

City of Excelsior
Hennepin County, Minnesota

Minutes
Planning Commission

Tuesday, July 8, 2014

1. CALL TO ORDER

- a. Chair Craig called the meeting to order at 7:05 p.m.

2. ROLL CALL

- a. Commissioners Present: Busch, Chair Craig, DiLorenzo, Duyvejonck, and Honzl
- b. Commissioners Absent: Wallace and Wilson
- c. Also Present: City Planning Consultant Richards, City Planner Smith, City Attorney Staunton

3. APPROVAL OF MINUTES

Planning Commission Meeting of June 3, 2014

- a. Commissioner Duyvejonck moved, Commissioner Busch seconded, to approve the Planning Commission Minutes of June 3, 2014. Motion carried 5/0.

4. PENDING ISSUES/PROJECTS

- a. Appoint Liaison to City Council meeting July 21, 2014 - Craig volunteered

5. PUBLIC HEARINGS

- (a) Variance - 161 West Lake Street, PC No. 14-03
Smith introduced the item. The property owner, Rich Kusleika, is requesting approval of a variance to construct a front porch approximately 17.5 feet from the front lot line vs. the 25 ft. minimum setback requirement.

Busch stated there is a pattern of front porches in the area. Honzl mentioned that the project is pretty limited scope. Rich Kusleika, 161 West Lake St., stated that the existing concrete steps have settled so something has to be done. It is a hazard. He would like to do something with a little more architectural design. The proposed porch is within 2.2 sf of the same footprint of the existing stoop. Kusleika stated that he is trying to add a little dimensionality to the house. The side porch is not changing at all, and the gable over the front door will be closed. Chair Craig opened the public hearing. No one spoke. Craig closed public hearing. DiLorenzo moved, Honzl second to recommend approval with the findings listed in staff report. Motion passed 5/0.

- (b) Conditional Use Permit for Victor's on Water, 205 Water Street - Parking Impact Fee for Sidewalk Seating, PC No. 14-02
Planning Consultant Richards introduced the item. Janel Novachis, representing Compagno Hospitality, has made application for a Conditional

Use Permit (CUP) for a Parking Impact Fee at 205 Water Street. The request is to allow an additional parking allowance for sidewalk seating on Second Street and Water Streets associated with Victor's on Water. The request is to allow 20 seats of outdoor seating.

Craig asked how we valued the months because summer months are the highest in demand. Duyvejonck asked if we prorated it. Richards indicated that it's up to the City Council to determine the amount. The Commission believed that it seemed fair that the City would not charge them for the winter. Craig suggested charging the impact fee for six months regardless when the owner uses the outdoor seating area. Richards indicated that the Planning Commission can give a recommendation to the City Council. Staunton stated that this is the first time this has come up so it's good for the Planning Commission to give a recommendation on the impact fee. DiLorenzo stated that when the outdoor seating area is used is also the most desirable months with the greatest demand on parking. Craig stated that if it's based on the season, the applicant can easily decide on when to put the tables and chairs out.

Craig opened the public hearing. Janel Novachis, managing partner of Victors, is a little concern because summers seem to be getting shorter. Staunton recommended that the resolution to the City Council should include some facts that support the recommendation. Novachis mentioned that the restaurant is only open for dinner. Their parking impact fee is based on evening use. Commission thought that 6 months is a good average to use. Chair closed public hearing.

The Commission agreed on recommending a flat fee with no timeline, but is based on a season of six months. Duyvejonck recommend approval of the conditional use permit with a seasonal fee between \$600-\$800 for a six month period. DiLorenzo second. DiLorenzo stated that if the restaurant owners can stretch the season past six months, then that is just a bonus for the applicant. Motion carried 5/0.

(c) Conditional Use Permit for Olive's Fresh, 287 Water Street – Parking Impact Fee for Restaurant, PC No. 14-04

Richards introduced the item. Perry Smith, representing Olive's Fresh Pizza, has made application for a Conditional Use Permit (CUP) for a Parking Impact Fee at 287 Water Street. The request will allow placement of a restaurant use in the space that has been occupied by La Petit Parfumerie. Restaurants require more parking than a retail use, thus creating the need for additional parking that can be satisfied by the Parking Impact Fee.

Chair Craig stated that the parking lot on the northeast corner of Water and Third has been deteriorating. Richards stated that staff has been trying to get the owner to improve the parking lot. DiLorenzo questioned if our parking lots are any better than the private parking space. Staunton suggested adding a condition that the parking lot meet zoning requirements. Craig opened the

public hearing. Perry Smith, owner of Olive's Fresh Pizza, is also concerned about the holes. Perry Smith stated that the parking lot will have signs for the tenants. There was consensus on the Planning Commission that if the parking spaces are to be counted, that they be maintained. Smith is hoping to be open in September. Craig closed the public hearing. DiLorenzo moved to recommend approval of the CUP with the conditions listed in the staff report and adding a condition that the parking lot be brought up to standards of the zoning ordinance. Busch seconded. Motion passed 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

Staunton introduced the item. Craig asked if we can look at the Coronado regulations since they were upheld. Staunton affirmed. Staunton mentioned that the Coronado case might have much more character to preserve than the FL case. State law is a less difficult hurdle to get over. Need rational decision to adopt regulations. Staunton suggested building a rationale in the Comprehensive Plan on how formula businesses would negatively impact the small town character. How do we know that? What type of studies can we prepare to prove that. Staunton recommended changing the Comprehensive Plan, then adopting regulations that the Comprehensive Plan Could support.

