City of Excelsior

Special Planning Commission Meeting

Minutes

Monday, December 10, 2012

1. CALL TO ORDER

Chair Gaylord called the meeting to order at 7:07 p.m.

2. ROLL CALL

Commissioners Present:	Craig, Jensen, Duyvejonck, Wallace, Wright and Chair Gaylord
Commissioners Absent:	Busch
Also Present:	City Planner Richards, City Attorney Staunton, City Engineer Dawley, City Planner Braaten, and City Clerk Johnson

3. PUBLIC HEARINGS – Continued Public Hearing

a. General and Final Plan, Planned Unit Development District, Design Standards, and Site Plan Review, Article 65. PUD of the Excelsior City Code, to Construct a Hotel at 10 Water Street, P.I.D. 34-117-23-11-0059 - Thomas F. James Properties, LLC

Chair Gaylord said that there is just one item on the agenda for tonight, which is the General and Final Plan for the Planned Unit Development (PUD) for the proposed hotel. He said that the Planning Commission continued this item from the December 4th meeting. There is no public hearing this evening; that was completed at the December 4th meeting. This meeting is for continued deliberation by the Planning Commission. If Commissioners have questions, those will be answered by the applicant.

Chair Gaylord said that staff has prepared two draft resolutions for the Commission, a resolution for the PUD General and Final Plan, and a resolution for the design standards review.

Richards reviewed the conditions outlined in the design standards resolution.

Duyvejonck asked why the parking was calculated for the restaurant but not included in the resolution. Chair Gaylord said it is identified in the PUD resolution.

Richards said that the parking for a restaurant can be calculated on a per seat or a square footage basis. There was not a seating diagram provided, but the applicant has stated that the seating will not exceed 100 seats so this is what was used to calculate the parking.

3. PUBLIC HEARINGS – Continued Public Hearing

a. General and Final Plan, PUD District, Design Standards, and Site Plan Review, to Construct a Hotel at 10 Water Street – (Continued)

Craig questioned when the Comprehensive Plan and Traffic Study will be discussed. Chair Gaylord said those will be discussed in conjunction with the PUD resolution.

Jensen said the setback of the floors has effectively reduced the mass of the building and he wants to be sure that this is adequately reflected in the resolutions.

Duyvejonck said there should also be dates when the architectural plans were addressed in the resolution.

Duyvejonck said the resolution states that the pergola structure on the Water Street façade shall remain as found in the architectural plans; she is not sure that was the intent of the Planning Commission. Richards said he had added general statements regarding the pergola and turret. If there is something specific to the pergola or turret structure he can add those details to the resolution, otherwise he will strike these two items.

Duyvejonck and Wallace said that there should be dates in the resolution identifying when the architectural plans were addressed. Richards said he will add a general statement that has the date when the plans were submitted and the date it was deemed complete.

Jensen said to leave the condition regarding the stamped concrete in the resolution because it is not shown on the plans. Wallace said the color and texture will be important. Richards said that he hopes that the applicant will have those elements when this goes forward to the City Council.

Commissioner Jensen moved, Commissioner Wright seconded, to forward the recommendation to the City Council that the proposed project meets the intent of the City's Design Standards.

Craig said that she had hoped that there would be reference to the HPC findings, etc. Chair Gaylord said that the Planning Commission is a separate advisory commission.

Craig said she is not sure she agrees with the conclusions in the resolution. Jensen said that it is important to decipher the facts and look at what has been presented, and not just what is being said in the community or during the public hearing.

Staunton said if she does not think the conclusions are accurate, she should vote against the motion and provide a reason why she voted against the motion.

3. PUBLIC HEARINGS – Continued Public Hearing

a. General and Final Plan, PUD District, Design Standards, and Site Plan Review, to Construct a Hotel at 10 Water Street – (Continued)

Craig said she read the items in the agenda packet, and the sections from the Comprehensive Plan that was referenced. She knows that these things can be subjective, but she is having difficulty getting past the small town scale and design elements. Chair Gaylord said that this discussion should just be about the design; the Comprehensive Plan will be discussed during the PUD discussion.

Richards said that at the last meeting the Commission had discussed all of the design elements and he had used those comments from the discussions to draft the resolution.

