

City of Excelsior  
Planning Commission Meeting  
Minutes  
**Tuesday, June 8, 2010**  
Council Chamber, City Hall, 339 Third Street  
7:00 P.M.

1. CALL TO ORDER

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

2. ROLL CALL

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

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

3. APPROVAL OF MINUTES

(a) Planning Commission Meeting of May 4, 2010

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

One typographical change was submitted. It was moved by Commissioner Putnam, and seconded by Commissioner Craig, to approve the Minutes of the Planning Commission Meeting of May 4, 2010 as amended. Motion carried 7/0.

4. PENDING ISSUES/PROJECTS

(a) Appoint Liaison to City Council (June 21, 2010)

Commissioner Craig will serve as the Planning Commission liaison to the June 21, 2010 Council meeting.

5. PUBLIC HEARINGS - (Con't)

(a) None

6. PUBLIC HEARINGS

(a) Zoning Text Amendment, Design Standards and Site Plan Review, and Subdivision of Land, 287 Water Street, Brian Burdick

Gephart stated that he was very concerned with the proposal. He elaborated that typically a development of this magnitude requires a number of meetings to adequately review it. In this case a significant and unanswered question remains pertaining to the required on-site parking that this development is not providing. He stated that the Planning Commission has been studying parking and this proposal is not in conformance with City Code. In order to allow such a request there would need to be changes made to the zoning ordinance. He asked if the applicant has proposed or intends to pay into some sort of parking fund.

## 6. PUBLIC HEARINGS

- (a) Zoning Text Amendment, Design Standards and Site Plan Review, and Subdivision of Land, 287 Water Street, Brian Burdick

Richards stated that he has a presentation that will go through the issues of the development.

Gephart stated the current proposal poses a challenge as it does not comply with City Code.

Richards stated that Brian Burdick of Burdick Properties has submitted applications for a site plan review, Design Standards review, a subdivision, and a text amendment to address parking in order to construct a two story structure at 289 Water Street. He explained that he had also made application for a Site Alteration Permit.

Gephart stated that the proposal will trip up recent discussions pertaining to parking.

Putnam clarified that the applications for design review and subdivision are also under consideration.

Richards informed the Commission that the site is currently the parking lot at the corner of Water Street and Third Street. A project of this size typically takes a numbers of meetings to work through. He noted that the proposed building is immediately adjacent to 287 Water Street, a recently renovated building. The Heritage Preservation, at their June 22, 2010 meeting, considered the Site Alteration Permit application.

Gaylord stated that the zoning and parking issues are parallel.

Gephart noted that if zoning does not change, there is no project. He added that everyone seems to like the design.

Gaylord responded that it would be best to address the parking first.

Richards highlighted the current status of the applications along with the date of completeness.

Gephart stated that he would like to discuss the parking.

Richards explained the current 287 Water Street uses require 13 parking spaces and the proposed building requires 17 spaces. Based on the downtown parking study, a total of 25 spaces are needed for the property. He explained Options A on B located on pages 5 and 6 of the Staff Report.

6. PUBLIC HEARINGS

- (a) Zoning Text Amendment, Design Standards and Site Plan Review, and Subdivision of Land, 287 Water Street, Brian Burdick - (Continued)

Richards informed the Commission that the 20' alley access is not sufficient. He noted that a contribution amount for parking has not been proposed by the applicant. He questioned what would be reasonable cost for the allocation of parking spaces.

Gephart stated that parking allocation is very important.

Tim Caron, Parking Task Force Member, elaborated on the amount of spaces gained if the East parking lot was expanded to the property lines.

Richards stated that he has not studied the additional spaces gained through the recent parking code changes. He reviewed past studies that showed the potential of 56 spaces gained without ADA and 23 meeting ADA requirements. Gephart asked if the City could just ignore ADA. Staunton responded that the City could not ignore ADA. Richards stated that the City could be creative. Putnam asked if the City could vary ADA requirements. Richards responded that would be hard to justify.

Wallace asked about costs. Richards explained that if contributing to a fund, those monies would be used in toward future parking improvements or enhancements.

