City of Excelsior

Planning Commission Meeting

Minutes

Tuesday, April 2, 2013

1. CALL TO ORDER

Chair Craig called the meeting to order at 7:02 PM.

2. ROLL CALL

Commissioners Present: Busch, Craig, Duyvejonck, Hannah, and Wilson

Commissioners Absent: Wallace and Wright

Others Present: Richards and Braaten

3. APPROVAL OF MINUTES

(a) Planning Commission Meeting of March 5, 2013

Commissioner Busch moved, Hannah seconded, to approve the Planning Commission Minutes of March 5, 2013 with the revision discussed. Motion carried 5/0.

4. PENDING ISSUES/PROJECTS

(a) Appoint Liaison to City Council (April 15, 2013)

Duyvejonck volunteered to be the City Council liaison for the April 15, 2013 meeting.

5. PUBLIC HEARINGS – (Continued)

None

6. PUBLIC HEARINGS

(a) Variances from Minimum Front Yard Setback, Maximum Impervious Surface Coverage, and Minimum Green Space Requirement Per Appendix E, Article 43, Sec. 43-7 for Additions to the Existing Home at 243 Third Street, P.I.D. #34-117-23-12-0064 –The Chuba Company

Braaten introduced the topic. Braaten informed the Commission that the applicant was proposing to construct an open sided porch on the front of the existing home and an open-patterned deck on the rear side of the home. The applicant was requesting approval a variance to construct a front porch 10.94 feet from the front lot line vs. the required 25 ft. minimum, a variance to exceed the 35 percent impervious surface maximum, and a variance to exceed the 60 percent green space minimum in the R-2, Single and Two Family Residential zoning district. Braaten proceeded to explain the existing details of the property and the proposed improvements.

Busch questioned the proposed landing and stairs shown to access the 2nd level of the detached garage. She asked if they applicant could reconfigure/minimize the stairs and landing as a way to allow for more green space on the parcel. Braaten replied that, although the building permit had been issued for the proposed stairs and landing, they had not yet been built, so a revision to the plan could help to reduce the amount of proposed structural cover on the parcel.

6. PUBLIC HEARINGS

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Duyvejonck asked staff to explain the intent of the ordinance as it pertains to open sided front porches. Richards explained that the City Code gave property owners three exceptions/options to allow for the construction of front porches on non-conforming lots and structures within the 25 foot front yard setback. The current proposal did not meet any of the exceptions, so a variance was necessary for construction of the front porch. It was staff's interpretation that the City Ordinance is written intending to allow front porches on existing homes.

Craig commented that the front porch improvement was part of the small town character that the community was trying to promote

Todd Carlson, the property owner, indicated that he had purchased the property in October from former Planning Commissioner Chris Jensen. Mr. Carlson informed the Commission that the home at 243 Third Street will be his family's principal residence and that he was the 5th owner of the property since 1895. Carlson gave a brief description of his background, which included city government experience with the City of Yountville, CA. He stated that the variance application had two components, one being safety and the other a sense of community and character of the town. The rear deck is proposed to provide access to the three rear access points to the home, two of which currently have no landing. This would solve the safety issue. Secondly, the proposed open sided front porch would bring some curb appeal to the existing home. Carlson stated that he was sensitive to the fact that this was the first home citizens would see when driving up 3rd Street. He was also concerned with limiting the views for the neighboring property at 231 Third Street. He thought an open sided porch allowed for the visual appeal and community appeal at the same time without limiting the neighboring properties.

Busch asked how the second floor of the existing garage is currently accessed and how the space will be used in the future. Carlson replied that there currently is no access to the second level of the garage and it would be used as storage space when the exterior stairs and landing have been constructed.

Craig asked for clarification on the proposed open sided front porch. She asked if the applicant intended to wrap the porch around the entire front façade of the building. Carlson replied that it was their intent to remove the currently enclosed front porch and replace it with an "L" shaped open sided front porch. The proposed porch would not extend along the driveway side of the home.

Wilson asked about the proposed roofline of the porch. Carlson stated that it would match the existing roof of the covered enclosed porch. Furthermore, he stated that the covered porch would help maintain the heating and cooling of the living room space.

Wilson asked if the property currently exceeded the 35 percent impervious surface maximum without any of the proposed improvements. Braaten replied in the affirmative. The existing parcel has lot coverage of approximately 36.4 percent.

Mr. Carlson asked if there was an opportunity to reduce the impervious surface

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percentages by removal or replacement of retaining walls or paths/walkways. Richards informed Mr. Carlson that the City Council had adopted a green technologies/sustainable design ordinance amendment at their previous meeting which would allow some flexibility for impervious surface and green space maximums. The proposed ordinance would allow a much higher lot coverage percentage with the use of a sustainable building practice.