Craig said there are design standards items that go in conjunction with the Comprehensive Plan. She has issues with the columns and the setbacks. The building seems very ornate and it has elements that are not reflective of downtown Excelsior. She knows design is subjective, but those are her thoughts. She agrees with the Heritage Preservation Commission's (HPC) comments and the editorial in the Star Tribune.

Duyvejonck said there is some overlap between the design standards and the PUD resolutions. She asked if it was possible for the Commission to have a discussion on both resolutions and then vote.

Wallace said he agrees with Craig, there are some things out of character. The building looks stripey and out of character with a horizontal emphasis versus a vertical emphasis that is required by the design standards. There are a lot of little things that they could spend hours discussing, but these were discussed last time. He is a little disappointed with the City's process. It would have been more beneficial to have the HPC process completed before the Planning Commission's.

Jensen said the Planning Commission needs to apply the design standards, not the HPC's standards. Wallace said it is good to hear what the HPC has to say before the Planning Commission makes a decision.

Chair Gaylord said the process should be modified; maybe the HPC should review concept plans. Wallace said he hasn't studied the process that much to know. Chair Gaylord said maybe this is something that the City Council and Planning Commission can look at.

Wallace said when the Planning Commission has reviewed some of the residential applications; the Commission has said how an issue could have been solved by changing the design. The same could be said with this

3. PUBLIC HEARINGS – Continued Public Hearing

a. General and Final Plan, PUD District, Design Standards, and Site Plan Review, to Construct a Hotel at 10 Water Street – (Continued)

application. The design issues could have been solved; there didn't need to be 58 rooms. Chair Gaylord said that typically the height would be handled through a variance; this is a PUD.

Craig said there was a huge volume of information to look at and she is feeling rushed. She thinks that the Planning Commission should spend the time to look at this. There could be some thoughtful design changes through cooperative collaboration. The library project was a successful project. This warrants as much time and effort as the library did.

Jensen said let's not do the same as the HPC did. If there was some design concerns, maybe those should have been addressed at the Concept Plan. Craig said the Commission didn't have as much details with the Concept Plan. The information that is provided for the Concept Plan is very different than what is required at the General Plan. Craig said she would like to talk about the items that she does not agree with. Chair Gaylord asked Craig to articulate what she does not like.

Richards suggested that the motion be withdrawn.

Chair Gaylord said that the Commissioners can retract their motion if they want to, but the Commission has already discussed the design points.

Duyvejonck said she doesn't want to glaze over Craig's concerns. She would like to hear what they are. Craig said the columns, how the building steps back from Water Street, the building is too ornate, and the building does not fit with Excelsior's small scale.

Chair Gaylord said that the items Craig has identified are large items, not small design details. He noted that the overall concept has not changed. Craig said she can't vote yes.

Wallace asked if there was a lot of public comment during the Concept Plan. One concern he has, is that it might be too late to talk about mass and scale. This is the final phase, and he worries about how much the public understands about the process. Richards said that this is the second time for this plan and the plans have not changed much from the 2010 application.

Vote on the motion was 3/3 with Chair Gaylord, Jensen, and Wright voting in favor of the motion, and Commissioners Craig, Duyvejonck, and Wallace voted against the motion. Motion failed.

Chair Gaylord suggested that the Commission group the discussions around the topics. Craig said she would like to discuss the market study. Jensen

3. PUBLIC HEARINGS – Continued Public Hearing

a. General and Final Plan, PUD District, Design Standards, and Site Plan Review, to Construct a Hotel at 10 Water Street – (Continued)

said that he would like to keep the discussions to the market studies provided in the packet.

Chair Gaylord said that the Planning Commission requested that the applicant provide a market study. Wallace said he does not have any interest in getting into a discussion on the economic viability. He looks at the building not the use. The feasibility of the hotel is secondary to the building fitting in.

Jensen said he agrees with Wallace. The building is the most important item. When he looks at the building at the corner of Oak and Water there is only one business. Nothing else is happening to those sites. This building seems more appropriate for Excelsior than a bunch of smaller businesses that are dependent on other people's business plans. Here there is one individual who is interested in providing a new business, which is a greater benefit to Excelsior.

