

City of Excelsior

Planning Commission Meeting

Minutes

Monday, July 9, 2012

1. CALL TO ORDER

Vice Chair Craig called the meeting to order at 7:05 p.m.

2. ROLL CALL

Commissioners Present: Busch, Craig, Duyvejonck, Jensen, Wallace, and Chair Gaylord (arrived at 7:11 p.m.)

Commissioners Absent: Wright

Also Present: City Planner Richards, City Attorney Staunton, City Planner Braaten, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. Planning Commission Meeting of June 5, 2012

Vice Chair Craig asked if anyone had any additions or corrections to the Minutes. A correction was submitted to page 14.

Commissioner Duyvejonck moved, Commissioner Busch seconded, to approve the Planning Commission Minutes of June 5, 2012 as amended. Motion carried 5/0.

b. Special Planning Commission Meeting of June 21, 2012

Vice Chair Craig asked if anyone had any additions or corrections to the Minutes. A correction was submitted to page 11.

Commissioner Jensen moved, Commissioner Busch seconded, to approve the Planning Commission Minutes of June 5, 2012 as amended. Motion carried 5/0.

4. PENDING ISSUES/PROJECTS

a. Appoint Liaison to City Council (July 16, 2012 and August 6, 2012)

Commissioner Craig will be the Planning Commission Liaison to the July 16, 2012 City Council meeting and Commissioner Jensen will be the alternate, and Commissioner Busch will be the Planning Commissioner Liaison for the August 6, 2012 City Council meeting and Commissioner Duyvejonck will be the alternate.

5. PUBLIC HEARINGS – (Continued)

a. None.

6. PUBLIC HEARINGS

- a. Design Standards Review and Conditional Use Permit to Utilize Annual Parking Impact Fee and Joint Parking per Article 19 of Appendix E, City of Excelsior Code of Ordinances for Expansion of Restaurant at 205-207 Water Street, P.I.D. #34-117-23-11-0126 - Tim Brandow, Brandow Properties, LLC

Richards reported that Tim Brandow has made application for Design Standards review to make changes to the appearance of the front and side façades of the building at 205-207 Water Street. He has also applied for Conditional Use Permits (CUP) to allow the use of the Parking Impact fee and joint parking. Mr. Brandow has proposed a remodel of this building to accommodate a restaurant use at 205-207 Water Street, and a retail space at 400 Second Street. His existing offices at 402-406 Second Street will remain as is.

The property at 205-207 Water Street and 400 Second Street is a contributing site within the Excelsior Downtown Historic District. The Heritage Preservation Commission (HPC) reviewed revised plans provided by the applicant at their June 19, 2012 meeting. The HPC approved the Site Alteration Permit with the condition that any changes to the materials or design of the remodel would need to come back for additional approval.

Since the initial submittal with the application, the applicant has provided alternative plans for the exterior and internal layout. The applicant has discovered the original tile façade of the building when it was the Red Owl store. There may be damage to a number of the tiles but the applicant has indicated they would find replacements or have new ones made to match. The retail façade will remain as proposed with the first submittal.

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. The proposed use of the building for the restaurant and retail space is consistent with the zoning as long as the parking requirements are met.

The elevation plans indicate that the existing stucco would be removed and the existing tile that was added to the building at the time it was a Red Owl store would be preserved. The parapet would be raised slightly and covered with metal panels. The existing window band would remain. Windows are proposed for a portion of the Second Street elevation, but that may depend on final interior layout. The retail storefront proposed on Second Street would be a combination of limestone and metal panels with new windows and a door. The parapet would also be raised to set this storefront off from the adjacent office and restaurant use.

The plans also show improvements to the rear elevation so that it is consistent in color and material to the Brandow office use at 402-406 Second Street. The building is proposed to be 17 feet in height to the top of the parapet of the restaurant portion of the building and 17 feet, six inches to the top of the retail

6. PUBLIC HEARINGS

- a. Design Standards Review and Conditional Use Permit to Utilize Annual Parking Impact Fee and Joint Parking for Expansion of Restaurant at 205-207 Water Street - Tim Brandow, Brandow Properties, LLC – (Continued)

parapet. The B-1 Central Business District allows a maximum building height of 35 feet. New wall light fixtures at the front, side, and rear facades of the building are proposed. The fixtures will not be full cut off but are more decorative in design.

Richards said that Section 24-9 of Appendix E allows for additional signage for multi-tenant buildings provided that the aggregate square footage of sign space is complied with. The aggregate amount of sign space that is allowed shall not exceed 189 square feet for the restaurant. The plans indicate six wall signs, a blade sign, and signs on the canopies and in the windows for the restaurant. While more than three signs can be allowed by the City, the total signage must be within the limits of the allowable square footage. The retail portion of the building has a total of 32 square feet of allowable signage. The sign for the retailer would need to comply with the limit on size at the time of permitting.

Trash and recycling need to be stored in the rear courtyard area. The applicant shall submit plans to the City on how the trash and recycling will be screened. Plans also need to be submitted with locations of air handling and other mechanical equipment. If any mechanical equipment is visible from street level, it will need to be screened.

