

City of Excelsior

Special Planning Commission Meeting

Minutes

Thursday, June 21, 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, Duyvejonck, and Chair Gaylord

Commissioners Absent: Wallace and Wright

Also Present: City Planner Richards, City Attorney Staunton, city Engineer Dawley, and City Planner Braaten

3. DESIGN STANDARDS REVIEW FOR 470 WATER STREET – KTJ 207 LLC

Richards reported that the Planning Commission, at their June 5, 2012 meeting, reviewed the request from KTJ 207, LLC for design standards and site plan review for 470 Water Street. The application was continued to the June 21, 2012 meeting. The Planning Commission raised concerns with the amount of metal siding on the Water Street façade and the tower feature. The Commission was also concerned with the tower and the open area that would be added to the structure.

Since the last meeting, the applicant has submitted a diagram indicating the wall material and glazing calculations for the Water Street and Oak Street elevations of the building. There are no changes to the diagram other than the addition of some dimensioning and the material calculations. A narrative from the applicant explains the percentages for each of the materials on the facades and provides additional information on the materials that will be used. The applicant has decided not to make any changes but leave the building as submitted.

Paul Tucci, Oppidan, the applicant, said that at the last meeting a number of items were discussed. He thinks their plan meets the intent of the design standards. The comment was made that the dominant material needs to be brick or glass. He identified the percentage of brick and glass on each façade. He noted that the black banding detail is tenant driven. The black banding is a detail that is on the 440 Water Street building and the bronzing material is used on other storefronts in the City. The issues with the design appear to be subjective. He realizes that not everyone will agree on the design and respects everyone's opinions. He stated that he needs a vote on this project tonight so it can move forward.

Busch said she thought the Commission provided the applicant with a fair number of suggestions. Typically when this happens, the applicant

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comes back with some of the changes incorporated into the plans. In this case, there have been no changes made to the plans.

Tucci said he was not sure what the recommendation was. There was discussion, but no consensus, on the tower element and the pilasters. The only thing that everyone seemed to agree on was having less of the black detail element. This element has not been changed because it is tenant driven.

Jensen said that the Commission was alright with the sill height. The Commission was unanimous about wanting to see more brick in the signage area. The Commission also agreed that architectural drawings with sizes and dimensions were needed. These details have not been submitted, so the Commission doesn't know how some of these details will be constructed.

Tucci questioned whether detailed architectural drawings are really needed before applying for a building permit. Jensen said there are a lot of different materials and each one can have a different look and this is why the Planning Commission needs the details.

Tucci said the detailed building plans have not been developed. If there is a consensus of the Commission that there should be less black, the Commission can put that into a condition.

Chair Gaylord said the applicant has provided the percentages of brick and glass on each of the facades. If the percentage of glass and brick are compared to the other buildings in the downtown area, some of which are two stories, how would this plan fit with those buildings? Richards said that this aspect really is a subjective opinion of the Commission. The staff and Commission thought that the massive amount of black is more than you would see on other building on Water Street. If the applicant just carried some of the brick along the parapet or added a brick cornice, it might help. The black details go beyond being an accent or secondary material.

Chair Gaylord said that the downtown historic district is primarily brick and glass is secondary. With this plan, the building is primarily brick and glass and the black overwhelms the visual. Richards said this property is not within the downtown historic district. Chair Gaylord said that the Design Standards were created to enforce the context of the downtown historic district.

Chair Gaylord asked the Commission about adding a condition to extend the parapet brick detail across the top and eliminate some of the black detailing.

Craig said this really is subjective; the design standards require the majority of the façade to be brick or glass and the plans meet this requirement. The Commission has to look at the design standards and make a decision based on the plans presented. The Commission is not in the habit of redesigning

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buildings for applicants.

Busch questioned whether this design fits in the overall design of Water Street. She can't think of another building in Excelsior that has this amount of metal.

Duyvejonck said the plan technically complies with the design standards in that it has over 60% of glass or brick on each façade, but there are other type of materials that would blend in better with the building and the rest of the downtown.

Chair Gaylord said the calculations were helpful. He said the Commission needs to determine if they want to leave the brick as it is or request that the brick element continue across the black area.