Craig asked what if it was proposed as condominiums. Jensen said he would rather see condominiums s with retail on street level than 6 to 12 individual shops. He wants to see this building and site succeed. Chair Gaylord said that is a great point for support of the Comprehensive Plan. The Planning Commission never considered "Plan B", and he does not think it is appropriate for an application to have a "Plan B".

Weber said with a PUD, if there was a change in use this would need to come back to the Planning Commission.

Jensen said a couple of years ago he would not have supported this application, but with today's economy and seeing some of the projects not moving forward he has changed his mind.

Craig said she thinks the idea of a hotel is fabulous. She said with the grocery store, the City tried to accommodate that because it was a use that the City has wanted for years. The viability is important to her as this specific use makes her more considerate of the concessions needed.

Charlie James, the applicant, said that he has been remiss in not providing information to the Commission that they have done 3 separate independent marketing studies for the hotel. All of these companies have been involved with hotels. All have somewhat different assumptions, but none of them stated that the hotel would not be feasible. There was a discussion on the Internet about this project not being viable. The person who put this on the Internet used the highest construction costs possible and reduced the rate of occupancy. He said that this hotel cannot be compared with other classes of

3. PUBLIC HEARINGS – Continued Public Hearing

a. General and Final Plan, PUD District, Design Standards, and Site Plan Review, to Construct a Hotel at 10 Water Street – (Continued)

hotels. To get the project financed he will need to get a fourth market study, know how many rooms the hotel will have, how large the restaurant will be, etc. He will not build something that will be a disaster.

Craig said that information is very helpful and it is pertinent information for her. She knows that it's impossible to compare different classes. She wanted some comparison with another historic hotel. She called the Lowell Inn in Stillwater, realizing that there are other unique characteristics to this hotel. She noted that the Lowell Inn has seen an increase in occupancy, but their prices are lower than they were 5 years ago.

James said he has also talked to other organizations who work on booking rooms for groups. High profile executives are more likely to rent rooms versus other groups. What will make this hotel successful are its uniqueness and the destination. If this was a three story Holiday Inn Express, it would not be successful. This hotel has to be unique.

Craig asked if this hotel will fit in the middle upper or upper range. Wright asked what the rates would be. Mr. James said there will be 14 different room types and different price points. The vision is to have a website with the different rooms so people can chose what they want. The rates might be somewhere around $100 to $350. That's why this gets back into the design. They have tried to break it into segments, the hotel, restaurant, retail, etc. He does not want a uniform horizontal band of material. They have tried to make this a landmark building. He believes the tower is a historic feature. They have agreed to a number of changes. Unfortunately, they were not able to get to the point where they could engage with the HPC, but the HPC could not get past the mass and scale. This is one of the biggest sites in Excelsior, only about 1/3 of the property is covered with the building, and the building has less cubic feet of volume than if they met the City Code up to the allowed 35 feet in height.

Duyvejonck said she appreciates that the market studies are being done, but she is not sure it is the Planning Commission's place to get into the market studies.

Chair Gaylord said that if a developer is willing to come in and spend this much money, he can't believe that they aren't going to do what's right for themselves and the City. How far should government go to determine if a business will be viable? Craig said she is glad it was addressed and that James shared the additional information tonight.

3. PUBLIC HEARINGS – Continued Public Hearing

a. General and Final Plan, PUD District, Design Standards, and Site Plan Review, to Construct a Hotel at 10 Water Street – (Continued)

Chair Gaylord said the next item is the noise study. The study shows that the ambient noise of the lake, foot traffic, traffic, etc. will drown out any noise created by the hotel project. Duyvejonck said she asked for this and she is comfortable with the information provided.

Chair Gaylord asked about the easements. He said the applicant has shown that they have control of the property and solved the driveway issue. Staunton said he received from James some revisions to the language pertaining to the easement. There are two alleged easements. There was an easement that was in the middle of the property that provided access from Lake Street to the theater. That easement could be moved anywhere on the site by the hotel property owner. There is a point of contention about whether there are one or two easements. James claims that the first easement was extinguished when the second easement was put into place. The issue with the easement had held up the application until staff could determine that the applicant had control of the property. Mr. James took the first easement and moved it on top of the second easement. Then there was discussion whether it was a one or two way easement. It is his view that the easement is non-exclusive. The theater property owner claims the applicant needs to provide access to the theater. The project as proposed does not infringe on the easement.

