

City of Excelsior

Planning Commission Meeting

Minutes

Monday, August 13, 2012

1. CALL TO ORDER

Chair Gaylord called the meeting to order at 7:02 p.m.

2. ROLL CALL

Commissioners Present: Duyvejonck, Jensen, Wright, and Chair Gaylord

Commissioners Absent: Busch, Craig, and Wallace

Also Present: City Planner Richards, City Attorney Staunton, City Planner Braaten

3. APPROVAL OF MINUTES

a. Planning Commission Meeting of July 9, 2012

Commissioner Jensen moved, Commissioner Wright seconded, to approve the Planning Commission Minutes of July 9, 2012 as presented. Motion carried 4/0.

4. PENDING ISSUES/PROJECTS

a. Appoint Liaison to City Council (August 20, 2012)

Commissioner Wright will be the Planning Commission Liaison to the August 20, 2012 City Council meeting and Chair Gaylord will be the alternate.

5. PUBLIC HEARINGS – (Continued)

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 front and side facades of the building at 205-207 Water Street. Richards stated that the applicant has come back to the Planning Commission for approval of a more finalized set of plans, which they did not have at the previous Planning Commission meeting. He informed the Commission that the HPC had approved the Site Alteration Permit on June 19, 2012 and required that any changes to the exterior plans would require them to submit the proposed changes for their review and approval. He informed the Commission that the applicant had reduced the amount of signage on the building, removed the translucent window graphics, and changed the appearance of the retail space along 2nd Street.

Richards explained that the applicant was also requesting approval of a Conditional Use Permit to utilize the Annual Parking Impact Fee and Joint Parking. Richards explained that the current structure, which is all under the same P.I.D. # is grandfathered in with 17 parking spaces. The proposed improvement would require 7 parking spaces for the office space, 2 parking spaces for the retail space, 29 parking spaces for the proposed restaurant space. With the approval of Joint Parking, to be shared with Brandow Design's office space, the applicant would only have to pay a Parking Impact Fee for 5 parking spaces. Richards recommended approval of the Conditional Use Permit to utilize the Parking Impact Fee and Joint Parking with the 17 conditions stated in the staff report.

Jensen asked if the Planning Commission would see the application again if they recommended approval. Richards replied that the application would not come back to the Planning Commission unless the applicant came back with a significant change to the plan.

Tim Brandow, 21 West Lake Street, stated that he had provided the Commissioners with a packet of new information at the beginning of the meeting illustrating their proposed changes to the exterior of the structure at 205-207 Water Street. He indicated that they had reduced the signage and refined the graphic logo. He informed the Commission that one of the major changes was that the retail space was now proposed to be a brick façade rather than the previous submittal which had proposed stone. Mr. Brandow stated that when they had removed the face material and found the brick underneath to be in good condition they decided to use it. Mr. Brandow informed the Commissioners that the underlying tile on 205-207 Water was also in good condition, so they planned to use the existing material. He stated that if all went as planned they would be adding multiple windows and the existing tile located in these areas could be used to fix or replace the broken or chipped tiles in other places on the facade. Finally, Mr. Brandow commented that the trash would be located in a trash enclosure under the existing stairs in the rear of the building, which would be picked up daily.

Discussion followed regarding the trash enclosure and if the proposed location would be large enough to accommodate a restaurant. Mr. Brandow stated that with a daily pick up the process and location should work well.

Mr. Brandow explained that they were proposing a blade sign which would extend out from the corner of the building approximately 62 inches. Jensen asked if the blade sign would have any lighting. Mr. Brandow stated that it would be lit internally. Richards reminded the applicant that by Ordinance the sign could be internally lit, but only the letters and design could be internally illuminated and the background of the sign would have to be solid.

Chair Gaylord asked about the signage on the proposed awnings. Richards stated that the applicant was now proposing only signage on the front of each awning rather than the original submittal which proposed signage on all three sides of the awnings. Furthermore, Richards stated that the applicant may want the option to extend the awning along Water Street out to the curb. Mr. Brandow explained that the applicant may want to have valet parking in the

front and an extended canopy would fit the character that they were looking to replicate with the new steakhouse. He asked if it would be possible to get a variance to have two support posts to be located in line with the trees along Water Street. He stated that he would like the closest edge of the canopy as close as two feet to the curb rather than the four feet required by Ordinance. Richards explained that this option would have to be considered and approved by the Public Works Superintendent. Chair Gaylord asked if allowing posts for the proposed canopy in such close proximity to Water Street would interfere any way with the City snow removal process. Richards emphasized that snow removal would be just one of the issues he would like to discuss with the Public Works Superintendent before moving forward with an approval process for the extended canopy.