Jensen said he would prefer to see the brick continue across the top. The Commission held MN Inboard to that standard and the City needs to be consistent. Craig said that could stand out more and they could draw more attention to the expanse of metal. Jensen said it may or may not.

Chair Gaylord asked the Commission to discuss the open square in the tower. The Commission said it is a large massive space that is not broken up. The consensus of the Commission was that the open square in the tower was not an issue.

Duyvejonck asked the applicant if he had a conversation with his architect about what the building might look like if the black was reduced or a parapet was added. Tucci said no, they are staying with what has been presented.

Duyvejonck asked if there was any discussion on carrying the canopies further to help break up the black. Tucci said no, the canopy to the north is specific for that tenant and the other two are designed to be protection at the doorway.

Jensen said he would be alright moving the plan forward if there was a brick cornice added. Tucci said this plan technically meets the design standards.

Commissioner Craig moved to recommend approval of the plans as submitted with no changes. Motion died for lack of a second.

Chair Gaylord said an alternative would be to make a recommendation. The traditional brick cornice line is found on the majority of the buildings in the downtown district and the cornice line could be extended along this building.

Duyvejonck said she would have preferred to have the solution come from the architect; she doesn't like the Planning Commission being put in the role of designing a building.

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Commissioner Busch moved, Commissioner Jensen seconded, to forward the recommendation to the City Council that it give design standards approval for 470 Water Street with the addition of a cornice line carried along the building, subject to the following conditions:

1. Signage that is placed above the roof line of the building on the tower shall not be permitted.
2. All wall and site lighting shall be compliant with the Design Standards and Appendix E.
3. The applicant shall assure that potential tenants shall comply with the parking requirements for the site.
4. The applicant shall add a brick cornice detail, to match the cornice that will be used on other portions of the building, above the black siding on the Water Street façade.
5. Detailed plans for signage and the specific locations are submitted to the City for approval at the time of sign permitting.
6. All applicable permits are applied for by the Applicants with all supporting documentation and issued prior to the start of construction.
7. The landscape plan shall be subject to review and approval of City Staff.
8. The structure shall be built in accordance with the plans approved by the City Council on July 2, 2012.
9. Prior to the issuance of a Building Permit, revised building elevations in conformance to plans approved by the City Council shall be submitted for review and approval as outlined per Article 9 of Excelsior Code of Ordinances – Appendix E. Said plans, shall comply with all City Ordinances, City Codes and approving Resolution and be submitted in both electronic (dwg & pdf) and paper copy.
10. Any damage to Water Street, Oak Street or public improvements that occur as a result of construction shall be repaired at the Applicants' expense.
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 Applicants.

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(Continued)

12. The Design Standards and Site Plan review 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.

Motion carried 4/1, with Commissioner Craig voting nay. Craig said she voted against the motion because she felt that the Commission should accept the plan as presented and not redesign the building.

4. PLANNED UNIT DEVELOPMENT CONCEPT PLAN TO CONSTRUCT HOTEL AT 10 WATER STREET, P.I.D. 34-117-23-11-0059 - THOMAS F. JAMES PROPERTIES, LLC – CONTINUED PUBLIC HEARING

Richards explained the Planned Unit Development (PUD) process, which has a Concept, General, and Final Plan stage. At the General Plan stage, the Commission will see a lot more of the details. The Heritage Preservation Commission will also receive the project when it reaches the General Plan stage. He noted that an applicant has the ability to request that the General and Final Plan process be combined.

Richards said that at the June 5, 2012 meeting, the Planning Commission reviewed the application for the PUD Concept Plan for the Excelsior Hotel project to be located at 10 Water Street. From a Concept Plan perspective, the Planning Commission was comfortable with the conformance with the Comprehensive Plan, and the massing, scale, and building height. The Commission did have concerns with the design of the drive aisle accesses and using Lake Street as an access between parking levels.

Richards said that the project architect has provided an alternative design for access. The diagrams show the four access points from Lake Street to the hotel have been reduced to two. The 12.5 foot easement will remain on the northwest property line. Richards reviewed the access layout for the parking and traffic. He noted that after this plan was submitted, the owners of the theater property stated that the easement agreement requires that the one-way traffic going in toward the theater.