James said that a number of years ago, the owner of the theater phoned him. The owner of the theater property wanted to put an addition onto the theater building. The financial institution required a survey and the survey showed that the theater building was 6 inches onto the hotel property. He gave the 6 inch strip of land to the theater property owner free of charge. The theater property phoned 30 days later regarding the easement. The Examiner of Titles said the easement that existed on the west side of the property was not valid because it was not created properly. It was ruled that the easement did not exist and it was removed. Then the theater property owner called him and said he didn't have access to his property. He told the theater property owner that when he purchased the property he thought the easement was there. He agreed to rewrite the easement provided that he was able to relocate the easement when he decided to redevelop the property. Rather than fight the easement issue, he just relocated the easement where it originally was.

Chair Gaylord asked Commissioners if they had any comments or issues with the parking. No one had any comments or issues with the parking. Chair Gaylord said that another benefit to the project is that all of the required parking is on site.

3. PUBLIC HEARINGS – Continued Public Hearing

a. General and Final Plan, PUD District, Design Standards, and Site Plan Review, to Construct a Hotel at 10 Water Street – (Continued)

Chair Gaylord said the next item is zoning and historic preservation regulations. Duyvejonck said that the sequence of how the process works is complicated. She would have preferred to have the City Council rule on the appeal before the Planning Commission completed their work.

The next item discussed was the proposed structure and use. Craig said that this speaks to the mass and scale. She appreciates and understands the give and take that the developer explained. The height is only 35 feet on Water Street and there is underground parking that allows for a higher height. She still has issues with the design, the balcony, railings, columns, and that it does not fit with the small scale of Excelsior.

Jensen said that the Planning Commission can have the HPC approve the light fixtures and signage. Wallace said as long as the design of the light fixtures and signage is similar to what is on the drawings he does not think those items have to come back to the Commission.

Craig said she knows design can be subjective, but she thinks the columns, railings, pergola, etc. are too ornate. Maybe not all of these elements need to be on the building.

Chair Gaylord asked if anyone else had any comments on the design elements.

Craig said if there wasn't a step back on Water Street, maybe there wouldn't be a need to have balconies. Neil Weber, the architect, said the intent was to break up the building vertically and horizontally, and break it up into modules to relate to the buildings next to it. The intent was to have the building fit in vertically with existing buildings. It would look like a two story building with the third story stepped back. It helps bring the building to scale. The building is also back slightly from the theater building to make the sidewalk wider.

Craig said she thinks the building looks unbalanced.

Chair Gaylord said it does give the illusion of several different buildings. Duyvejonck said she is supportive of the look, it gives it more of a vertical versus a horizontal look, and more of a vertical feel.

Weber said all of the doors to the rooms are the same, while some are brought forward and others moved back, and the windows for the restaurant are arched. The brick is a simple detail, uniform, and all the same. They wanted a residential feel to the building. The columns have a brick base, are

simply rounded, and only occur on certain areas of the building.

3. PUBLIC HEARINGS – Continued Public Hearing

a. General and Final Plan, PUD District, Design Standards, and Site Plan Review, to Construct a Hotel at 10 Water Street – (Continued)

Richards said there were 3 members of the HPC who had issues with the detailing and they did not think the columns and pergola were needed. If these are elements that the majority of the Commission feels strong about, these could be changed.

Craig said the detailing in the brick can set this building apart without all the added elements such as the pergola and columns.

Chair Gaylord asked if other Commissioners wanted to see the columns removed. Duyvejonck said there is a certain amount of flexibility in the design. When it is as large and massive as it is, that is how she sees the two connecting. The design and mass connect together more because of the size and detailing. She is not sure design by committee is appropriate and does not want to start going down that track. If people are open to going through the same process as the library, she thinks it could be successful.

Chair Gaylord said he was on the committee for the library. The process took over a year, but they did come up with a good project. What tipped the process was a historical architect coming into the process. The library group went through pictures; it did not design the building. There were an overwhelming number of people who did not like the design and that is what triggered the process.

