

City of Excelsior
Planning Commission Meeting
MINUTES
Tuesday, January 4, 2011
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: Wallace, Busch, Gaylord (7:05 p.m.), Jensen, Putnam, and Chair Gephart

Commissioners Absent: Craig

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

3. APPROVAL OF MINUTES

(a) Planning Commission Meeting of December 7, 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 Wallace, to approve the Minutes of the Planning Commission Meeting of December 7, 2010 as amended. Motion carried 5/0.

4. PENDING ISSUES/PROJECTS

(a) Appoint Liaison to City Council (January 18, 2011)

Busch will serve as the Planning Commission liaison to the January 18, 2011 Council meeting.

5. PUBLIC HEARINGS - (Continued)

(a) None

6. PUBLIC HEARINGS

(a) None

7. UNFINISHED BUSINESS

(a) Planned Unit Development – Discuss Requirements, Section 65-2. Eligible Parcels

Richards briefed the Planning Commission that at their December 7, 2010 meeting they discussed Article 65, Planned Unit Development (PUD) of Appendix E as the standards relate to the requirements for eligibility of parcels for a PUD. At the conclusion of the meeting, the Planning Commission directed staff to provide examples of PUD Ordinances that can be reviewed at the January 4, 2011 meeting for additional discussion.

7. UNFINISHED BUSINESS

(a) Planned Unit Development – Discuss Requirements, Section 65-2. Eligible Parcels

Gephart stated that due to the holiday week-end he didn't have time to review the materials thoroughly. He asked if other members were able to adequately review the materials provided.

Richards explained that he included with the report PUD Ordinances from Galena, IL, Hopkins, Lakeville, Redwing, and Wayzata. He noted that each of the Ordinances has a slightly different approach to PUD eligibility, although all are based upon conformance with the Comprehensive Plan. The PUD ordinances also give final authority to the City Council as to the types of uses and the performance criteria for the project. He asked if there were any other communities that they would like him to research.

Gephart asked if Stillwater has a PUD ordinance. Richards stated that it does not.

Staunton stated that Edina is currently working on language for their PUD ordinance. He explained that their language prohibits PUD's in the R1 Zone.

Richards said that the intent is not to revise the entire ordinance, just certain sections.

Busch asked if certain language is meant to be more restrictive.

Richards asked the Commission if they felt the Stoddard project was innovative.

Staunton said that the current language in the City's PUD asks requires multiple uses be proposed.

Gephart asked Staff to inquire with Tim Caron as to the meaning of the current language as he assisted with writing it. Staunton explained that the Stoddard project utilized multiple units.

Richards elaborated that in certain scenarios the provision allowing a PUD with uses not permitted in the underlying zoning district may be appropriate.

Putnam asked about the Gables. Staunton answered that the Gables was not a PUD.

Putnam asked why the language was written in this manner.

Gephart asked what happens with the Stoddard development if the project is not completed. Staunton explained that the Stoddard development was a two phased development.

The Planning Commission discussed the Stoddard development and determined that absent a bond or full financial security it's difficult to force development.

7. UNFINISHED BUSINESS

(a) Planned Unit Development – Discuss Requirements, Section 65-2. Eligible Parcels

Staunton elaborated the concerns of allowing a development to occur when the City receives what they want in the second phase and a developer gets what they want in the first phase. He explained that outside of a financial surety, it is hard to push.

Busch questioned the number of extensions that would be allowed.

Gephart expressed his concerns with the timeframes.

Jensen expressed that with the Stoddard development and others like the Glen Lake development, the economy tanked.

Richards stated the Staff will research PUD criteria in more detail.

Wallace explained that the City deals with these issues all the time. He stated that he feels that there are tools available. He noted that Christ Community Church wanted to only finish three sides of their church.

Gephart stated that nobody figures that their project will fail. He expressed his desire to have additional time to review the materials.

Gaylord asked what the objectives are of this exercise. Richards explained that initially it was to look at eligibility requirements. Staff could look at some other items such as financial guarantees.

