

City of Excelsior
Planning Commission Meeting

Minutes

Tuesday, January 8, 2013

1. CALL TO ORDER

Acting Chair Craig called the meeting to order at 7:17 p.m.

2. ROLL CALL

Commissioners Present: Busch, Craig, Duyvejonck, and Wallace

Commissioners Absent: Jensen, and Wright

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

3. APPROVAL OF MINUTES

a. Planning Commission Meeting of December 4, 2012

Craig asked for a small revision to the December 4, 2012 meeting minutes as proposed.

Commissioner Busch moved, Commissioner Wallace seconded, to approve the Planning Commission Minutes of December 4, 2012 with the revision discussed. Motion carried 4/0.

b. Planning Commission Special Meeting of December 10, 2012

Craig asked for a few small revisions to the December 10, 2012 meeting minutes as proposed. Duyvejonck also requested a small revision to the minutes as presented.

Commissioner Busch moved, Commissioner Duyvejonck seconded, to approve the Planning Commission Special Meeting Minutes of December 10, 2012 with the revisions discussed. Motion carried 4/0.

4. PENDING ISSUES/PROJECTS

a. Appoint Liaison to City Council (January 22, 2013)

Commissioner Busch will be the Planning Commission Liaison to the January 22, 2013 City Council meeting.

5. PUBLIC HEARINGS – (Continued)

- a. Proposed Ordinance to Amend Article 60, Shoreland Management District of Appendix E of the Excelsior City Code of Ordinances Related to Impervious Surface Coverage and Sustainable Building Practices

Richards introduced the topic. He reminded the Commission that work on this Ordinance amendment began back in 2011, but due to some large projects the Commission had not had time to address the proposed language until this evening. Richards explained the proposed changes to Article 60, including the Sustainable Building Practices definition and the difference between structural and non-structural hardcover.

Craig questioned how retaining walls would be interpreted with the proposed ordinance changes. Currently the Ordinance allows for up to 5% of a residential lot covered with retaining walls and decorative walkways to be considered green space. Based on the proposed language and the definition of non-structural hardcover, which would not include retaining walls, Craig questioned how this would work. Discussion followed regarding structural versus non-structural hardcover and the possibility of including retaining walls as a non-structural hardcover element.

Braaten informed the Commission that Section 36-5(a)(2)(e) was the Ordinance section referring to decorative walkways and retaining walls and the 5% allowance as green space.

Busch stated that decorative walkway seemed to be a vague term. Discussion followed regarding what may or may not be deemed a decorative walkway.

Craig questioned how the proposed ordinance amendment would work with the stormwater section of the ordinance (Section 36), which they were just discussing. Richards commented that he would review Section 36 and make sure any changes to Article 60 work with the stormwater section of the code. Duyvejonck stated that to make the ordinance consistent the Commission needed to determine how they were going to treat retaining walls, structural or non-structural. Discussion followed.

Wallace questioned how staff and the Green Technologies subcommittee came up with allowing up to 48% cover provided the increase is for non-structural elements. Duyvejonck commented that the 48% standard was only for low density residential lots which are less than 10,000 sq. ft. in total area. Richard explained that based on the research and all of the issues for smaller lots to develop the 48% standard seemed reasonable to staff and the subcommittee. Wallace asked if the current 35% impervious surface maximum would remain the same if a sustainable building practice was not used on the property. Richards responded in the affirmative, but reminded the Commission that based

5. PUBLIC HEARINGS – (Continued)

- a. Proposed Ordinance to Amend Article 60, Shoreland Management District of Appendix E of the Excelsior City Code of Ordinances Related to Impervious Surface Coverage and Sustainable Building Practices – (Continued)

on the current language in the stormwater section of the ordinance that number could increase to 40% if decorative walkways, etc. were installed.

Discussion followed regarding impervious surface percentages and residential lot sizes in the City.

Wallace questioned the proposed section of the ordinance pertaining to the R-3 and R-4 zoning districts. Richards explained that as proposed sustainable building practices could be used, but they would not get any benefits in lot coverage like the low density residential lots. Discussion followed regarding the R-3 and R-4 zoning districts and what maximum impervious surface should be allowed with the use of sustainable building systems.

Further discussion followed regarding the 5% allowance for decorative walkways and retaining walls and what was an acceptable amount of hardcover in each of the zoning districts. The Commission discussed the possibility of reducing the maximum from 5% to 2 or 3%.

Craig opened the public hearing at 8:08 PM. There were no comments from the public so Craig closed the public hearing at 8:09 PM

Richards stated that he would come back with revised language for the ordinance amendment based on the comments of the Planning Commission.

Commissioner Duyvejonck moved, Commissioner Busch seconded, to continue the public hearing to the February 5, 2013 Planning Commission regular meeting and to direct staff to revise the language to reflect the comments of the Commission. Motion carried 4/0.

6. PUBLIC HEARINGS

- a. None.

