

City of Excelsior
Planning Commission Meeting
MINUTES
Tuesday, April 5, 2011
Council Chamber, City Hall, 339 Third Street
7:00 P.M.

1. CALL TO ORDER

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

2. OATH OF OFFICE

Mayor Nick Ruehl administered the Oath of Office to Planning Commissioner Cindy Busch.

3. ROLL CALL

Commissioners Present: Wallace, Duyvejonck, Jensen, Busch, and Vice Chair Craig

Commissioners Absent: Wright and Chair Gaylord

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

4. APPROVAL OF MINUTES

(a) Planning Commission Meeting of March 8, 2011

Vice Chair Craig asked if anyone had any additions or corrections to the Minutes.

Commissioner Jensen moved, Commissioner Busch seconded, to approve the Minutes of the Planning Commission Meeting of March 8, 2011 as presented. Motion carried 5/0.

5. PENDING ISSUES/PROJECTS

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

Wallace will serve as the Planning Commission liaison to the April 18, 2011 Council meeting.

Commissioner Wallace moved, Commissioner Duyvejonck seconded, to move Item 9(a) up on the agenda to follow Item 7(a). Motion carried 5/0.

6. PUBLIC HEARINGS - (Continued)

(a) Variance from Setbacks for Principal Structure and Accessory Structure for 153 West Lake Street – Charles P. Kampen and Pamela J. Rajala

Fuchs stated that at the March 8, 2011 meeting, the Planning Commission continued the variance application submitted by Charles P. Kampen and Pamela J. Rajala for property located at 153 West Lake Street. He said that the applicants sought a variance from Article 43, Section 43-7 from the 15-foot side yard setback requirement abutting a street right-of-way and Article 18, Accessory Buildings, Structures, Uses, and Equipment for a rear yard setback for an accessory structure. He stated that on March 10, 2011 the applicant forwarded documentation to the City formally requesting that the City pause the review of their application so they can evaluate alternative designs.

6. PUBLIC HEARINGS - (Continued)

- (a) Variance from Setbacks for Principal Structure and Accessory Structure for 153 West Lake Street – Charles P. Kampen and Pamela J. Rajala

Fuchs elaborated that on March 27, 2011 the applicant forwarded additional documentation formally requesting that the City consider alternative zoning ordinances dealing with non-conforming improvements similar to theirs.

Fuchs explained that in Excelsior there are a number of small lots less than 6,000 square feet that require a variance application anytime building improvements are placed on the property. He noted that there are also numerous structures that were constructed before the implementation of the current zoning standards that do not meet setback requirements and/or impervious hardcover requirements.

The Planning Commission and staff discussed non-comforming lots and the recent discussions regarding the 153 West Lake Street property. It was determined that it would be best to discuss non-comforming standards in more detail at a future work session.

Commissioner Jensen moved, Commissioner Busch seconded, to continue Item 6(a) to the May 3, 2011 Planning Commission meeting. Motion carried 5/0.

- (b) Proposed Ordinance to Amend Article 65, PUD, Planned Unit Development District Pertaining to Allowable Uses

Richards provided an overview of the staff report. He said that at the March 8, 2011 meeting, the Planning Commission opened the public hearing and discussed eligibility requirements for Planned Unit Developments. The Planning Commission continued the public hearing on the proposed ordinance amendment to the April 5, 2011 meeting.

The Planning Commission and staff discussed the proposed language. Staff clarified that the only change is the addition of the word may in the second sentence.

Vice Chair Craig opened the public hearing.

Lucille Crow, 221 Belle Street, spoke in favor of the proposed changes to the Planned Unit Development standards.

Vice Chair Craig closed the public comment portion of the meeting.

Commissioner Jensen moved, Commissioner Duyvejonck seconded, to continue the public hearing to the City Council's April 18, 2011 meeting and forward a recommendation to the City Council to adopt the proposed ordinance to amend Article 65 of Appendix E of the Excelsior's Code of Ordinances pertaining to eligibility requirements. Motion carried 5/0.