Dawley reported that the applicant provided a response to address many of the traffic issues that were raised. He has also met with the applicant to discuss the traffic plan. Many of the major items identified in the Engineer's previous memo have been addressed in the Concept Plan level to provide a level of confidence for the project to move forward. There will be an additional opportunity for the applicant to provide more detail on items such as the drive aisle in the General Plan stage. The applicant has said that he will use Walker Parking Consultants to assist with the parking layout.

Dawley said at the General Plan stage the applicant will need to provide additional details on the parking stalls and their dimensions, delivery trucks

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and their circulation and turning radius, and the 2009 traffic study will need to be updated. It was identified that there is a shared access, with one way traffic which will also need to be addressed.

Chair Gaylord asked for further clarification on the circulation. Dawley reviewed the drawings for the Commission, identifying where the drive aisles, access points, and parking areas were located and explained how the circulation will work.

Duyvejonck asked if there is adequate room so a "U" turn is not needed on Lake Street. Dawley said the applicant has stated that there is adequate space to get in and out of the parking spaces and turn around. This will be addressed in further details in the General Plan stage.

Craig asked if any parking spaces will be lost. Richards said that the parking plan shows 111 spaces, which meets the parking requirements.

Dawley continued his review of the drive aisles, access points, parking areas, and traffic circulation.

Craig clarified that there are basically three access points with the easement factored in. Dawley said that is correct.

Staunton said that this week he received correspondence from Jon Monson, a co-owner of the theater, Excelsior Properties, LLC. He prepared a memorandum for the Commission to address this issue. Excelsior Properties, LLC has asserted that the easement language provides them with uninterrupted access to the theater parking lot and having an exit from the hotel to Lake Street would interfere with that easement. He had a short conversation with Excelsior Properties, LLC legal representative today regarding this.

Staunton said that this is not an exclusive easement or a conveyance of property. Generally easements are non-exclusive and are for whatever purpose is identified. The general standard is that the easement cannot be unreasonably interfered with. This is specific to each circumstance. The neighboring property asked to have the meeting continued because they do not believe there is sufficient control of the property by the applicant to move forward with this plan and it is their view that the hotel project is interfering with their easement. He does not see it that way. As the Commission evaluates the plan it has to be thinking of whether what is being proposed is unreasonably interfering with the neighboring property's access and the easement.

Chair Gaylord said the key word is uninterrupted access from Lake Street to the property, which would suggest it is one way in the opposite direction from what the neighboring property stated. Staunton said there wasn't an issue with the

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easement and access until this project came forward. The easement language says that the neighboring property is entitled to uninterrupted use to the parking lot, it doesn't distinguish which direction.

Chair Gaylord asked the applicant if he would be opposed to changing the direction of the one-way. Neil Weber, project architect, stated that at the last meeting the Planning Commission raised concerns with the circulation. The plan has been redesigned and the access points reduced to three. There was a May 21<sup>st</sup> memorandum that raised a lot of issues and showed access from the theater property to the street and now the neighboring property is claiming the traffic should go the other direction. He has tried to address the Planning Commission's questions and concerns. The easement is another issue that will need to be worked out in the General Plan stage. He said he thought the City Engineer did a good job summarizing the details with regard to the access points, traffic, and parking.

Chair Gaylord said if the owners of the property want the driveway to change from the street to the parking it sounds like that could be worked out. Weber said he's not sure. There needs to be an overall focus on what happens if the one way is changed. He cannot address that at this time. It makes more sense to him to have the one way go to Lake Street; the whole traffic and parking aspect will need to be looked at.

Duyvejonck said she appreciates that Lake Street is not being used anymore to go from one parking level to the next.

Busch said it seems unreasonable that the neighboring property is bringing this issue up now. The applicant was responsive to what the Commission requested.

Duyvejonck said it's important to her that updated traffic counts and information are provided at the General Plan stage.

Staunton said that if there are items that the Commission would like to have provided for the General Plan, those items should be identified and made a condition so the applicant will know what is expected of them.

Jensen said he is confident with WSB's review that the remaining traffic items can be addressed further in the General Plan stage.

Chair Gaylord said as he looks at safety issues, having the one way direction go in towards the theater makes more sense to him. The view would be better with regard to pedestrian safety.