The Commissioners discussed possible options for reduction of impervious surface on the parcel and how the applicant could incorporate sustainable building practices. Busch commented that the front walk extending out to Third Street could be an option to use a pervious system. Wilson commented that the driveway surface could also be improved to a porous system to meet ordinance standards.

Craig opened the public hearing at 7:32 PM.

Bob Bolles, 229 George Street, stated that he was in favor of the 5 ft. wide open sided front porch addition. Bolles stated that it was important to allow open front porches to keep the charm of the community. He emphasized that the Commission should make it a condition that the porch remain open sided and should not be enclosed.

There were no further comments from the public so Craig closed the public hearing at 7:36 PM.

Craig asked the applicant if the deck would be open patterned to allow stormwater to flow through. Mr. Carlson replied that it would be open patterned.

Duyvejonck stated that she would like the applicant to use a sustainable building practice in conformance with the newly adopted standards rather than approve a variance for impervious surface and green space. Discussion followed.

Wilson asked for clarification as to what proposed improvements counted against the impervious maximum and what proposed improvements counted against the green space minimum. Braaten explained that all of the proposed improvements counted against the green space minimum, but only the covered porch counted against the impervious surface maximum. Open patterned decks are not considered impervious surface unless they have a impervious surface below them.

Carlson stated that his intent was to replace the existing walkways and to reconfigure/replace the existing retaining wall on the property. Discussion followed regarding sidewalk replacement, impervious surface and timelines.

Two letters of opposition to the variance were provided to the Commission in their packet material. Craig stated that one of the opposing comments, from Judy Mueller, stated that if the property owner wanted the improvements they should reduce the impervious surface somewhere else on the parcel.

Hannah responded that, based on the comments provided by the neighboring property owners, he had visited the site and tried to view the property from

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their point of view. He stated that Ms. Mueller is looking right at the rear side of the existing garage on the site and the proposed improvements would not change that view. Furthermore, he felt the open sided porch looked more inviting and fit the character of the neighborhood.

Richards informed the Commission that, if the project were to be approved, it may be prudent to include the design standards for covered porches stated in Sec. 17-6(1)a.3 in the conditions of approval. Discussion followed regarding the design standards referenced by Richards.

Busch stated that the Commission should hold firm on the 60 percent green space requirement as they have on previous applications. Craig agreed that the lot should meet the 60 percent green space minimum unless the applicant made use of the sustainable building practice section of the City Ordinance.

Discussion followed regarding the new sustainable building practices ordinance, the existing site conditions and the proposed improvements.

Braaten gave the Commission an explanation of how impervious surface and greenspace were defined by ordinance.

Duyvejonck stated that this situation is precisely why the sustainable building practice section of the ordinance was recommended by the Planning Commission and approved and adopted by the Council, it allows for further improvements on non-conforming lots without the need for a variance. Discussion followed regarding the percentages allowed and the percentages requested on the parcel.

Craig commented that historically the Commission has required applicants requesting a variance to bring the property into conformance with the 35 percent impervious surface maximum.

Duyvejonck stated that the sustainable building practice section of the ordinance should be used in the proposed development of this lot. Richards recommended that as a condition of approval the applicant be required to submit a plan incorporating sustainable building practices for review and approval by City Staff. The Commission discussed the timeline for the submittal of a plan which uses sustainable building practices to bring the lot into conformance with the new ordinance language. The Commission decided October 14, 2014 would be an acceptable date by which the applicant should have a plan submitted to staff.

The Commission also discussed the building permit process and what would be allowed prior to the submittal of the sustainable building practices plan. The Commission stated that they would be comfortable allowing the applicant to construct the rear deck on the existing home prior to the sustainable building practices plan submittal due to safety concerns. They further indicated that they would recommend that no building permit for construction of the open sided front porch be issued until such time that the applicant had submitted a sustainable building practice plan to the City Engineer and it had been approved.

Commissioner Duyvejonck moved, Busch seconded, to recommend approval of the variance for Chuba Company to construct an open sided front porch 10.94

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feet from the front lot line with the with the following conditions: 1) the 7 conditions stated in the staff report, 2) the 5 conditions pertaining to front porches stated in Sec. 17-6(1)a.3, 3) a sustainable building practices design conforming to the requirements of Ordinance 495 be submitted for review and approval prior to the issuance of a building permit for construction of the open sided front porch, 4) the sustainable building practices design shall be submitted for review and approval prior to October 14, 2014, and 5) the construction of the rear deck be allowed prior to submittal and approval of the sustainable building practices plan due to safety concerns. Motion carried 5/0.

Commissioner Busch moved, Duyvejonck seconded, to revise the agenda to move agenda item 8(a) Design Standards Review for 340 Highway 7 to next on the agenda. Motion carried 5/0.

