

City of Excelsior
Planning Commission Meeting
Minutes
Tuesday, October 5, 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, Jensen (7:20 PM), Putnam, Gaylord, and Chair Gephart

Commissioner Absent: Craig and Wallace

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

3. APPROVAL OF MINUTES

(a) Planning Commission Meeting of September 8, 2010

It was moved by Commissioner Putnam, and seconded by Commissioner Gaylord, to approve the Minutes of the Planning Commission Meeting of August 3, 2010 as presented. Motion carried 4/0.

4. PENDING ISSUES/PROJECTS

(a) Appoint Liaison to City Council (October 18, 2010)

Commissioner Putnam will serve as the Planning Commission liaison to the October 5, 2010 Council meeting.

5. PUBLIC HEARINGS - (Con't)

(a) None

6. PUBLIC HEARINGS

(a) Ordinance to Amend Article 50, B-1, Section 50-2: Street Level Permitted Uses Water Street to Add Libraries As Permitted Use

Richards provided a brief overview of the staff report. He informed the Planning Commission that as staff was reviewing the potential for Hennepin County to locate a public library at 337 Water Street, City Staff recognized that the current zoning for the property does not allow libraries as a street level permitted use. Section 50-2 of Appendix E would allow libraries on the second story but not at the street level of Water Street.

He informed the Planning Commission that to correct this, Staff is proposing a text amendment to the B-1 District, Section 50-2 to permit public libraries within the list of uses that are allowed at the street level of Water Street. As libraries generate considerable walk in traffic, similar to a retail store, this change should not be an issue as an allowable street level use.

6. PUBLIC HEARINGS

- (a) Ordinance to Amend Article 50, B-1, Section 50-2: Street Level Permitted Uses Water Street to Add Libraries As Permitted Use

Gephart opened the Public Hearing at 7:16 PM. Hearing no comments he closed the Public Hearing.

Commissioner Gaylord moved, Commissioner Busch seconded, to continue the public hearing to the City Council's October 18, 2010 meeting and forward a recommendation to the City Council to adopt the proposed ordinance to amend Article 50 of Appendix E of the Excelsior's Code of Ordinances pertaining to libraries as a permitted use on Water Street.

7. UNFINISHED BUSINESS

- (a) Land Use Options for Galpin Lake Properties

Richards provided an overview of the staff reports. He explained that the Planning Commission, at their September 8, 2010 meeting, discussed a number of options related to zoning and impervious surface coverage for the Galpin Lake properties. He noted that the previous discussions and consensus of the historic variance process was that variances are not possible or at least very difficult to utilize at this time. At the last meeting, the City Attorney had asked the Planning Commission to consider the possibility of a Planned Unit Development (PUD) process for redevelopment of the site. He stated that the Planning Commission had asked staff to review the options for a PUD and report back with their findings. A copy of Article 65 - Planned Unit Development District was included as part of the report. He highlighted that the present R-3 zoning allows PUD's, the PUD process is the key to its success, height can vary without variance, traffic would need to be studied, and the present improvements could be negotiated as part of the review process.

Putnam asked who does the negotiations, the Planning Commission or City Council. Staff responded that the Planning Commission has the first opportunity.

Busch inquired how it is determined that the PUD process would be used. Staff answered that the process is determined when staff meets with the applicant.

Gaylord requested clarification of potential uses within Section 65-2 of the PUD standards. Staunton stated that the PUD standards are an overlay of permitted uses contained within the underlying zoning district.

Gaylord asked why Ridgeview Medical Clinic did not go through a PUD process. Gephart responded that when Ridgeview was reviewed the use was allowed as a conditional use.

Gephart asked how a PUD would impact Ridgeview Medical Clinic. Staunton responded that they would not be able to add a second story or add additional parking.

Gaylord asked if the development could pass Section 65-2. Staunton stated that when dealing with rezoning it is a legislative action, which allows the broadest amount of discretion.

Putnam stated that a person could follow the PUD standards and submit an application. Staunton responded that the City would have an enormous amount of discretion.

7. UNFINISHED BUSINESS

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

Putnam asked if there was much the City had to do at this time with the PUD standards. Staunton stated that depending on the use, a text amendment may be required. The use could be discussed as part of a concept plan and if a text amendment is required that would need to be addressed by the applicant as part of their application.