Gephart responded that the City quit the parking fund for a reason. He asked what happens to another development if sufficient parking is not provided. Putnam stated that was the purpose of the parking fund.

Gephart opened the public hearing at 7:30 PM.

Brian Burdick, property owner, stated that he has listened very carefully to the discussion. He informed the Commission that he had worked on the parking project for eight months. He explained that the Heritage Preservation Commission recently reviewed the proposal and was favorable with its design. In order to simplify the design the underground parking area has been eliminated. He highlighted the two options proposed and that by contributing funds as outlined in Option B makes the most sense.

Gaylord asked what the project costs savings are by eliminating the underground parking facility. Burdick stated the cost savings may be between \$125,000 and \$175,000.

Putnam asked what is proposed in lieu of the parking. Burdick stated that no basement is proposed with this development.

Linda Murrell, Executive Director, South Lake Excelsior Chamber of Commerce, would like to see the project built. She asked if compact parking spaces could be considered.

## 6. PUBLIC HEARINGS

- (a) Zoning Text Amendment, Design Standards and Site Plan Review, and Subdivision of Land, 287 Water Street, Brian Burdick - (Continued)

Gephart responded that the City has looked at alternative parking spaces. Richards noted that the City could do compact spaces.

Gephart noted that the proposal requires 25 parking spaces. He asked if 25 parking spaces were added to the east parking lot, would Burdick be allowed to take them all. Burdick responded yes.

Gephart asked the applicant what should be done to address the current shortage of over 300 parking spaces in the downtown area. Burdick explained that he was not privy to the shortage though his contribution of improvements should add 25 parking spaces.

Gephart noted that based on the current parking improvement costs if Burdick contributed \$10,000 per space for 25 parking spaces the City would still be short \$300,000 for improvement costs. And these improvements will eliminate trees, a playground, and add a large retaining wall.

Richards highlighted that there may be other options available such as improvements to the west parking lot.

Craig asked what the process and costs would be. Richards elaborated on recent reports done by URS and Walker. He explained that Burdick will need to realistically consider the true costs of adding the required parking spaces.

Gephart stated the Parking Task Force asked that developers come to the City with all parking needs addressed on their property. Richards responded that the applicant has come to the City with a good proposal and this project may force the City to look at parking.

Putnam expressed that either the City wants development or does not want development. Gephart asked what happens with the next developer.

Steve Finch, Parking Task Force member, stated that he would like to see a new building on the property. He asked Richards unless he has the monies available to construct a new parking facility how could the development be justified. He highlighted past discussions of the Parking Action Task Force and emphasized that the underlining issues has been and continues to be who pays for them and who should receive the benefit of the added parking spaces.

Burdick stated that Excelsior is unique with its downtown and should not be thought of as Woodbury. He asked if there was a solution to satisfy parking in Excelsior.

6. PUBLIC HEARINGS

- (a) Zoning Text Amendment, Design Standards and Site Plan Review, and Subdivision of Land, 287 Water Street, Brian Burdick - (Continued)

Richards asked if any research has been done for tax rates for the proposed structure. Burdick stated that he is not familiar with tax formulas.

Finch stated that the City can't skinny down parking. Burdick asked what is the parking solution?

Jensen asked if no parking spaces are considered is Excelsior to stay the way it is or should we look at solutions. Gephart stated that the ordinance specifically states that as development is proposed sufficient parking should be provided on site. A financial problem arises when one developer pays in and no one else does and a reserve of funds is not built. He emphasized that he likes the design, but the underlying issue remains with the parking. He stated that the Planning Commission has recently started discussion and exploring those issues and recommendations from the Parking Action Task Force Report.

Jensen stated that the City should set parking priorities. He questioned if Excelsior has a parking issue or whether it is only one, two, or maybe five times in a year. If there is a problem the only real option is a parking structure.

Putnam expressed that there may be a few times each year that there may be an issue. It appears that any issues may just be with our code provisions.

Jensen stated that he wants Excelsior to address the issue. Gephart stated that he does not agree that it is purely an issue with our code provisions. Craig said that she agrees with Putnam.

Gephart asked the Planning Commission members to review the Parking Task Force report's first section as it elaborates on policy decisions.

Richards asked for direction on Option A and Option B as presented.