Discussion followed regarding the possibility of having valet parking and how the use of 3 spaces for valet parking would impact the parking required for the site. Jensen stated that the Commission should figure for the worst case scenario when determining parking for the proposed valet service. Richards asked where the valet cars would be parked. Mr. Brandow stated that it was just a possibility that he had brought up to the new business owners and that he didn't realize it would be such an issue. Based on the conversation they may not want to have valet parking for the new restaurant. Richards stated that if they are proposing to have valet parking it had to be considered because they are currently asking for a Parking Impact Fee for 5 cars and this may need to be increased if valet parking is considered due to at least 3 of the grandfathered parking spaces being used for valet purposes. Discussion followed regarding valet parking.

Chair Gaylord asked Mr. Brandow about the addition of a second entry door along Water Street. Mr. Brandow replied that the original submittal only depicted a revolving door and that with further thought they had added an additional regular door for ADA requirements and to allow for the future development of an outdoor sidewalk seating area. Mr. Brandow stated that the regular door would allow easier access for the servers to travel in and out of the building.

Jensen inquired about the floor plans depicting a future stair case and elevator. Mr. Brandow replied that they were showing the stair case and future elevator for access to both the basement and a possible future second floor addition to the building. Discussion followed regarding the structural ability to add a 2nd floor, the parking impacts, and the use of the second story as possibly a rooftop bar, offices and/or apartments. The discussion also involved the necessary future approval of the HPC to add a second level to the building.

Chair Gaylord inquired about the past use of the structure. Mr. Brandow explained that in the 40's the structure was used as a hotel, after that the Red Owl grocery store moved in. When the Red Owl moved to 470 Water Street then Bacon Drug moved into the building.

Richards asked Mr. Brandow to explain the "graphic descriptor" signage shown on the elevation drawing for the retail space. Mr. Brandow stated that it was just there as a place holder and that the future tenant would dictate the

signage. He stated that due to the retail space having both brick and tile an awning may help to unify the space. Discussion followed regarding the brick façade of the proposed retail space.

Chair Gaylord asked if the seating plan that was submitted with the application was the final seating plan for the proposed restaurant. Mr. Brandow replied that it was close. Chair Gaylord inquired about the possibility of outdoor seating. Richards explained that the applicant would need another conditional use permit for outdoor seating space.

Duyvejonck asked about the patio/parking area in the rear of the proposed restaurant and the Brandow Design building. She questioned how the rear parking area would function if the City approved a Conditional Use Permit for shared parking. Duyvejonck stated that the parking area was currently gated and closing off the space would impact parking. Mr. Brandow replied that they had closed this area off in the past for special events, but no outdoor seating in the rear was proposed for the restaurant. Richards informed the Commission that for shared parking the office would have to close at 5 P.M. as the restaurant opens up and the gate on the rear parking area would need to remain open while the restaurant is open. Richards stated that this was one of the recommended conditions of approval that he had stated in his staff report.

Discussion followed regarding the need for permits through the City for special events and valet parking.

Richards proceeded to go through his design standards comments in the staff report. Chair Gaylord, in reference to the architectural element standard, stated that it was a good reuse of the building. The Commission had no comments on the transparency standard. Chair Gaylord commented on the detailing standard by asking how to react to the proposed canopy. Duyvejonck stated that the issue should be deferred to the Public Works Superintendent. Jensen agreed with Commissioner Duyvejonck. Chair Gaylord stated that if the applicant decides to extend the canopy closer than 4 ft. to the curb the issue should be brought back to the Planning Commission for further discussion. The Planning Commissioners agreed with Chair Gaylord's determination.

Duyvejonck asked Mr. Brandow if he had any material samples for the Commission to review. Mr. Brandow provided a sample of the canopy material along with a sample of the tile material.

The Commission had no comments in reference to the rear façade or the light fixture design standards. Richards asked the Commission if they had any comments regarding the sill height design standard. Jensen stated that the plans depicted three different sill heights along 2nd Street. Chair Gaylord requested that the all of the sill heights along 2nd Street match each other. Mr. Brandow agreed and stated that they would make the change to match all of the sill height along 2nd Street.