Putnam asked about the use. Staunton responded that the use would need to meet the eligibility test and that the applicant may also need to apply for a comprehensive plan amendment.

Richards noted that according to Section 65-2 that the site would need to incorporate two uses within one structure or utilize a use within two structures.

Gephart stated that the synopsis presented by staff helped him tremendously.

Bill Wolfson, Realtor representing the property owner, stated that he also represents Minnesota Outboard Marine, the potential buyer of the property, and feels that the site and building fit within the PUD plan.

Gaylord asked if they had a concept plan prepared. Wolfson responded that they do not have anything prepared at this time.

Gaylord asked Wolfson if he could provide a verbal representation of their proposal.

Wolfson noted that the original plan had a 7,000 square foot building. Minnesota Outboard Marine's use requires a 5 – 6,000 square foot facility incorporating indoor display and sales areas. He explained that there would still be a need to facilitate getting boats on and off the site, and the issue of the historic building still needs to be addressed.

Todd Frostad, property owner, stated that he has offered to give the building to any interested party, but no one has been interested due to the financial implications. He stated that he contacted the Building Inspector and Fire Marshall to conduct inspections because there have been squatters in the building, rodents, and the floors are spongy.

Wolfson stated that he feels the current zoning is spot zoning.

Gephart stated that hardcover was the major concern with the previous zoning application for this property. Wolfson responded that the site plan and layout will need to be looked.

Richards asked how either two uses or two buildings will be incorporated per the PUD standards. Wolfson stated that both office/sales and services would be offered. All major service work is done at their New Germany facility. Richards said that this scenario would not meet the PUD test.

Staunton stated that a broad amount of commercial, industrial, and residential uses could be contemplated. Gaylord asked if an industrial use would be assembly.

Wolfson stated the overall uses are clean and the proposed investment fits the lake lifestyle of Excelsior. He feels that the proposed use is a logical synergy with the community.

7. UNFINISHED BUSINESS

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

Gaylord asked if any green technologies would be incorporated within the site plan. Frostad answered that geo-grid could be incorporated into a creative parking facility.

Jensen asked how the hazardous building order works. Staunton elaborated on current codes and how they do not require upkeep of properties.

Jensen stated that his concerns pertain to reasonable uses and non-reasonable uses. A business that has been in Excelsior for 20 years and desires to remain in here should be studied and considered. He asked the business owner if they intend to purchase the property. Mueller said yes, that they intend to purchase the property.

Putnam stated that the City should eliminate the current sites spot zoning. Staunton stated the current site's zoning is not considered spot zoning just because the site is adjacent to another zone.

Gephart elaborated that he would be receptive to proceeding with exploring a marine sales facility on the site. He stated that it is unfortunate that the property owner neglected the existing improvements. He asked the property owner to take into account the sites proximity to residential areas and to the sensitivity of the lake.

Frostad stated his concerns with the hardcover limitations.

Richards responded that Ridgeview is locked into zoning standards. If the desire is to proceed with a PUD, impervious percentages would need to be reviewed as part of the development. Gephart asked the applicant to study the Smelz automobile sales lot in Maplewood.

Wolfson stated that his major concern is the existing historic structure.

Putnam asked if they would do an RFP to get rid of it. Richards responded that it may warrant a future joint meeting with the City Council and Heritage Preservation Commission.

Gephart asked the property owner to do a side-by-side analysis.

Gaylord stated that the same issues are still apparent with the current proposal as with the last proposal. Gephart stated the applicant will need to mitigate any variance to standards.

Gaylord asked why the City and property owner should waste their time before the City decides what to do with the property. Gephart stated the issues with the property have been dealt with in the past. Gaylord responded that either the City can be pro-active or reactive. Is it reasonable use for a local business owner.

Jensen asked the Planning Commission members if they would encourage the property owner to move forward.

Putnam stated that she agreed with Jensen and the best use of the property is redevelopment.

7. UNFINISHED BUSINESS

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

Jensen stated that he would be receptive to looking at 60% hardcover on the site.

Gephart explained that the developer would need to figure out a means to reduce hardcover. He said it is sad to see the property neglected. Jensen noted that as a contractor that is how he makes his living. Gephart expressed his feelings about the neglect of the structures.

