

City of Excelsior

Planning Commission Meeting

Minutes
Tuesday, April 3, 2012

1. CALL TO ORDER

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

2. ROLL CALL

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

Commissioners Absent: Duyvejonck and Wright

Also Present: City Planner Richards

3. APPROVAL OF MINUTES

a. Planning Commission Meeting of March 6, 2012

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

Commissioner Busch moved, Commissioner Jensen seconded, to approve the minutes from the Planning Commission March 6, 2012 meeting as written. Motion carried 5/0.

b. Special Planning Commission Meeting of March 26, 2012

Chair Gaylord asked if anyone had any additions or corrections to the Minutes. Commissioner Jensen submitted a change to Page 5 of the Minutes.

Commissioner Wallace moved, Commissioner Busch seconded, to approve the minutes from the Special Planning Commission March 26, 2012 meeting as written. Motion carried 5/0.

4. PENDING ISSUES/PROJECTS

a. Appoint Liaison to City Council (April 16, 2012)

Chair Gaylord and Commissioner Busch will be the Planning Commission Liaisons to the April 16, 2012 City Council meeting.

5. PUBLIC HEARINGS – (Continued)

a. Variances from Impervious Surface Coverage and Demolition Requirements for 151 First Street - Rebecca and Larry Lembrich (**Application Withdrawn**)

Richards stated that the applicant has withdrawn their application. Chair Gaylord asked if the issues had been handled; what was the resolution? Richards stated that the applicant was able to change the plans so variances were not needed.

7. UNFINISHED BUSINESS

- a. Finalize Findings-of-Fact and Conditions for Applications on the Redevelopment of the Properties Located at 440 Water Street, 348 George Street, 368 George Street, and 374 George Street - KTJ 207 LLC

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

Richards said that the Planning Commission, at their March 26, 2012 meeting, recommended the application for a rezoning of 348 George Street to B-2 General Business District, preliminary and final plat, Design Standards, site plan review, and an application for front and rear parking setback variances under the standards of Appendix E and the Design Standards for the redevelopment of the Mason Motors site at 440 Water Street and for construction of a new retail building at 348, 368 and 374 George Street. The Planning Commission made this recommendation contingent upon final review and approval of the conditions as drafted by Staff.

Richards said that a resolution approving the project has been drafted by the City Attorney, which outlines the findings-of-fact, conclusions, and conditions. The Planning Commission should review the findings-of-fact, conclusions, and conditions to make sure that all of the items that the Planning Commission discussed are included. Richards said that the applicant had questioned the condition requiring that the initial tenant be a grocery store in the 440 Water Street building. Richards said that he has spoken with the City Attorney about this condition and the City Attorney stated that this is reasonable condition.

Chair Gaylord asked if the conditions in the memo are the same as what is written in the resolutions. Richards said yes, the Commission could review either.

Chair Gaylord said that he is concerned that the City Council understands that the vote based on these findings was not a unanimous vote and why. He questioned whether there should be some narrative in the "whereas" clauses that explained this. Richards said that the Council will have the minutes from the Planning Commission's meetings and there will also be Planning Commission representatives at the meeting who can relay this information to the Council.

The Planning Commission discussed whether a "whereas" clause regarding the vote should be included. It was determined that it wasn't necessary to include this information in the resolution.

Wallace said it is important that the Council receive the City Attorney's information regarding the variance issue. Richards said that this is outlined in the conclusions. Wallace said it will be helpful for the Council to understand the new language.

7. UNFINISHED BUSINESS

- a. Finalize Findings-of-Fact and Conditions for Applications on the Redevelopment of the Properties Located at 440 Water Street, 348 George Street, 368 George Street, and 374 George Street - KTJ 207 LLC - (Continued)

Craig said that there is nothing in the resolution referencing that there needs to be a grocery use. Richards pointed out that each of the conclusions reference the grocery use.

Craig asked to have this listed as a condition also. Richards said it is condition #23 in the resolution.

