

City of Excelsior
Planning Commission Meeting
MINUTES
Wednesday, November 3, 2010
Council Chamber, City Hall, 339 Third Street
7:00 P.M.

1. CALL TO ORDER

Vice Chair Gaylord called the meeting to order at 7:00 p.m.

2. ROLL CALL

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

Commissioner Absent: Wallace and Chair Gephart

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

3. APPROVAL OF MINUTES

(a) Planning Commission Meeting of October 5, 2010

It was moved by Commissioner Putnam, and seconded by Commissioner Jensen, to approve the Minutes of the Planning Commission Meeting of October 5, 2010 as presented. Motion carried 5/0.

4. PENDING ISSUES/PROJECTS

(a) Appoint Liaison to City Council (November 15, 2010)

Commissioner Busch will serve as the Planning Commission liaison to the November 15, 2010 Council meeting.

5. PUBLIC HEARINGS - (Con't)

(a) None

6. PUBLIC HEARINGS

(a) Ordinance to Amend Article 10, Administration – General, Pertaining to Timeframe to Complete Exterior Improvements

Fuchs provided an overview of the staff report outlining the subject text amendment. He stated that staff is requesting that an amendment be made to Appendix E of the Excelsior Code of Ordinances to timeframes for requiring exterior improvements to be completed. He explained that an amendment is proposed to include changes to Article 10, Administration – General, Section 10 – 3, Building Permit, Appendix E as a result to recent changes to Minnesota State Statutes 326B.121 State Building Code; Application and Enforcement.

Fuchs explained that State Statutes allows a City to impose local regulations requiring all exterior work authorized by a building permit in accordance with State Building Code be completed within 180 days following issuance of the permit.

Vice Chair Gaylord opened the public hearing. Hearing no comments, Vice Chair Gaylord closed the public portion of the meeting.

6. PUBLIC HEARINGS

- (a) Ordinance to Amend Article 10, Administration – General, Pertaining to Timeframe to Complete Exterior Improvements - (Continued)

Putnam asked what precipitated the change. Staunton explained that in the past the City had no authorization to require a deadline for completion of improvements with a building permit. With recent changes to the State Statutes, the City through the State Building Code has the ability to require that exterior improvements be completed within the prescribed timeframe.

Craig mentioned that a building project on Second Avenue took nearly 18 months to complete. Staunton explained that under the current provisions improvements need to start within 180 days. Busch clarified that the proposed change is for 180 days to complete exterior improvements.

Gaylord commented on the formatting.

Putnam inquired what would happen if the 180 days falls on a weekend.

The Planning Commission and staff discussed the proposed text amendment. It was discussed that the proposed text amendment would regulate that exterior improvements would need to be completed within 180 days as outlined by State Statutes.

Commissioner Busch moved, Commissioner Craig seconded, to continue the public hearing to the City Council's November 15, 2010 meeting and forward the recommendation to the City Council that it adopt the proposed ordinance to amend Article 10 of Appendix E of the Excelsior's Code of Ordinances pertaining to timeframes to complete exterior improvements. Motion carried 4/1, with Putnam voting nay.

Putnam stated that she voted against the amendment as she feels that additional time is warranted to complete exterior improvements.

7. UNFINISHED BUSINESS

- (a) Land Use Options for Galpin Lake Properties

Richards said at the October 5, 2010 meeting, the Planning Commission discussed the options related to zoning and imperious surface coverage for the Galpin Lake properties. The Commission discussed the Planned Unit Development (PUD) process and how regulations impacted a potential Galpin Lake development designed with marine dealership. The Planning Commission had asked City Staff to provide the background information that had been previously provided related to zoning text changes and the PUD process. He asked the Planning Commission if they had any comments based the draft zoning text changes and the PUD process.

Gaylord asked if the City had received an application and the process needed to review a marine dealership. Fuchs explained the land use application process and the need for a Site Alteration Permit application.

7. UNFINISHED BUSINESS

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

Richards asked for input and direction from the Planning Commission. The Planning Commission and City Staff discussed existing impervious standards contained in the R-3 Zoning district.

Craig asked what the status of the house was. Richards responded that the Heritage Preservation Commission would prefer to retain the existing structure where it is at, move it to another location on the site, and/or move to another location within the City.

The Planning Commission discussed potential commercial retail uses.

Putnam asked how the Heritage Preservation Commission has the ability to grant or deny a plan for the Galpin Lake properties. Staunton explained that the current ordinance is written granting them the authority to do so.

Jensen explained that he views there being little reason to retain or remove the structure.

Craig said that the house is not historically significant.

The Planning Commission discussed the proposed changes and asked Staff to schedule a public hearing on the proposed changes to the R3, Medium Density Residential district.

Richards clarified changes to Section 45-4 allowing offices as an acceptable land use.

Putnam asked if 75%, 60%, or 65% hard cover was acceptable. The Planning Commission discussed changes to impervious standards and generally agreed that 60% maximum was acceptable as it allows some flexibility.

Gaylord inquired as to the reasoning of the definition with green space.

Craig asked if institutional uses should be 60% too. Gaylord responded that he would consider a church a residential use. Richards answered that churches would remain at the 40% hardcover maximum.

