

MINUTES

PLANNING COMMISSION SPECIAL MEETING

Tuesday, July 20, 2010
5:00 p.m.

1. Call to Order

Chair Gephart called the special meeting to order at 5:02 p.m.

2. Roll Call

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

Also present: City Planner Richards, City Attorney Staunton, City
Planner Fuchs, and City Clerk Johnson

3. Approval of Agenda

Commissioner Putnam moved, Commissioner Craig seconded, to approve the
agenda as presented. Motion carried 7/0.

4. Continued Public Hearings –

a. Zoning Text Amendment, Design Standards, Site Plan Review, and Subdivision,
287 Water Street, Brian Burdick

Richards reported that at the July 7, 2010 meeting the Planning Commission
discussed the parking text amendment to Appendix E (Zoning Ordinance) for the
289 Water Street project. To reinstate the Parking Impact Fee/Lease
Arrangement, a change to the Zoning Ordinance language would be required.
The Planning Commission reviewed and discussed language changes for a text
amendment to be recommended to the City Council.

The Planning Commission also wanted to make a recommendation to the City
Council regarding the parking impact fee amount. Several criteria have been
outlined for the Council to consider when looking at the impact fee or lease
arrangements.

Putnam suggested that on page 2, Item #4 it should begin with “The project” and
#5 “The projects”. On page 3, Item #5 the word “shall” should be placed directly
after the word “applicant”.

Chair Gephart opened the public hearing at 5:10 p.m.

Brian Burdick, president and owner of Burdick Properties, said that on the first
page of the staff report it states that the parking impact fee be paid upon the
issuance of the building permit. He would prefer that the parking fee be paid
before the issuance of the final certificate of occupancy. On page 2, Item #1
references a range of \$12,000 to \$17,000 for the parking impact fee. He said
the project is not be feasible if the fee is set that high. He believes the range
should be between \$3,000 and \$4,000. Page 2, Item #2 addresses yearly

4. Continued Public Hearings –
 - a. Zoning Text Amendment, Design Standards, Site Plan Review, and Subdivision, 287 Water Street, Brian Burdick - (Continued)

maintenance costs through an assessment process. He would like clarification on how much the yearly assessment costs will be. He would also like clarification regarding Item #3 on page 2. Will the parking fee change every year? Richards said that the intent would be once a parking fee is set for a particular project it would remain at that amount. This item would pertain to future projects.

Gephart said the City would have a number of uncertainties if it provided the 25 parking spaces needed for Burdick's project. The City has estimates to add or reconfigure the municipal parking lots, which supports the \$12,000 to \$17,000 fee per parking space. At the last meeting, Jensen mentioned a lower cost of \$5,000 to \$7,000 per parking space for a surface lot. He believes there is still too much uncertainty until the City has a purchase agreement with Lyman. If the City moves forward with a text amendment and a lesser fee per parking space and the deal falls through for the Lyman property, the City won't be able to recoup their costs for reconfiguring the municipal parking lots.

Burdick said he doesn't see the uncertainty. The text amendment is very well drafted. The only uncertainty is the clarification with regard to ongoing maintenance costs and how they would be assessed. He could build the City a parking lot and still be able to pocket money. He is not sold on the numbers from the studies which he has not read. He's heard some discussion that if the City ends up with the purchase of the Lyman land that it wouldn't take much to improve the land for parking. It seems that for a range between \$3,000 and \$5,000 would cover all the costs.

Wallace said the big question is what will happen if the City does not purchase the Lyman property.

Busch asked if it is the Planning Commission's purview to make a recommendation on the cost. Richards said that the Planning Commission's task is the text amendment. The City already has a maintenance cost in place and staff can review those costs with Burdick.

Gephart said he is not ready to recommend a project without knowing if the City will purchase the Lyman property. He would be more comfortable waiting until they see if the purchase happens.

Richards said the Planning Commission has had three meetings to discuss this application and it's only fair that the City Council has three meetings to discuss this.

Jensen said he is in favor of sending this forward to the City Council. If the City Council wants a special meeting with the Planning Commission to discuss this in more detail, he is alright with that. Richards said if the City Council wants more feedback from the Planning Commission they have the option to request that.

4. Continued Public Hearings –
 - a. Zoning Text Amendment, Design Standards, Site Plan Review, and Subdivision, 287 Water Street, Brian Burdick - (Continued)

Gephart said the Planning Commission reviewed the design for the project at the last meeting.

