

City of Excelsior
Planning Commission Meeting
MINUTES
Tuesday, August 2, 2011
Council Chamber, City Hall, 339 Third Street
7:00 P.M.

1. CALL TO ORDER

Chair Gaylord called the meeting to order at 7:03 p.m.

2. ROLL CALL

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

Commissioners Absent: None

Also Present: City Planner Richards, City Planner Fuchs, City Engineer Dawley, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. Planning Commission Meeting of July 6, 2011

Chair Gaylord asked if anyone had any additions or corrections to the Minutes. It was noted that Craig was not in attendance.

Commissioner Busch moved, Commissioner Jensen seconded, to approve the Minutes of the Planning Commission meeting of July 6, 2011 as amended. Motion carried 7/0.

4. PENDING ISSUES/PROJECTS

a. Appoint Liaison to City Council (August 15, 2011)

Commissioner Wright will serve as the Planning Commission liaison to the August 15, 2011 Council meeting and Commissioner Jensen will be the alternate.

5. PUBLIC HEARINGS - (Continued)

a. Ordinance to Amend Article 24, Signs, Pertaining to Informational and Directional Signage, Sandwich, or Portable Signs and Noncommercial Temporary Signs

Richards reported that the Planning Commission, at their July 6, 2011 meeting, opened a public hearing and discussed potential amendments to the sign regulations and Design Standards as it relates to flexibility with signage. It was determined that the public hearing should be continued to the August 2, 2011 meeting to further discuss the amendment language and possibly make a recommendation.

Richards said that the Planning Commission recommended that permitted signs requiring no permit should be limited to three signs not exceeding four square feet each.

5. PUBLIC HEARINGS - (Continued)
 - a. Ordinance to Amend Article 24, Signs, Pertaining to Informational and Directional Signage, Sandwich, or Portable Signs and Noncommercial Temporary Signs – (Continued)

Richards said there was also discussion with regard to the temporary signs. Staff has separated temporary signs to on-premises and off-premises. Temporary on-premises signs shall not be placed in the public right of way. Off-premises temporary signs shall be limited to non commercial Excelsior entities, displayed no more than ten business days, and located on private, City property or in the public right of way. He noted that the practice has been to allow non commercial entities to place signage in the City's right-of-way and staff has not had any issues with this. He said that this provision also addresses the concern the Planning Commission voiced at the July meeting with regard to the Excelsior Fire District signage for the annual dance and fundraiser.

Richards said that the Planning Commission wanted reference to the Appendix E requirements for visibility included in this section of the Design Standards and different standards for the downtown versus Highway 7 and other general business districts. He has suggested that portable signage be within 5 feet of the business in the downtown area and within the property boundaries of a Highway 7 and general commercial area businesses provided the signage does not impede pedestrian traffic, access to other public improvements, or conflict with the traffic sight.

Chair Gaylord asked how "impede" is defined. Richards said if the sign is blocking pedestrian and/or traffic sight lines it is impeding. Fuchs said there should be a 5 foot path around the sign.

Chair Gaylord said impede should be defined. Richards suggested amending the language to say that signs shall not impede pedestrian traffic by maintaining a 5-foot minimum passageway around the sign.

Chair Gaylord reopened the public hearing at 7:12 p.m. Hearing no comments, Chair Gaylord closed the public comment portion.

Commissioner Duyvejonck moved, Commissioner Wright seconded, to continue the public hearing to the City Council's August 15, 2011 meeting and forward the recommendation to the City Council that it adopt the proposed Ordinance to Amend Article 24, Signs, Pertaining to Informational and Directional Signage, Sandwich, or Portable Signs and Noncommercial Temporary Signs as amended this evening. Motion carried 7/0.

6. PUBLIC HEARINGS

- a. Conditional Use Permit - Annual Parking Impact Fee Review at 28-30 Water Street – Joe Paetzel, Properties of Excelsior, LLC

Elizabeth Stockman, The Planning Company, consulting planner, reported that Joe Paetzel, on behalf of the Properties of Excelsior LLC, has made application for a Conditional Use Permit (CUP) to allow for additional parking under the Parking Impact Fee process. Yumi's at 28 Water Street will be expanding their restaurant into the 30 Water Street space requiring five additional spaces. Additionally, as part of the expansion plans, the existing awning and window signage at 30 Water will be removed. No other changes to the exterior of the building are requested at this time.

The property at 28-30 Water Street is a contributing site within the Excelsior Downtown Historic District. The Heritage Preservation Commission (HPC) must review contributing sites under the provisions of Secretary of Interior's Standards for Rehabilitation as set forth in the standards of Article 62 in Appendix E. Article 19, Section 19-9 of Appendix E also requires that a request for parking under the Parking Impact fee requires HPC review if the property is within the Downtown Historic District. At their July 19, 2011 meeting, the HPC recommended that the Parking Impact Fee CUP as well as the awning removal and window signage changes be approved.

The Comprehensive Plan guides the subject site for future commercial uses in the Central Business District. The proposal is consistent with the Comprehensive Plan.

The subject site is zoned B-1, Central Business District. Restaurants are permitted uses within the B-1 District. The proposed use of the building for the expanded restaurant is consistent with the zoning as long as the parking requirements are met.

The 28/30 Water Street building has 17 parking spaces at the rear of the structure. The Excelsior Parking District has acknowledged that the use of 28 Water Street as a salon and 30 Water Street as a restaurant required 17 spaces. The use of the building as a restaurant where liquor is served requires one stall per four seats. The proposed restaurant will seat 87 requiring a total of 22 parking stalls. The proposal will result in a deficit of five parking stalls that can be satisfied with CUP approval by the City Council under the Parking Impact Fee.