7. UNFINISHED BUSINESS

- a. Formula Business Regulations (Franchises)

Richards introduced the topic. He explained that the City Council had asked the Planning Commission to pursue the topic of regulating formula businesses at their September 4, 2012 meeting. Richards asked the Commission to determine how important this topic is and direct staff how they would like to

7. UNFINISHED BUSINESS

a. Formula Business Regulations (Franchises) – (Continued)

proceed.

Duyvejonck stated that right now might be the best time to address this issue with all of the redevelopment occurring in the City. Wallace agreed that this item should be addressed now. Craig stated that it could be included as one of the Planning Commission goals for the year. Busch agreed that with all of the new spaces opening that this issue needs to be thought about. Discussion followed regarding existing projects and exiting franchises in the City.

Richards stated that the majority of footprints in the downtown area are too small for many formula businesses, but with the developments at 470 and 440 Water Street with more floor area the chances increase for more formula businesses in the community.

Duyvejonck stated that limiting formula business tenants for approved buildings could send mixed messages to the business community.

Wallace stated that regulation of formula businesses has a lot to do with the design and signage of the proposed franchise.

Discussion followed regarding the opportunity for formula businesses in the George Street and Water Street area with the proposed Oppidan development of the old Mason Motors site.

Duyvejonck questioned how the City would define a formula business. She indicated that it would be helpful to see how other communities defined formula businesses and asked staff to provide formula business definitions for the five communities which were referenced in the memo provided in the packet for the next Planning Commission regular meeting.

Wallace commented that although there were certain advantages of formula businesses it was a benefit to Excelsior to maintain the "mom and pop" shops in the community.

Commissioner Busch moved, Commissioner Duyvejonck seconded, to discuss this issue again at the February 5th regular meeting and to direct staff to provide further information regarding existing definitions for formula businesses and determine existing formula businesses within Excelsior. Motion carried 4/0.

8. NEW BUSINESS

a. Parking Update – Implementation

1. Parking Counts Summary

Richards explained the parking count summary, which was provided at the meeting. He stated that the information needed to be refined to determine the available capacity for the parking impact fee.

2. Parking Options for Water Street/Design Standards for 50-foot Setback Requirement on Water Street

Richards reminded the Commission that the City Council wanted them to take a closer look at this subject. He stated that at previous Planning Commission meetings the Commission had indicated George Street as a reasonable divide for the 50-foot parking setback from Water Street.

Discussion followed regarding this area as a transition area and that the cottage commercial in the area should be preserved.

Staunton reminded the Commission that the City Council was not looking for a particular answer in regard to this issue, just their best advice.

3. Shared Parking Consequences

Richards stated that the shared parking issue may be having unintended consequences on downtown businesses. He gave the example of the proposed steakhouse which will only be open for dinner. He asked if this was something that the Commission wanted to encourage. Richards stated that staff was looking for direction from the Commission.

Discussion followed regarding existing businesses and possible future businesses that may use shared parking.

Staunton stated that the shortcut way to mediate this issue would be to limit the amount of liquor licenses in the City.

Craig commented that the Parking Impact Fee was a useful and innovative tool, but many of the businesses are using shared parking to work around it so that they don't have to pay the fee. She gave the Burdick property at the corner of 3rd Street and Water Street as an example.

8. NEW BUSINESS

a. Parking Update – Implementation

3. Shared Parking Consequences – (Continued)

Wallace commented that he was in favor of lowering the parking impact fee as a solution. He stated that it was a simpler and cleaner way to make the parking impact fee more attractive and possibly reduce the amount of shared parking being used. Discussion followed regarding the possibility of decreasing the parking impact fee to make it more attractive.

Commissioner Wallace moved, Commissioner Duyvejonck seconded, to recommend that the City Council consider decreasing the parking impact fee as a solution to solve the shared parking issue. Motion carried 4/0.

4. Parking Map

Richards stated that an intern was currently working on this agenda item and there was nothing to report at this time.

5. Parking Management

Richards stated that Lisa Elliot was also working on this agenda item and he anticipated a report on this in the near future.

Duyvejonck requested that this report include the anticipated costs and what the payback would be. Richards stated that this information would be included in the report.

b. Dates for Additional Work Session(s)

Richards informed the Commission that the City Council may want the Planning Commission to review some proposed design changes for the Hotel Project at 10 Water Street. He asked the Commission if they would be open to a special meeting on either January 23rd, 24th or 29th to discuss this issue, if necessary.

Unanimously, the Commission agreed that any of the three afore-mentioned dates could work.

Duyvejonck requested a 2013 Planning Commission calendar be provided by staff. She also stated that the Contact Information for the Commission should be updated at the same time. Braaten indicated that he would send out a 2013 Planning Commission calendar prior to the February 5th regular meeting.

9. COMMUNICATIONS & REPORTS

- a. Next Planning Commission Meeting – Tuesday, February 5, 2013

10. MISCELLANEOUS

- a. Recent City Council Actions

Staff updated the Commission on recent City Council actions.

11. ADJOURNMENT

Commissioner Wallace moved, Commissioner Duyvejonck seconded, to adjourn the meeting at 9:12 p.m. Motion carried 4/0.

Respectfully submitted,

Lane L. Braaten
City Planner