7. PUBLIC HEARINGS

- (a) Conditional Use Permit for Changes to Impervious Surface Coverage for 680 Mill Street – St. John's the Baptist Church

Richards provided an overview of the staff report outlining the Conditional Use Permit Application to allow improvements to the landscaping and walkway. He explained that the proposed design aims to increase the visual appeal and address disability accessibility issues of the primary entrances to the building.

7. PUBLIC HEARINGS

- (a) Conditional Use Permit for Changes to Impervious Surface Coverage for 680 Mill Street – St. John’s the Baptist Church

Richards explained that according to the applicant’s burden of proof the changes will improve the aesthetics from Mill Street and the parking lot, provide for a connection for users to the Gymnasium and School entrances through the use of ADA handicap-accessible pathways, create additional outdoor waiting and seating space, and reduce the hardcover on site. He noted that the changes require a Conditional Use Permit as the proposed improvements lower the impervious coverage on site but still exceed the maximum.

Vice Chair Craig opened the public hearing.

Laura Wood, representing St. John’s the Baptist Church, explained that the proposed project aims to enhance the visual appeal of the entry to St. Johns and better connect those who utilize St. John’s Church.

Vice Chair Craig, Busch, and Wallace each noted that the proposal seems reasonable.

Jensen inquired about the 13 inch diameter ash tree that is proposed to be removed. Wood responded that the reason for removing the tree is due to its location and that other vegetation is proposed as part of the improvements.

Vice Chair Craig closed the public comment portion of the meeting.

Commissioner Jensen moved, Commissioner Duyvejonck seconded, to recommend approval of the Conditional Use Permit and the conditions of approval as outlined in the staff report for changes to impervious surface coverage for 680 Mill Street – St. John’s the Baptist Church. Motion carried 5/0.

9. NEW BUSINESS

- (a) Minnesota Inboard Sketch Plan Review for Galpin Lake Properties

Richards provided a brief overview of the application. He explained that Joe and Pam Mueller of Minnesota Inboard Water Sports made application for a sketch plan review for the properties at 712 and 734 Galpin Lake Road. He noted that the existing structures will be removed and the site redeveloped. He elaborated that the Heritage Preservation Commission will need to consider a Site Alteration Permit for the demolition of the structure on the 712 Galpin Lake site. The Planning Commission will need to consider this proposal as a Planned Unit Development (PUD) and conduct a Design Standards and site plan review in the future if the applicants move forward. He noted the property is zoned R-3 in which this type of retail and service business is not allowed. He highlighted that the applicants would be eligible for a PUD in that there is two uses (retail use and service use) proposed and at least one of the uses is not allowed in the R-3 District. Richards asked that the Planning Commission provide feedback on the proposal but not go into a great amount of detail because the application is just for a sketch plan review.

9. NEW BUSINESS

(a) Minnesota Inboard Sketch Plan Review for Galpin Lake Properties

Bill Wolfson, realtor for the Galpin Lake properties, stated that the Mueller's have looked in great detail at the site, their needs, and City Code requirements. He explained that the majority of the building will be for retail sales and that a small area will be utilized as a prep area.

Duyvejonck asked if Minnesota Inboard will vacate their current site. Wolfson stated the intent is to vacate the existing site which they have been leasing and move their business to this site.

Duyvejonck stated that the current site is unique. Wolfson responded that the site is physically challenging and it represents a big investment for Minnesota Inboard Water Sports. He said that the buyer is not speculative.

The Planning Commission briefly discussed the need for demolition of the existing structures and the need to receive feedback from the Heritage Preservation Commission. Wolfson responded that the current sketch proposal and feedback will allow for additional consideration of their proposal.

Jensen asked what the seasonal hours of operation are. Joe Mueller, Minnesota Inboard, applicant, elaborated that their hours of operation are different depending on the time of year. He noted that there will be summer hours and winter hours.

Jensen asked how boats get delivered. Mueller explained that all boats are delivered to their New Germany site. He further elaborated on their operations on expected mini services, new boat rigging, and electronics installation. He noted that boats are not delivered in the rain and that they intend to display boats at this location. He explained that most delivery to the site will consist of pro-shop deliveries by UPS or FedEx.