The proposed CUP for Yumi's Sushi Bar is consistent with the requirements of the B-1 District and the CUP review criteria within the Zoning Ordinance. The proposed changes will not adversely affect the Central Business District or the Water Street Corridor.

6. PUBLIC HEARINGS

- a. Conditional Use Permit - Annual Parking Impact Fee Review at 28-30 Water Street – Joe Paetzel, Properties of Excelsior, LLC – (Continued)

If the Planning Commission finds that the project is consistent with Zoning Ordinance requirements, City staff recommends approval of the CUP request subject to the conditions outlined in the staff memorandum.

Richards said that the City Council determined that the City has 50 parking spaces available through the parking impact fee. He noted the cost is \$1,500 per space per year.

Chair Gaylord asked how many parking spaces the salon had. Stockman said that Yumi's and the salon had shared a total of 17 spaces, with the expansion of the restaurant a total of 22 parking spaces are required.

Richards said that planning staff did not identify any issues when applying the criteria outlined in Appendix E for the parking impact fee and neither did the HPC.

Craig asked if the City will have the money for the parking impact fee before the building permit is issued. Richards explained that the City Council gave approval for the issuance of the building permit while the applicant goes through the process for the CUP. He noted that the occupancy permit cannot be issued until the CUP for the parking impact fee is approved.

Jensen asked who is responsible for paying for the parking impact fee, the business or the property owner. Richards said that is between the property owner and the business.

Chair Gaylord asked what happens if the parking impact fee is not paid. Richards said that there is a development agreement which requires payment by the owner of the property or the parking impact fee will be assessed to the property.

Commissioners questioned why there is a one year timeframe listed in condition #5. Fuchs said that the CUP will expire if the business or property owner does not implement the parking impact fee within one year.

Chair Gaylord opened the public hearing at 7:22 p.m. Hearing no comments, Chair Gaylord closed the public comment portion.

Wallace asked how the parking for bar seating is calculated. Richards said it is one parking space for every four seats.

Wallace said it appeared that there would be room for more seating. Richards said that after the service areas are scaled out, there wouldn't be any more seating.

6. PUBLIC HEARINGS

- a. Conditional Use Permit - Annual Parking Impact Fee Review at 28-30 Water Street – Joe Paetzel, Properties of Excelsior, LLC – (Continued)

Craig asked if all of the documents are in place. Richards said if the CUP is approved, the City Council and City Attorney will work through the documents.

Commissioner Busch moved, Commissioner Jensen seconded, to continue the public hearing to the City Council's August 15, 2011 meeting and forward the recommendation to the City Council that it approve the Conditional Use Permit for the parking impact fee, with the following conditions:

1. Owner and Occupant agree not to occupy or otherwise use the newly constructed space until such time as a CUP permitting payment of a Parking Impact Fee is issued, the conditions of said CUP have been satisfied, and the Parking Impact Fee has been paid.
2. The Owner and Occupant shall enter into a development agreement with the City that includes an agreement to pay the Parking Impact Fee for as long as is necessary to satisfy the off-street parking requirements for the use of the property.
3. All applicable permits are applied for by the Applicants with all supporting documentation and issued prior to the start of construction.
4. The Applicants shall record this resolution in the chain of title for the property with Hennepin County and shall provide the City with verification of its recording.
5. The CUP shall expire one year from the date of adoption of the resolution if not acted upon; City approval will be required for any subsequent extension.
6. All indirect costs with the building permit, review, final plans and the certificate of occupancy associated with engineering and administrative costs shall be paid by Applicants.

Gaylord questioned if the mechanical has been reviewed so nothing will be visible from the street. Richards said that staff will look at this again to make sure the mechanical has nothing visible.

Motion carried 7/0.

6. PUBLIC HEARINGS

b. Variance from Setbacks for Accessory Structure at 224 George Street -
Jacqueline Verette

Fuchs reported that Jacqueline Verette, 224 George Street, has submitted an application for Variances 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 yard setback for an accessory structure. The accessory structure is situated on a corner lot adjacent to George and William Streets.

The applicant is proposing to add onto the detached two-stall garage. The improvements proposed to the structure include constructing a four foot addition sided to match the existing home and a new roof over the existing hip structure to the front of it, which is located approximately 3.7 feet from the alley right-of-way. The applicant proposes a total of 33.2% hardcover for the site.

The single-family structure is legally conforming. The detached accessory structure is legally non-conforming due to its setbacks from the alley. Article 15, Section 15-4, states that a legal non-conforming building or structure may be maintained, repaired, restored, improved, or replaced through the building permit process provided the alterations do not increase the non-conformity of the building or structure, including the foundation, building envelope, or height in that portion that is non-conforming. Based on the plans, the addition for the accessory structure is within the alley right-of-way setbacks so a variance is needed.

The applicant must establish and demonstrate compliance with the variance criteria set forth in Appendix E, Article 6. The applicant has stated that the accessory structure was built at a time when cars and trucks were much smaller. The outside dimension of the concrete block building is 20' x 20', which is too small for today's vehicles and lifestyles. Building a larger attached garage would impact the looks of the home and the neighborhood in an adverse way. The existing accessory structure is next to an undeveloped alley which requires a 15' setback. If the undeveloped alley was not there, the building would conform to the 3-ft. backyard setback. The small addition to the garage is consistent with uses in the surrounding area and the design improves the property without adding unnecessary mass or scale.

The R-2 District allows for up to 35 percent impervious surface coverage. The site has a total area of 6,459 square feet and the development proposes 2,147.1 square feet for a total impervious surface coverage of 33.2 percent. The survey indicates that two decks are proposed. The applicant provided a revised survey this evening that shows the second deck and compliance with the 35 percent maximum impervious coverage.