The property, which includes the Brandow office space is grandfathered under the Excelsior Parking District with 17 parking stalls. The required parking for the proposed redevelopment is 7 stalls for Brandow's office space, 2 parking stalls for the retail use, and 20 spaces for the proposed restaurant, for a total of 29 parking spaces. The applicants have applied for a CUP for joint parking and use of the Parking Impact Fee.

Joint parking for seven stalls could be applied if the Brandow offices are closed at 5:00 and the restaurant opens at the same time, which results in a deficit of five parking stalls for the evening restaurant use. A CUP for a five stall Parking Impact Fee would need to be approved by the City Council. The parking impact fee for 2012 is \$1,200 per stall per year. The City has a total of 94 parking spaces available under the Parking Impact Fee for 2012, six of which have been used for Yumi's at 217 Water Street. The proposal complies with the CUP criteria outlined in Appendix E for use of the annual parking impact fee and joint parking.

Staff has reviewed the plans that were submitted for compliance with the Design Standards criteria. The Planning Commission should review the outline and comment where there are variations from the Design Standards criteria.

6. PUBLIC HEARINGS

- a. Design Standards Review and Conditional Use Permit to Utilize Annual Parking Impact Fee and Joint Parking for Expansion of Restaurant at 205-207 Water Street - Tim Brandow, Brandow Properties, LLC – (Continued)

Richards said if the Planning Commission finds that the project is consistent with the Zoning Ordinance and Design Standards requirements, City staff recommends approval of the request for Design Standards review and the CUP for use of the Parking Impact fee and joint parking subject to the conditions outlined in the staff report.

Craig asked if the six parking spaces behind the building will need to be open for the public. Richards said that staff will review the resolution from the prior approval to see if there are any conditions regarding this.

Busch asked if the restaurant will have any outside seating. Richards said the plans do not show any outdoor seating. Steve Mullenbach, representative for applicant, said that there not plans for outdoor seating at this time.

Duyvejonck said that when the City approved the gate across the back of the property, one thing the applicant discussed was having after hour events with customers in the back area. How will that affect the joint parking? Richards said with other establishments the City has required that the restaurant not use whatever number of seats would be needed to offset the parking that would be needed to accommodate the meeting while it is taking place.

Jensen clarified that the restaurant will only be open for dinner and not lunch. Mullenbach said that is correct.

Duyvejonck said there was a reference to Boston Ivy, but she does not see that on the plans. Mullenbach said that the Boston Ivy has been taken out of the plans.

Busch said she can't tell from the plans whether the color is more green or yellow. Mullenbach said the color is more yellow.

Richards said there is a small section along the Second Street side of the building that shows the original tile.

Wallace asked if what is represented in the plans reflects what the signage will say. Mullenbach said no; he believes the restaurant will be a steakhouse but he doesn't know the name. Richards said that the Commission doesn't typically address the content of the sign.

Gaylord said that the graphics that the Commission received in the agenda packet have changed and new graphics were distributed tonight.

6. PUBLIC HEARINGS

- a. Design Standards Review and Conditional Use Permit to Utilize Annual Parking Impact Fee and Joint Parking for Expansion of Restaurant at 205-207 Water Street - Tim Brandow, Brandow Properties, LLC – (Continued)

Jensen said that the Commission doesn't know what colors the signs will be and information on what conditions were placed on the parking in the back is not available. Richards said he had located the resolution and read the conditions from the previous approval regarding the parking in the rear of the building.

Jensen said some of the parking in the rear is reserved for the tenants who live above the businesses. How will the tenants get access to the parking. Richards said that the gate needs to stay open when the offices close at 5:00 p.m. The parking in the rear of the building is typically used by the employees and tenants; most people don't know the parking spaces are there.

Mullenbach said the size and placement of the signage will be what is shown on the plans, but the content will change.

Chair Gaylord opened the public hearing at 7:37 p.m.

Myrle Mackenzie, Excelsior Downtown Business Group, said she is thrilled that a new restaurant is coming into the City. She encourages the Commission and the Brandow's to continue working on this.

Warren Blechert, 660 Glencoe Road, said this is a major intersection and a gateway to the downtown area and the business will be closed every day until 5:00 p.m. He does not think this is a compatible use with the other businesses. The Commission stated that Biella's and Yumi's also open at 5:00 p.m.

Hearing no further comments, Chair Gaylord closed the public portion of the meeting at 7:38 p.m.

Richards showed on the plans the 770 square foot area that is proposed to be retail.

Chair Gaylord said the information seems incomplete. The Commission received new plans tonight and the information has not been reviewed. Richards said that the changes that were submitted tonight are not very significant.

The Commission reviewed the Design Standards criteria.

Chair Gaylord asked whether it makes sense to put higher windows along the Second Street side of the building to bring light into the kitchen and comply with the Design Standards.

6. PUBLIC HEARINGS

- a. Design Standards Review and Conditional Use Permit to Utilize Annual Parking Impact Fee and Joint Parking for Expansion of Restaurant at 205-207 Water Street - Tim Brandow, Brandow Properties, LLC – (Continued)

Craig said the City can make an allowance when windows weren't there previously.