Staunton responded that he would need to research if a zone could have differing impervious standards dependent on the use. He elaborated that he would be more receptive if the use was a Conditional Use.

Richards asked if the setback standards would also be reviewed in the same context. Staunton responded that additional research would need to be done.

Putnam asked why the property is guided as residential. Gaylord responded that the Comprehensive Plan asks that no residential lands be eliminated.

Richards asked if there were any additional changes.

Craig asked about coffee shops. The Planning Commission and Staff discussed the allowance of restaurant, café and retail uses.

Richards asked if it makes sense to make changes, do a Comprehensive Plan amendment, and rezone the property.

7. UNFINISHED BUSINESS

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

Putnam stated that by rezoning the property would impact surrounding areas.

The Planning Commission discussed and reached consensus that they were comfortable with adding office uses, 40% hardcover for existing uses, and 60% for office use.

(b) Parking Report Recommendation

Richards briefed the Planning Commission that at its October 5, 2010 meeting they discussed results of the "payment in lieu of" parking study by Albersman and Armstrong, Ltd. He informed them that the City Council, at the November 1, 2010 meeting discussed an Ordinance amendment to Appendix E to establish an annual parking fee allowing for developers to pay for parking if they do not have adequate private spaces for expansion of existing or construction of new buildings. He stated that the Planning Commission also wanted to discuss in more detail the City of Bozeman's formula for parking requirement reductions within their Downtown, and had asked for clarification related to the current parking supply numbers.

Gaylord asked about the dollar amount the Council set. Richards responded that the Council is currently considering an annual fee of \$1,200 to \$1,400 per parking space.

Gaylord asked Council Member Caron to elaborate on Council discussion of the annual fee. Council Member Caron responded that the Council is currently discussing options and feel that the annual fee allows some flexibility. She said that the Council is still working with Lyman Lumber on the sale of their property.

Gaylord asked if a parking lot is built would there be a need for additional parking spaces. Caron responded that there would be a need to continue to charge for future expansion and maintenance. She explained that there is currently an excess of 53 parking spaces.

Craig asked where the 53 spaces are. Richards explained that 53 spaces are based on the current excess parking spaces based on old parking study counts.

Gaylord inquired why an annual fee? Caron answered that it could be forever; however, at this time it is an unknown what the amount would be.

Staunton elaborated on the enforcement potential with future problems of a waiver. He explained that based on his research, a waiver may create a difficulty in the future. Another reasoning of setting an annual fee is that it locks that property into a set amount and it is not limited by that particular development. Essentially, it allows the City to require additional parking spaces and future development will pay for those spaces.

Gaylord stated that exponentially the funds could grow very fast.

Caron stated that the parking costs will be borne by those businesses needing spaces, which is the intent.

Jensen asked if residential would also pay.

Putnam stated that Burdick pushed this process and this ultimately will allow other to develop too.

7. UNFINISHED BUSINESS

(b) Parking Report Recommendation – (Continued)

Staunton responded that the current scenario does not force any business to expand as it allows those who want to change and those others are not forced out of business.

Craig asked that the value be established upfront. Gaylord responded that is the way it is set up to work.

Jensen asked what happens if a business is lost. Caron responded that this has not researched.

Jensen inquired what happens if a business is vacant. Caron answered that history shows that storefronts do become vacant for short time periods.

Busch stated that Excelsior appears to be very vibrant. Caron explained that Excelsior is the place to be and there is still a lot of parking discussion to be had. She further elaborated that any purchase of lands is still up in the air.

Putnam stated that it is nice to see some things happening.

Jensen stated that additional lands will be removed from the tax base and will become tax exempt. Staunton responded that no property should to be treated differently regardless of whether it is tax exempt or non-profit.

Busch asked if there are no changes for parking is Burdick's development dead. Staunton responded that the City needs to be creative and whatever mechanism is developed it will be unique as no model currently exists.

(c) Tree Management

Fuchs stated that the Tree Subcommittee met to discuss tree needs and is currently researching and making changes to the draft document. Busch and Putnam reported that the Subcommittee is still studying boulevard tree needs and placement, tree policies, reforestation needs, and budgetary and non-budgetary items.

8. NEW BUSINESS

(a) Dates for Additional Work Session(s)

The Planning Commission decided to hold off on scheduling any additional Work Sessions beyond the subcommittee meetings.

(b) Schedule Special Planning Commission Meeting – Congregational Church of Excelsior

Richards informed the Planning Commission that the Congregational Church of Excelsior may be submitting a Design Review application in order to place a covered porch on their facility. The Planning Commission discussed the feasibility of scheduling a Special Meeting for November 16th. He informed the Planning Commission that Staff will send an e-mail notice to the Planning Commission if Staff receives an application.

9. COMMUNICATIONS & REPORTS

(a) None

10. MISCELLANEOUS

(a) Recent City Council Actions

Council Member Caron updated the Planning Commission on recent City Council actions. She reported on the Parking Study, Burdick's development, Hennepin County Library status, and the Charter Commission.

11. ADJOURNMENT

Commissioner Putnam moved, Commissioner Busch seconded, to adjourn the meeting at 8:45 p.m. Motion passed 5/0.

Respectfully submitted,

Ronald G. Fuchs
City Planner