Weber said when it was suggested that they talk to Stuart MacDonald, they did. He asked MacDonald about the process with the library and he said that this project is different. The library was a box and he looked at orientation of entrances, etc., and alternate choices on design are much simpler to deal with. That was a public building paid for by taxpayers, this is a private project on private land. He had MacDonald look at the design of the building and at each of the elements. He asked MacDonald if he thought the elements were compatible with other buildings in Excelsior. He suggested changing some of the doors on the rooms. One change that was made on the Lake Street side was to add four units with the columns. They have taken all of the comments over the past five years seriously. Where there has been disagreement, they've tried to explain why they disagree.

Chair Gaylord said in the past the Planning Commission has discussed design issues and always left it up to the architect, the Commission has not designed the building. The Commission is not here to change the design.

Chair Gaylord asked the Commission about the height and how it fits with the Comprehensive Plan.

3. PUBLIC HEARINGS – Continued Public Hearing

a. General and Final Plan, PUD District, Design Standards, and Site Plan Review, to Construct a Hotel at 10 Water Street – (Continued)

Wallace said he finds it interesting that the applicant has used the City's ordinances not to design a building. They've provided diagrams to show that if they build according to what the City's ordinances allow that no one would like it. Chair Gaylord said the scale is more appropriate for a ¾ of an acre site. Wallace said the size of the site has nothing to do with the argument. Downtown is a much bigger site. Secondly, there is a difference in actual volume and perceived volume. Volume has to do with all three dimensions.

Craig said the height makes her nervous. If it is a hotel she can see why a fourth floor is needed and she can accept the argument for the turret on the corner. It concerns her, but it is easier for her to concede these things because of the use.

Chair Gaylord asked if anyone had any objectives with regard to the Comprehensive Plan. Craig said the small scale. If the building is going to be big, you find a way to design it to give it the beauty you want but not look as massive. She thinks there is more that can be done to make it look less massive. Chair Gaylord questioned how this does not meet the small town feel. Craig said there are sections of the Comprehensive Plan that she does not believe this project meets.

Chair Gaylord asked if anyone else felt that this project does not meet the intent of the small town scale. Duyvejonck said this is an issue that everyone is wrestling with, because it is so subjective. She's been walking around sites all week trying to visualize it.

Chair Gaylord said to him the small town appeal of the hotel is self-contained. He thinks this fits with the Comprehensive Plan. This is a large site. When the building is in place and people come to see it and accept it, they will accept this being in a small town. Hopefully, they will have some of these amenities in the small town so there won't be a need to go elsewhere to experience them.

Craig read sections from the Comprehensive Plan. She noted that development should be of premium quality and blend well with the community, and she feels this needs work.

Chair Gaylord discussed looking at the building, not the hotel. Craig said if it was just a building it would be easy for her to say no. Chair Gaylord said he liked Jensen's approach of looking at the other development. If this was a retail space there could be turnover. It is better to have some stability, and the hotel use provides that. It's a unified approach, not a series of different structures that are made to look as such. This approach seems better because it is more unified.

3. PUBLIC HEARINGS – Continued Public Hearing

a. General and Final Plan, PUD District, Design Standards, and Site Plan Review, to Construct a Hotel at 10 Water Street – (Continued)

Craig said if the use wasn't taken into consideration, the 4th floor was removed, and there was retail on Water Street, then you could still have that flexibility. The building could be built within the City Code if they weren't looking at the hotel use.

Jensen said he is not saying that if a developer comes to Excelsior and picks one of four corners, that it is an automatic yes. He looks at this as an anchor and what it is providing. Both of Burdick's buildings are for sale. There is a lot of retail and businesses that are leaving. This applicant is the only one who has money in this project; he isn't relying on others. When he looks at this, he thinks about where the City is going and what has been approved to keep it going. As citizens and Planning Commissioners, they need to extend a certain amount of help when it comes to this project. The applicant is investing a lot into the City, to its residents and families. People have been supportive of a possible hotel.

Chair Gaylord asked about the connection to the Port and Downtown Excelsior. He believes that with a project of this scale, the City should benefit from the development. The City should have basic streetscape improvements, advanced, and Port enhancements. Having the Port improvements are critical and in the best interest of the City. The Planning Commission should ask that the City Council consider requiring those of the applicant. It is impossible to add the improvements later. The Council can determine how the improvements get paid for.

Jensen said he is supportive of asking for the enhanced improvements.