The Commission had no comment regarding the trash design standard. Chair Gaylord questioned the sign design standard for 400 Second Street. Chair Gaylord commented that it seemed like a lot of signage for such a small retail

space. Richards replied that the signage was based on the formula in the City Ordinance and that he was comfortable with the amount of signage proposed for 400 Second Street.

Richards, at the request of the Commission, went through all of the proposed conditions of approval recommended by staff.

Commissioner Jensen moved, Commissioner Duyvejonck seconded, to continue the public hearing to the City Council meeting and recommend approval of the design standards and the Conditional Use Permit to utilize the Annual Parking Impact Fee and Joint Parking with the 17 recommended conditions of approval stated in the staff report except for condition #6 which required the Planning Commission to comment on the proposed awning that would extend almost to the curb line of Water Street. Motion carried 4/0.

6. PUBLIC HEARINGS

- a. None

7. UNFINISHED BUSINESS

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

City Attorney Staunton introduced the topic. Staunton informed the Commission that he had been working with Sarah Gibson, a City law intern, and she would be presenting the information to the Commission.

Sarah Gibson discussed the topic and broke it into three distinct categories: 1) Shoreland, 2) non-conforming uses, 3) non-conforming structures. Ms. Gibson stated that a new section was proposed entitled "Shoreland Areas." This language would state that the Excelsior City Ordinance are subject to the applicable Minnesota state law concerning non-conforming uses within shoreland areas. Staunton commented that this section of the statute was tough to decipher originally and after careful consideration the changes to the state statute did not really apply to the City of Excelsior and therefore he thought that just adopting them and referencing them in our Ordinance would be less confusing for residents and staff. Discussion followed regarding the proposed language.

Ms. Gibson explained the proposed changes to non-conforming uses. She stated that the proposed language would allow the City to consider the intensity of the use on a given non-conforming property when determining if a non-conforming use has been expanded.

Duyvejonck questioned the language and asked if size should be included in the criteria to be measured when determining the expansion of a non-conforming use. Discussion followed regarding the measurement criteria for non-conforming uses.

Chair Gaylord questioned, in regard to measurement of non-conforming uses, who would determine or measure the increase of the non-conformity. Staunton replied that this would be a resource issue and it would be a bit challenging to judge and enforce, but it would allow the City the ability to do so if necessary.

Ms. Gibson explained the proposed language for non-conforming buildings and structures. She stated that the proposed language should help to speed up the approval process, make interpretation easier and allow administrative approval in certain situations. She provided multiple examples of the expansion in regard to non-conforming structures.

Discussion followed regarding the examples provided by Ms. Gibson and what should be allowed without the need for a variance request.

Commissioner Jensen moved, Commissioner Wright seconded, to set a public hearing for the proposed Non-Conforming Buildings, Structures, and Uses ordinance amendment for September 5, 2012 Planning Commission meeting. Motion carried 4/0.

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

Richards gave a brief introduction to the agenda item and asked the Commission for direction regarding the 50 ft. parking setback requirement on Water Street.

Chair Gaylord commented that this was a very big topic and he would like more than just four Commissioners to comment on this item before moving forward. He thought that continuing the agenda item until the September Planning Commission meeting made the most sense.

Commissioner Wright moved, Commissioner Jensen seconded, to continue this agenda item to the September 5, 2012 Planning Commission meeting. Motion carried 4/0.

c. Impervious Surface Coverage Regulations – Green Technology Subcommittee

Richards introduced this topic and asked if the Commission was ready to schedule a public hearing for the proposed Ordinance Amendment.

Chair Gaylord felt that it was prudent to continue this agenda item until the September Planning Commission meeting when more of the Commissioners were in attendance.

Commissioner Wright moved, Commissioner Jensen seconded, to continue this agenda item to the September 5, 2012 Planning Commission meeting. Motion carried 4/0.

d. Parking Update – Implementation

1. Parking Counts Summary

Mike Malloy, Planning Intern, introduced the topic. Malloy informed the Commission that he had been conducting the majority of the parking counts for the City over the summer. He stated that typically Mondays were the slowest and that Thursdays typically had the most parked cars. He stated that he had organized the data so that future parking data could be entered and graphs could be developed from the information making it more useful for future conversations regarding parking in the City.