Murrell asked if a project is short two spaces, could they be rented. Gephart responded that the current proposal loses eight spaces and the project requires an additional 17 parking spaces.

6. PUBLIC HEARINGS

- (a) Zoning Text Amendment, Design Standards and Site Plan Review, and Subdivision of Land, 287 Water Street, Brian Burdick - (Continued)

Murrell asked who pays for burying utilities. Richards responded that utility companies will not pay for these types of improvements, but a special district in the downtown area could be created to bury them.

Finch stated that he appreciated some of the comments and the need to be creative in dealing with parking. He expressed his frustration with the hours spent putting forth the facts. He said that the current business climate can't generate enough monies to pay \$25,000 per space. He spoke of funding mechanisms and costs associated with surface parking improvements.

Busch questioned the reasoning for unless the property has sufficient land area for parking it can't be developed. Gephart asked the Commission to read the Parking Action Task Force report.

Burdick said the City has studied parking for 50 plus years. He questioned if the City wants to additional building in the city.

Gephart closed the public portion of the meeting at 8:15 PM.

Jean Ann Nagler, Bird Inn Bed & Breakfast, spoke that her grandson attends Waldorf.

Gaylord asked if the current parking area for 287 Water Street is at 289 Water Street. Richards clarified parking needs for 287 Water Street and proposed needs.

Gaylord asked if the present site was originally a gas station, and could this site have been previously developed and still have virtual parking spaces associated with it.

Richards stated that funds get results. Whereas, variances are hard to justify and can set a perceived precedence.

Wallace asked if the parking study actually studied each use or was it on actual parking spaces provided in the downtown. Busch inquired if this could be revisited. Richards responded that the study looked at the uses on the property at that time and that is now the baseline.

Bob Bolles, 229 George Street, asked the Commission to proceed very cautiously with this development as the site with Gary's First Class Car Care is similar.

Gephart asked what type monies for parking are palatable for development. Burdick responded that the fee would need to be reasonable.

6. PUBLIC HEARINGS

- (a) Zoning Text Amendment, Design Standards and Site Plan Review, and Subdivision of Land, 287 Water Street, Brian Burdick (continued)

The Planning Commission and Burdick discussed the cost savings from \$125,000 to \$175,000 for not providing an underground parking facility.

Gephart stated that the review time for this development is ticking and he feels that it would be best to have the developer stop the review until the parking is addressed.

Richards asked the Commission to allow staff to study this in more detail.

Finch stated that he feels insulted.

Gephart stressed to staff to study other developments and to be creative. He said that his views are not a reflection of this project though he is very concerned with parking.

Craig stated the developer knew of parking issues when he submitted the application.

Putnam stated that either the City moves forward and does something or it closes the gate.

It was moved by Commissioner Gaylord, and seconded by Commissioner Putnam, to continue the Public Hearing to the July 7, 2010, Planning Commission Meeting. Motion carried 7/0.

7. UNFINISHED BUSINESS

- (a) Land Use Options for Galpin Lake Properties

Richards provided a brief overview of the staff report. He explained that the Heritage Preservation Commission and City Council met on May 18, 2010 to discuss the historic building and site. He said that three important points came from their discussion:

1. The HPC would like to preserve the building on this site as a first preference and that it would be acceptable to move the building to a different location on this site, if a redevelopment project required it. Moving the building off the site is also an option but not preferred.
2. The HPC is supportive of other uses for the site other than residential or office. Members brought photos of the Dunn Bros. Coffee Shop in Eden Prairie in the restored Smith Douglas More House. The HPC and City Council agreed that the potential uses for the site should go beyond residential, clinics and office space.

7. UNFINISHED BUSINESS

(a) Land Use Options for Galpin Lake Properties – (Continued)

3. The HPC and City Council agreed that the house at 712 Galpin, if restored for a residential or commercial use at this site, would be consistent with the stated goal in the Comprehensive Plan and be an attractive and functional gateway designed to provide highway travelers a sense of the lake and the historic community.

The Planning Commission discussed the current B-6 Zone uses and their concerns with impervious allowances and topography of the site.

Richards stated the site is constricted and 60 percent may seem reasonable.