6. PUBLIC HEARINGS

- b. Variance from Setbacks for Accessory Structure at 224 George Street -
Jacqueline Veretta – (Continued)

Fuchs stated that staff has outlined a number of findings-of-fact and conditions to assist the Commission in its review of this application.

Duyvejonck asked if the driveway will change. Fuchs said the driveway will remain gravel.

Duyvejonck asked if the driveway width will stay the same. Fuchs said the existing curb cut on William Street will be utilized and the driveway will be expanded.

Gaylord asked if the driveway expansion is figured into the hardcover calculations. Fuchs said yes. He noted that some areas that are currently 100% hardcover will become 50% hardcover.

Jensen asked if there is an easement for the alley. Fuchs said yes, but there are no utilities in the alley.

Jensen asked who maintains the alley. Fuchs said the property owner.

Jacqueline Verette, 224 George Street, the applicant, said that she would like to have a functional garage.

Dan Roden, the contractor for the project, said the garage was built a long time ago and is substandard. He noted that many garages from that time period have been added on to.

Gaylord asked Roden to explain the work that will be done. Roden said the roof will stay and the trusses will rest on the old gable. He will just do the minimum work required. The garage style will be the same style as the garage straight across William Street.

Wallace asked why a gable versus a hip roof. Roden said the header would need to go into the attic space in order to get a 7 foot door.

Chair Gaylord opened the public hearing at 7:38 p.m.

Craig said she had received a letter from Steve Finch, 462 William Street, stating that he supports the plans for the garage and is in favor of the variance.

Hearing no further comments, Chair Gaylord closed the public comment portion at 7:39 p.m.

Chair Gaylord asked about the materials that would be used. Fuchs said that lap siding will be used and the garage will be painted to match the house.

6. PUBLIC HEARINGS

- b. Variance from Setbacks for Accessory Structure at 224 George Street -
Jacqueline Veretta – (Continued)

Chair Gaylord asked if there are any drainage issues. Fuchs said that the City Engineer has reviewed the project and he has no issues.

Duyvejonck asked if there are issues with any other items. Fuchs said no.

Chair Gaylord asked about the findings for the hardship.

Jensen said if the alley wasn't there, the project would comply with the setbacks. Fuchs said the alley is creating the hardship and the height makes it difficult for a vehicle to access the existing garage.

Commissioner Craig moved, Commissioner Wright seconded, to continue the public hearing to the City Council's August 15, 2011 meeting and forward the recommend that the Council approve the variance with the following conditions:

1. All applicable permits are applied for by the applicant with all supporting documentation and issued prior to the start of construction.
2. The structure shall be built in accordance with the plans approved by the Planning Commission on August 2, 2011.
3. Prior to the issuance of a building permit by the City of Excelsior, the applicant/owner shall provide the City of Excelsior with documentation from the Minnehaha Creek Watershed District authorizing and approving the site plan.
4. The impervious surface coverage of the site shall not exceed 35 percent as required by City Code. Prior to the issuance of a building permit, applicant/owner shall provide to the City of Excelsior a revised certificate of survey for review and approval. Said plan, shall comply with all City Codes and approving Resolution (said plan shall be signed by Surveyor with revision dates).
5. Final grading, drainage, and erosion control plans shall be approved by the City's Engineer prior to the commencement of any grading and/or construction on the site. An erosion control plan during and immediately after construction is actively in place and this shall be shown on the certified site plan.

6. PUBLIC HEARINGS

b. Variance from Setbacks for Accessory Structure at 224 George Street -
Jacqueline Veretta – (Continued)

6. Any damage to George Street or William Street that occurs as a result of construction shall be repaired at the applicant's expense.
7. The Applicant shall record this resolution in the chain of title for the property with Hennepin County and shall provide the City with verification of its recording.
8. The variance shall expire one year from the date of adoption of the resolution if not acted upon; City approval will be required for any subsequent extension.
9. Prior to the issuance of a Building Certificate of Occupancy, a Plan of Final Site Conditions (as-built) shall be submitted for review and approval per Articles 10 and 36 of Excelsior Zoning Ordinance. Said plan, shall comply with all City Ordinances, City Codes, and approving Resolution, including documentation of recordation of Resolution, and said information and plans shall be submitted for review a minimum ten (days) prior to said application for Certificate of Occupancy in both electronic (dwg & pdf) and paper copy (said plan shall be signed by Surveyor with revision dates).
10. Should any issues and costs arise with existing and proposed improvements, a certified land survey (signed by surveyor) shall be submitted by the applicant/owner.
11. All indirect costs with the building permit, review, final plans and the certificate of occupancy associated with engineering and administrative costs shall be paid by applicant/owner.

Motion carried 7/0.

c. Planned Unit Development General and Final Plan to Construct a Retail Boat Sales Office and Minor Service on Property Located at 712 and 734 Galpin Lake Road – Joe and Pam Mueller, d.b.a. Minnesota Inboard

Richards reported that Joe and Pam Mueller of Minnesota Inboard Water Sports have made application for a General and Final plan review for the properties at 712 and 734 Galpin Lake Road. The applicant has proposed removing the structures and redeveloping the site as a new location for MN Inboard. The Planning Commission will need to consider redevelopment by Planned Unit Development (PUD). The PUD process is three stages, the first stage is the Concept Plan, which has been recommended by the Planning

6. PUBLIC HEARINGS

- c. PUD General and Final Plan for Retail Boat Sales Office and Minor Service at 712 and 734 Galpin Lake Road – Minnesota Inboard– (Continued)

Commission and approved by the City Council. The General and Final Plan stages follow and provide a lot more detail on the project. The City Council has agreed to allow these final two stages to be combined and reviewed at the same time.

The Heritage Preservation Commission (HPC) reviewed the Site Alteration Permit and Demolition at their July 19, 2011 meeting. The HPC continued the discussion to receive additional information from the applicant.