Richards review the 12 conditions for approval outlined in the staff memo.

Burdick asked about the conditional use permit referenced in condition #5. Richards said that a conditional use permit would be required for the parking. Burdick asked if that is an administrative review. Richards said no, it is a public hearing process with the Planning Commission and City Council.

Burdick asked if there was a way to simplify this so he doesn't have to go through another public hearing process. Putnam said that the public hearing process was for the text amendment; he will still need to go through the public hearing process for the conditional use permit.

Putnam asked if this process is used for a few years could it become an administrative process? Richards said it could, but that staff is recommending a conditional use permit process.

Burdick said there have been two public hearings on this project so he doesn't see why it's necessary to go through another public hearing. Gephart said the public hearing was on the text amendment. When the Council sets the fee, Burdick may decide not to go through with the project.

Burdick said that instead of setting the fee so high, the Council should decide whether they want the project. If the City hadn't spent so much money on parking studies, they could have saved more than \$1 million to put toward this.

Mark Kelly, 348 Second Street, said he was pleased to learn that the City is considering reinstating the parking impact fee. The use of a parking impact fee is the reason the downtown looks as it does today.

Chair Gephart closed the public portion of the meeting at 5:31 p.m.

Richards asked Commissioners whether the parking impact fee should be paid when the building permit was issued or before issuance of the certificate of occupancy. Gephart, Craig, and Wallace said they would prefer to have payment when the building permit is issued.

Commissioner Craig moved, Commissioner Putnam seconded, to continue the public hearing to the City Council's August 2, 2010 meeting and forward the recommendation to the City Council that it gives design standards, site plan, and subdivision approval for the proposal based on the following:

4. Continued Public Hearings –
 - a. Zoning Text Amendment, Design Standards, Site Plan Review, and Subdivision, 287 Water Street, Brian Burdick - (Continued)
 1. The lot split diagram shall be adjusted to address the actual lot size and shall be approved by City Staff. The lot split shall be subject to final approval of the City Attorney.
 2. The applicant shall provide an appraisal or purchase agreement to establish fair market value for park dedication purposes. Park dedicated fees shall be paid to the City prior to recording the lot split.
 3. The applicant shall pay a tree replacement fee of \$1,200 to the City prior to issuance of a building permit.
 4. The Planning Commission recommends that an amendment to Section 19-9, Appendix E related to Parking Impact Fee/Lease Arrangement be approved by the City Council.
 5. Once the amendment to Section 19-9 of Appendix E is approved and published, the applicant shall apply for a condition use permit to allow use of a parking impact fee/lease arrangement for 289 Water Street.
 6. The applicant shall provide a detail of the balcony railing design for review and approval by the City Council.
 7. The Planning Commission was favorable to the building design and selection of materials/colors as approved by the Heritage Preservation Commission.
 8. All mechanical equipment shall be screened in accordance with Appendix E.
 9. The Planning Commission was favorable with the use of decorative light fixtures that are not full cut off as approved by the Heritage Preservation Commission.
 10. The Planning Commission recommended that the applicant install one decorative City light fixture on Third Street as approved by the City Public Works Superintendent.
 11. The signing for the project should be reviewed at the time tenants have been identified, subject to compliance with Appendix E and approval of City staff and the Heritage Preservation Commission.
 12. All conditions of the Site Alteration Permit shall be resolved to the satisfaction of the Heritage Preservation Commission.

Motion carried 7/0.

4. Continued Public Hearings –
 - a. Zoning Text Amendment, Design Standards, Site Plan Review, and Subdivision, 287 Water Street, Brian Burdick - (Continued)

Gaylord said Item #1 on page 2 discusses the parking fee. It's been stated several times that the Planning Commission is not in the business of setting fees. He suggested striking the second sentence and let the City Council make that determination. Putnam said she agrees.

Gephart said that he believes there needs to be something in the language referencing the two studies. The Commission decided to strike the words "range from approximately \$12,000 to \$17,000" from the second sentence.

Commissioner Busch moved, Commissioner Putnam seconded, to continue the public hearing to the City Council's August 2, 2010 meeting and forward the recommendation to City Council that it approve the text amendment as amended, with the wording changes to #4 and #5 of the criteria to reflect "the project" at the beginning of these items and the change to Item #1 to remove the reference to a range for the parking impact fee, with the text amendment as written which reflects that payment is due upon issuance of the building permit.