Craig asked if the door that opens to the kitchen will be transparent. Mullenbach said yes, the door will let light in but people will not be able to see into the building.

Commissioners and staff discussed the glazing/transparency element of the windows. The Design Standards does not address what percentage of the windows can be glazed.

Duyvejonck said that the City does not have any regulations or requirements prohibiting the use of mini blinds, but she would prefer to see other window treatments. Chair Gaylord asked if there should be a condition prohibiting the use of mini blinds. Duyvejonck said no.

Richards asked how the refuse and recycling will be handled. Mullenbach said they would design something to screen them where they are currently located.

Duyvejonck asked when the Commission will review what materials will be used in place of the damaged tiles. Richards said the HPC have made it a condition that the applicant needs to come back for approval for the materials that will be used. The consensus of the Commission was to leave this element to the HPC to approve.

Richards said that when the plans are revised they show the location for the bike rack and more details on the light fixtures.

Chair Gaylord said in the narrative it was mentioned that the lights are not cut off, noting that this type of light was used in the period that the applicant is trying to capture.

Duyvejonck asked if the light fixtures are not cut off, will light shine into the apartment. Richards said that the lighting is located lower on the building so it will not affect the apartment dweller. He noted that most of the lights on Water Street are mainly decorative and not cut off.

Richards asked for comments on the signage. Craig said she has an issue with the blade sign on the corner. If there are too many signs, she would prefer to have the blade sign removed. Chair Gaylord said he would remove the awning sign on Second Street and eliminate the sides of the awnings.

6. PUBLIC HEARINGS

- a. Design Standards Review and Conditional Use Permit to Utilize Annual Parking Impact Fee and Joint Parking for Expansion of Restaurant at 205-207 Water Street - Tim Brandow, Brandow Properties, LLC – (Continued)

Wallace said they need to determine which ones are considered signage, noting that Jake O'Connors has signs all along the top.

Chair Gaylord said he thought that the number of signs should be reduced and he would recommend that the applicant decide which signs to eliminate.

Jensen said he would also like to see samples of the colors that will be used on the building and the HPC can approve the color of the signs when they approve the materials that will be used to replace the tiles that are bad.

Commissioner Craig moved, Commissioner Wallace seconded, to continue this item to the August meeting, with direction to the applicant to provide the following:

1. Reduce the number of signs for the restaurant. The Commission recommends that the language on the sides of the awnings or the blade sign be removed.
2. There should be no restaurant logo or advertising incorporated into the translucent window graphic.
3. The building material samples should reflect the final selection of the metal panels and colors that will be used on the restaurant and the retail spaces.
4. A diagram should be provided that better illustrates the blade sign and canopy for the retail space.
5. A final number of tables/seating for the restaurant so a final number for the Parking Impact Fee can be determined.
6. Define where the trash/recycling area is for the building and show how it will be screened.

Motion carried 6/0.

- b. Conditional Use Permit to Install Monument Sign, Design Standards Review and Site Plan Review for New Library at 337 Water Street, Excelsior, MN, P.I.D. #34-117-23-14-0072 - John Wicks, Section Manager, Hennepin County Property Services Division

Richards reported that Hennepin County has made application for Design Standards/Site Plan Review and a Conditional Use Permit for a freestanding sign for the construction of a new Excelsior Library at 337 Water Street. The

6. PUBLIC HEARINGS

- b. CUP to Install Monument Sign, Design Standards Review, and Site Plan Review for New Library at 337 Water Street - Hennepin County Property Services Division - (Continued)

new library will replace the existing library in space leased from the City of Excelsior since 1965. The 7,200 square foot building will almost double the size of the existing facility and provide a space adequate to serve the needs of the five lakeshore communities - Excelsior, Deephaven, Shorewood, Tonka Bay, and Greenwood.

The property at 337 Water Street is a non-contributing site within the Excelsior Downtown Historic District. The Heritage Preservation Commission (HPC) reviewed the application for a Site Alteration Permit at its June 19, 2012 meeting. Overall, the members were very favorable to the design of the building and the site layout. The HPC commented that the new design will be consistent with the mass, scale, and character of the Downtown Historic District. They added one condition that the final design of the sign be submitted for their review prior to the issuance of a sign permit.

The Comprehensive Plan guides the subject site for future commercial uses. The proposal is consistent with the Comprehensive Plan. The property is zoned B-1, Central Business District and libraries are a street level permitted use in that district.

The B-1 District does not specify setback requirements other than the rear yard which is a 12 foot setback unless off street loading is otherwise provided. The building will comply with all setback requirements. The Design Standards specify a continuous build out at the property line on Water Street unless outdoor seating areas are provided in this area. The building will be set back five feet from Water Street and the plans indicate benches and planters in this area. Parking and drive aisle setbacks of five feet are required within the B-1 District. The proposed driveway is to be shared with 345 Water and will be constructed over the property line. In the case of a shared driveway, the setback is not applicable. The parking lot would be constructed with setbacks more than five feet and will be more than 50 feet from Water Street.