The Comprehensive Plan guides the subject site as medium density residential. Through PUD approvals, the MN Inboard site would be allowed as a commercial retail and service use. The land use designation of medium density is not consistent, so as part of the PUD approvals for this application, the City will need to change the Comprehensive Land Use map to commercial for 712 and 734 Galpin Lake Road. This approval can be done through resolution of 3/5ths of the City Council.

The property is zoned R-3, Medium Density Residential District. A PUD would be required for redevelopment of this property as the retail sales office and service location for MN Inboard. The applicants would be eligible for PUD in that it is a use that is not allowed in the R-3 District and there are two uses proposed, one the retail use and second the service use. As part of the PUD review, the City would utilize the lot requirements, setbacks, building height, and impervious surface coverage requirements for the R-3 District. The rezoning of the property will need approval of 4/5ths of the City Council and can be done concurrently with the Comprehensive Plan amendments and PUD approvals.

The applicant has provided a preliminary plat to combine the lots and replat the area as Minnesota Inboard Water Sports. The plat also includes the vacated right-of-way from Galpin Lake Road. All required easements will need to be described and dedicated with the final plat. The City Council would need to approve the final plat and easement dedication.

The applicant has proposed a street vacation of that portion of Galpin Lake Road adjacent to the subject property. Half of the right-of-way is within Excelsior, the other half is in Shorewood. The City of Shorewood would vacate its portion of the rights-of-way after the City of Excelsior takes action on the project approval and vacation. Easements shall be retained for the utilities within the vacated right-of-way. Approval of the applications would be conditioned upon the City of Shorewood completing the detachment and vacation process.

The proposal meets all setbacks, with the exception of the 15-foot setback

required for parking and driveways adjacent to a street. The driveway
6. PUBLIC HEARINGS

c. PUD General and Final Plan for Retail Boat Sales Office and Minor Service at
712 and 734 Galpin Lake Road – Minnesota Inboard– (Continued)

adjacent to Highway 7 is proposed to be setback at a minimum of three feet and the parking area on the north side, adjacent to the Ridgeview Medical clinic, is proposed to be setback eight feet. Although the Ridgeview Medical Clinic is a commercial use, the property is zoned R-3 requiring the 15 foot setback. The Planning Commission and City Council did not see an issue with allowing these setbacks as part of PUD approvals.

The impervious surface coverage maximum for office and clinic uses in the R-3 District maximum is 60 percent and 40 percent green space. The site with the vacated area is 45,678 square feet. The proposed hardcover is 26,604 square feet (58 percent) and the open space is 19,074 square feet (42 percent).

The building is centered at the middle of the site with driveways and parking completely surrounding the building. During the Concept Plan review the Planning Commission and City Council were favorable to the site layout.

A traffic study has been provided by Alliant Engineering. The City Engineer has indicated that the volume of traffic will not create any additional capacity issues related to the development.

The plans indicate 15 stalls in designated parking stalls and significant areas for vehicle and boat parking. All of the parking stalls and drive aisles meet the dimensioning requirements of the Zoning Ordinance. The site also has adequate landscape island areas.

The Planning Commission and City Council agreed that a sidewalk should not be constructed from County Road 19 to the subject site at this time.

A landscape plan has been provided as part of the General Plan of Development submittals. There is no landscaping provided along the Highway 7 corridor. It is recommended that deciduous trees be planted in the areas where adequate space would allow for tree growth. A revised landscape plan will need to be provided. Overall the plan provides adequate diversity and plant materials that meet the tree planting specifications. Rain gardens are proposed in the parking setback area along Highway 7.

A lighting plan has been provided that indicates that the City approved historic light fixtures that have been used throughout the City will be used for MN Inboard. Three full cut off lights will be used at the rear of the structure. The City will require the applicant to place the historic street lights along Galpin Lake Road. The Public Works Superintendent will determine the location and number of fixtures to be required.

6. PUBLIC HEARINGS

- c. PUD General and Final Plan for Retail Boat Sales Office and Minor Service at 712 and 734 Galpin Lake Road – Minnesota Inboard– (Continued)

The sign plans include a wall sign above the front entrance to the building that would be 36 square feet. A monument sign would be located at the east side of the property. The monument sign would be eight feet in height and include a sign area of 36 square feet. The sign regulations allow a total of 32 square feet of signage for non residential uses in the R-3 District. In that this is a PUD, the City Council may consider varying from the requirements.

Gaylord said he would like to start off with the timeline and HPC review. The property is a contributing historic site and he would like to understand why it's a contributing site. Richards said there is a list of items that the HPC must consider when designating the site. The HPC continued the application to their next meeting because they wanted to see more on the economic usefulness.

Busch said the HPC has met on this once and asked if they will meet again. Richards said yes, the HPC will discuss this again at their August 16, 2011 meeting.

Gaylord asked if the Planning Commission forwards a recommendation to the City Council will it be on the Council's August 15th agenda. Richards said no, this will be forwarded to the City Council's September 6th meeting so the HPC can complete their review.

Bill Wolfson, Coldwell Banker Burnet, Real Estate Agent for 712 and 734 Galpin Lake Road, stated that the HPC has asked for an analysis on the contributing structure. The applicants have contracted with an appraiser to do an analysis of the contributing structure, ADA requirements, Fire Code, and practical use.

Chair Gaylord asked if there is any indication that this information will not support the request. Wolfson said that the feedback he's received from the appraiser is that the findings will be supported.

Richards said there was a letter submitted from the 700 block of Pleasant Street, which is adjacent to the site, giving a favorable response to the project.

Gaylord opened the public hearing at 8:03 p.m. Hearing no comments, Chair Gaylord closed the public comment portion of the meeting.