Craig said she still has an issue with this. She loves the idea of a building, but it would be nice to know what is happening with the Lyman property and the parking before approving this.

Gephart said he does not think it's responsible to change the text without knowing what the fee will be. If the City Council comes back with an adequate amount to construct the lots on the land that the City already has he would be in favor of the text amendment; otherwise, he would not be in favor of the text amendment. A \$3,000 fee is inadequate unless there is an ability to provide more parking at a lower rate.

Gaylord said the text amendment should not say anything about costs. Gephart said he is not in favor of the text amendment without having answers to these other questions. Gaylord said the City Council can make whatever decisions they want. Gephart said that is correct, but Burdick came forward with an application and they had to make a decision within two to three meetings. He is not against doing the amendment; he is against charting out into the unknown. He's concerned about the uncertainty. He is in favor of doing what they are doing, but he wants more concrete information on what is happening. He is comfortable that the data from Walker and WSB & Associates, Inc. is accurate.

Motion was 4/3, with Craig, Wallace, and Chair Gephart voting against the motion.

Commissioners Gaylord and Wallace agreed to represent the Planning Commission at the City Council's August 2, 2010 meeting.

4. Continued Public Hearings –
 - b. Variance, Site Plan Review, and Design Standards Review for New Building at 10 Water Street, P.I.D. #34-117-23-11-0059 - Thomas F. James Properties

Gephart suggested that the City Attorney report on the recent Supreme Court ruling with regard to variances. Richards said that the traffic engineer from WSB needs to leave for another meeting, so he would suggest that they hear his report before the City Attorney's.

Chuck Rickhart, Traffic Engineer, WSB & Associates, Inc., said that at the last meeting there were several questions posed to the developer prior to and at the meeting. He noted that he had received a memorandum from the developer's consultant with answers to all of the questions. He said he is satisfied with the answers and does not think there will be any significant impact with traffic from the site with this project.

Gephart asked if the in and out from the underground parking area is an issue. Rickhart said that he is comfortable that this issue can be worked out. He noted that the preliminary data that's been provided looks good.

Craig asked about the issue with the added traffic entering the site to access the movie theater's parking lot. Rickhart said that was something that came up at the last meeting. He noted that the developer's consultant has added a total of 10 trips in and out into their model. He is comfortable with the data that has been provided. His concern at the last meeting was that this traffic should be addressed and documented.

Staunton said that in late June, the Minnesota Supreme Court issued its decision in Krummenacher v. City of Minnetonka. The decision affects the standard applied by Minnesota cities considering variance requests.

Minnesota municipalities are authorized by statute to adopt zoning ordinances regulating land use within their boundaries. The statute authorizing such regulations also permits cities to hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. To establish an "undue hardship," the statute requires a showing that "the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. It is the first part of this test – the so-called "reasonable use" requirement – that is at issue in the supreme court's most recent decision.

4. Continued Public Hearings –
 - b. Variance, Site Plan Review, and Design Standards Review for New Building at 10 Water Street - Thomas F. James Properties - (Continued)

For more than twenty years, this “reasonable use” part of the “undue hardship” test has been interpreted to require merely that an applicant for a variance show that he or she “would like to use the property in a reasonable manner that is prohibited by the ordinance.” Rowell v. Bd. of Adjustment. This interpretation was originally articulated in the context of a request by a church in the City of Moorhead to expand an existing structure located three feet from a front property line, encroaching 22 feet into the setback. In applying the “undue hardship” test, the court of appeals reasoned that the provision could not mean that “a property owner must show the land cannot be put to any reasonable use without the variance. Based on this reasoning, it concluded that “we read the first part of the definition of ‘undue hardship’ as requiring a showing that the property owner would like to use the property in a reasonable manner that is prohibited by the ordinance.” This has become known as the “reasonable manner” test.

The Krummenacher v. City of Minnetonka case involved a request by a Minnetonka property owner to expand a nonconforming, detached garage. The garage was located within 17 feet of the front lot line in a zoning district that required a 50-foot setback. It was constructed in the 1940’s before the city’s zoning code was adopted, so it was a lawful nonconforming structure. The property owner sought a variance permitting an expansion of the garage. Krummenacher objected to the variance request, claiming that the additional height would interfere with his view.