Craig would like to get rid of the definition that the Planning Commission used. Richards suggested maybe allowing other areas outside of the downtown that would allow formula business regulations. Craig and Honzl believe the uniqueness extends to the gateways.

Staunton indicated that the challenging next step is to look deeper into the characteristics of formula businesses that we believe would negatively impact the small town character. The definition of a public good should be found in the Comprehensive Plan.

DiLorenzo wants the town to serve residents as much as tourists. Craig has heard many times that people are glad Excelsior is not Wayzata. The Commission would like to see more information from Coronado. Staunton suggested reaching out to other community groups to verify this notion that formula businesses would negatively impact the Excelsior's small town character. DiLorenzo asked about the type of businesses that make up a small town (grocery store, hardware store) are now all chain businesses.

Duyvejonck asked if it made sense to check with the City Council if they want the Planning Commission to continue looking into this. Does the City Council want to use staff resources on this. Craig would like to continue the item but

not waste city staff. DiLorenzo likes the idea of putting together an update to the City Council. DiLorenzo would caution that we didn't focus on just the business interest, but should reach a broader audience. Craig opened the public hearing. No one spoke. Craig continued public hearing. The Commission suggested next steps. Creating a committee and completing more research on how other cities have accomplished this issue. DiLorenzo offered to be part of the committee. The Commission thought they should wait for the Council update before forming a committee.

7. UNFINISHED BUSINESS

- a. Parking Update – Implementation
 - i. Parking Counts – next week continue parking counts
 - ii. Parking Map
 - iii. Parking Management – Richards stated that staff provided a spreadsheet for the costs of the three different systems. Richards would like to research the benefits of the enforcement of the Sentry system. The CEO of Sentry isn't interested in just replacing the existing meters, but also expand it to Water Street. Craig would like to see a cap on the 50/50 agreement if the City chooses to go with Sentry.
- b. Parking Options for Water Street/Design Standards for 50 foot Setback Requirement on Water Street – Honzl motioned, DiLorenzo second to continue the item. Motion passed 5/0.
- c. Planned Unit Development Process/Design Standards Updates – Richards introduced the item. Richards is working on including application requirements for the concept plan and general plan.
- d. Planning Commission Bylaws – Smith introduced the item. The Commission would like staff to include a yearly meeting attendance record with each month's packet. Duyvejonck motioned to adopt the proposed Bylaws but use the 2013 language for missing meetings and changing "or" to an "and" and adding "prior" before "notice". Busch seconded. Motion passed 5/0.

8. NEW BUSINESS

- a. Design Standards and Site Plan Review for Second Floor Addition to 212 Water Street (Martin's Women Apparel Building) – Smith introduced the item. On June 17, 2014, the HPC approved a second story on 212 Water St. on a 4-3 vote. Staff appealed the HPC's decision on June 3, 2014. The Council will make a decision on the appeal at its July 21st meeting. Staff is recommending that the Planning Commission wait until the Council provides direction on how to proceed with this application before further reviewing the proposed plans. Duyvejonck motioned, DiLorenzo seconded. Motion passed 5/0.
- b. Parking of Recreational Vehicles/Boats on Residential Property – Smith introduced the item. Duyvejonck stated that moving from three to one may be

onerous especially if we are proactively enforcing the code. Busch thought Shorewood's parking location was reasonable. The Commission generally thought going from three boats/RVs to one was a significant change that could negatively impact a number of residents. The Commission questioned how staff was going to publish the public hearing. Craig believes we should be looking at allowing parking in front of homes if necessary.

9. COMMUNICATIONS and REPORTS

- a. Next Planning Commission Meeting – Tuesday, August 5, 2014

10. MISCELLANEOUS

- a. Recent City Council Actions – Staunton gave an update. The June 16th City Council meeting granted an extension for the phase II of the row houses on Third Street. Developer is looking to build yet this year. Phase II would look the same as the first phase. Legislature passed a law allowing Sunday sales at tap rooms. Council wanted to wait to determine if Sunday sales would be allowed. Continued the valet parking until their next meeting to allow flexibility in case the experiment doesn't work. Council set the appeal of HPC's decision on the SAP for 212 Water St. to July 21st. Hotel developer is still working through the pricing and interior design. Staff is waiting to hear back from the developer. Council directed staff to work with the Planning Commission on regulations for food trucks. This wouldn't come to the Planning Commission until the Fall 2014. At the July 7th City Council meeting, the Council approved a liquor license for 270 Water St. approval of a special event permit for Excelsior Brewery. Council permanently tabled allowing backyard chickens. Council reviewed three RFP's from architect for a space needs analysis. Council is planning to meet with the three firms at a special meeting in September. Kowalski's would like a PUD approval for all three properties.

Duyvejonck was concerned about the amount of items on the August 8th PC meeting. Richards was suggesting a special PC meeting to consider the Kowalski's on August 26th meeting. Smith will send out an email to find out commission availability.

11. ADJOURNMENT

Commissioner Duyvejonck moved, Commissioner DiLorenzo seconded, to adjourn the meeting at 10:20 p.m. Motion carried 5/0.

Respectfully submitted,

Patrick Smith
City Planner