8. NEW BUSINESS

(a) Design Standards Review for 340 Highway 7 – Scott Karo/Anytime Fitness

Richards introduced the topic informing the Commission that Mr. Karo has made application for Design Standards Review for exterior improvements to the property located at 340 Highway 7, which formerly housed Minnesota Inboard. Richards explained the existing site conditions and stated that the only proposed exterior site change would be to the landscaping. Furthermore, the parcel currently has 23 parking spaces and the proposed use only requires 17, so the proposed use has adequate parking. The proposed changes to the building includes larger window openings with permanent metal awnings, new roof mounted HVAC with screening, and new brick and hardiboard on the north face of the building to cover the existing concrete block. Richards reminded the Commission that the application should be reviewed based on the Highway 7 general commercial area design standards rather than the Downtown Business District standards.

Scott Karo, Anytime Fitness, provided a material board to the Commission for review. He informed the Commission that the proposed Anytime Fitness location would be his second. He currently owns the Anytime Fitness in Chaska. He informed the Commission that the proposal would include increased window size and the replacement and repainting of the existing brick. The project would also include metal awnings and a roof top screening unit that would match the brick color.

Busch asked for further clarification on the proposed awnings. Mr. Karo stated that the dark metal awnings would be similar to the metal awnings used at Applebees's. The awnings consist of 1-1/2 inch square metal tubing for a frame with sheet metal wrapped around to form the metal awning.

Craig asked if this would be a 24 hour, 7 day a week facility. Mr. Karo answered that the space would be accessible to clients anytime of the day or night.

Duyvejonck asked for an explanation of the proposed improvements to the north

8. NEW BUSINESS

(a) Design Standards Review for 340 Highway 7 – Scott Karo/Anytime Fitness – (Continued)

wall of the structure. Richards explained that the current windows on the north side would be blocked in to allow the space necessary for the bathroom areas on the interior of the building. The exterior façade would then be refaced with a brick base and hardiboard siding.

Wilson asked the applicant if any further security lighting would be installed due to the fact that this would be a 24/7 facility. Mr. Karo responded that the existing parking lot did have lighting and more may be added if City standards required it. Mr. Karo indicated that he also had to meet the standards provided by Anytime Fitness, which requires the installation of outdoor cameras. The required security also includes a key card which only allows one person at a time to enter the facility along with a basic alarm system.

Duyvejonck asked if a lighting plan had been submitted as part of the application. Richards replied that no lighting plan was required because the applicant was proposing to leave the existing non-conforming lighting in its current location and configuration. Duyvejonck stated that due to the 24/7 nature of the facility she felt it was prudent that a plan be submitted confirming that the exterior lighting met the City standards.

Richards explained the Highway 7 design standards policies and regulations stated in his staff report.

In reference to the entry way, Craig asked why the applicant is proposing to use a bright aluminum framing when dark metals are used throughout the rest of the building design. Mr. Karo replied that the front entry needed some contrast. Hannah replied that the lighter color draws the eye to the entry.

Craig requested further detail regarding the screening of the rooftop HVAC unit. Richards explained that the screen would be a basic patterned louvered metal with a color to match the proposed building improvements. Wilson stated that a horizontal louver screen would be more consistent with the design of the building rather than a vertical slatted louver. Discussion followed regarding vertical vs. horizontal louver and the location of the HVAC screening.

Finally, Richards explained that the applicant had not submitted final designs for the signage on the property, but all signage would need to be permitted through the City and would be required to meet the City Ordinance standards.

Commissioner Busch moved, Hannah seconded, to recommend approval of design standards review for the property at 340 Highway 7 with the 10 conditions stated in the staff report and including the condition that the applicant submit a photometric plan for the existing parking lot lighting subject to review and approval of City Staff, and a condition requiring the screening of the HVAC equipment on the roof to be a horizontal louver design. Motion carried 5/0.

6. PUBLIC HEARINGS

(b) Proposed Ordinance to Amend Article 19, Off-Street Parking Requirements of Appendix E of the Excelsior City Code of Ordinances Related to Parking Facilities

Richards introduced the topic. Richards reminded the Commission that they had directed staff, at their March 5, 2013 regular meeting, to notice a public hearing

6. PUBLIC HEARINGS

(b) Proposed Ordinance to Amend Article 19, Off-Street Parking Requirements of Appendix E of the Excelsior City Code of Ordinances Related to Parking Facilities – (Continued)

for removal of the shared parking section of the City Ordinance. The shared parking section of the City Ordinance was causing unintended consequences by encouraging open store fronts during the day. Richards explained that if a business needed more parking they could use the Parking Impact Fee.

Craig opened the public hearing at 8:40 p.m.