The B-1 District allows for an impervious surface coverage maximum of 100 percent. The impervious coverage for this site is proposed at 69.0 percent. The B-1 District allows a maximum building height of 35 feet. The building is proposed to be 26 feet in height to the top of the parapet of the building and 32 feet to the top of the corner parapet.

The site has been designed with 27 parking spaces, which are all located to the rear of the building. The City does not have a specific requirement for libraries. In 2004, the City Council discussed information that concluded that many Cities have a parking requirement of one space per 300 square feet of

6. PUBLIC HEARINGS

- b. CUP to Install Monument Sign, Design Standards Review, and Site Plan Review for New Library at 337 Water Street - Hennepin County Property Services Division - (Continued)

floor space. This standard has been used by the City and the County in its planning for the library. Using the one space per 300 square feet requirement, 21.6 or 22 parking spaces are required.

Richards said that the landscape plan indicates extensive plantings around the building and site. The parking lot will also be extensively landscaped. Seating areas with landscaping are provided on the trail side of the building. A bike rack is also provided near the side and rear entrances to the building. A detailed landscape plan with varieties and size of planting will need to be submitted and subject to review and approval of City Staff.

The lighting plan indicates the use of the standard King Luminaire fixture as specified in the Design Standards for the parking lot. The wall fixtures that will be used for the front, side, and rear entrances will need to conform to the City's requirements and be subject to review and approval of City Staff.

The trash/recycling and utility area is located at the rear of the building. It will be brick with metal and wood painted doors. The mechanical equipment will also be located in this area.

Access to the trail will be provided from two areas. One is located near the side entrance to the building and another from the sidewalk that leads to the rear entrance.

The library is allowed 170 square feet of signage; the proposed signage is well within the allowable signage. The wall signage with the word "Library" and two cast metal plaques on the Water Street elevation do not count against the allowable signage. A small sign will be located at the rear of the structure at the entrance from the parking lot that is six square feet and the monument sign will be 14 square feet.

A conditional use permit is required for freestanding signs in the B-1 District. The request is consistent with the Comprehensive Plan and the library use and the sign is compatible with present and future land uses. Hennepin County uses a standardized freestanding sign at all of their library locations. The design of the sign for Excelsior is unique to this City and its Historic District. While freestanding signs are rare in the downtown area, this sign fits the character of the area and of the new library building. The sign will not create issues with traffic generation and there should be no adverse impacts to the health, safety, and welfare of the City residents or visitors.

The Excelsior Design Standards address the architectural, site planning, and sign elements for buildings. Staff has reviewed the plans for compliance with the Design Standards and provided an outline for the Planning Commission should review these based upon the plans as provided.

6. PUBLIC HEARINGS

- b. CUP to Install Monument Sign, Design Standards Review, and Site Plan Review for New Library at 337 Water Street - Hennepin County Property Services Division - (Continued)

Richards said that if the Planning Commission finds that the project is consistent with Appendix E and Design Standards requirements, City Staff recommends approval of the request for Design Standards and Site Plan review and the CUP request for the freestanding sign subject to the conditions outlined in the staff report.

Lee Anderson, Hennepin County Property Services, representing the applicant, stated that the County has benefited from having the Library Advisory Committee. There were 11 representatives from Excelsior who served on the Committee, including Chair Gaylord and Dan Wallace. The effort was organized by Hennepin County Commissioner, Jan Callison. The focus and intent of the group was to work on successfully developing a project that would fit in the Downtown Historic District. The proposal has been refined and further developed since the last meeting of the Library Advisory Committee on April 18, 2012. He introduced the members from the project team: Mark Wenzel, Architect, 292 Design Group; Stewart MacDonald, Architect, MacDonald & Mack; and Sarah Garbis, Capital Projects Office, Hennepin County Library.

Sarah Garbis, Hennepin County Library, said the new library will serve the South Lake communities and provide a destination for visitors and residents that drive, bike, or walk to the area. The Library space will be extended outdoors with landscaping and exterior spaces that will be available for reading and gathering even when the Library is not open. There is an entrance off Water Street and the parking area will be connected by a pedestrian walkway along the trail side of the building. There will be updated technology workstations, building-wide wireless access, self-checkout stations, and additional seating for laptop and other portable device users. The library will have flexible space for library programs, meetings, and studying. There will be comfortable reading areas located around the window areas of the library. The Children's Area will feature an enhanced early literacy space for children and caregivers to talk, sing, read, write and play together and the Teen Area will include space for individual and collaborative study. There will be a 24 hour external book drop and automated materials handling system that will help get requested items in the hands of the patrons quickly. There will also be historical images of Excelsior and the South Lake area used in the building interior, reflecting the history of the South Shore communities.

Mark Wenzel, Architect, 292 Design Group, reviewed the site plan. He noted that the Library will be sharing a driveway with 345 Water Street. He showed the access points from the trail and the entrances into the building from Water Street and the trail.

6. PUBLIC HEARINGS

- b. CUP to Install Monument Sign, Design Standards Review, and Site Plan Review for New Library at 337 Water Street - Hennepin County Property Services Division - (Continued)

Chair Gaylord said that the Committee discussed the trail access and parking egress. He noted that the building is set back to provide more field of view for vehicles and pedestrians.