Frostad said that he is losing his a lot of money on the properties.

Richards stated that a Comprehensive Plan change may be needed depending on what is proposed. Gephart said that the Planning Commission has spent a lot of time and energies with the recent update to the Comprehensive Plan. He noted that he may be convinced to make an amendment with a good design incorporating a mixed use with residential. Richards responded that based on a land use perspective the City could make findings that based on the proposal would not be best for the developer.

Staunton summarized that from the discussion it appears that no one is objectionable with a potential use of marine sales on the property.

Gephart expressed that the Planning Commission has provided enough guidance based on the verbal information provided.

(b) Parking Report Recommendation

Richards provided a brief overview of recent discussions and decisions by the City Council. He said that at the September 8, 2010 Planning Commission meeting little discussion was had regarding implementation items related to parking as they awaited the results of the "payment in lieu of" parking study by Albersman and Armstrong, Ltd. He informed them that the completed study was attached to his memo. He explained that the City Council is expected to adopt the Ordinance amendment to Appendix E to establish an annual parking fee. He noted that the fee has not been established. This fee would allow developers to pay for parking if they do not have adequate spaces on site for expansion of existing or construction of new buildings.

Gephart asked how the fee is determined. Staunton responded that a number of processes are coming together in order to establish an ordinance allowing for an annual fee. He explained that by creating a mechanism through a conditional use permit it would allow the City to monitor parking needs and current inventory. He said that the ordinance is clear that the developer would not be purchasing spaces.

Gephart inquired what happens if parking facilities are totally allocated and filled up. Staunton responded that at some point developments would be denied if there were not sufficient parking spaces. The City Council will have the ability to determine if there is ample parking. He explained that due to the nature of Excelsior's community parking arrangement, the past ordinance did not adequately address for off-street parking that would allow for the re-development of properties.

7. UNFINISHED BUSINESS

(b) Parking Report Recommendation

Gephart stated that he would prefer to see all funds paid up front. He asked what would happen if the property stops paying the fee. Staunton answered that the parking fee would be assessed to the property.

Putnam asked what the outcome is.

Gephart asked what the Planning Commission is asked to do. Richards responded that they are to look at the recent parking study and perhaps share their concerns. Staunton asked the Planning Commission to evaluate the study and to think about what are Excelsior's needs.

Gaylord asked what is the value of a parking space? Staunton responded that the cost is realistically what a business is willing to pay as each developer would determine the cost and value of each space.

Gephart highlighted that the study suggests that the City could raise nearly ½ million with parking meters.

Jensen asked if the City has considered selling both the east and west parking lots. Gephart noted that the Parking Action Task force studied that question. He said that one of the recommendations was to also hire a parking management company to manage both lots.

Gaylord said if people value proximity to parking they will pay for it.

Gephart stated that he has heard if the City passes a parking impact fee there will be problems.

Richards highlighted the Albersman and Armstrong report and asked the Planning Commission to continue to study it.

Staunton provided a brief overview of the current discussions with the Lyman property purchase. He said the City is currently studying the feasibility of purchasing this property. He added that recent discussions included the purchase of additional land to provide for a secondary access point from Morse Avenue.

(c) Tree Management

Fuchs stated that the Tree Subcommittee met in late September to discuss tree needs and reported that the subcommittee is continuing their research. Janice Leafer has asked to be informed of future subcommittee meetings.

8. NEW BUSINESS

(a) Dates for Additional Work Session(s)

The Planning Commission decided to hold off on scheduling any additional Work Sessions at this time.

8. NEW BUSINESS

- (b) Private Data Release for Advisory Commissions

Fuchs asked the Planning Commissioners to complete the Private Data Release for Advisory Commissioners form that was included in the packet. He asked that they be forwarded to the City Clerk.

9. COMMUNICATIONS & REPORTS

- (a) None

10. MISCELLANEOUS

- (a) Recent City Council Actions

Staunton updated the Planning Commission on recent City Council actions.

11. ADJOURNMENT

Commissioner Gaylord moved, Commissioner Putnam seconded, to adjourn the meeting at 9:07 p.m. Motion passed 5/0.

Respectfully submitted,

Ronald G. Fuchs
City Planner