The City of Minnetonka granted the variance. Krummenacher sued, claiming that the city failed to apply the proper standard. The district court and court of appeals affirmed the city’s decision, citing Rowell for the proposition that the city need only find that the applicant proposes to use the property in a reasonable manner. Krummenacher appealed to the Minnesota Supreme Court. The Supreme Court reversed the district court and court of appeals decisions, expressly rejecting the “reasonable manner” test articulated in Rowell. The opinion reasoned that the “reasonable manner” test was inconsistent with the plain language of the statute that requires a showing that the property “cannot be put to a reasonable use” without the variance. It also argued that such an interpretation of the statute was inconsistent with the court’s interpretation of a similar county variance statute because it would result in the “undue hardship” standard being less stringent than the county “practical difficulties” standard.

Although the court rejected the “reasonable manner” test and reversed the decisions made by the district court and court of appeals, it did not actually decide whether the Minnetonka garage was entitled to a variance under the

4. Continued Public Hearings –
 - b. Variance, Site Plan Review, and Design Standards Review for New Building at 10 Water Street - Thomas F. James Properties - (Continued)

“plain language” test. Instead, it remanded the case to the city “for renewed consideration of Liebeler’s variance request in light of our rejection of the ‘reasonable manner’ standard from Rowell.”

The Supreme Court’s opinion is clear in its rejection of the Rowell “reasonable manner” test, but it provides little guidance for cities trying to determine how to apply the “plain language” of the statute to particular variance applications. This is a change in the way variance will be looked at. Because the decision did not apply the “plain language” standard to the facts in the Minnetonka case, we cannot know whether the facts in Krummenacher can support a variance.

As the Planning Commission attempts to apply this new law to variance applications that come before them, Commissioners should focus their findings on the language in the statute. Any grant of a variance needs to include justification as to why the property cannot “be put to a reasonable use” without the variance.

Gaylord asked why the new ruling is more stringent. Staunton said that in its decision the court goes through an analysis that governs variances for counties which is an undue hardship and practical difficulties standard, which is a different statute. The Supreme Court said the practical use statute is less stringent than the practical difficulties for counties. The variance statute says undue hardship, so it should be more stringent because it is closer to the plain language.

Busch said so the case has more to do with the comparison to the county’s situation. Staunton said the main point was that the statute says you have to show that the property could not be put to a reasonable use. When looking at the Rowell case it doesn’t meet that plain language. The plain language of the municipal statute and county language leads him to believe that the courts will look at variances more stringently.

Gaylord asked Staunton if there was an applicant who wanted to build a porch and couldn’t meet the front yard setback, how would he read that variance? Staunton said he doesn’t know if the variance could be granted under the new ruling. The City could say that it’s not possible to put the property to a reasonable use without the front porch.

Richards said if the City wants to vary from the current regulations, the best option may be to look at a text amendment.

4. Continued Public Hearings –
 - b. Variance, Site Plan Review, and Design Standards Review for New Building at 10 Water Street - Thomas F. James Properties - (Continued)

Staunton said there is a lot of uncertainty with the new ruling, so there will probably be more court cases.

Craig said it appears this is headed back to the strict standard that if the property can be put to a reasonable use the variance cannot be granted. They would still have to define reasonable, even if the Court has not. Staunton said that he provided some options for the Planning Commission to consider. Someone who didn't want to support the variance could say that the property can be put to a reasonable use, while others can argue that it cannot put it to a reasonable use.

Wallace said the Commission reviewed a single stall garage variance a couple of months ago. At that time, the question that was asked was whether the request was unreasonable. To him that was pretty black and white. The court case 20 years ago loosened up that language. With the new court ruling, the question that needs to be asked has changed.

Putnam said this new ruling doesn't make sense to her. Based on this case, the City would not be able to grant a variance to anyone who wanted to make changes or put an addition on their house if they are already living there. Gephart said if someone buys a house in Excelsior without doing their due diligence and then wants to do something to their house that doesn't fit within the ordinance, they wouldn't be able to do anything unless the ordinance was changed. When the City realized there was an issue with porches, the City changed their ordinances.

Putnam said they all live in houses and all of those houses are being put to a reasonable use. Now, no one would be able to get a variance because their house is already being put to a reasonable use. Gephart said that there are findings having to do with topography and other instances that may support granting a variance.