Wenzel showed the points of egress. He stated that the building was pulled back 5 feet to allow more visibility for pedestrians and vehicles. He showed where there would be benches in the five foot area between the sidewalk and the building.

Wenzel said that another item that was looked at was the location of the trail as it crosses Water Street. He said currently the trail crossing angles as it crosses Water Street. He showed dotted lines on the site plan that suggest straightening the trail crossing. If the City is interested in making this change, he would suggest that the City get involved in discussions with the Hennepin County Regional Rail Authority and the Three Rivers Parks District. He showed where the wood fence would be removed adjacent to the trail and two sidewalks will be installed connecting the trail to the Library's site. He discussed the landscaping, seating areas, and locations for bike racks.

Wenzel showed the two entrances along the back of the building. He noted that one entrance would be for the public and the second entrance is for employees.

Wallace asked what material will be used for the sidewalk on site. Wenzel said concrete except for a couple of areas that may be pavers or color stamped brick.

Duyvejonck asked where the automated book drop was located. Wenzel showed on plan where the book drop was located. Gaylord said the person will need to get out of the car to use it, but the circulation is enhanced to allow someone to drop off books and then exit. The area will be marked no parking but patrons will be able to stop, get out, and drop off books. The aisle is wide enough so another car can go by.

Chair Gaylord said there is no connection with School District's parking lot. Wenzel said that is correct. There is a sidewalk to the trail, and a person can go down the trail and enter their site.

Jensen said the survey looks as though there is landscaping currently in place where the trail currently is. Wenzel said that there is a water line that will need to be moved, so the trail will need to be torn up to install the water line. He noted that the trail location will not be changed; the trail will be reconstructed in the same manner as it currently is.

6. PUBLIC HEARINGS

- b. CUP to Install Monument Sign, Design Standards Review, and Site Plan Review for New Library at 337 Water Street - Hennepin County Property Services Division - (Continued)

Stewart MacDonald, Architect, MacDonald & Mack, said the process began with a thorough review of the historic structures and elements in the Downtown Historic District and a detailed review of the City's Design Standards. It became clear that the building would be brick and that it needed to be a public building. The Committee agreed it needed some presence to it, which dictated the scale. Given that the main entrance faces water street, it was also a given that there needed to be a certain minimum scale and height, and historical materials needed to be used.

MacDonald reviewed the individual elevations and outlined the elements and materials that would be used. He noted that the main façade faces Water Street and that the main entrance is on the left hand side. The Water Street entrance was given some prominence, with sidelights, transoms, and an arch. The overall materials are decorative cast stone and modular brick. Painted metal is used for the doors and windows. The primary front elevation shows three repetitive bays with transoms, separated by pilasters. There is corbeling in the brick on the top to add doorway with decorative plaques beneath. The secondary trail elevation has simplified corbeling and arched windows to light the corridors. The rear of the building has no windows. Pre-weathered zinc is used for roofing materials. The driveway side elevation has simplified windows and corbeling.

Duyvejonck said one thing she recalled from the previous submissions was there were a number of skylights planned. Are there skylights planned for this building? MacDonald said yes; the parapet will conceal and screen them from the outside view.

Duyvejonck asked if the locations for the skylights have been determined. MacDonald said no.

Craig asked if with the new exterior and the skylights will there still be natural light coming into the Library. MacDonald said there will be 14 foot ceilings, large windows on three sides of the building, and the skylights, so it should be very light inside.

Busch asked if there will be multiple skylights. Wenzel said the skylights will be long and there will probably be 4 or 5.

Anderson said that the size of the sign has been scaled and it is more horizontal and it is slightly 4 feet in height. There is a limited amount of area between the right-of-way and the front of the building. There will be sufficient space and size to allow them to place their "H" logo on the sign. Another key element of the sign is the lights that shine red or green to

6. PUBLIC HEARINGS

- b. CUP to Install Monument Sign, Design Standards Review, and Site Plan Review for New Library at 337 Water Street - Hennepin County Property Services Division - (Continued)

indicate when the Library is open or closed, which people will be able to see from the street. The sign will have a 2-foot case stone base with a dark brown aluminum band. He noted that all materials are backlit, the H the lettering.

Craig asked if this is the standard for all libraries. Anderson said yes.

Wallace asked if the base will be the same material as what is used in the building. Anderson said yes, except for the metal. He does not believe the sign will stand out significantly from the building.

Anderson discussed the signage in the back. He noted that there will be raised letters mounted on the brick to the far right nearest the entrance on the back, which will mirror the signage on the monument sign. He showed on site plan where the signage will be placed.

Duyvejonck asked if there will be a sign by the employee entrance stating "employees only". Anderson said no. Duyvejonck asked if the employee entrance door will be locked. Anderson said yes.

Duyvejonck said she understands why the Library needs an employee entrance, but without a sign identifying it as an employee entrance, it might take a while for people to realize that it is an employee entrance.

Anderson stated that the signage in the back will not have lighting.

Wallace asked if the sign on the side of the building would have the "H" logo. Anderson said no.

Chair Gaylord opened the public hearing at 9:06 p.m. Hearing no comments, Chair Gaylord closed the public portion of the meeting.