Craig asked if the Planning Commission includes these improvements will it mean that all of them have to must be completed. Staunton said there is some additional detail that needs to be worked out on the enhanced improvements. The Port improvements are outlined in the Comprehensive and Master Park Plans. There have been discussions about a regional stormwater plan, but that is not determined yet.

Dawley gave a brief overview of each of the enhanced improvements. He said the basic streetscape improvements are typically expected with a development of this nature. The enhanced improvements go a little beyond the limits of the property lines, but are still associated with the project. There is underground utility work that will also be needed. There is not currently a watermain connection to Water Street and Lake Street. There is potential to connect the intersections together with an additional loop for better water control. If the street is already open, it makes sense to do the other roadway and sidewalk improvements.

3. PUBLIC HEARINGS – Continued Public Hearing

a. General and Final Plan, PUD District, Design Standards, and Site Plan Review, to Construct a Hotel at 10 Water Street – (Continued)

Dawley said there is also an opportunity to do stormwater enhancements, and there may be additional funding available from the watershed that may be available. All three parties would need to sit down and work on a design. He said that the applicant is handling all of the stormwater on site, as required by the City's ordinances.

Chair Gaylord asked if he was suggesting a water filtration at the end of Water Street where it terminates at the dock prior to being released into Lake Minnetonka. Dawley said there would be two main conveyances, one in Water Street and one in the back side of the lot. More study is needed to know the exact location and type.

Chair Gaylord said the City always talked about Excelsior being the leader in addressing environmental issues, which sets the tone for the whole region if they can accomplish that with this project.

Craig asked about the sidewalk on the opposite side of the Water Street by Dunn Bros. Dawley said the intent was to make it more uniform.

Wright asked if the Planning Commission recommends the basic and enhanced improvements, would that include everything. Would the Council then determine what gets done and who pays for the improvements. Staunton said that condition #3 in the resolution addresses this.

Chair Gaylord asked about the "but for" test listed in the conditions. Staunton explained how tax increment financing (TIF) works. Under State law, the City can capture the increment to handle City improvements. The City would receive the City, county and school district portions. The City's policy states that the money needs to be paid up front by the developer and then paid back from the increments. The "but for" test doesn't allow you to use TIF unless you can show the development would not happen without the TIF.

Wallace asked why the City wouldn't take the money and pay for the enhancements. Staunton said it can, but then the City would forfeit the money from the county and school district.

Craig asked if there was a limit on how far the improvements could expand. Staunton said it would need to have some connection with the project. The further you get away from the site, the harder it is to connect it to this project.

3. PUBLIC HEARINGS – Continued Public Hearing

a. General and Final Plan, PUD District, Design Standards, and Site Plan Review, to Construct a Hotel at 10 Water Street – (Continued)

Chair Gaylord said if we have Port improvements it helps meet the Master Park Plan. He thinks that the Planning Commission should recommend all of the improvements to the City Council. Wallace said he disagrees. It seems like they are asking the developer to do too much. Especially, to require the developer to pay for these and the City will paid him back. He agrees with the basic streetscape and the regional stormwater improvements.

Craig said that is what she thinks also. Staunton said that the Planning Commission should express its preference that it be part or not a part of the project. The Council is looking for advice from the Planning Commission whether this kind of scope is appropriate for this type of project.

Chair Gaylord said it seems like there is some give and take with a PUD project.

Jensen said he agreed with Craig and Wallace last week, but now he has changed his mind. He has researched TIF and he thinks that all of it should be sent forward and let the Council decide what should be done. The City should try to capture the TIF if possible.

Duyvejonck said the City needs to look at it and taking it to the next level makes sense. She does not want to decrease the scope of the project without looking at possible financing opportunities. If they don't look at doing something with the Port, they will have more people coming to the hotel to use their amenities.

Chair Gaylord said this is the perfect time for the City to get these improvements. Craig said is it a discretionary item or a condition of the PUD. Staunton said a PUD is different than a typical land use application. What you are trying to decide is what should be reasonably included as part of this PUD application.

Craig said she is struggling with the purpose section of the PUD and how this fits. Staunton said if the Port improvements help the project comply with the Comprehensive Plan it may be reasonable to request the improvements. The City has been wrestling with how it can support these regional assets.