Weber said this area probably has the most intense pedestrian crossing. With the curb extending out from the driveway area there is almost 26 to 30 feet of visual coming out from the site, so access would probably work either way.

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Craig said when she looked at the parking configuration it appears that it would be difficult to make a turn if the ramp is full. Weber said that City ordinance has an allowance for 20% of the parking spaces to be designated for compact cars. The aisle is actually wider in this location because it is adjacent to compact parking spaces. He understands that some of the details will need to be worked out for the General Plan stage. It is just as important to the applicant that the plan works and that everyone's concerns are addressed.

Craig said there still appears to be issues. Dawley said that the plan is workable and the details can be worked out in the General Plan stage.

Chair Gaylord said one item that was not addressed is the trash pickup. Where will that be located? Weber identified where the trash enclosure will be. He noted that the trash enclosure for the restaurant will be internal and all the trash will be enclosed.

Chair Gaylord said the façade was not updated to show the changes with the new access points. Weber said that will be provided at the General Plan stage.

Staunton said the question was asked if it is possible to reverse the direction of the one way. Weber said it's possible, but they are more interested in finding out what the best solution is for the area. The goal for the General Plan will be to have the information available to address that issue. The traffic study should also help address that issue.

Craig asked if the traffic study will address the internal circulation. Dawley said the internal circulation will be one of the required conditions of the update.

Craig said she agrees that intuitively it makes more sense for the one way to go toward the theater. Weber said the ramp is not level so it creates a three dimensional problem and it is complicated.

Chair Gaylord opened the public comment portion of the meeting at 8:27 p.m.

Jon Monson, 200 Water Street, said with regard to the easement, Properties of Excelsior, LLC did send Mr. James a letter. They believe the language in the easement is clear and non-ambiguous. He also wants to point out that the legal access issues have not been resolved. There are still some issues with traffic going from one level of the ramp to another. As far as he's concerned, only half of the Planning Commission's concerns have been addressed.

Monson asked Weber what the grade of the parking ramp is. Weber said it is between 10% to 13%. Monson said when he scaled the plan the grade appeared to be more than that. He had his traffic engineer review the plan and he raised a number of concerns. The plan needs to work. The property needs to supply parking for the rooms, the restaurant, etc. If the applicant is not required to provide parking on the property the City will be giving the property

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vertical circulation across a public right-of-way. Regardless of all the technical issues, the easement is a situation that needs to be addressed. The Commission should not approve something that will deny an unreasonable access to a neighboring property. This is something that the lawyers will need to work out; he hopes this can be worked out before the project proceeds to far into the approval process.

Jensen asked Monson if he had a preference on which direction the traffic flowed across the easement. Monson said they prefer to have two-way traffic, because that is what they have now. They believe there are two easements as well as prescriptive rights because the traffic has been going in both directions for 50 to 60 years.

Jensen said this is not something the Planning Commission should be solving; it is something that the two properties owners should be able to solve. Monson said he is very confident in the language of the easement that was created in 1991 by Mr. James and agrees it should be an easy solution.

Bill Damberg, 256 Water Street, said he serves on the Board of Directors for the Excelsior Downtown Business Group (EDBG). He is here to speak on behalf of the EDBG and also provide his own views. He is 100% in favor of this project and so is the EDBG Board. It is a golden opportunity for Excelsior in every perspective. He believes the easement issue can be worked out and he would like to see the Planning Commission move this project forward.

Hearing no further comments, Chair Gaylord closed the meeting for public comments at 8:37 p.m.

Chair Gaylord asked if there is language in the ordinance that deals with the vertical traffic issue and not using the City's public right-of-way that would make this plan unacceptable. Richards said that there is language in the ordinance that talks about access and not using public rights of way. The point that Mr. Monson made regarding exiting the lower parking level to access the upper parking level isn't addressed. Staunton said that Article 19 does address internal circulation. This plan does have internal circulation, which the previous plan did not. Whether this plan would require someone to go from the lower level to the upper level and then back down again is the question.