Neil Weber, architect for project, provided a PowerPoint presentation on the design of the building to address some of the issues that the HPC raised. Weber showed pictures of the structures at 712 and 734 Galpin Lake Road. He pointed out areas where the structures were seriously deteriorated. He next showed pictures of the adjacent apartment building and restaurant. Pictures of the Excelsior Elementary School, the addition in the 1970's to the Elementary School, and Ridgeview Clinic were also shown.

6. PUBLIC HEARINGS

- c. PUD General and Final Plan for Retail Boat Sales Office and Minor Service at 712 and 734 Galpin Lake Road – Minnesota Inboard– (Continued)

Weber stated that Joe Mueller and he had met with the owners of the Ridgeview Clinic and addressed the issues that the Clinic had raised.

Weber said the Comprehensive Plan refers to the gateway area having a building that reflects the architecture in Excelsior that you'll see. This building is attempting to arrive at this. He noted there is really quite a variety of building materials within the downtown area. He showed pictures of the Mason building, Heritage II, a building at the corner of George Street, and Petunias. He highlighted elements from these buildings that are reflected in the building that he's proposed.

Weber showed an old picture of the theater in 1956. He said he can't say if this is the original design or not, because the original building owners do not have pictures of the original building. He questioned at what stage the theater become a contributing structure. He said that the front was clearly blocked off when the building was redone, because the building was originally stucco.

Weber said he's made some changes to the building to address some of the concerns raised by the HPC. He showed the revised drawing of the building and commented that this is a standalone commercial building. The building has elements and some characteristics that are depicted in other buildings downtown. He explained some of the elements and the materials that are proposed to be used for the building. He noted that all of the mechanical equipment will be screened.

Weber said that the HPC thought that the EIFS (Exterior Finish Insulation System) stood out too much and wanted more brick and less EIFS. He noted that the EIFS will be done in a color to match the brick. He's added brick around the front entry where the signage is and the windows and trim at the top will be in black. The building will have 38% brick and 40% glass. He noted that a pre-colored metal that matches the EIFS will be used to screen the mechanical.

Richards asked if the trim at the top is a metal cap, but a different color. Weber said yes.

Weber said the HPC discussed wanting a cornice at the top of the EIFS. He believes this is something that is foreign to the historical nature of Excelsior. He showed pictures of a strip center by Ridgedale and on a Barnes and Noble, which have brick with smaller cornices. He doesn't believe this depicts an historic element of Excelsior, and will water down and weaken the historic context. The idea is to reflect the character, not copy it. New buildings should not be built to look old.

Chair Gaylord asked if there is anything in the Design Standards that would force the applicant to make these changes. Weber said he believes there is a sound basis for the design. This will be a dominate building and they want this building to be a classic looking design that carries elements from the downtown.

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- c. PUD General and Final Plan for Retail Boat Sales Office and Minor Service at 712 and 734 Galpin Lake Road – Minnesota Inboard– (Continued)

Busch said she likes the new design.

Richards said pages 14 and 15 of the Design Standards addresses this. The issue he had with the first design is that EIFS was a predominate material versus a detail. The strong central entrance and breaking up a color and separating the EIFS from the brick helps. He is not advocating that they do strong corner elements. There are buildings that take this element up. He does enough with the façade to break up the horizontal.

Craig said there is a big difference between the first and second version, and she prefers the second version.

Chair Gaylord said one could say the EIFS is not a detail but more of an element. Weber said the color does help. He will have samples of the EIFS for the HPC meeting.

Chair Gaylord asked Weber why he didn't come up with the second design first. Weber said that he has a client and he needs to take the client's wants and needs into consideration. He personally likes the lighter stucco. Gaylord asked if the client is comfortable with the new design. Weber said yes.

Craig said the new design also helps satisfy the bay area requirements of the Design Standards. Weber explained the different levels, the thickness of the walls, the windows, etc.

Richards asked if this is a raised pilaster. Weber responded yes, it was basically straight across in the first version.

Richards asked if the width of the EIFS was the same in the new design. Weber said yes.

Planner Commissioners preferred version #2.

Richards asked the Planning Commission if they had any comments on the color of the canopy. Weber said the canopy will be black metal.

Craig asked if the canopy goes straight out. Weber explained how the canopy is attached.

Richards asked the Planning Commission if they had any issues or concerns with the mechanical equipment and screening. Commissioners had no issues.

Richards asked the Planning Commission if they had any issues with the mix of EIFS and trim.

Wallace asked with the switch to the darker EIFS would they keep the lighter bands. Weber said there is 4 feet of stone. The top of the brick should match the stone and the black will be on the top.

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- c. PUD General and Final Plan for Retail Boat Sales Office and Minor Service at 712 and 734 Galpin Lake Road – Minnesota Inboard– (Continued)

Richards said the Design Standards indicate that signs should be lower than the roof. Wallace said the Ridgeview Clinic also has a sign that is above the roof, so he doesn't see an issue with this sign.

Chair Gaylord asked where the monument sign will be located. Weber said right at the entrance. Richards said he is surprised to see the sign isn't angled more toward Highway 7.

Chair Gaylord said there is very little signage on the building. Weber said the building acts as a sign, because the windows will show off the boats and materials.

Richards asked the Planning Commission if they had any issues with going from 32 to 72 square feet of signage. He noted that 72 feet of signage is modest for a commercial use. Commissioners were fine with the amount of signage.

Richards asked how the signage will be lit. Weber said the sign will be internally lit. Richards said only the logo can be illuminated.

Richards asked City Engineer Dawley to provide information on the stormwater review.