Chair Gaylord questioned whether the public hearing was still open. Richards explained that the public hearing remains open to the City Council's meeting. The Planning Commission can still take additional public comments at this meeting if they want.

Chair Gaylord said he had questions on item #4 in the findings-of-fact. He is not sure the statement is accurate. He thought the reason for the orientation had to do more with the elevation and topography than the lot.

Craig said the whole proposal is based on there being a grocery store, but yet the applicant was uncomfortable having that condition in the resolution. Richards said that staff believes the condition is reasonable, but ultimately it is up to the Council to decide whether to include this condition.

Wallace said he has a problem with including #4 in the findings-of-fact. Chair Gaylord said the reality was that the applicant wanted to put parking in front of the grocery store. Richards said that the grocer believes that if the 400 Water Street building is placed along Water Street that the grocer will lose visibility from Water Street.

Jensen said he agrees with the findings. He thinks having the opening from the street does add visibility for the grocery store. He prefers having the gap and not having an "L" building.

The Planning Commission agreed to leave finding-of-fact #4 in the resolution.

Chair Gaylord suggested adding a finding-of-fact that if the building were rotated, that it still would not solve the issues with the setback and a variance would still be needed. However, it would minimize the amount needed for the variance.

Chair Gaylord also suggested including the discussion about the topography, rotating the building complicates the storm water management and traffic.

7. UNFINISHED BUSINESS

- a. Finalize Findings-of-Fact and Conditions for Applications on the Redevelopment of the Properties Located at 440 Water Street, 348 George Street, 368 George Street, and 374 George Street - KTJ 207 LLC - (Continued)

Chair Gaylord said it will be important for the Council to understand what the issues are with regard to storm water drainage. The site presents a problem with storm water drainage and it wasn't documented very well in the drawings.

Richards suggested that the applicant have its engineer at the Council meeting to answer questions regarding the storm water drainage issues.

The Planning Commission requested that the conclusions be broken out into four criteria versus three.

The Planning Commission and Richards reviewed the conditions outlined in the staff report. Richards noted that a separate resolution will be created for each application.

Jensen suggested including the condition that the applicant provide a plan for cart storage and that all carts need to be stored inside the building after hours.

The Commission requested that condition #19 include that the roof shall be guttered and the storm water be directed away from the sidewalk on Water Street.

The Commission added to condition #4 that the landscape plan be revised to include landscaping screening on the northwest corner of the property and adjacent to Water Street, George Street, and other points.

Busch asked if there had to be anything regarding the right hand turn lanes. Richards suggested adding a condition that all traffic control measures required by the City Engineer shall be implemented by the applicant.

The Commission and Richards discussed whether there should be a condition that there shall be no left hand turns onto George Street from the parking lot.

John Anderson, 200 George Street, said that Mount Calvary Church was required to put curbing on the exit to prohibit left hand turns. This makes it very difficult for garbage and delivery trucks to enter and exit the parking lot. He would prefer that the City have signage versus putting in curbing to restrict the turns. He noted that the curbing doesn't really keep people from turning left. He asked that all lighting be shielded and pointed downward. He said he likes the changes that the developers have made to the plans.

7. UNFINISHED BUSINESS

- a. Finalize Findings-of-Fact and Conditions for Applications on the Redevelopment of the Properties Located at 440 Water Street, 348 George Street, 368 George Street, and 374 George Street - KTJ 207 LLC - (Continued)

Jon Monson, architect for the project, said if there is a way to differentiate who can turn left onto George Street, it will allow the people who live on George and Lake Street or the northwest quadrant of the area to go this direction and avoid going to Water Street.

Jensen said he is willing to see how things go before putting up signage or restricting turns on George Street. Richards suggested letting the City Engineer address this. The Planning Commission decided not to add a condition at this time.

Chair Gaylord asked if the streetlights will affect the neighborhood. Richards said that he will add the standard shielding requirements into the conditions for the light fixtures and streetlights.