Chair Gaylord said the monument sign in the front of the building is backlit, but the ordinance doesn't allow that. Richards said that the sign is designed like all of the other Hennepin County Library signs. He noted that the Library cannot do LED lighting; the City does allow the individual letters to be lit. White paneling with lettering is not allowed.

Commissioner Jensen moved, Commissioner Busch seconded, to continue the public hearing to the City Council's August 6, 2012 meeting and forward the recommend to the Council that it approve the design standards and the Conditional Use Permit for the freestanding sign, based on the following:

6. PUBLIC HEARINGS

- b. CUP to Install Monument Sign, Design Standards Review, and Site Plan Review for New Library at 337 Water Street - Hennepin County Property Services Division - (Continued)

CONCLUSIONS

1. The plan proposed by Applicant satisfies the City's Design Standards.
2. The sign proposed by the Applicant satisfies the criteria for approval of a Conditional Use Permit in Appendix E.

CONDITIONS

1. The City Council should comment on the conformance with the Design Standards, the colors, the light fixtures and the proposed building materials.
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. Detailed plans for signage are submitted to the City and are subject to approval of City Staff at time of permitting.
4. The light wall light fixtures are subject to approval of City Staff in accordance with applicable ordinances.
5. A detailed landscape plan shall be submitted to the City and shall be subject to review and approval of City Staff.
6. All conditions of the City Engineer related to access and traffic.
7. All utility and stormwater plans shall be subject to the City Engineer.
8. The sidewalks on Water Street shall be replaced. The existing tree shall remain and be provided with an electrical connection subject to approval of the Public Works Superintendent.
9. All applicable permits are applied for by the Applicants with all supporting documentation and issued prior to the start of construction.
10. The structure shall be built in accordance with the plans approved by the City Council on August 6, 2012.

6. PUBLIC HEARINGS

- b. CUP to Install Monument Sign, Design Standards Review, and Site Plan Review for New Library at 337 Water Street - Hennepin County Property Services Division – (Continued)
11. 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.
 12. Any damage to Water Street or public improvements that occur as a result of construction shall be repaired at the Applicants' expense.
 13. 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.
 14. 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.
 15. The City Engineer shall review the revised location of the trail crossing on Water Street that was suggested by Hennepin County.

Chair Gaylord said he would like to discuss the trail crossing or should that be discussed at a later date? Richards suggested having the City Engineer be involved in these discussions.

Motion carried 6/0.

Wallace asked how soon they would begin the project. Anderson said that they plan to bid the project next year and build in 2014.

- c. Variance from Article 60, Section 60-4(d)(2)d.7 of Appendix E to Allow Finished Slope 30% or Greater Between End of Third Street and Lake Minnetonka to Accommodate Storm Water Drainage and Landscaping Improvements – City of Excelsior

Richards reported that the City has applied for a variance from Article 60, Section 60-4(d)(2)d.7 of Appendix E to allow a finished grade of greater than 30 percent to allow improvements at the Third Street Fire Lane. The purpose of the slope is to discourage the use of the lower area of the fire lane. Issues with safety and loitering in this area have been noted in the past. It is a difficult area for the South Lake Minnetonka Police Department to patrol in that it is behind and below the pump house structure.

6. PUBLIC HEARINGS

- c. Variance to Allow Finished Slope 30% or Greater Between End of Third Street and Lake Minnetonka to Accommodate Storm Water Drainage and Landscaping Improvements – City of Excelsior– (Continued)

Richards said that the City Council has authorized a landscape plan to be created for the fire lane. The plans include the retention of the pump house structure and enhancement for the overlook to the lake, decorative fencing, hillside and shoreline restoration, security lighting, and an accessible connection from the sidewalk to the top of the pump house. The finished slope for areas below and adjacent to the fire lane will be at a 2:1 slope or a 50 percent grade. A variance is required to vary from this provision.

The proposed improvements by the City to the Third Street Fire Lane are reasonable and are intended to improve the safety of the structure and surrounding fire lane area. The pump house is used by people to view the lake and is considered an amenity for the neighborhood and City as a whole. The 2:1 slope, which is a 50 percent grade, is necessary to prevent loitering in the area directly below the pump house structure. Police personnel are not able to effectively patrol and easily view the area below the pump house. The variance will not alter the essential character of the area, but it is intended that the improvements to the pump house and surrounding landscape will for the better. The outcome of the variance will be in conformity with Appendix E and the Comprehensive Plan.

The proposed variance is consistent with the Comprehensive Plan and will enhance the safety of the Third Street Fire Lane. If the Planning Commission and City Council find that the landscape plan with the 2:1 slope acceptable, the variance should be subject to the following conditions:

Staunton said that the desire to retain the pump house has dictated the need for the variance.

Jensen asked if the pump house is functional. Staff said no.

Jensen asked if the City could sell the property to the neighboring properties instead. Staunton said a fire lane is basically an extension to the street, so it would depend on the dedication language. He believes this was a street so no one could use it for another use, so the only option would be to vacate it. It is his understanding that the City Council wants to retain it.