City Engineer Dawley stated that there has been a lot of back and forth with the project engineer regarding general engineering issues and stormwater management. The original proposal had a series of small ponds. The proposal has since been revised with an underground system. All indications are that it should work, but the plan will need to be reviewed for compliance. He pointed out that the Fire Marshal has not commented on the drive aisles. With only 15 foot drive aisles, the Fire Marshal should weigh in on this.

Chair Gaylord asked if a 15-foot drive aisle would be an issue for the fire department. Dawley said he does not see a significant issue, but the proposal does not have a turnaround. His expectation is that the fire department will want to comment on whether the one way drive aisle would be sufficient.

Chuck Rickert, WSB and Associates, Inc., said if the drive aisle is a one way, he doesn't think there should be an issue for the fire department unless there is parking in the aisle. He said a traffic study was completed by the developer. In his initial review, he noted five items. In a follow up memo, the developer satisfactorily addressed his comments. The primary issue is turning left onto Galpin Lake Road, which will not be a significant issue because this use will not create that much additional traffic. The concern he had was where the access on Galpin Lake Road is located in regard with Highway 7. There could be a conflict if traffic backed up on Highway 7. He originally did not do a cueing analysis but then added it. Also, traffic to this site wouldn't typically be during peak traffic times.

Chair Gaylord asked if the traffic will be primarily cars and light trucks or will there also be semis and large trucks delivering boats. Rickert said that larger trucks or semis would not be coming during peak times.

6. PUBLIC HEARINGS

- c. PUD General and Final Plan for Retail Boat Sales Office and Minor Service at 712 and 734 Galpin Lake Road – Minnesota Inboard– (Continued)

Joe Mueller, MN Inboard, the applicant, said that there would not be any semi's, only smaller trucks with boats on trailers. All semi's go to their New Germany facility. Gaylord confirmed that the traffic would just be light SUV's., typical to a customer. Mueller said yes.

Craig said it was very helpful to have the traffic report and then the revised reports addressing the questions that were raised.

Craig said the R-3 District zoning standards are applied to this project, so why does the City need to rezone the site commercial. Richards said the site would be identified and rezoned as a PUD.

Craig asked why the Comprehensive Plan would need to be changed. Richards said it will be more limiting to rezone the property to PUD because of the development contract.

Craig asked if the Comprehensive Plan needs to designate this property as commercial. Richards said that this would be a commercial use, so the Comprehensive Plan needs to identify it as such.

Chair Gaylord said there is the land use element and then there is the zoning which is also changing. These are two separate items and ideally both should have the same language.

Richards said the City Council and Planning Commission also discussed that if this property changed, whether the Ridgeview Clinic property should also be changed to commercial and the City Council and Planning Commission both decided it should not be changed.

Richards said there are some conditions in the B-2 district with regard to outdoor sales having to do with hours of operation, noise, exterior public address system, and litter and trash that should also be added to the conditions.

Richards reviewed the other conditions identified in the staff report.

Wolfson asked if the Commission would discuss the condition requiring streetlights along Galpin Lake Road. Richards said this is a requirement in the Design Standards and the City has required streetlights for all other projects. The City will also be giving up street right-of-way.

Wolfson said that they are struggling with a tight budget. The cost of streetlights is substantial and they can't necessarily borrow money for them. The streetlights might also block their view and impede access to the site. Everything that is added compounds the cost to the property. Richards said he would suggest that the Planning Commission still recommend the streetlights and the applicant can argue the point with the City Council. The Public Works Superintendent can clarify the number of streetlights.

6. PUBLIC HEARINGS

- c. PUD General and Final Plan for Retail Boat Sales Office and Minor Service at 712 and 734 Galpin Lake Road – Minnesota Inboard– (Continued)

Weber said he understands the concept, but would like to have a discussion with staff as to whether the City really wants them. The only reason for this street is to gain access to MN Inboard and this site is adjacent to Highway 7. Richards said it will still be open for discussion.

Chair Gaylord said that he thought there wouldn't be any boat display outside on the site. Wolfson said that some boat display has been shown on all of the site plans. Richards said that there are boats displayed outside in the Concept Plan. Fuchs said that the colored rendering for the concept plan showed three boats.

Chair Gaylord asked if the Commission should place a number in the approval on how many boats can be displayed outside. Mueller said he is comfortable having a condition that only three boats can be displayed in the landscaped area.

Commissioners agreed to add a condition that a maximum of three boats can be stored outside. Richards said he will also put in the condition that the boats be placed on point pads.

Fuchs asked if the boats will be shrink-wrapped in the winter. Mueller said this was an issue in Excelsior a number of years ago so now they shrink wrap the boats in clear versus colored paper.

Staff and Commissioners discussed the wrapping and display of the boats in the winter months.

Fuchs asked how they are going to handle the boats after snowfalls and how will the area be maintained? Mueller said at the Baxter store they clear the snow away from the edges of the boats.

Chair Gaylord said the boats are just like having a permanent sign. Wolfson said this is part of what they looked at when they did the design. They could have asked to place their boats in the parking lot, but they preferred to just display a few boats.

Commissioner Jensen moved, Commissioner Wright seconded, to continue the public hearing to the City Council's September 6, 2011 meeting and forward the recommendation that the City Council give General and Final approval to the Planned Unit Development with the following conditions:

1. The City of Shorewood vacates their portion of Galpin Lake Boulevard and detaches the property to the City of Excelsior.
2. The applicant provides a Final Plat for City Council review. The Preliminary and Final plat are subject to review and approval of the City Council, City Attorney, and City Engineer.