Bob Bolles, 229 George Street, suggested that electrical outlets be placed in the base of the streetlights. The contractor should also be required to put conduit under the new sidewalks to connect the streetlights. He noted that when the placement of the trees are determined, the City Engineer and Public Works Superintendent should work with the applicant so a tree doesn't get placed directly in front of the building where signage is proposed to be placed.

Dan Roden, 141 Maple Street, said that the issues with the drainage and storm water management hasn't been proven by the applicant, so this should not be included as a findings-of-fact. If the 400 Water Street building was along Water Street and the parking behind the building, he does not think there would be issues with the storm water and drainage.

Charles Babcock, 369 George Street, asked if there is a condition regarding the fencing. Richards stated yes.

Commissioner Busch moved, Commissioner Craig seconded, to direct the City Attorney to incorporate the changes identified by the Planning Commission into the findings-of-fact, conclusions, and conditions and forward this to the City Council for their consideration. Motion carried 4/1, with Commissioner Wallace voting nay.

6. PUBLIC HEARINGS

- a. Ordinance to Amend Article 17, General Yard, Lot Area and Building Regulations of Appendix E of Excelsior City Code of Ordinances Pertaining to Residential Design Standards

Richards stated that the Planning Commission considered changes to Article 17 of Appendix E related to Residential Design Standards. At the March 6, 2012 meeting, the Planning Commission requested that staff publish a public hearing notice to consider the amendment language at the April 3, 2012 Planning Commission meeting.

Richards said that the Planning Commission should discuss these provisions, especially the language in Section 17-5.B.1 related to exterior building finishes (vinyl siding) and Section 17-5.B.2.d related to garage doors. He noted that vinyl and steel siding are materials that can be recycled.

Craig asked Commissioners if they had driven throughout the City to look at garages. When she did, she noticed that there are very few garages setback 4 feet. The City has good designs without forcing the issue.

Wallace said one of the reasons this came up is because there are so many narrow lots in Excelsior. With narrow lots, people tend to bring the garage forward. Craig said she hasn't seen this in Excelsior. Wallace said the intent is to be proactive before the City starts seeing the garage forward designs.

Chair Gaylord said a good example was the Stark property at 125 Second Street. The applicant had proposed a garage forward design. Gaylord said he feels very strongly that the City prevent the garage forward design.

Craig said she agrees with the intent, but then if someone comes forward with a garage design that is flush they would need to get a variance.

Chair Gaylord said the reason people want to put the garage forward is because it creates less impervious surface area.

Jensen asked how this provision would apply to West Lake Street and the Lake Minnetonka homes where the street is the back yard. Richards said the provisions only addresses street facing garage doors, so it does differentiate.

Jensen said that most of the garage doors along this area face West Lake Street and they are all much closer to West Lake Street than they are to the lake. Chair Gaylord said that there are instances where the side wall of the garage faces the street versus the garage doors. Jensen said the City wouldn't want to require those properties to put the garages facing the lake.

Jensen asked how the provision would apply to corner lots. Richards said the ordinance does not differentiate, so this provision would apply to either side the way it is currently worded.

6. PUBLIC HEARINGS

- a. Ordinance to Amend Article 17, General Yard, Lot Area and Building Regulations of Appendix E of Excelsior City Code of Ordinances Pertaining to Residential Design Standards – (Continued)

Jensen said if someone comes in with a design issue, the City will need to be very understanding in applying the practical difficulties test. Richards said if the City begins seeing a number of variance applications, the City could look at this provision again.

Craig said what if it is not a practical difficulties but a design issue.

Wallace said that the Green Subcommittee is working on provisions that will help property owners deal with impervious surface issues.

Craig said that it bothers her that this provision would limit the design for some property owners. If a property had a large lot, why would it matter if a property owner wanted to build a garage that was flush with the house? These property owners could build a nice, aesthetically pleasing house, but they wouldn't be able to without getting a variance. If it is a design preference and not a practical difficulty, the property owner would have difficulty getting a variance.

