would require an additional 17 parking spaces.

Richards said the current Zoning Code does not allow for a mechanism to address the parking shortage for this building other than granting a variance from the parking standards. He said that staff would recommend against this option in that there are no pre-existing situations or hardship and it could set a precedent for the redevelopment of other properties in the Downtown area.

Richards explained that the Heritage Preservation Commission (HPC) discussed the concept plan at their regular meeting on February 23, 2010. He noted that the HPC was favorable to the mass and scale of the proposed building. The HPC had also indicated that some changes to architectural features should be made to the building so it doesn't mirror architectural elements from the neighboring building.

Brian Burdick, the applicant, provided an overview of his proposal. He identified the changes that he has made to address the HPC's comments for aesthetics, brick accents, and window treatments and awning improvements.

Gephart asked the applicant how he intends to address the parking. Burdick responded that would be a separate discussion. Gephart asked Burdick for clarification on that statement. Burdick stated he would probably address it through a variance.

Richards clarified that when the parking study was done, nothing existed on the site.

Putnam said the City needs to study the issue in more detail. Gephart said that there are other buildings that have issues too.

Craig asked if it was feasible to subdivide the property. Richards responded that the property would need to adequately address parking.

Gephart stated that he was not opposed to development due to need to provide parking, but he would ask that the applicant come back with a proposal that addresses the parking.

Gephart opened the meeting up for comments from the audience.

9. NEW BUSINESS

(b) Sketch Plan Review - 287 Water – (Continued)

Betty Sorenson, 421 Third Street, stated that she loves the idea and the energy of the proposal. Her main concerns are proximity and visibility of a two story building. She was concerned that there was no business located directly on Water Street, and she was concerned with access and traffic to her place of business during construction.

Burdick explained that the building fills a void at the corner of Water and Third Streets. He said that once the building has been completed it should increase pedestrian traffic. He explained that the building has a nice pedestrian scale. He emphasized that construction will be tight and that from start to finish a lot of coordination will need to occur. He said all of the improvements will be staged.

Katherine Doer, Bird House Inn, stated she likes the idea of having the corner open. She feels that the development is too dense and that there are other spaces that should be filled prior to this property. Burdick responded that he cannot control other lots and when or if they are developed. He said that this building has been designed with good massing while the ordinance allows him to build to the property lines, the corner has been cropped.

Jensen asked if the building has been leased. Burdick responded that is premature until the parking issues are resolved.

Gephart stated his concerns with parking.

Putnam asked whether the alley is public or private.

Burdick said private. He described the recent improvements that have been made to the alley.

Gaylord asked about the rear façade and whether windows could be added to the side façade overlooking the other buildings. He also asked if he considered placing a parking structure above the existing building.

Burdick stated that the rear façade will be designed to meet the design standards and the windows could be added as long as they can meet the building and fire regulations. Richards stated that staff has spoken with the architect to discuss the design standards.

Gaylord asked about screening the mechanical equipment, especially with topographical changes on Third Street. Burdick said that the building's mechanical equipment will be screened in a similar manner as 287 Water Street.

Gaylord asked of the feasibility of a joint project with the abutting property. Burdick stated that is unknown at this time. The first phase will be this building.

Gaylord asked if any consideration has been given to a parking structure above 287 Water Street. Burdick said that he has looked into a roof parking scenario and it is too cost prohibitive.

9. NEW BUSINESS

- (c) Sketch Plan Review - 287 Water – (continued)

Putnam asked about the feasibility of a high energy roof. Burdick stated that it might be reasonable to do, it might also be too cost prohibitive.

Staff announced that the City Council will review this sketch at their March 15, 2010 meeting.

7. PUBLIC HEARINGS

- (a) Variance from Minimum Lot Area, Side Yard Setback, and Impervious Surface Standard Requirements for 200 Bell Street - Daniel and Anne Vogel

Commissioner Putnam moved, Commissioner Craig seconded, to continue the 200 Bell Street Public Hearing to April 6, 2010. Motion carried 5/0.

- (b) Amendment to Excelsior City Code of Ordinances to Include Zoning Code as Appendix

Fuchs gave a brief overview of the staff report. He stated that staff is requesting that an amendment be made to the Excelsior Code of Ordinances to include the Zoning Code as an appendix. He explained that during the codification process the City may change such things as the wording of captions, renumber chapters, sections, or other parts, change capitalization and style for the purpose of uniformity, and correct typographical errors. He explained that the proposed amendment does not change the substance of any of the current regulations.

Chair Gephart opened the public hearing. Hearing no comments, Chair Gephart closed the public portion of the meeting.

The Planning Commission discussed draft changes regarding the proposed text amendment and how the proposed amendment would not change the substance of any of the current regulations.

Commissioner Gaylord moved, Commissioner Jensen seconded, to continue the public hearing to the City Council's March 15, 2010 meeting and forward the recommendation to the City Council to adopt an ordinance to include the Zoning Code as Appendix E to the City of Excelsior's Code of Ordinances. Motion carried 5/0.

- (c) Proposed Ordinance to Amend Article 50 of the City of Excelsior Zoning Code Pertaining to Applicable Percentage of Retail Area Required for Studios Located Off of Water Street

Gephart excused himself from this discussion because of a possible conflict of interest. Gephart passed the gavel to Vice Chair Gaylord.

Richards provided a brief overview of the staff report. He explained that staff, while examining potential uses for the former fire station at the City Hall, realized that artist and handicraft uses throughout the B-1 District have to provide at least 50 percent of the total floor space at the front one-half of the building to be used for sales and display. This provision in Article 50-2.J pertains to permitted uses for street level uses on Water Street.