Richards asked how many boats are expected to be onsite. Mueller answered that 14 will be typical. He further elaborated that they store 600 boats at the New Germany site and winterize nearly 1,500 inboard boats there too.

Duyvejonck asked if a traffic study has been done, as there currently are traffic issues. Wolfson responded that the typical boat length is 20' – 21' and there would be no cabin cruisers. He also noted that patrons will need to be educated and delivery routes be worked through. Mueller explained their business has two busy times per year with fall being the busiest.

Richards asked Mueller to clarify the location of the repair area as that location seems to be closest to residential properties. Mueller explained that the work being done is clean as the majority is adding features to the boat, such as installation of speakers, electronics, cameras, and bimini tops. He noted that the customer can wait for the install to be completed.

9. NEW BUSINESS

(a) Minnesota Inboard Sketch Plan Review for Galpin Lake Properties

Busch asked what the second use is. Richards responded that staff has studied the respective planned uses of the business.

Wallace inquired on the City's ability to restrict the proposed use. Richards answered the City has the ability to restrict the operations of the use, such as keeping the doors closed.

Vice Chair Craig asked about screening and hours and delivery. Richards briefed the Planning Commission on the building's orientation.

Neil Weber, architect for the project, elaborated on the proposed site plan. He explained that due to the site constraints, that they will be asking the Cities of Excelsior and Shorewood to vacate portions of Galpin Lake Road. He noted that the portions of Galpin Lake Road that would be vacated only benefit these sites.

Vice Chair Craig asked if members of the public had any comments.

John Fenstermacher, 723 Water Street, asked if all of the trees on these sites will be removed. Weber answered that some of the trees will be removed and that additional screening will be placed.

Jensen asked Fenstermacher if he had any comments on the proposed use or hours of operation. Fenstermacher responded that if the project proceeds through the process he would prefer that the hours of operation are limited.

Vice Chair Craig closed the public portion of the discussion.

Wallace asked if the proposed use for this property is allowed by the Comprehensive Plan. Richards answered that the site is designated as residential and if the application chooses to proceed with the development plan, a Comprehensive Plan amendment would be needed in conjunction with the Planned Unit Development, Site Plan, and Design Standards Review applications.

Richards asked the Planning Commission to comment on if this is a reasonable use. Wallace responded that this is a judgment call. Richards noted that there are no guarantees with the proposal, the question is, is this a reasonable use for this site.

Staunton explained the purpose of a sketch plan review process. He elaborated that this process is not a yes or no question, it is purely a means to forward preliminary comments and some guidance based on the scenario presented by the application.

Wallace expressed his concerns with the process and to not foreshadow any future decisions regarding the site. Staunton noted that the Comprehensive Plan amendment is an issue especially since the Comprehensive Plan has recently been updated.

9. NEW BUSINESS

(a) Minnesota Inboard Sketch Plan Review for Galpin Lake Properties

Vice Chair Craig expressed her concerns with the Planned Unit Development and the redevelopment of this site. Richards commented the proposed changes will be a hard decision and stated his thoughts that the site should be commercial.

Weber stated that he feels the site is commercial and he personally would have a hard time believing that someone would want to live there.

Richards responded that the Comprehensive Plan Land Use Plan has the site guided as residential and that the Comprehensive Plan discourages the loss of residential properties. He highlighted that the site has not been occupied as residential for years.

Wallace commented he is trying to get a better understanding of what type of use is appropriate. Richards noted that the existing residential structures are very close to Highway 7.

Weber stated that all of the design work has not been completed as there is a lot work to be completed regarding site engineering.

Wallace asked if the proposed building will be a single story structure. Weber responded that the structure will be one story. He noted that they have studied circulation and the plan should look very similar.

Vice Chair Craig commented that the site has generated a lot of discussions. Richards responded that the site has and will continue to generate discussions.

Jensen explained that he has gone back and forth on what would be an appropriate use. He is leery of single family or residential uses with kids, busing needs, and the proximity of this site to Highway 7. He appreciates seeing a sketch application from a 20-year Excelsior business. He asked that screening be incorporated into the plan and that the site plan be reconfigured to pull the building towards Highway 7. Repositioning the building will be more ideal and meet the Comprehensive Plan objectives. He expressed that he is not in favor of tearing down structures, though he feels the use is ideal for this site.