Wallace asked about the fence. Staunton said the fence runs parallel to the lake. There is still a 2:1 slope there so you wouldn't want people to access there. Wallace asked if the fence stops at the property line. Staunton said yes.

Wallace asked how the slope affects the other two properties. Staff stated there should be no effect to the neighboring properties because there is storm water improvements incorporated into the project.

6. PUBLIC HEARINGS

- c. Variance to Allow Finished Slope 30% or Greater Between End of Third Street and Lake Minnetonka to Accommodate Storm Water Drainage and Landscaping Improvements – City of Excelsior– (Continued)

Jensen asked if the neighbors had any objections to the project. Staff said no.

Craig asked how much the project will cost. Staff stated approximately \$200,000.

Wallace said if the City is spending that much money it should consider giving the fire lane a name.

Staunton said that the neighbors and the police department have expressed concerns. He noted that this has been on the Council's to do list for some time and the concerns have brought this project to the forefront.

Busch asked if there has there been a fair amount of neighbor interest. Staunton said yes.

Staunton said there has been a lot of discussion at the City Council meetings regarding the project and the costs. There will be plans and specifications with the costs at either the July 16th or August 6th Council meeting.

Craig said if people want to loiter they will loiter regardless of the slope. Busch said what's there now is dangerous.

Staunton said that the Council has had considerable discussion regarding this and the issues that have been raised are all items that the Council has been wrestling with. Addressing the safety issues meets the practical difficulties test.

Duyvejonck asked for clarification that the pump house will remain and all other features will be removed. Staunton said there are a number of dilapidated infrastructure that will be removed, such as the stairway, railing, piping, etc.

Duyvejonck said so it will only be handicap accessible to the top of the pump house. Staff said that is correct.

Staunton said that this fire lane is significantly different than other fire lanes. It is elevated and it has a narrow winding staircase. The compromise was to do a 3:1 slope. There will not be a formal walkway, but if someone wanted to walk down to the lake they could.

Chair Gaylord opened the public hearing at 9:28 p.m. Hearing no comments Chair Gaylord closed the public portion.

6. PUBLIC HEARINGS

- c. Variance to Allow Finished Slope 30% or Greater Between End of Third Street and Lake Minnetonka to Accommodate Storm Water Drainage and Landscaping Improvements – City of Excelsior– (Continued)

Craig and Wallace questioned whether it was necessary to spend this amount of money on the fire lane. Staunton said the Commission's recommendation is confined to the variance request, not commenting on the overall cost.

Commissioner Busch moved, Commissioner Duyvejonck seconded, to continue the public hearing to the City Council's August 6, 2012 meeting and forward the recommendation to the Council that it approve the variance request based on the following:

Findings of Fact

1. The proposed project involves public improvements to the Third Street right-of-way between West Lake Street and Lake Minnetonka. The portion of Third Street right-of-way adjacent to Lake Minnetonka is referred to as the Third Street Fire Lane and is specifically designated as a historic fire lane by Excelsior City Ordinance § 24-1(12)(c).
2. The Third Street Fire Lane is one of ten historic fire lanes in the city. Unlike most of the other fire lanes, the Third Street Fire Lane intersects with Lake Minnetonka at an elevation substantially higher than the surface of the lake.
3. The elevation between the lake and the Third Street Fire Lane is occupied by an historic Pump House. It is the only historic Pump House still standing on Lake Minnetonka. The roof of the Pump House serves as a pedestrian lookout over Lake Minnetonka. There are railings in place on the top of the Pump House to protect against falls from the top of the Pump House to the lakeshore below. There is also a narrow stairway from the roof of the Pump House leading to the lakeshore below.
4. In recent years, the Pump House has fallen into disrepair. The concrete on the top of the Pump House is crumbling and the railings are insecure. In addition, the dilapidation of the area has attracted criminal activity that is reported to occur between the Pump House and the lakeshore in an area screened from view by the Pump House.
5. In an effort to address the safety issues presented by the crumbling infrastructure and the criminal activity the dilapidation and configuration has attracted, the City Council has authorized a project to improve the area. The project will remove screened areas that can serve as havens for criminal activity, preserve the historic Pump House, and install a secure roof and railings on the top of the Pump

6. PUBLIC HEARINGS

- c. Variance to Allow Finished Slope 30% or Greater Between End of Third Street and Lake Minnetonka to Accommodate Storm Water Drainage and Landscaping Improvements – City of Excelsior– (Continued)

House. In addition, the project will install enhanced stormwater management infrastructure (including the addition of curb and gutter on Third Street) and make the lookout platform on the top of the Pump House handicap-accessible. Finally, it will including safety lighting to discourage future criminal activity in the area.

6. To both preserve the Pump House and eliminate the screened area between it and the lake, the space between the Pump House and the lakeshore must be graded directly from the roof of the Pump House to the lakeshore. That will result in an approximately 50% (i.e., 2:1) grade. Such a grade exceeds the maximum permitted by the City Code (30%). A shallower grade cannot be accomplished without either removing the Pump House or leaving screened space between the Pump House and the lakeshore.

Motion carried 6/0.

Commissioner Jensen moved, Commissioner Craig seconded, to recommend to the Council that the area be given a name after the improvements are made. Motion carried 6/0.

