

City of Excelsior  
Hennepin County, Minnesota

Minutes  
Planning Commission

Tuesday, May 6, 2014

1. CALL TO ORDER

Chair Craig called the meeting to order at 7:02 p.m. Mayor Gaylord swore in new Commissioner Kevin DiLorenzo.

2. ROLL CALL

Commissioners Present: Busch, Chair Craig, DiLorenzo, Honzl

Commissioners Absent: Wilson, Duyvejonck, Wallace

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

3. APPROVAL OF MINUTES

a) Planning Commission Meeting of April 8, 2014.

Commissioner DiLorenzo moved, Commissioner Busch seconded, to approve the Planning Commission Minutes of April 8, 2014. Motion carried 5/0.

4. PENDING ISSUES/PROJECTS

a) Appoint Liaison to City Council meeting May 19, 2014 – Commissioner Busch volunteered.

5. PUBLIC HEARINGS

a) Conditional Use Permit to add a front porch that extends into the required 25-foot front yard setback for 157 Third Street (PC No. 14-01)

Smith introduced the item. Mike Munson, 140 maple street, representing the applicant stated that the porch is a foot and half shorter than what could be allowed under the CUP.

Chair Craig opened the public hearing. No one spoke. Public hearing was closed. Commissioner Busch moved to approve the CUP with the conditions listed in the staff report, Honzl seconded. Motion carried 5/0.

6. PUBLIC HEARINGS – (Continued)

a) Proposed Ordinance to Amend Article 38 of Appendix E of the Excelsior City Code of Ordinances to Provide Restrictions on Formula Businesses within the Business Zoning Districts – Richards and Staunton briefed the Planning Commission on the research and legal issues of the formula businesses. Staff and the Planning Commission needs to define the area covered. Staunton suggested the Planning Commission talk to business owners and residents on how they view the Formula Business idea.

Staunton discussed the dual track of revising the design guidelines and creating Formula Business regulations. Chair Craig is recommending that the six definitions of a Formula Business be more defined. Craig suggested the city may look into ways of helping small businesses. Richards mentioned that staff has taken the Formula Business idea to the chamber and overall there was great interest in pursuing this idea.

Chair Craig opened the public hearing. No one spoke. Chair Craig continued the public hearing until the next Planning Commission meeting.

7. UNFINISHED BUSINESS

- a) Parking Update – Implementation
  - i. Parking Counts – Richards stated that the parking counts start this Monday, 12, 2, 4 and 6. They are conducted the second week of the month for five months. Contact Smith if interested in volunteering.
  - ii. Parking Map – Richards stated there was nothing new on the map
  - iii. Parking Management – Richards and City Manager Luger was contacted by a local firm who manages and makes parking meters. These are not solar powered and need to be hardwired. They are not multiple space meters, would have to have one meter for every one or two spaces. Richards will collect more information on this company and add this product to the mix. This system has not been tested very much. Honzl was concerned with the visual clutter of having a meter for each parking space. Richards met with the Chamber, who was not supportive of meters on Water Street. DiLorenzo asked if there any backlash on losing the charm of the old meters. Richard stated that he hasn't heard any.
- b) Parking Options for Water Street/Design Standards for 50 foot Setback Requirement on Water Street – Richards introduced the item. The B2 zoning district is the most general of the business districts. B4 is generally more limited. The Planning Commission didn't want to allow drive-thru facilities. DiLorenzo stated that the dry cleaner has a drive thru lane. Richards will take a look at adult uses if it needs to be in the B4 district. Richards will contact David Licht who wrote many of the adult use ordinances in the Twin Cities to see if anything has changed. Adult uses as a principal uses are limited to properties along Hwy 7. Adult uses as an accessory use is broader, permitted in more areas and more districts. DiLorenzo suggested the city look at regulating tattoo parlors, drug paraphernalia and pawn shops. Richards stated staff will look into that. Richards will make some minor changes to the B4 district. Staff will engage the property owners. Ask them to attend a PC meeting prior to a public hearing.
- c) Planned Unit Development Process/Design Standards Updates – Richards introduced the item. The Heritage Preservation Commission has 45 days to review an item. Staff feels like the HPC review process should be similar to the 60 day review period like the Planning Commission. Final plan just goes to the City Council not the Planning Commission or HPC. Craig asked about the statement "no permit shall be issued nor work commenced if the [Heritage Preservation] Commission disapproves the site alteration permit application in

accordance with this chapter.” This statement does not recognize the ability of developers being able to appeal the HPC decision to the city Council. Staff will discuss the item with the Heritage Preservation Commission at their May meeting.

8. NEW BUSINESS

- a) Construction Management Plan –Smith introduced the item. The Planning Commission supported the idea and directed staff to meet with developers and then bring back possible regulations to them.

9. COMMUNICATIONS & REPORTS

- a) Next Planning Commission Meeting – Tuesday, June 3, 2014, Craig and Busch will be out of town.

10. ANNUAL MEETING

- a) Review Amended By-Laws – The Planning Commission will review the bylaws at their June meeting, specifically the absentee section. DiLorenzo suggested the Bylaws be gender neutral. Motioned by Busch, seconded by Honzl to review the Bylaws at the June meeting. Motion carried 5/0.
- b) Ex Parte Communications – Staunton introduced the item. Honzl likes the idea that they would have something to say to neighbors who approach them. DiLorenzo likes the idea of the Planning Commission being all on the same level. Craig asked if how this would affect Planning Commission members going to an developer’s open house. Staunton replied that typically is allowed. DiLorenzo asked Craig if there would ever be a possibility that two Planning Commissioners would meet with a developer to work out some of the details of a project. Craig stated she supports the idea of all discussions happening in an open meeting. Planning commission directed staff to come back with language regarding Ex Parte communications in the Bylaws.

11. MISCELLANEOUS

- a) Planning commission requested Staunton give a Planning Commission Training session a half hour before their June Planning Commission meeting.
- b) Recent City Council Actions – Staunton informed the Commission of recent City Council actions. Assessment hearings for the Met Council Force Main project. A request for an off- sale liquor license in the space of Ann Marie Photography. Council was open to the idea of amending the liquor license that would allow off-sale wine and beer. Owners of the bird house requested ordinance change to allow chickens. Council seemed amenable to that and asked staff to investigate further. Council approved one of the four Girls Night Out Special Events. The Council didn’t want to close Water Street for all the events. The Council gave Oppidan a six month extension to their approvals. Council approved a resolution allowing outdoor seating in the alley but not along Third Street for Excelsior Brewing. Council set the hours of operation at Mon 4-10, Tues 1-2, Wed 10-10, Thur 10-11, Fri 10-11, and Sat 10-11. The Park and Rec Commission recommended some additional regulations for use

of the Commons. Food trucks were driving and parking on the infield of the baseball field. Council asked staff to look into creating a policy on use of the Commons. Council was amendable to Victor's having a valet. Expanded sidewalk café was less well-received. Council was concerned about starting a trend for other restaurants. The Council is putting out an RFP to determine possible uses of the future-vacant library space.

12. ADJOURNMENT

Commissioner DiLorenzo moved, Commissioner Busch seconded, to adjourn the meeting at 10:30 p.m. Motion carried 5/0.

Respectfully submitted,

Patrick Smith  
City Planner