Craig said that circulation on site is necessitated. Chair Gaylord said that solving the problem is valid. Weber asked the Commission to remember they are talking about a hotel. The hotel has 58 rooms and there will be parking stalls designated for all of the rooms. There will be other parking areas designated for the restaurant and other venues. Over 66% of the lower level will be designated for the hotel rooms. It will be rare for someone to go from the lower level to the upper level and then come back down again.

Chair Gaylord said if there are people coming for an event and the hotel is not

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full, people are going to park in the hotel spaces if they are available.

Chair Gaylord said with the vertical situation all on site would the number of parking spaces be decreased. Weber said when the vertical situation plan was drafted only one parking space was lost.

Chair Gaylord ask if the internal turn of having someone go from the lower level to the upper level and back down again was factored into the analysis. Weber said no because it wasn't need.

Duyvejonck said she is comfortable with the amount of parking that is being provided for every day, but she would like to know how the traffic and parking will be handled for an event from an operational standpoint when the General Plan comes forward.

Chair Gaylord said that he thinks the applicant has submitted significant changes to the plan to make it workable. The vertical circulation is a grey area; it would be better if the circulation for traffic was entirely within the property.

Duyvejonck said she thinks how everything will operate needs to be addressed and analyzed in the traffic study. Her decision at the General Plan stage will be dependent on what information is in the parking study. At this level she is alright with the information that is provided.

Chair Gaylord said it is possible that the project would be denied at the General Plan stage if some of these issues are not addressed adequately. Conceptually it should all work and if the applicant can't meet the parking requirements they have the option of relying on the parking impact fee to meet their parking.

Chair Gaylord said that he believes the Commission should have more conversation on the mass and scale of the building. The architect has done a good job with the changes and the design is coming along. It is a large building, but it is also on a large site. He asked the Commission whether this building is the right scale for the City.

Chair Gaylord said with the level of details that are in the Concept Plan it is hard to judge what the building will look like. The building itself is very horizontal, but if the bays were done in a certain way it might help address the scale and mass. Richards said these are the things that will be addressed in the General Plan stage. At this point, the Commission could add to the conditions if there is an element they would like to see incorporated.

Chair Gaylord said it helps him to have more details in how everything is pulled together when defining the mass and scale. The model shows how massive and horizontal the structure really is. He understands this is the Concept Plan, but he wanted to bring it up to see there is any more discussion on this.

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Richards said that the June 5<sup>th</sup> Planning Commission agenda packet had additional details included, which are not required at this level.

Busch said that this building is distinctly different than what is in Excelsior, so it will stand out more.

Chair Gaylord opened the meeting for comments from the public with regard to the mass and scale.

Charlie James, the applicant and owner of the property, said when this came to the City five years ago they had 24" by 36" drawings with elevations and the types of details the Commission is talking about. At that time, people were having difficulty reading the drawings. Everyone was enthusiastic about the project and they received a lot of feedback. He illustrated on the model different aspects of the project. He asked the Commission to look at the site in relation to the size of the building. The building only occupies about 35% to 40% of the site. The other buildings in downtown go to the property line, so how are those buildings not massive. They have incorporated a number of elements into the site that aren't required by the City's ordinances and they are preserving an incredible amount of open space. He is offended by some of the comments he's heard this evening.

Craig said she was talking about the materials. Weber said the building is mainly a brick building. Craig said stone was being referenced and she didn't see as much brick. Weber said that brick is the dominant material of the building. He did not submit materials, but he provided some details to give the Commission an idea of the quality that the building would be. The elevations are not a requirement for the Concept Plan. He thinks that there has been so much conversation beyond the Concept Plan that it is becoming confusing for everyone.

Chair Gaylord said that the Water Street façade is very well done. Weber said the Water Street façade will have a painted wood looking material to break up the mass, which is a style that some of the old hotels had that were in the City. He discussed the corner element. He noted that the Comprehensive Plan talks about doing something different and special on the corners.

Craig said it's been confusing as to what is being used because the process has started and stopped. Weber said that there is some stone on the building, but that the building is basically brick.