Gaylord stated that if the Planning Commission changes some things within the standards, the City Council could decide to make no changes and all these discussions would have been a waste of time.

Gephart said he would like more information on why the language is written the way it is.

Gaylord stated the current PUD standards could permit street level office uses on Water Street.

Richards asked why the City would want to encourage one type of use.

Gaylord said he feels that the language is subjective and the City Council decides anyway.

Busch stated that the five other communities listed in the staff report do not have language similar to Excelsior's. Wallace responded that the current language is odd.

Gephart expressed his hesitancy to change the current language until he has a better understanding and the history on why the language is written as it is.

7. UNFINISHED BUSINESS

(a) Planned Unit Development – Discuss Requirements, Section 65-2. Eligible Parcels

He asked if the proposed changes are for a certain project. Richards answered that there is no project; the language just needs to be looked at.

Putnam asked whoever is looking at the Highway 7 site ultimately will make the decision on the use of the site.

Gephart asked who started this discussion. Richard answered that staff looked at the language when the Galpin Lake properties discussion started.

Gaylord stated that the language as written seems reasonable. Gephart stated that he needs more information.

Staunton explained the difference between legislative actions and quasi-judicial decisions.

Wallace expressed his feelings that in light of the recent court case impacting variance proposals it would be interesting if cities use PUD and CUP's in lieu of variances. Staunton answered that a lot of communities are looking at these changes in response to the Minnetonka decision.

(b) Parking Update

Richards briefed the Planning Commission that the City Council at their December 6, 2010 meeting approved an Ordinance establishing an annual impact parking fee and set the fee at \$1,500.00 per parking stall per year. He explained that due to these changes, a number of the items established in the Parking Action Task Force Summary of Conclusions and Recommendations have been addressed. He asked that the Planning Commission to determine if additional items should be reviewed and acted upon. He expressed that the Planning Commission may want to focus on item 8 as the next step in this process.

Gephart expressed his concerns with enforcement. If businesses within the building are sharing parking spaces how do get people to leave the office at 5:00 P.M.

Staunton explained that the ordinance from 2006 removed shared parking.

Richards explained that with the recent ordinance change enacted upon by the City Council, the City is now in the business of providing parking.

Gephart asked about number 8b. Richards responded that this item should be a City Council directive.

Gephart stated that he would like the City to explore expanding meters. Gaylord agreed that this would be a good approach.

7. UNFINISHED BUSINESS

(b) Parking Update

The Planning Commission discussed this item and decided to ask the City Council if they should explore 8 in more detail. The Commission decided that number 6, exploring reducing parking needs, is no longer applicable with the recent changes to establishing a parking impact fee and that number 9 is ongoing.

The Commission felt that numbers 3, 4, and 7 have been addressed and number 10 should be researched by staff in consultation with the City's Finance Director.

Gephart asked about the status of the title research. Staunton responded that this task is nearly complete.

Gaylord asked about the parking study's finding that parking utilization is 50%. Richards responded that the parking utilization is 45%. Gaylord commented that there appears to be no problem.

Commissioner Gaylord moved, Commissioner Busch seconded, to ask the City Council to authorize and direct the Planning Commission on how to proceed with exploring option 8b. Motion carried 6/0.

(c) Tree Management

Fuchs stated that the Tree Subcommittee met to discuss draft changes to the City's Tree Policies. Busch and Putnam reported that the Subcommittee is still studying boulevard tree needs and placement. The Planning Commission briefly discussed the Tree Trust, the Shade Tree Program, and services provided by the Arboretum.

(d) Residential Design Guidelines

Richards briefed the Planning Commission that the Excelsior Residential Design Standards Subcommittee has not met since January, 2010. He explained that the Subcommittee had suspended discussions until 2011. He asked the Subcommittee members to review their schedules and forward a time to meet that would work for everyone.

8. NEW BUSINESS

(a) 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.

11. ADJOURNMENT

Commissioner Putnam moved, Commissioner Busch seconded, to adjourn the meeting at 8:25 p.m. Motion passed 6/0.

Respectfully submitted,

Ronald G. Fuchs
City Planner