Chair Gaylord asked if anything had been done to clarify the parking count process so that it could be more easily understood for an outside person coming in and trying to complete a parking count. Malloy stated that the process was about the same as it has been in the past, but it would be easy to make a more detailed map and route for Commissioners and volunteers to follow. He felt that standardizing the route for the parking count would make it easier for everyone.

The Planning Commission took a 5 minute break at 8:55 P.M.

The Planning Commission re-convened at 8:59 P.M.

2. Parking Management

Lisa Elliot, Planning Intern, introduced the Parking Management agenda item. She stated that parking management benefits the City by improved access to parking information, maximizing revenue, using solar power for parking meters, and allowing multiple forms of payment. Furthermore, she stated that there were also benefits to the user/citizen, which included payment options, remote payment, real time parking availability, access to local maps, and connection to the 911 system.

Elliot stated that parking meters could be divided into two categories, single space options and multiple space options. She stated that there are companies who could retrofit the City of Excelsior's existing parking meters with a housing that could handle multiple forms of payment while also using solar power. The multiple space option would allow for fewer pay boxes and allow the City to accumulate further parking data while allowing users the ability to pay at multiple locations.

Elliot also briefly discussed contracting with a parking management company as an option for the City.

Elliot stated that the next steps would be to analyze the parking information developed by the parking counts and determine the best course of action for the City as a whole. Richards stated that this report was intended to be background information to start the discussion regarding parking management in the City.

Chair Gaylord asked what the cost of managing a single parking space would be. Ms. Elliot stated that this was not considered in the scope of

her report.

Richards informed the Commission that the City Engineer had reviewed the possibility of angled parking on Water Street and found that parking spaces would actually be lost if this occurred. Discussion followed regarding angled parking, cost, scope, and the effects on the neighboring residential neighborhoods.

Richards stated that any discussion moving toward a change in parking or parking meters should include the Downtown Business groups.

Jensen stated that it could be a possibility to sell both the east and west parking lots and have them managed by an outside parking management company.

Staunton asked if the report had found a different behavior for users when using either a coin only parking meter or a credit card parking meter. Ms. Elliot replied that there was no concrete evidence that she found during her research. Jensen stated that it was his guess that when using a credit card the user actually puts more time on the parking meter than they actually use. He was speaking from past experience.

e. Formula Business Regulations (Franchises)

Mike Malloy, Planning Intern, introduced the Formula Business Regulations topic. Malloy informed the Commission that in an effort to preserve their character some cities have restricted formula businesses/franchises. The City's current design standards state "Franchise design should be allowed only to the extent that the materials, colors, and scale are designed to meet (the Design Standards) and the project is integrated into the architectural context created by Downtown Business District and Highway 7 area buildings." Malloy stated that due to the unique character of Excelsior the City may want to consider formula business restrictions.

Malloy explained that the key components of formula business restrictions were justification of the ordinance, definition of formula businesses, and what form of restriction the City would impose. He explained that for a franchise ordinance to be lawful it must justify restricting such businesses. He felt that Excelsior's unique character lent itself to justifying such an ordinance. Malloy stated that defining what a formula business is and how to restrict them could be very controversial. Finally, Mr. Malloy gave some examples of formula business regulations in other cities. He informed the Commission that this type of regulation is being used on both the east and west cost, but if the City of Excelsior were to adopt a formula business regulation ordinance it would be the first of its type in the Midwest.

Chair Gaylord asked how this topic had been brought up. Richards replied that this topic was coming from the City Manager, Kristi Luger. He stated that it was more for investigation of how something like this would work and if it could be done. This was a summer planning intern project to investigate the topic.

Richards asked for direction from the Commission regarding regulation of formula businesses.

Commissioner Wright moved, Commissioner Jensen seconded, to request the City Council consider the topic and give direction to the Planning Commission regarding the regulation of Formula Businesses. Motion carried 4/0.

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 – Wednesday, September 5, 2012

The next meeting of the Planning Commission is scheduled for Wednesday, September 5, 2012.

10. MISCELLANEOUS

a. Recent City Council Actions

Staff updated the Commission on recent City Council actions.

11. ADJOURNMENT

Commissioner Jensen moved, Commissioner Wright seconded, to adjourn the meeting at 9:20 p.m. Motion carried 4/0.

Respectfully submitted,

Lane L. Braaten
City Planner