Jon Monson, 202 Water Street, said he likes the idea of a hotel coming to Excelsior and does support the hotel land use on this parcel. He thinks Weber did a good job with the model, but wished that Weber had put the model in context with the neighboring properties so everyone has a good understanding of the scale. As far as complying with the Comprehensive Plan, he sees at least

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a dozen references to small town atmosphere being maintained. It notes that mass and scale and heights of buildings should be controlled. How is that being managed with this proposal? The Comprehensive Plan says to continue to preserve and enhance Excelsior's small town character. This is a significant landmark structure. Excelsior has never had anything this big. The old Excelsior Hotel that was up on a hill is the only thing that was close to this size. If you can image yourself as a small person next to this building you will get a good idea what the impact would be. He would encourage the Commission to take all the care they can in evaluating this proposal. He would like to see the applicant provide a contextual model to show how this building will compare to the other buildings on the block and then the Commission can decide how this project fits within the Comprehensive Plan.

James said when you talk about scale you need to take into consideration what the buildings will be in the future.

Weber showed where the theater is. He said it is currently at 27 feet. He demonstrated on the model what the buildings could look like if all of them built to the 35 foot height. This is the first building to come forward. When you look at the context, you should look at what the context could be.

Craig said what was being discussed is the existing context. Weber said he understands that, but when one of the property owners comes forward to redevelop it won't be for a single level building.

Jensen said anyone who comes forward will want to develop to their property to the maximum. Just because this is the first property to come forward doesn't mean that the other properties won't be coming forward. This project should be judged on what it does for the City, not on what the neighboring property may do.

Linda Putnam, 152 Third Street, said she served on the Planning Commission for many years and the height of buildings has always been an issue. Now, through the PUD the building can be taller. The 35 foot height is an outdated requirement. The City can either continue to have a fear of height or celebrate new requirements. This hotel is not only for Excelsior, it will serve people from all around Lake Minnetonka. It's a beautiful elegant building. The City needs to continue to grow. She thinks the new hotel will affect the downtown in a positive fashion.

Don Sealock, 126 West Lake Street, said that this is a Concept Plan. This is the first time that he's seen a property owner come into town with \$12 million that they want to invest in the City. The project contains all of the parking on site that is required and it will create jobs for around 27 people. The payroll for the business will probably be around \$1 million. This is a spectacular thing happening in Excelsior. The Commission has to at least let the Concept Plan through so the building can get designed and people can see what it can do to

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help Excelsior. Businesses on Water Street are having financial difficulty, that is because the businesses don't have the traffic or volume to stay in business. This business would generate money for the businesses. The property owner isn't asking the City for a tax break or any assistance. What is before the Commission is a Concept Plan and the Commission should move it forward.

Mark Macpherson, 600 Third Avenue, said there are some of the previous comments that he also endorses. This is a Concept Plan and he thinks it should go forward. In approving a Concept Plan, the City needs to be very clear that the final plan needs to meet all the requirements for the mass and scale and traffic. He believes these items can be addressed in the General Plan. He applauds the Commission's efforts to explore all of these things. He thinks this is a worthy project to move forward with all of the caveats with what needs to be included in a final project.

Hearing no further comments, Chair Gaylord closed the public comment portion of the meeting at 9:21 p.m.

Chair Gaylord asked the Commission for comments regarding the small town character.

Craig said this is an issue that she wrestles with. She doesn't think the small town character should be dismissed. This is a large site and the applicant could build to the 35 feet height right at the property line. She doesn't think there is another site that is this large and this is a prominent piece of property. The model looks impressive, but she is wrestling with the small town character aspect.

Chair Gaylord said if a large building is placed on a large property how would the rest of the town not be impacted. Not every property is going to build to the maximum 35 foot height or request a variance. Realistically, Haskell's may be the next property to redevelop. Will the rest of the City match that same scale?

Jensen said the rest of the City would match the feel of the small town. Some day as a small child walks up from the lake in all their small child wonder they will look at this building and say "wow". It is one of the grandest lots in the City and that dictates that it should be a grand building. He doesn't think anyone could do a better job.

Chair Gaylord said that he doesn't really think that one or two buildings will alter the small town character.

Craig said this property has not had a building on it for a couple of years, so it will be a big change. This building will also be nicer compared to the other buildings next to it.

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Chair Gaylord said that additional information was distributed to the Commission from Excelsior Properties LLC regarding the traffic. It should be noted in the specifics that there is some question as to how the traffic will work. From the information provided, it seems possible that people may need to go off the subject property to make certain turns. It all comes back to the traffic study.