The Planning Commission and Richards discussed siding materials and whether vinyl siding should be allowed. Chair Gaylord and Wallace said they would prefer not to allow vinyl. The Planning Commission agreed to allow recyclable siding, including vinyl if it is recyclable.

Chair Gaylord opened the public hearing.

Dan Roden, 141 Maple Street, said he was involved in a Habitat for Humanity project in Minneapolis and Hardiplank was used for that project. He had asked the foreman for the job why vinyl wasn't being used instead. The foreman said that vinyl is not a material used by Habitat for Humanity homes. Jensen said that is because the owner of Hardiplank is a huge donator to Habitat for Humanity.

Roden said he spent a lot of time in New Prague and every house there has the garages forward and it looks so unwelcome. He supports the City putting regulations in place to avoid that situation.

Thom Lofquist, 740 Pleasant Street, said he agrees with the principal of trying to regulate developers as much as possible, but he doesn't agree with adding a bunch of onerous regulations to residential. He doesn't want the City to be known as the City where nothing is allowed. He has a carport that he eventually needs to turn into a garage and he is not sure how he is going to do it. He is against adding more regulations.

Chair Gaylord closed the public comment portion of the meeting.

6. PUBLIC HEARINGS

- a. Ordinance to Amend Article 17, General Yard, Lot Area and Building Regulations of Appendix E of Excelsior City Code of Ordinances Pertaining to Residential Design Standards – (Continued)

Wallace said that the Residential Design Guidelines Subcommittee has spent a lot of time working on this, so if the majority of the Council is not in favor of residential regulations it would be good to know before the Subcommittee spends a lot more time working on this.

Craig said the reason she signed up to be on the Residential Design Standards Subcommittee is because she doesn't agree with adding a lot of regulations to residential properties.

Richards said that what is being proposed is very minimal. The next steps will be much more restrictive. Chair Gaylord said the next step will be to deal with mass and scale. As property values increase, more people will be looking at developing every square inch.

Commissioner Wallace moved, Commissioners Jensen seconded, to continue the public hearing to the City Council's April 16, 2012 meeting and forward the recommendation to the City Council that it adopt the ordinance to amend Article 17 of Appendix E as proposed. Motion carried 4/1, with Commissioner Craig voting nay. Craig stated that she voted against the motion because she does not agree with the provisions for garages.

- b. Ordinance to Amend Article 19, Section 19-9 of Appendix E, Excelsior City Code of Ordinances, Pertaining to Annual Parking Impact Fee

Richards reported that the City Council discussed the annual parking impact fee and available capacity for 2012 at a Work Session on February 21, 2012. Based upon the parking counts done in 2011 and the further analysis of the long term parking needs of the City, the City Council decided that it will set the parking impact fee for 2012 at \$1,200.00 and the available capacity at 100 spaces. This will be established by resolution at an upcoming City Council meeting.

The City Council also discussed the Annual Parking Impact Fee Ordinance that was adopted in December of 2010. As applications for conditional use permits for the annual parking impact fee have come forward, the City Council has determined that there may need to be revisions to the Ordinance. The City Council discussed shortening the time that a conditional use permit (CUP) would remain valid from one year to six months, creating a mechanism for determining who gets priority between two applicants if there is not sufficient remaining capacity to issue CUP's to both, provide additional detail about when the development agreement must be executed and the fee paid, determine if the number of months that the parking counts are done

6. PUBLIC HEARINGS

- b. Ordinance to Amend Article 19, Section 19-9 of Appendix E, Excelsior City Code of Ordinances, Pertaining to Annual Parking Impact Fee – (Continued)

can be reduced to the three months of the summer, and removing the requirement that the Heritage Preservation Commission approve the requests for the parking impact fee.