6. PUBLIC HEARINGS

c. PUD General and Final Plan for Retail Boat Sales Office and Minor Service at 712 and 734 Galpin Lake Road – Minnesota Inboard– (Continued)

3. All easements required for underground utilities within the vacated portion of Galpin Lake Road shall be dedicated to the City as required by the City Engineer and City Attorney. All easements as required by the Subdivision Ordinance shall be dedicated as required by the City Engineer and City Attorney.
4. The City Engineer shall determine if a turnaround area on Galpin Lake Road is necessary.
5. The Excelsior Fire District shall review the site plan to determine if there is appropriate circulation for servicing the site.
6. The Planning Commission agrees that the driveway and parking setbacks on the Highway 7 frontage and on the east property line may vary from the 15 foot requirement as part of PUD approvals.
7. The use of the site shall be limited to indoor and outdoor retail sales and minor boat repair.
8. The City Engineer shall determine if the traffic generation from the proposed use is appropriate for the subject site.
9. All grading and drainage plans shall be subject to review and approval of the City Engineer and the Minnehaha Creek Watershed District.
10. All utility plans shall be subject to review and approval of the City Engineer.
11. The landscape plan shall be revised to include deciduous trees along the Highway 7 corridor.
12. The City Forester shall determine if a payment in lieu of tree replacement be made or if replacement trees could be placed in City Parks and boulevards.
13. The Planning Commission recommends that the applicant place historic street lights along Galpin Lake Road subject to the review and approval of the Public Works Superintendent. The light fixtures shall be compliant with Xcel Energy requirements for maintenance.
14. The Planning Commission recommends that a total of 72 square feet of signage be allowed.

6. PUBLIC HEARINGS

- c. PUD General and Final Plan for Retail Boat Sales Office and Minor Service at 712 and 734 Galpin Lake Road – Minnesota Inboard– (Continued)
15. The lighting fixtures on the subject site closest to the residential property to shall be installed with proper shielding to be approved by the City.
 16. All light fixtures shall comply with the lighting standards found in Appendix E and the Design Standards.
 17. All signage shall be installed consistent with the Zoning Ordinance and Design Standards. The applicant shall submit sign applications for all signage and approved by City staff.
 18. The applicant shall close the rear service doors at all times except for movement of vehicles in and out of the structure.
 19. The applicant shall address energy conservation issues as part of this project to the satisfaction of the City.
 20. The Planning Commission shall comment on the boat parking proposed in the Concept Plan diagrams that show boats parked within the landscaped areas along the Highway 7 frontage.
 21. The Planning Commission shall provide comment and direction on the Design Standards review.
 22. The applicant shall enter into a development agreement with financial guarantees subject to review and approval of the City Council and City Attorney.
 23. The business shall not operate between the hours of 8:00 p.m. and 8:00 a.m. and shall be closed Sundays.
 24. No more than three boats shall be displayed outside at one time. Boats shall be displayed on point pads and shrink wrapped in clear versus colored wrap during the winter months.
 25. Provisions are made to control and reduce noise in accordance with section 16-9 of this Appendix E.
 26. The public address system shall not be audible at any property line. Playing of music or advertisement from the public address system is prohibited. Noise control shall be required as regulated in section 16-9 of this Appendix E.

6. PUBLIC HEARINGS

c. PUD General and Final Plan for Retail Boat Sales Office and Minor Service at 712 and 734 Galpin Lake Road – Minnesota Inboard– (Continued)

27. The operation shall be responsible for litter control on the subject property which is to occur on a daily basis. Trash receptacles must be provided at a convenient location on site to facilitate litter control.

28. Any other conditions of the Planning Commission, Heritage Preservation Commission, City Council and City staff.

Craig asked if the language in the Comprehensive Plan has to be consistent with the land use. Richards said yes, it is required by State Statutes.

Motion carried 6/1, with Commissioner Craig voting nay. Craig said she likes the project, but voted against the motion because of the rezoning aspect. She does not want this property to be rezoned commercial.

Staff stated that the Planning Commission should identify a liaison for the City Council's September 6, 2011 meeting. Chair Gaylord agreed to be the liaison.

8. NEW BUSINESS

a. Design Standards Review for 278 Water Street

Commissioner Busch moved, Commissioner Craig seconded, to move Item 8(a) up on the agenda. Motion carried 7/0.

Stockman reported that Gary Hansen has made application for a site alteration permit to enhance the rear facade of the building at 278 Water Street. A request has been made for changes in paint colors to differentiate the 278 address from the neighboring 274 address. The improvements to the back of the building include removal of a small, poorly constructed addition to not only showcase the original brick wall but to provide a new deck and railing. One second story window will be replaced with a door on the rear of the building, so two doors and two windows will exist. The roof will be altered to accommodate a new header and posts above the deck and to remove a portion of it which extends beyond the width of the building. A stairway will also be added for accessibility/safety reasons and a gate will be installed to screen the refuse, A/C and electrical meters. Lastly, the applicant proposes to hand trowel an architectural coating (colored acrylic) over the west exterior side wall and the rear wall (second story only) of the building to match the east side's finish. This color would match the Montgomery White trim on other parts of the building.

Chair Gaylord said he is not clear on where the addition is located; Stockman said the addition is to the back of the building.

Chair Gaylord asked if the building is being extended. Stockman said no, the applicant is opening up the roof where the addition used to be. Richards said it will go from a closed porch to an open porch.

8. NEW BUSINESS

a. Design Standards Review for 278 Water Street – (Continued)

Richards asked how wide the porch is. Hansen stated that it is 12 to 15 feet wide.

Fuchs asked how much roof coverage is there. Hansen said that he is keeping the same roof area.

Chair Gaylord asked if there was access to the decking from the lower level. Hansen said that there is a staircase going up from the lower level.

Busch asked where the external stairway is on the new drawing. Hansen showed where the exterior stairway is located on the drawing.

Chair Gaylord asked if there is adequate space for garbage collection in the rear. Hansen said he will only have two 90-gallon garbage bins and they will be placed in the fenced in area.