Staunton said they have had a number of variances for garages before them. The City has granted variances because it's not reasonable to have a single family home without a garage in this climate. Wallace said it would depend on what's reasonable.

Staunton said there will be instances where a property cannot be put it to a reasonable use. The statute says 'a' reasonable use, not "any" reasonable use.

4. Continued Public Hearings –
 - b. Variance, Site Plan Review, and Design Standards Review for New Building at 10 Water Street - Thomas F. James Properties - (Continued)

Putnam said that the Planning Commission will need to determine if it's a reasonable use and have findings to support granting a variance. Staunton said that is correct. Gephart said each case will need to be looked at on its merits.

Staunton said in the instance of the hotel, the argument that has been made is that there is a view corridor and if the hotel is built at the property line to meet the 35-foot requirement that view corridor would be lost.

Craig asked if the Krummenacher v. City of Minnetonka case could end up going to the U. S. Supreme Court. Staunton said it's not likely. The U. S. Supreme Court tends to leave those issues to the states to handle.

Chair Gephart reopened the public hearing at 6:13 p.m.

Neil Weber, Project Architect, representing Thomas F. James Properties, said upon studying the ALTA survey they found that the fieldstone retaining wall can be adjusted to provide a sidewalk of 17' 11" for the first portion of the site and 9' for the remaining portion. The width of the sidewalk along Water Street has also been increased to 12' to allow for increased and safer pedestrian traffic leading to the Port property.

Weber noted that the vehicle movement between levels and the traffic was reviewed and addressed by the Traffic Engineer from WSB. He had also met with the City Engineer and all of the issues have been resolved, except for the design of the storm sewer pipe through the parking garage.

He also wanted to clarify any discussions regarding Tax Increment Financing (TIF). He said that the developer will not benefit from the TIF. The funds that could be generated by TIF would be used for approved public improvements to infrastructure, storm water management, and any other uses as determined by the City Council.

Weber stated that the market analysis was done by John Sheehan. John is a hotel expert that has put together hotel developments throughout Minnesota. He said that any discussion that would lead to a conclusion that they are interested in developing condominiums instead of the hotel simply is not true. With the quality of the structure they are intending to build the conversion to condos would be a financial fiasco.

4. Continued Public Hearings –
 - b. Variance, Site Plan Review, and Design Standards Review for New Building at 10 Water Street - Thomas F. James Properties - (Continued)

He noted that they have maintained contact with a long list of potential hotel management firms. Most of these firms have a very strong positive position as to the viability of the project. They would not be pursuing a project that will be in the range of \$11 to \$12 million in value without careful financial and market analysis and confirmation.

Weber said that the original market study showed the facility having a pool. He said that there are no plans to put a pool in and he's been told that this is not an issue. Craig said she had spoken with John Sheehan and he reiterated that a pool was not necessary.

Weber said that when a hotel's vacancy percentages are low, the rate per room goes up. He noted that the revenues per available room increased 11.5% in the past year.

Weber showed updated pictures of the proposed hotel from various angles. He said that the basic color of the building has been changed from the original tan color to something that reflects more tone of the brick. The roof level also has a different tone pending a selection of the metal material. The building has been stepped back at most levels to reduce the impact along the street sides. The change in material of the roof level will further contribute to that standard.

He also included a photo of downtown Wazyata from Wayzata Bay. The situation is significantly different from Excelsior. The buildings appear to be piled on top of each other because of the bluff nature of the shoreline. The first floor of the buildings in the back is at a level that is actually higher than the top of the buildings in the front.

Weber distributed information on the redesign of the corner element. He said that most of the older hotels had turrets or copulas. He showed an aerial view to depict the view corridor that would be maintained. He said the copula was designed as an accent for the building. The angles of the building to the corner of Water Street are not at right angles. They originally suggested the cupola be stone. He personally likes the element. He can take that same element and run it with brick detailing and it would be more uniform.

He said that the cupola is not factored in the height. He's redesigned it and cut the diameter down to 2 ½ feet, taken out about 22% of the area, and kept the window height to meet the window height of the top level. He showed drawings

4. Continued Public Hearings –
 - b. Variance, Site Plan Review, and Design Standards Review for New Building at 10 Water Street - Thomas F. James Properties - (Continued)

to compare the previous element to the redesigned element to show how much the mass and scale was reduced.