The Planning Commission and Richards discussed how the City Council arrived at the parking impact fee amount and the available capacity. The Planning Commission questioned whether the Commission could provide comments on the parking impact fee amount or available capacity. Richards stated that the Planning Commission's task is to look at the proposed ordinance changes, not the parking impact fee or available capacity.

Chair Gaylord said he doesn't agree with the changes. The City should stop the parking counts and do them just when needed. Richards said the City needs to keep track to see if the public spaces on the street are filling up. It is important to have this information on a yearly basis. With the ordinance revisions, the City will be taking less parking counts than it had previously.

Craig said it seems fair to allow the applicant that has a completed application to have priority over another applicant.

Chair Gaylord opened the public hearing.

Roger Henkelman, 696 Glencoe Road, said it has been his position for about 60 years that there is not a parking shortage in downtown Excelsior. Over the last 30 years the City has spent \$300,000 on parking studies. It is a good thing that the study has proven there is no parking shortage.

Hearing no further comments, Chair Gaylord closed the public comment portion of the meeting.

Wallace asked if it is necessary to do the parking counts multiple days of the week. Would it make more sense to do the counts one day a week. Richards said it is good to have counts for different days of the week.

Chair Gaylord said that he still contends that the City does not have a parking problem.

Commissioner Busch moved, Commissioner Wallace seconded, to continue the public hearing to the City Council's April 16, 2012 meeting and forward the recommendation to the City Council that it adopt the ordinance to amend Article 19, Section 19-9 of Appendix E, Excelsior City Code of Ordinances, Pertaining to Annual Parking Impact Fee as proposed. Motion carried 3/2, with Chair Gaylord and Commissioner Jensen voting nay. Chair Gaylord said he does not believe the City needs parking counts anymore, counts could be taken as needed.

7. UNFINISHED BUSINESS

- a. Finalize Findings-of-Fact and Conditions for Applications on the Redevelopment of the Properties Located at 440 Water Street, 348 George Street, 368 George Street, and 374 George Street - KTJ 207 LLC

This item was moved up on the agenda to follow Item 5(a).

- b. Impervious Surface Coverage Regulations – Green Technology Subcommittee

Richards said that the Green Technologies Committee has not met since the March 6, 2012 Planning Commission meeting. The Subcommittee will try to set up a meeting in the next two weeks to discuss the impervious surface regulations.

Richards said that the Minnehaha Creek Watershed District is excited that the City is looking at this. Richards said that maybe a representative from the MCWD and the City's Engineer, Morgan Dawley, will attend the next Green Technologies Subcommittee meeting.

Busch said that she talked to Don Shelby during his open house and maybe Shelby or his contractor would be willing to talk with the Subcommittee.

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

Commissioner Wallace moved, Commissioner Busch seconded, to continue this agenda item to the May 8, 2012 Planning Commission meeting. Motion carried 5/0.

- d. Parking Update – Implementation

Richards said he is working with the City Engineer on a map. He does not think there is much on the Commission's May agenda, so he may be able to put together some of the information on the research aspect for the May Planning Commission meeting.

8. NEW BUSINESS

- a. Dates for Additional Work Session(s)

The Planning Commission decided not to schedule any Work Sessions at this time.

9. COMMUNICATIONS & REPORTS

a. Next Planning Commission Meeting – May 8, 2012

The Planning Commission's next regular meeting is scheduled for Tuesday, May 8, 2012.

Chair Gaylord asked that a discussion on the Comprehensive Plan and Design Standards as it relates to Water Street be placed on the May agenda.

Dan Roden, 141 Bell Street, asked if the Green Subcommittee will be looking at eco-pavers. He doesn't understand why the City no longer allows credits for pavers.

10. MISCELLANEOUS

a. Recent City Council Actions

Busch and Richards updated the Commission on recent City Council actions.

11. ADJOURNMENT

Commissioner Wallace moved, Commissioner Craig seconded, to adjourn at p.m. Motion carried 5/0.

Respectfully submitted,

Cheri Johnson
City Clerk