Chair Gaylord asked if that area is large enough. Hansen said the fenced in area is 6-foot by 6-foot.

Fuchs asked if the tenants can access the fenced in area from the interior of the building. Hansen said no.

Craig asked about changing the rear door. Stockman said that the HPC was amendable to leaving it like it is. The applicant would prefer to change it, but will keep it if it is an HPC requirement.

Commissioners and staff reviewed the design guidelines.

Stockman said the front canopy has been removed and there have not been any plans submitted for any signage. She noted that a condition would be that any new signage will need to be submitted for approval.

Stockman said that the HPC was in agreement with replacing the windows with windows that match what's in the front now. She asked if Commissioners had any comments regarding the coating on the wall. She noted that the acrylic is colored before it is installed. Richards said it's his understanding that the brick is in such bad shape that it will just crumble, so it would be difficult to paint.

Jensen asked what color the coating will be. Hansen said the color will be Montgomery White.

Busch asked what color the brick will be. Hansen said the original brick color.

Chair Gaylord asked if only one side will get the new materials. Hansen said one side and the alley side will be done.

Hansen said that the owner originally wanted the brick, but the brick doesn't weather well and it was also painted so it holds the water.

8. NEW BUSINESS

a. Design Standards Review for 278 Water Street – (Continued)

The Planning Commission did not have any issues with the materials that were proposed.

Stockman discussed the rear façade entry doorway and asked the Commission to comment on the door trim. Some Planning Commissioners said that the colonial should be removed and made a straight line. Wallace said he would prefer to see it stay, but was alright removing it. The consensus of the Planning Commission was to leave it up to the owner.

Wallace asked if everything on the street elevation has been approved by the HPC. Stockman said yes, except for the paint color.

Wallace asked if the trim at the top was approved by the HPC. Fuchs said originally the HPC approved a different design, but now approved this design.

Commissioner Duyvejonck moved, Commissioner Craig seconded, to forward the recommendation to the City Council that the proposal be approved as it meets the intent of the Design Standards, with the following conditions:

1. The Planning Commission was agreeable with the roof changes, changes to the lower level rear door, and exterior finishes.
2. All conditions of the Site Alteration Permit shall be resolved to the satisfaction of the Heritage Preservation Commission and are a condition of this approval.
3. In order to proceed with interior improvements, the builder must submit revised floor plans showing the proposed office layout, including the exact planned wall locations as well as the electrical and other details required by the City's building inspector.
4. Detailed plans for canopies/signage and the specific locations are submitted to the City for approval.
5. The applicant can determine whether to retain the lower level rear door and trim.
6. Detailed plans for light fixtures are submitted and approved by the City in accordance with applicable ordinances.
7. All applicable permits are applied for by the Applicants with all supporting documentation and issued prior to the start of construction.
8. The structure shall be built in accordance with the plans approved by the City Council on August 15, 2011.

8. NEW BUSINESS

a. Design Standards Review for 278 Water Street – (Continued)

9. Should any changes, issues, and, costs arise with existing and proposed improvements, they shall be resolved by the Applicant and reviewed by the City.

Motion carried 7/0.

7. UNFINISHED BUSINESS

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

Richards suggested that the Commission continue this item to the September meeting to give the City Attorney more time to research the MN State Statutes related to stormwater.

City Clerk Johnson said that with the City Attorney's workload he will not be able to get to this item until the October meeting.

Commissioner Busch moved, Commissioner Wright seconded, to continue this agenda item to the October 7, 2011 Planning Commission meeting.
Motion carried 7/0.

b. Parking Update

Richards said that he and Commissioner Jensen still need to work on revising the map of the downtown parking areas. He noted that the Commission continued the review of the shared parking to the August meeting. If the Commission is comfortable with the language for shared parking, a public hearing on the proposed ordinance could be scheduled for the Commission's September meeting.

The Planning Commission directed staff to schedule the public hearing on the proposed ordinance on the shared parking for the September 7, 2011 Planning Commission meeting.

Richards said it has been interesting to see the parking counts because sometimes the lots fill up and other times they don't. He noted that the parking is probably at about 60% to 70%.

c. Tree Management

Fuchs reported that the Tree Subcommittee is recommending changes to the Tree and Shrub Planting and Protection Standards. The changes focus on desirable and prohibited trees and shrubs, how street tree placement can be effectively reviewed through an administrative or formal development review process, and encourages that replacement trees be placed toward the street side of the development or site improvements. The most significant changes pertain to guiding the placement of street trees to minimize their future impact on infrastructure and utilities.

7. UNFINISHED BUSINESS

c. Tree Management – (Continued)

Commissioner Jensen moved, Commissioner Wallace seconded, to forward the recommend to the City Council that the revised Tree and Shrub Planting and Protection Standards be adopted. Motion carried 7/0.

d. Residential Design Guidelines

The next meeting of the Residential Design Standards Subcommittee is scheduled for Thursday, September 15, 2011 at 1:00 p.m.

8. NEW BUSINESS

a. Design Standards Review for 278 Water Street

This item was moved up on the agenda to follow Item 6(c).

b. Dates for Additional Work Session(s)

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

c. Schedule Joint Work Session with Heritage Preservation Commission

The Planning Commission requested that the Heritage Preservation Commission schedule the joint work session for Tuesday, September 20th at 6:00 p.m.

9. COMMUNICATIONS & REPORTS

a. Next Planning Commission Meeting – Wednesday, September 7, 2011

Information only.

10. MISCELLANEOUS

a. Recent City Council Actions

No report due to the late meeting.

11. ADJOURNMENT

Commissioner Craig moved, Commissioner Wallace seconded, to adjourn the meeting at 10:22 p.m. Motion carried 7/0.

Respectfully submitted,

Cheri Johnson
City Clerk