

City of Excelsior
Planning Commission Meeting
Minutes
Tuesday, May 4, 2010
Council Chamber, City Hall, 339 Third Street
7:00 P.M.

1. CALL TO ORDER

City Planner Fuchs called the meeting to order at 7:00 p.m.

It was moved by Commissioner Craig, and seconded by Commissioner Jensen, to appoint Commissioner Putnam as Acting Chair. Motion carried 5/0.

2. ROLL CALL

Commissioners Present: Busch, Craig, Jensen, Putnam, and Wallace

Commissioners Absent: Gaylord and Gephart

Also Present: City Attorney Staunton, City Planner Richards, and City Planner Fuchs

3. APPROVAL OF MINUTES

(a) Planning Commission Meeting of April 6, 2010

Putnam asked if anyone had any additions or corrections to the Minutes.

Two typographical changes were submitted. It was moved by Commissioner Wallace, and seconded by Commissioner Craig, to approve the Minutes of the Planning Commission Meeting of April 6, 2010 as amended. Motion carried 5/0.

4. PENDING ISSUES/PROJECTS

(a) Appoint Liaison to City Council (May 17, 2010)

Commissioner Craig will serve as the Planning Commission liaison to the May 17, 2010 Council meeting.

5. PUBLIC HEARINGS - (Con't)

(a) None

6. PUBLIC HEARINGS

(a) Proposed Ordinance to Amend Article 24, Signs, Appendix E of the City of Excelsior Code of Ordinances, Pertaining to Signage for a State, Local, or Special Election.

Fuchs gave a brief overview of the staff report. He stated that staff is requesting that an amendment be made to Appendix E of the Excelsior Code of Ordinances for noncommercial speech signage. He explained that an amendment is proposed to include changes to Article 24, Section 24-5(B) as a result to recent State Statutes changes to move the State Primary Election to August 10th, which requires a change in the City's sign regulations for state, local, and special elections.

6. PUBLIC HEARINGS

- (a) Proposed Ordinance to Amend Article 24, Signs, Appendix E of the City of Excelsior Code of Ordinances, Pertaining to Signage for a State, Local, or Special Election.

Acting Chair Putnam opened the public hearing. Hearing no comments, Putnam closed the public portion of the meeting.

The Planning Commission discussed the proposed text amendment. It was noted that the proposed text amendment would not change the substance of the current regulations.

Commissioner Jensen moved, Commissioner Busch seconded, to continue the public hearing to the City Council's May 17, 2010 meeting and forward the recommendation to the City Council to adopt the proposed ordinance to amend Article 24 of Appendix E of the Excelsior's Code of Ordinances pertaining to noncommercial speech signage. Motion carried 5/0.

7. UNFINISHED BUSINESS

- (a) Land Use Options for Galpin Lake Properties

Richards provided an overview on the history of recent discussions with regard to land use options for the Galpin Lake properties. At the April 6, 2010 meeting, the Planning Commission had discussed the option related to zoning and impervious surface coverage for the Galpin Lake Road properties.

Richards stated that the discussion had centered on two options:

1. Retain the R-3 District and amend Article 45 of the Excelsior Code of Ordinance, R-3 District standards, to provide additional flexibility for other land uses as a conditional use and consider allowing a higher impervious surface coverage percent for uses other than residential.
2. Create a new zoning district that is a hybrid of the R-3, B-3, and B-6 Districts.

Richards noted that on April 6th the Planning Commission had decided it would consider proceeding with amendments to Article 45. He reviewed a draft for the R-3 District that allows for additional uses and provides a higher impervious surface coverage for uses other than residential. The Planning Commission should review and discuss the draft and consider what the final amendments to the R-3 District should be.

Richards reported to the Planning Commission that the City Council will meet with the Heritage Preservation Commission on May 18, 2010 to discuss the issue of preservation of the home at 712 Galpin Lake Road.

7. UNFINISHED BUSINESS

(a) Land Use Options for Galpin Lake Properties – (Continued)

Jensen and Wallace asked what the allowable impervious surface is in the R-4 District. Richards stated that the R-4 District allows 40% impervious.

The Commission asked what the impervious surface allowance was for Ridgeview Medical Clinic. Richards said that Ridgeview has 52% green space and 48% hardcover.

The Commission stated that a 75% impervious surface allowance is difficult to accept.

Jensen asked how the Frontier Electric site was able to get rezoned to a commercial use. Richards explained that because the surrounding properties in Shorewood were commercial, changing the Frontier Electric site to a commercial use was not spot zoning.

The Commission discussed how the proposed amendment may affect other R-3 zoned properties and their current use.

Putnam asked if the proposed amendment would impact Ridgeview. Richards explained that the proposed amendment should not impact the current structure because the site probably would not be able accommodate the required parking for a second story.

Jensen asked if the City could require a two-story structure. City Attorney Staunton explained that it would be hard to rationalize such a requirement.

Craig asked how the two-story height limitation would affect existing buildings. Fuchs explained that if a new requirement is adopted, anything already existing that does not meet those standards would be considered legal non-conforming.

Putnam asked the Commission if anyone had any other uses that should be considered.

Busch commented on the odd shapes of the two Galpin Lake properties.

The Commission discussed hours of operation, loading, delivery areas, and times.

Richards reviewed the parking requirements for a medical clinic use.

The Commission discussed other potential uses such as cafes and coffee shops.

Fuchs stated that the Heritage Preservation Commission recently spoke of the Dunn Brothers Coffee shop and the feasibility of locating such a facility on the Galpin Lake property.

