

City of Excelsior  
Planning Commission Meeting  
MINUTES  
**Tuesday, May 3, 2011**  
Council Chamber, City Hall, 339 Third Street  
7:00 P.M.

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Present: Wright, Wallace, Jensen, Busch, Craig, and Gaylord

Commissioners Absent: Duyvejonck

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

3. APPROVAL OF MINUTES

(a) Planning Commission Meeting of April 5, 2011

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

Commissioner Busch moved, Commissioner Jensen seconded, to approve the Minutes of the Planning Commission Meeting of April 5, 2011 as presented. Motion carried 6/0.

4. PENDING ISSUES/PROJECTS

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

Craig will serve as the Planning Commission liaison to the May 16, 2011 Council meeting.

5. 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.

Fuchs explained that the Planning Commission and staff discussed non-conforming improvements at a Work Session meeting on April 28, 2011, and that will be discussed again later on to the agenda.

Commissioner Busch moved, Commissioner Craig seconded, to continue this item to the June 7, 2011 Planning Commission meeting. Motion carried 6/0.

6. PUBLIC HEARINGS

None

7. UNFINISHED BUSINESS

- (a) Discuss Article 15, Non-Conforming Buildings, Structures, and Uses Amendment

Richards provided a brief overview of the language and recent discussions by the Planning Commission and staff on April 28, 2011. He elaborated on the practical difficulties language recently discussed and reviewed by the Senate and House are awaiting signature by the Governor.

Staunton explained the practical difficulties variance language in more detail and the other problems that existed with the previous language that will ensure that the county and city variance language parallel one another. He stressed that any condition placed on a variance must meet the rough proportionality test of case law. This is to ensure that the proposed condition must be in relation to what is being sought. He noted that the law becomes effective the day following final enactment.

Busch asked what changed. Staunton explained the former language requires a hardship test to justify a variance, the proposed language requires a practical difficulties test. The proposed language more closely meets the intent of the how the standards have been traditionally applied for the past two decades.

The Planning Commission and staff discussed the pros and cons of a conditional use permit (CUP) application process and review versus a variance standards review process. Staunton stressed that a variance would still make sense if there are unique enough needs. The intent of any changes would be to address those situations that keep arising.

The Planning Commission and staff discussed how language should be drafted allowing an administrative review for the increase in building height for that portion of the building within the setback area provided that the maximum building height is complied with. They discussed building expansion in size as long as the encroachment does not increase within the setback area. The Commission also discussed that improvements where the hardcover stays at the same square footage or is reduced on a lot could be processed administratively. It was determined that any improvements not allowed by an administrative permit be processed and evaluated through a CUP application.

Staunton elaborated on the shoreland regulations and how they apply to properties within 1,000 feet of lake bodies. Gaylord asked if this language makes any sense. Staunton responded that it is a statutory requirement and that the language was originally intended for northern Minnesota lakes.

The Planning Commission and staff discussed proposed language and the timeframe for the new language to become effective. Staunton elaborated that the new language becomes effective the day following final enactment.

The Planning Commission asked staff to revise language for the next available Planning Commission meeting.

7. UNFINISHED BUSINESS

(b) Parking Update

Richards provided a brief overview of the staff report. He informed the Planning Commission that he will continue to research and develop a map that includes the Downtown and parking areas. He asked Commissioner Craig if she would be able to assist in this endeavor. He provided a brief history on the shared parking ordinance that existed prior to November 2006. He stated that the language was deemed to be cumbersome. He explained the Redwing, Edina, Wayzata, Northfield, Stillwater, and, Galena examples of shared parking ordinance standards.

Busch asked why the language was removed from the ordinance. Richards explained that all of the parking provisions were fully utilized by Jake O'Connors restaurant.

Gaylord asked what should the Planning Commission do? Richards answered to allow staff an opportunity to research and draft language to simplify enforcement.

Craig asked if percentages and a more complex system should be used, or how should it be simplified. Richards responded the intent is to simplify ordinance provisions and interpretative outcomes.

Richards asked the Planning Commission to review the Galena Shared Parking Ordinance. Busch noted that the language is fairly straightforward and comprehensible.

Wallace asked how any changes to the City Code may impact the recently adopted parking impact fee. Richards answered that the changes may impact the fees collected. He clarified that staff did go back to City Council to get authority to move forward in researching changes for potential revisions that may ultimately impact the fees that are collected.

The Planning Commission and staff discussed shared parking scenarios and how they may be regulated, offsite and onsite parking needs, proximity of parking, and the distance that a person would be willing to walk.

Richards asked if additional cities should be studied or if the Commission has sufficient information to study the shared parking. The Planning Commission discussed and determined that the six examples should be sufficient to carefully and thoughtfully study parking needs.

(c) Tree Management

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.

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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 reestablished the Subcommittee will need to continue researching tree policies and studying boulevard tree needs and placement.

(d) 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. The Subcommittee has scheduled a meeting for Thursday, May 26, 2011.

8. NEW BUSINESS

(a) Dates for Additional Work Session(s)

The Planning Commission decided to hold off on scheduling any additional Work Sessions beyond the subcommittee meetings.

9. ANNUAL MEETING

(a) Goals and Objectives for 2011

Fuchs provided a brief overview of the status of the 2011 Goals and Objectives. He explained that on April 5, 2011, the Planning Commission identified six goals and objectives for 2011 which he elaborated on.

The Planning Commission discussed and prioritized the goals and objectives for 2011 as follows:

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. Review non-conforming buildings and structures standards;

9. ANNUAL MEETING

(a) Goals and Objectives for 2011

5. Review Article 62. Heritage Preservation Program and Designation of Historic District/Sites of City Code Appendix E as they relate to the Secretary of the Interior's Standards for Rehabilitation; and,
6. Bring the Zoning Code into conformance with the Comprehensive Plan.

The Commission highlighted that the group should study Number 5 as it relates to Article 62 especially in light of the library and it's compatibility with Code provisions. They acknowledged that item numbers 1, 2, and 6 will take an extended period of time.

Commissioner Wallace moved, Commissioner Jensen seconded, to adopt the six goals for 2011 as discussed. Motion passed 6/0.

10. COMMUNICATIONS & REPORTS

- (a) None

11. MISCELLANEOUS

- (a) Recent City Council Actions

Staunton updated the Planning Commission on recent City Council actions.

12. ADJOURNMENT

Commissioner Jensen moved, Commissioner Craig seconded, to adjourn the meeting at 8:35 p.m. Motion passed 6/0.

Respectfully submitted,

Ronald G. Fuchs  
City Planner