Wallace said if this is a 10 year process, how does the money get paid? Staunton said each year whatever increment comes from that project, it is paid back to the developer. Wallace so the developer is fronting all of the money for the improvements. Staunton said yes.

3. PUBLIC HEARINGS – Continued Public Hearing

a. General and Final Plan, PUD District, Design Standards, and Site Plan Review, to Construct a Hotel at 10 Water Street – (Continued)

Chair Gaylord asked the Commission if they had any conditions they thought should be added.

Commissioner Wright moved, Commissioner Jensen seconded, to continue the public hearing to the December 17, 2012 Council meeting, and forward the recommendation that the Council give General and Final PUD approval based on the findings-of-fact, conclusions, and conditions as outlined in the draft resolution, to include the added conditions identified by the Commission.

It was noted that Paragraph 5 on page 6 should be adjusted to correctly reflect the easements.

Motion carried 4/2, with Commissioners Craig and Wallace voting against the motion.

Wallace stated that TIF is an issue for him. Craig said she also was not comfortable requiring the developer to do all of the improvements.

Duyvejonck said she voted in favor of the motion after voting against the design standards review question, because she did not think the Commission had sufficient discussion before voting on the design standards. She still isn't sure if she would want to reverse her vote. She still agrees enough with the design concept comments that were made to reverse her decision. On something this large, she does not think you will get everyone to agree on the design. She thinks there is too much going on within the design.

The Commission discussed whether the project meets the design standards criteria. Craig said she does not think it meets the unifying design standard.

Duyvejonck said for her own purposes, what she's hearing from the group is that the majority would like to send a definite recommendation on the design standards to the City Council. Jensen said after five years of discussion, he feels left empty. Maybe he feels like this because the HPC didn't do their job. Duyvejonck said she doesn't think the Concept Plan has been finished and now it's moved to the General Plan.

Wallace said he does not have a problem sending this to the City Council with a 3/3 vote. Jensen said he has a problem sending mixed signals. Chair Gaylord said he thinks it would be better to send a vote with matching results.

3. PUBLIC HEARINGS – Continued Public Hearing

a. General and Final Plan, PUD District, Design Standards, and Site Plan Review, to Construct a Hotel at 10 Water Street – (Continued)

Greg Miller, City Council, asked the Planning Commission if there were any changes that they would make to the plans to be able to approve the plans.

The Commission said they look at the plans that are presented, not how they could re-design the building.

Duyvejonck said it keeps coming down to process and she doesn't want to be voting no because she thinks there is a flaw in the City's procedure. She wants to make sure her no vote is being placed correctly. Richards said the decision needs to be based on the design standards, not the procedure.

Chair Gaylord said that everyone agrees that there is a flaw in the process, but if there are design related issues those should be articulated.

Duyvejonck said she has reviewed the design standards again. She had a series of notes that she wanted to have addressed, and those were addressed in the discussions with the PUD.

Commissioner Duyvejonck moved, Commissioner Wright seconded, to reconsider the design standards approval. Motion carried 5/1, with Craig voting nay.

Commissioner Jensen moved, Commissioner Wright seconded, to recommend to the City Council that the proposed project meets the intent of the design standards and should be given design standards approval. Motion carried 4/2, with Commissioners Wallace and Craig voting nay.

Chair Gaylord and Commissioner Craig agreed to be the liaisons from the Planning Commission for the December 17, 2012 Council meeting.

4. SCHEDULE SPECIAL PLANNING COMMISSION MEETING

Commissioner Jensen moved, Commissioner Wright seconded, to add scheduling a special Planning Commission meeting to the agenda. Motion carried 6/0.

Staunton said that he had received a phone call from the developer for the proposed grocery store requesting a change to the approved plans which would expand the size of the grocery story by 5,000 square feet. They've asked if the Planning Commission can hold a special meeting next week. The Commission asked why this issue needed to be fast tracked. Staunton said that the developer has said it is important to have the deal closed by the first of the year.

The Commission agreed to hold a special meeting on Tuesday, December 18, 2012 at 5:00 p.m.

4. ADJOURNMENT

Commissioner Jensen moved, Commissioner Craig seconded, to adjourn the meeting at 11:00 p.m.

Respectfully submitted,

Cheri Johnson
City Clerk