The Commission discussed the potential of a café on the site, and how allowing such a use may make the property more marketable.

7. UNFINISHED BUSINESS

(a) Land Use Options for Galpin Lake Properties – (Continued)

Council Member Miller asked the Commission to consider additional uses. He explained that the current property owner would most likely not use the property in its current condition and the impervious surface requirements basically limit the uses for developing the site.

The Commission discussed that the maximum impervious surface allowance they would consider was 60%-65% with adequate buffering.

Miller stated that an office use may be a reasonable use for the property.

The Commission and staff discussed the demolition ordinance.

Busch asked if a development with a drive-through facility would be allowed. Richards stated the current code would prohibit drive through facilities.

The Commission discussed the rationale for a day care facility. Staff stated that State Statute 462.357 allows day cares to be established within residential districts.

Commissioner Craig moved, Commissioner Busch seconded, to continue the discussion of the Land Use Options for Galpin Lake Properties to the June 8, 2010 Planning Commission meeting. Motion carried 5/0.

(b) Parking Report Recommendation

Richards gave an overview and background information on the Parking Study. He reviewed the Bozeman, Montana parking standards, which allows for a reduction in parking for mixed use developments. He also reviewed the parking standards for the cities of Minneapolis and Stillwater.

Richards explained that Brian Burdick recently submitted an application for a text amendment to explore parking for his specific project at the corner of Water and Third Streets. He encouraged the Planning Commission to look at the Galena, Stillwater, and Bozeman examples that were provided in the Planning Commission packet.

Putnam said that it appears that the parking standards are in conflict with one another.

Wallace asked about the meaning of Item 8(a) in the Summary. Richards said that it would be best to have Tim Gephart clarify that because he was on the Parking Action Task Force. He said that Item 8(b) in the Summary is not a Planning Commission issue, and that, Item 8(a) will be addressed in part by the Burdick application that the Planning Commission will review in June.

7. UNFINISHED BUSINESS

(b) Parking Report Recommendation – (Continued)

Busch asked about shared use with relation to Jake O'Connor's Restaurant. Richards stated that the current zoning tools do not allow for a shared use for mixed uses. Staunton explained that the previous zoning tools that were used for Jake's are no longer part of the Zoning Code.

Richards said that he will lay out additional options for the Planning Commission to consider at the June meeting.

Craig and Wallace questioned whether the Minneapolis standards wouldn't possibly work in Excelsior as most properties are similar in size. Richards explained that parking opinions have been voiced from both sides. There are concerns that if the parking restrictions are loosened there will be too much redevelopment and the current parking supply will not be able to accommodate it.

Staunton stated that the Burdick development will ask if all future development needs to provide parking on-site. He explained the current discussions occurring in Edina and should all parking be on-site or allowing a mix of both on-site and off-site.

Putnam questioned parking needs and the historical parking patterns of Excelsior. Craig said that downtown areas traditionally have shared parking due to the mix of uses. Wallace commented that he has a hard time accepting that Excelsior has a parking problem.

(c) Guidelines for Residential Areas

Richards reported that the Residential Design Guidelines Subcommittee has not met since February. He asked that Subcommittee members confirm whether they are available to meet at 3:00 PM on Wednesday, May 12th.

(d) Tree Management

Fuchs stated that the Tree Subcommittee met in late April to discuss tree needs. Busch and Putnam reported that the subcommittee is currently studying boulevard tree needs and placement, tree policies, reforestation needs, and budgetary and non-budgetary items.

(e) Review of Planning Commission Role

Staunton provided a brief overview of the Planning Commission Role in light of the recent City Council Vogel variance decision. He explained that the Planning Commission liaison had asked that a City Council member be present at the next Commission meeting to provide a summary on the Council's decision. He noted that the City Council based their decision on the reasonableness and compatibility of the proposal. He explained the detail of facts from a particular case which allows the City discretion to vary. He emphasized that Excelsior is not alone in struggling with variance requests. Each situation and subsequent decision has to be based on facts so that decision can be defended.

7. UNFINISHED BUSINESS

(e) Review of Planning Commission Role – (Continued)

Miller explained the City Council's rationale in their decision of determining the reasonable of the variance request based on the uniqueness of the site including its topography, size, and current development pattern. He emphasized that because of its uniqueness, the site is improved with the proposal.

Staunton explained that the courts have allowed communities to regulate land uses, but it is very important to have factual findings to substantiate the decision.

8. NEW BUSINESS

(a) Schedule Dates for Additional Work Session(s)

Staff informed the Commission that a notice may be sent to schedule a Special Meeting in late June to facilitate the discussion on two land use applications that Staff is currently reviewing for completeness. The Planning Commission decided to hold off on scheduling any additional Work Sessions beyond the subcommittee meetings.

9. ANNUAL MEETING

(a) Review By-Laws

Fuchs gave a brief overview of the staff report.

Commissioner Craig moved, Commissioner Wallace seconded, to adopt the By-Laws as presented. Motion carried 5/0.

10. COMMUNICATIONS & REPORTS

(a) None

11. MISCELLANEOUS

(a) Recent City Council Actions

Council Member Miller updated the Planning Commission on recent City Council actions. He reported on the Pavement Management Plan, recent Vogel variance application, kayak rental agreement at the Commons, City's 2009 financial audit, Minnetonka museum discussions, and water conservation rates.

12. ADJOURNMENT

Commissioner Busch moved, Commissioner Wallace seconded, to adjourn the meeting at 9:15 p.m. Motion passed 5/0.

Respectfully submitted,

Ronald G. Fuchs
City Planner