Gephart asked if it would make sense to form a subcommittee. Wallace stated that the Commission seems close to making a recommendation.

Gaylord inquired if the site was to change to a B-7 zone, would that be counter to the Comprehensive Plan. Gephart stated that it could be depending on the proposed use. Richards responded that once you add commercial/retail it would allow more business uses.

Gaylord asked if once the City makes a change to the Code, could the property owner reapply. He asked would the City be receptive to a clinic? Gephart answered that the Commission should try to go with what the HPC desires.

Gaylord asked what the City wants and asked what the condition of that was.

Wallace asked if the City can force the property owner to maintain the structures.

Tim Caron, HPC Advisor, said he heard the HPC may be receptive to an historic variance to preserve historic structures.

The Planning Commission and staff discussed the concept of an historic variance process.

Staunton spoke of the City of Minneapolis Historic Variance process.

The Planning Commission asked staff to research City of Minneapolis standards.

7. UNFINISHED BUSINESS

(b) Parking Report Recommendation

Richards provided a brief overview of the Staff Report. He explained that the Planning Commission, at its May 4 meeting, discussed moving forward with Items 6, 7, and 8a from the Parking Action Task Force as they are the remaining issues to be considered. The packet included the parking regulations from the Cities of Bozeman, Montana; Minneapolis, Minnesota; Stillwater, Minnesota; and Galena, Illinois. All of these regulations either provide innovative approaches to parking or are from communities that are similar to Excelsior. He elaborated that the Planning Commission asked staff to summarize the options for addressing the items up for consideration, including exempting parking requirements, parking requirement reduction, joint parking, off-site parking, establishing a parking fund, and adjusting the parking requirements.

The Planning Commission discussed the City of Minneapolis parking ordinance exempting parking requirements for non-residential uses with 1,000 square feet or less. They discussed the City of Bozeman allowing for a reduction in parking requirements based upon the type of use in the downtown district. They discussed the concept of joint parking whereby allowing joint or shared use of parking in which two or more uses will utilize the same stalls, but at different times of the day, off-site parking and adjusting parking requirements to allow for a joint or shared use of parking in which two or more uses will utilize the same stalls but at different times of the day, usually allowed by conditional use permit. The City of Excelsior previously included this provision within the Zoning Ordinance.

The Planning Commission discussed public and private parking space needs and financing mechanisms.

(c) Guidelines for Residential Areas

Richards reported that the Residential Design Guidelines Subcommittee has not met for a number of months. With the upcoming Planning Commission meeting agendas, he would suggest that the subcommittee hold off on additional work and meetings until the current development applications have been resolved.

Richards explained that the subcommittee should further discuss a time when all of the members could be available.

(d) Tree Management

Fuchs and Busch stated that the Tree Subcommittee met in late May to discuss tree needs and reported that the subcommittee is continuing their study of boulevard tree needs, tree policies, reforestation needs, and budgetary and non-budgetary items.

7. UNFINISHED BUSINESS

(e) Review of Planning Commission Role

Staunton provided a brief overview of the Planning Commission Role and explained that a couple of Planning Commission members have not been able to attend a PowerPoint presentation defining the role of a Planning Commissioner in land use decision processes. He said that he will schedule a time to meet with said members.

8. NEW BUSINESS

(a) Schedule Special Meeting for Monday, June 28, 2010

Commissioner Putnam moved, Commissioner Busch seconded, to schedule a special meeting on June 28, 2010 at 7:00 P.M to discuss the proposed Excelsior Hotel Project on property located at 10 Water Street. Motion passed 7/0.

(b) Dates for Additional Work Session(s)

9. COMMUNICATIONS & REPORTS

(a) None

10. MISCELLANEOUS

(a) Recent City Council Actions

Staunton updated the Planning Commission on recent City Council actions. He reported on the Pavement Management Plan, special fee schedule, park use fee, and the second reading of the election signage changes to the Sign Code.

11. ADJOURNMENT

Commissioner Craig moved, Commissioner Jensen seconded, to adjourn the meeting at 9:45 p.m. Motion passed 7/0.

Respectfully submitted,

Ronald G. Fuchs  
City Planner