- d. Proposed Ordinance to Amend Article 65, Planned Unit Development District, Section 65-6(c)(3) of Appendix E Pertaining to the Notice Period for Concept and General Plans

Sara Gibson, City Intern working with the City Attorney, reported that the proposed ordinance addresses notice periods for the general and concept plan Planned Unit Developments (PUD). Whenever there is an application for a PUD, properties within 350 feet of the site must be notified of the upcoming public hearing. State Statutes require a 15 day notice versus a 10 day notice. The ordinance will make the City's Code consistent with the State Statutes.

Staunton said that State Statutes also allow 15 days to determine if an application is complete and the City's ordinance reflects 10 days.

Chair Gaylord opened the public hearing at 9:38 p.m. Hearing no comments, Chair Gaylord closed the public portion of the meeting.

Commissioner Duyvejonck moved, Commissioner Craig seconded, to continue the public hearing to the City Council's August 6, 2012 meeting and forward the recommendation to the Council that it approve the proposed ordinance to amend Article 65, Planned Unit Development District, Section 65-6(c)(3) of Appendix E Pertaining to the Notice Period for Concept and General Plans. Motion carried 6/0.

6. PUBLIC HEARINGS

- e. Proposed Ordinance to Amend Article 6 – Administration – Variances of Appendix E to Bring the City Code Into Conformity with Minnesota State Statutes

Sara Gibson, City Intern working with the City Attorney, said the proposed ordinance deals with variances and bringing the language into conformance with the State Statutes. The change in language was the direct result of the *Krummenacher v. City of Minnetonka* decision, which changes the standard that is applied from “undue hardship” to “practical difficulties”. She explained what a practical difficulty is. She noted that the review criteria has also been updated and lists how practical difficulties should be judged.

Duyvejonck said it seems like there are a lot of changes. Staunton said the change from “undue hardship” to “practical difficulties” is a fairly substantial change and it’s important that the City’s ordinances conform with the State Statutes.

Gibson stated that the State Statutes have the language in one long paragraph. In the proposed ordinance, the language has been broken out into several points so it’s easier to understand.

Chair Gaylord opened the public hearing at 9:44 p.m.

Thom Loftquist, 740 Pleasant Street, asked how the practical difficulties test would be easier to comply versus undue hardship. Staunton said under the old standard of undue hardship, a property had to demonstrate that it could not be put a reasonable use without a variance. For years, applicants merely needed to show it was reasonable. The *Krummenacher v. City of Minnetonka* decision ruled that the property can’t be put to any use. The State Legislature then modified standard to a practical difficulties test, which is less rigorous. There are four test criteria that the Planning Commission and Council need to apply under the new standard when they review variance requests.

Hearing no further comments, Chair Gaylord closed the public comment period of the meeting at 9:48 p.m.

Commissioner Wallace moved, Commissioner Craig seconded, to continue the public hearing to the City Council’s August 6, 2012 meeting and forward the recommendation to the City Council that it adopt the proposed ordinance to amend Article 6, Sections 1-8 of Appendix E of the Excelsior City Code of Ordinances Pertaining to Variances. Motion carried 6/0.

7. UNFINISHED BUSINESS

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

Commissioner Busch moved, Commissioner Jensen seconded, to continue this agenda item to the August 7, 2012 Planning Commission meeting. Motion carried 6/0.

- b. Design Standards for 50-foot Setback Requirement on Water Street

Commissioner Busch moved, Commissioner Jensen seconded, to continue this agenda item to the August 7, 2012 Planning Commission meeting. Motion carried 6/0.

- c. Impervious Surface Coverage Regulations – Green Technology Subcommittee

Commissioner Busch moved, Commissioner Jensen seconded, to continue this agenda item to the August 7, 2012 Planning Commission meeting. Motion carried 6/0.

- d. Parking Update – Implementation

Richards reported that the City has two planning interns, Mike Malloy and Lisa Elliot, who are working on this item. Malloy has included produced a graph that shows parking occupancies and Elliott has provided research on parking meters and management and she's provided some comparisons. He noted that Gibson will be at the Commission's meeting in August.

8. NEW BUSINESS

- a. Dates for Additional Work Session(s)

Additional dates for work sessions were not scheduled.

9. COMMUNICATIONS & REPORTS

- a. Next Planning Commission Meeting – Tuesday, August 7, 2012

The next meeting of the Planning Commission is scheduled for Tuesday, August 7, 2012.

- b. HPC Liaison

Becca Sanders, Heritage Preservation Commission (HPC) Liaison, said that the HPC had very little criticism with the new library plans other than the monument sign. She said that the HPC had also reviewed the plans for the Brandow's building. She said that the HPC was happy that Brandow had found some of the original tile material and will look for a way to restore those.

10. MISCELLANEOUS

a. Recent City Council Actions

Staff updated the Commission on recent City Council actions.

11. ADJOURNMENT

Commissioner Jensen moved, Commissioner Busch seconded, to adjourn the meeting at 10:59 p.m. Motion carried 6/0.

Respectfully submitted,

Cheri Johnson
City Clerk