Craig asked how much difference there was in the height. Weber said it's about 5 feet above the roof. Craig said that reduces the height about 10 feet. Weber said architecturally he still believes the original design is best, but he is looking for feedback from the Commission. He said this accent is simple and straight forward.

Busch said she supports the redesign. She likes the brick, reduced diameter, and reduced size. The brick detail helps it blend in.

Weber showed a slide showing the vertical sight lines. He said the entire project was designed to protect the views from the lake and Water Street rather than build out to a 35-foot height at a zero setback. They have also worked hard to keep the massing down.

Gephart asked Weber to give the Planning Commission his arguments for granting a variance based on the standards they need to follow to judge this project. Weber said they have given up developable building area to protect the view corridor, so they are asking for the height variance to get a reasonable use.

Gephart said why wouldn't they just eliminate the top story of the building. Weber said that they are asking for some of the area in return for stepping back the building, which he believes is reasonable.

Gephart said the Heritage Preservation Commission still has to talk about the Site Alteration Permit. In view of the information provided by the City Attorney and the fact that the Commission still has a meeting or so to discuss this project, a recommendation does not need to be decided tonight. In the interest of time, he would like to take public comment now. Weber said he would like to get more widespread feedback on the copula/turret element before the meeting is concluded.

Gephart said he's tried to look at this as a building versus what the use is. The question as he sees it comes down to whether they grant a variance for a building of this size to be placed on that site.

Putnam said it appears that the terms of hardship are a fairly clear choice in that the building can be built out further. The hardship is in meeting public

4. Continued Public Hearings –
 - b. Variance, Site Plan Review, and Design Standards Review for New Building at 10 Water Street - Thomas F. James Properties - (Continued)

expectations. By stepping the building back they lose some use of the property. Does the City accept this as a hardship or does it allow a building that meets the ordinances and lose the view corridor?

Mark Kelly, 348 Second Street, distributed copies of a letter. He said he opposes any variance request. He agrees with the City Attorney in that the change in the law is significant. He does not agree with the suggestion that to make a design accommodate for a view corridor is reasonable. The language he would turn them to is a quote from the case on page 2 of his letter. Given that declaration, this current application is done. Unless the City wants to go back and revise the downtown plan, it can't approve this.

Mark Nessel, Nessel Architecture, said he is amazed that the City has no plan for contiguous properties. He would suggest that the City develop some ideas about what will occur with the adjacent properties. He would also encourage the developers to work together. In this age of virtual technology, it would be very helpful to see this building as a computer model of the downtown area, and from Highway 7 to the lake. He doesn't think anyone understands this building or the context with the downtown. With the library coming up, it would be a great investment for the City to have.

Jon Monson, 202 Water Street, said he also owns other properties in the downtown area. He said the Supreme Court ruling is earth shaking. He realizes that this applies to everyone, even him. He commends the City Attorney for looking at the plain language of the statute. The Supreme Court has really thrown this back to the cities. If you don't like it, then change your ordinances. He likes the idea of having a comprehensive plan for that entire area. He would like to see a planned unit development. Everyone likes the idea of a vibrant hotel. He suggests that the City go slowly and deliberately and as comprehensively as possible. He will soon be a part owner of the theater and Yumi's.

Chair Gephart closed the public portion of the meeting at 6:55 p.m.

Gephart asked Weber if it was possible to build a scale model of the project to show how the project fits and looks in this area. Weber said he has done models, but he believes that the computer generated pictures provide a better look.

4. Continued Public Hearings –
 - b. Variance, Site Plan Review, and Design Standards Review for New Building at 10 Water Street - Thomas F. James Properties - (Continued)

Gephart said another suggestion was to put items in the lot so people would be able to see how tall the building would be.

Mark Nessel, Nessel Architecture, said there are a number of different models that can be used. A physical model that people can see in 3D would be great.

Commissioner Putnam moved, Commissioner Craig seconded, to continue this agenda item to the Planning Commission's August 3, 2010 meeting.

Craig asked if the developer wanted feedback on the redesign. Gephart said the packet of information that the developer distributed has the suggested design. Weber said he would be happy to hear from anyone if they have comments on the redesign.

Motion carried 7/0.

5. Adjournment

Commissioner Craig moved, Commissioner Gephart seconded, to adjourn the meeting at 7:00 p.m. Motion carried 7/0.

Respectfully submitted,

Cheri Johnson
City Clerk