Vice Chair Craig asked if the impervious surface exceeds City Code requirements. Richards responded that the design details would still need to be worked through.

Vice Chair Craig inquired about the current zone classification for the sites. Richards answered the current zoning is R3, Medium Density Residential.

John Fenstermacher, 723 Water Street, commented that the use of the property has been residential. He said if there continues to be the chipping away of these areas soon there will be no residential. Years ago a lot of concerns were raised with a Walgreen development proposal for on an abutting property. This development may experience the same opposition.

9. NEW BUSINESS

(a) Minnesota Inboard Sketch Plan Review for Galpin Lake Properties

Wallace asked about the process, what happens first. Richards explained that certain commercial uses within residential designated properties are allowed by City Code. Staunton responded that generally the Comprehensive Plan talks about use. City Code allows the ability to submit a Planned Unit Development and at some point the City may need to discuss and guide the property for commercial uses.

Wallace stated that the use dictates whether a Comprehensive Plan amendment is needed. Richards answered that the use is not out of the ordinary and the building could be used for some other use too.

Staunton explained the difference between zoning and the Comprehensive Plan.

Richards informed the Planning Commission that the proposal will not change the zoning of the property. He elaborated on the next steps involved with a sketch plan.

8. UNFINISHED BUSINESS

(a) Parking Update

Richards provided a brief overview of the staff report. He informed the Planning Commission that he will continue to research and pull together additional sources on parking vendors.

(a) Tree Management

Fuchs provided an update on recent actions by the City Council. He explained that on March 7, 2011, the City Council approved a Shade Tree Program similar to the City of Chaska's. The program should help encourage the replacement of trees on boulevards and residential properties where trees may have been lost through recent street reconstruction activities, storms, and disease.

Fuchs informed the Commission that the Shade Tree Program is in cooperation with Hartman Companies (Victoria, MN) and that trees would be offered to residents to purchase on a first-come, first-serve basis at wholesale prices from late-March through mid-April. He stated that by participating in this program, the City will receive one free tree for every ten trees that are sold.

Fuchs stated that the Tree Subcommittee last met on February 24, 2011 and discussed the proposed Shade Tree Program. He informed them that when the tree subcommittee is re-established the subcommittee will need to continue researching tree policies and studying boulevard tree needs and placement.

(b) Residential Design Guidelines

Richards stated that the Excelsior Residential Design Standards Subcommittee has been discussing meeting dates and times in order to continue the review of potential regulations for residential properties. He asked if Subcommittee members to check their calendar to see if either April 21st or April 28th works to convene a meeting.

9. NEW BUSINESS

(b) Dates for Additional Work Session(s)

The Planning Commission scheduled a work session for Thursday, April 28, 2011 at 6:00 p.m. to discuss the non-conforming standards.

10. ANNUAL MEETING

(a) Goals and Objectives for 2011

The Planning Commission identified the following goals and objectives for 2011:

1. Develop guidelines for residential areas;
2. Work toward controls to assist with streetscapes and rear facades and entrances of the downtown businesses;
3. Review and develop green technologies/sustainable development standards and policies;
4. Bring the Zoning Code into conformance with the Comprehensive Plan;
5. Review non-conforming buildings and structures standards; and,
6. Review Article 62. Heritage Preservation Program and Designation of Historic District/Sites of City Code Appendix E. as they relate to Secretary of the Interior's Standards for Rehabilitation.

Commissioner Wallace moved, Commissioner Jensen seconded, to adopt the six goals for 2011 as discussed. Motion passed 5/0.

11. COMMUNICATIONS & REPORTS

(a) None

12. MISCELLANEOUS

(a) Recent City Council Actions

Staunton updated the Planning Commission on recent City Council actions.

13. ADJOURNMENT

Commissioner Duyvejonck moved, Commissioner Busch seconded, to adjourn the meeting at 8:55 p.m. Motion passed 5/0.

Respectfully submitted,