Duyvejonck said given the vicinity of this property to residential properties what types of activities are expected on the outside patio area and what hours will it be open. There needs to be an investigation and/or study done by a professional sound company into how the sound might travel into the residential area.

Chair Gaylord said that addressing the traffic circulation should be added as a condition.

Richards said that the City Attorney has prepared a list of conditions for the Commission's review. He would also add language pertaining to the traffic analysis, how parking and traffic for large events will function, a study with regard to sound, an updated market study for the hotel operation, and a review on the vertical circulation between parking levels.

Chair Gaylord said he doesn't see how the project can move forward to the next stage if the easement issue is not resolved with regard to the one way traffic. Jensen said he is not sure it is fair that one property can hold up an entire project.

Staunton said the Commission should focus on the circulation and to the extent that it can be accomplished with use of that easement, that will need to be addressed. Eventually, there will need to be a decision as to which direction the traffic will go. The Commission doesn't necessarily need that before the General Plan is submitted. The City needs to be precise about the condition, because there is obviously a dispute between the neighboring property owner and the applicant. Ultimately, the two properties will need to resolve that issue. What the Commission needs to focus on is whether there is an issue with the circulation.

Richards asked the Commission if they wanted to provide comments to the City Council on whether the General and Final Plan stages should be combined.

Chair Gaylord asked the applicant what they would prefer. Weber said he would prefer to do the General and Final Plan submittal at the same time.

Weber said as they go through the process if there are a number of issues yet to be resolved, is it possible to split the two processes. Staunton said when the applications are submitted, it triggers the number of days that the City has for making a decision.

4. PUD CONCEPT PLAN TO CONSTRUCT HOTEL AT 10 WATER STREET - THOMAS F. JAMES PROPERTIES, LLC - (Continued)

Richards said that he doesn't think the City has done a separate step for the Final Plan previously. He noted that the Final Plan also just goes to the City Council.

Chair Gaylord said he is comfortable combining the two processes; there is ample time to work through any of the issues. The consensus of the Commission was that the General and Final Plans could be combined.

The Commission reviewed the findings-of-fact prepared by staff. Staunton said that staff will incorporate into the findings of fact any items identified by the Commission this evening.

Richards said the conditions would also be updated to include the items in the City Engineer's memorandum and the conditions the the first three conditions in the resolution and what was discussed be in the resolution. The items in the city engineers memo.

Staunton asked for permission for staff to elaborate on the findings and conclusions.

Commissioner Duyvejonck moved, Commissioner Busch seconded, to continue the public hearing to the City Council's July 16, 2012 meeting and forward the recommendation to the City Council that it give Concept Plan approval, subject to the following conditions:

Conditions

1. A site alteration permit must be issued.
2. The Applicants must receive General and Final Plan approval before seeking a Building Permit.
3. General and Final Plan applications must be consistent with the Concept Plan as approved.
4. The General and Final Plan submittals and review may be combined as one step for this project.
5. The following items are required with the submittals for General Plan of Development:
  - a. Access and traffic details, including an updated traffic study, as required by the City Engineer in the June 14, 2012 memo, shall be provided.
  - b. Address operational issues of parking and traffic for large events.

4. PUD CONCEPT PLAN TO CONSTRUCT HOTEL AT 10 WATER STREET - THOMAS F. JAMES PROPERTIES, LLC - (Continued)

Conditions – (Continued)

5. The following items are required with the submittals for General Plan of Development:
- c. Address vertical and internal circulation issues between parking levels without use of the public right of way.
  - d. Provide information from a professional sound consultant addressing crowd noise in the public outdoor spaces of the hotel.
  - e. Provide an updated market study.

Chair Gaylord asked staff to add language to the findings-of-fact that the mass and scale of the building could have been 35 feet all the way around and the applicant has mitigated that by stepping back the building. He also suggested adding language to address the underground parking.

Motion carried 5/0.

5. MISCELLANEOUS

None

6. ADJOURNMENT

Commissioner Craig moved, Commissioner Jensen seconded, to adjourn the meeting at 10:00 p.m.

Respectfully submitted,

Cheri Johnson  
City Clerk