Bob Bolles, 229 George Street, asked the Commission to clarify why they were considering elimination of the shared parking standard. Richards explained that the City was seeing the use of shared parking mostly for restaurants with office space in the same building. The office space would use the parking during the day and the restaurant would use the parking during the evening hours. The shared parking standard, as used, is causing many of the restaurants to only open after 5 p.m. which is causing a dark void in our downtown commercial district during the day. Bolles replied that he was in favor of the ordinance amendment. He felt, based on his observations that the community was getting very close to its parking capacity.

Craig closed the public hearing at 8:48 p.m.

Hannah asked staff what the intent of the shared parking ordinance had been when it was originally adopted by the City. Richards explained that the City was looking for more flexibility in terms of parking and the thought was that shared parking would be a useful tool. In actuality, it is not functioning the way it was originally intended and the community business owners would still have the ability to pay for extra parking through the Parking Impact Fee. Hannah asked about future parking solutions, namely a possible parking deck/ramp. Duyvejonck explained that the Parking Impact Fee collected would be used for future parking solutions. The Commission has found that the shared parking section of the ordinance allows property owners to get around the parking impact fee and results in the open spaces during the day along Water Street. Discussion followed regarding the expansion of businesses and future parking in the community.

Commissioner Duyvejonck moved, Wilson seconded, to recommend approval of the proposed ordinance amendment removing the shared parking standard from City Ordinance. Motion carried 5/0.

7. UNFINISHED BUSINESS

(a) Formula Business Regulations (Franchises)

Richards explained that staff was still researching this subject matter and more information would be provided at the May 7th meeting.

Hannah explained that he had been doing some of his own research on the subject. Hannah provided copies of 3 municipal ordinances and an article by Patricia Salkin titled "Municipal Regulation of Formula Businesses" to staff. Braaten stated that he would provide the information for review to all Commissioners via dropbox. Discussion followed regarding regulation, design language and examples from Excelsior.

7. UNFINISHED BUSINESS

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

Commissioner Wilson moved, Busch seconded, to continue this agenda item to the May 7th Planning Commission meeting for further discussion. Motion carried 5/0.

Craig called a 10 minute break at 8:57 p.m.

Craig reconvened the meeting at 9:07 p.m.

(b) Annual Meeting Items

i. Review By-Laws

Braaten introduced this topic. Braaten explained that he had made the changes discussed at the previous Planning Commission meeting and provided both a clean and markup copy of the by-laws for review and discussion.

The Commission requested that Section II, paragraph 2, sentence 1, be revised to say "A meeting *may* be held the second Tuesday…" The Commission also requested a revision to Section IX, paragraph 2, pertaining to the removal of a commissioner. The Commission requested that the bullet points be further clarified to avoid confusion.

Commissioner Duyvejonck moved, Wilson seconded, to approve the By-Laws with the revisions discussed. Motion carried 5/0.

ii. Goals and Objectives for 2013

Braaten introduced this topic. Braaten explained that he had revised the Goals and Objectives based on the direction and discussion of the Planning Commission at their previous meeting.

The Commission will be meeting in a joint work session with the City Council in May and this may determine what Goals and Objective should be set for the year. The Commission briefly discussed this topic and requested the item be continued until the June meeting after the discussion with the Council.

Commissioner Duyvejonck moved, Wilson seconded, to continue the 2013 Goals and Objectives agenda item to the June Planning Commission meeting. Motion carried 5/0.

8. NEW BUSINESS

(a) Design Standards Review for 340 Highway 7 – Scott Karo/Anytime Fitness

This item was moved up on the agenda.

(b) Parking Update – Implementation

Richards reminded the Commission that parking counts begin in May.

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

Staff requested that this agenda item be continued to the next

8. NEW BUSINESS

(b) Parking Update – Implementation – (Continued)

meeting for further discussion.

ii. Parking Map

Richards stated that Lisa Elliot, Planning Intern, would be working on this later in 2013.

iii. Parking Management

Richards gave a brief explanation of existing parking meters, parking meter solutions and possible parking revenue. Richards requested that the Commission review the provided information and continue this item for further discussion at the May 7th Planning Commission meeting.

Commissioner Wilson moved, Duyvejonck seconded, to continue Agenda Item 8(b) to the May 7th Planning Commission meeting. Motion carried 5/0.

(c) Dates for Additional Work Session(s)

None

9. COMMUNICATIONS & REPORTS

(a) Next Planning Commission Meeting – Tuesday, May 7, 2013

10. MISCELLANEOUS

(a) Recent City Council Actions

Staff informed the Commission of recent City Council actions.

11. ADJOURNMENT

Commissioner Busch moved, Wilson seconded, to adjourn the meeting at 9:35 p.m. Motion carried 5/0.

Respectfully submitted,

Lane L. Braaten
City Planner