Richards explained that in examining Article 50-3, which established permitted uses other than at street level on Water Street and all other areas of the B-1 District, the provision for the 50 percent floor space carries over from Article 50-2.J. The 50 percent floor space for other than street level

7. PUBLIC HEARINGS

- (d) Proposed Ordinance to Amend Article 50 of the City of Excelsior Zoning Code Pertaining to Applicable Percentage of Retail Area Required for Studios Located Off of Water Street – (Continued)

uses on Water Street or in other areas of the Downtown, the provision is extremely limiting. Staff would suggest a lower percentage of sales and display area be allowed for uses in the B-1 District off of Water Street.

The Planning Commission discussed a Zoning Ordinance amendment related to artist and handicraft uses in the B-1 District.

Craig asked about yoga facilities. Staunton responded that the language should be written to be clear.

Gaylord asked why the language should be changed. Staunton stated that the reason for different standards for street level is to encourage retail uses. He explained that off of Water Street, the B-2 District standards may make more sense.

Gaylord stated that the proposed standards seem to be too limiting in scope.

Gaylord opened the public hearing.

The Planning Commission discussed the draft language and agreed that the 50 percent floor space for sales and display in all areas of the B-1 District is not appropriate. The Commission discussed the feasibility of having no requirement with regard to retail sales.

John Fenstermacher, 723 Water Street, spoke about his experiences of having a one-person artist studio morphing into a full-scale production facility.

Hearing no more comments, Gaylord closed the public portion of the meeting.

Putnam asked about the background on how the percentages were established. Richards stated he could not answer that. He said it is possible that the percentages may have been a carryover from the previous code.

Gaylord asked why the City should put limits on the percentage of retail space required. Staunton stated that it helps keep industrial changes to a limit.

Craig stated that in her experiences with traditional galleries it is best to keep a retail component as they are traditionally a part of a gallery. Gaylord stated why make downtown homogeneous.

Commissioner Putnam moved, Commissioner Gaylord seconded, to continue the public hearing to the City Council's March 15, 2010 meeting and forward the recommendation to the Council that it amend Section 50-3, to allow artist and handicraft uses with no requirement of retail area for studios located off of Water Street.

Jensen asked what happens to parking needs if the use evolves into a retail establishment.

7. PUBLIC HEARINGS

- (e) Proposed Ordinance to Amend Article 50 of the City of Excelsior Zoning Code Pertaining to Applicable Percentage of Retail Area Required for Studios Located Off of Water Street – (Continued)

The Planning Commission and staff discussed parking needs for warehouses and storage facilities and the differences with retail needs. The Planning Commission discussed language that would require 25 percent of the total floor space at the front of the building at street level be retail, but no minimal requirement for sales and display areas for other than at street level.

Commissioner Gaylord and Commissioner Putnam withdrew their motion.

Commissioner Jensen moved, Commissioner Putnam seconded, to continue the public hearing to the City Council's March 15, 2010 meeting and forward the recommendation to the Council that it amend Section 50-3 to allow artist and handicraft uses with 25% requirement of retail area for studios located off of Water Street. Motion carried 3/1/1 (Gaylord, nay) (Gephart, abstained).

Vice Chair Gaylord handed the gravel back to Chair Gephart.

8. UNFINISHED BUSINESS

- (a) Guidelines for Residential Areas

Richards reported that the Residential Design Guidelines Subcommittee has not met since Planning Commission meeting in February. He stated that Staff is working on additional diagrams and researching mass and scale regulations from other cities throughout the country.

- (b) Parking Report Recommendations

Richards said at the February 3, 2010 meeting the Planning Commission had discussed the conclusions of the Parking Action Task Force. He explained that the Planning Commission requested that two items from the summary of conclusions and recommendations be brought forward for discussion at the March 2nd Planning Commission meeting.

Richards provided a brief overview of the staff report. He explained that a parking stall on a private lot would remain at 9 feet by 20 feet; but in municipal lots the parking stalls would be at least 8 feet 6 inches by 19 feet. He explained that decreasing the stall dimension to 8 feet 6 inches will not significantly decrease the width of a space but may provide additional stalls in the municipal lots if they are reconfigured. He reviewed the parking concept diagrams developed in 2008 for the east and west municipal parking lots.

The Planning Commission briefly discussed the draft Zoning Ordinance amendments related to changing the parking stall size in the municipal lots and the consistency between the Zoning Ordinance and Design Guidelines related to parking. The Planning Commission were favorable to the proposed changes.

Commissioner Putnam moved, Commissioner Craig second, to direct staff to schedule a Public Hearing on the proposed ordinance amendment for the April 6, 2010 meeting. Motion carried 5/0.

7. UNFINISHED BUSINESS

(b) Land Use Options for Galpin Lake Properties

Richards informed the Planning Commission that the City Council has scheduled a joint City Council/Planning Commission work session to discuss the Galpin Lake Road properties for 7:00 PM on Monday, March 22, 2010 in the Council Chambers. He stated that an agenda packet will be forwarded to Commissioners prior to the meeting. Gephart stated that he is unable to make this meeting.

(d) City Council, Advisory Commission, and Staff Potluck

Staff reported that the City Council, Advisory Commission, and Staff Potluck has been scheduled for 6:00 PM on April 26th at the Southshore Community Center.

(e) Schedule Dates for Additional Work Session(s)

The Planning Commission decided to hold off on scheduling any additional Work Sessions beyond the Special Meeting scheduled for March 22, 2010.

10. COMMUNICATIONS & REPORTS

(a) None

11. MISCELLANEOUS

(a) Recent City Council Actions

Staunton and City Council member Caron updated the Planning Commission on recent City Council actions.

12. ADJOURNMENT

Commissioner Putnam moved, and Commissioner Gaylord seconded, to adjourn the meeting at 9:55 p.m. Motion passed 5/0.

Respectfully submitted,

Ronald G. Fuchs
City Planner