

City of Excelsior
Notice of Regular Meeting
of the Excelsior Planning Commission

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Excelsior will hold its regularly scheduled meeting on

Monday, February 24, 2025, at 6:30 p.m.

The meeting will be held at Excelsior City Council Chambers located at 106 Center Street, Excelsior, MN 55331 – Entrance located on Center Street

Members of the public may attend the meeting either in person at City Hall or by joining via Zoom online or by telephone at:

Join Zoom Meeting

<https://us02web.zoom.us/j/81672335798?pwd=cuyNOGZZR2b1kZekgiELbasgmPFyQU.1>

Meeting ID: 816 7233 5798

Passcode: 278099

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Notice: Some items on this agenda are important enough to City Council Members that a quorum of the Council may be present to receive information leading to their future deliberations and eventual decision.

Auxiliary aid for individuals with disabilities is available upon request. Requests must be made at least 96 hours in advance to the City Clerk at (952) 653-3675.

City of Excelsior
Planning Commission Meeting

AGENDA
Monday, February 24, 2025

Excelsior Council Chambers at 106 Center Street
6:30 P.M.

1. CALL TO ORDER

Welcome New Commissioner, Mitch Day

2. ROLL CALL

3. APPROVAL OF MINUTES

a) Planning Commission Meeting, December 9, 2024

4. PUBLIC HEARINGS

a) 287 Water Street, Old Southern BBQ – Conditional Use Permit for Parking Impact Fee

5. DISCUSSION ITEMS

a) Planning Commission Annual Meeting in March

6. COMMUNICATIONS & REPORTS

a) Next City Council Meeting – March 3, 2025

b) Next Planning Commission Meeting – March 24, 2025

c) Updates

7. MISCELLANEOUS

8. ADJOURNMENT

2025 Attendance

Meeting	Jan 27	Feb 24	Mar 24	Apr 28	May 20	Jun 23	Jul 28	Aug 25	Sep 22	Oct 27	Nov 24	Dec 22
	Can- celled											
Day	X											
Johnson	X											
Muenzberg	X											
Neale	X											
Tyler	X											

P – Present

A – Absent but gave prior notice

U – Absent without notice

SM – Special Meeting

X – Not applicable (cancelled meeting or not on PC)

**City of Excelsior
Hennepin County, Minnesota**

**Planning Commission Meeting
Minutes
December 9, 2024**

1. CALL TO ORDER/ROLL CALL

- a) *Chair Punch resigned from the Commission in November. Commissioner Johnson moved to appoint Commissioner Tyler as chair through February 2025. Commissioner Muenzberg seconded. Motion approved 5-0.*
- b) *Commissioner Tyler moved to appoint Commissioner Muenzberg as vice chair through February 2025. Commissioner Neale seconded. Motion approved 5-0.*

Commissioners Present: Bildsoe, Johnson, Muenzberg, Neale, Tyler

Commissioners Absent: N/A

Also Present:

Julia Mullin, Community Development Director

Ali Cameron, Senior Planner

2. NOMINATION OF COMMISSION CHAIR

3. ROLL CALL

4. APPROVAL OF MINUTES

- a) Planning Commission Meeting, November 25, 2024.
Commissioner Neale moved to approve November meeting minutes. Commissioner Johnson seconded. Approved 5-0.

5. PUBLIC HEARINGS

None

6. DISCUSSION ITEMS

- a) South Water Street Small Area Plan – continued from November PC meeting
Commission continued their discussion from the November 25th Planning Commission meeting. Commission reviewed revised Plan from the consultant. Commission provided comments on the Plan; staff will present comments to City Council at their December 16th meeting.

7. COMMUNICATIONS & REPORTS

- a) Next City Council Meeting – December 16, 2024
- b) Next Planning Commission Meeting – January 27, 2025
- c) Updates

8. MISCELLANEOUS

Commission thanked Commissioner Bildsoe for his service on the Planning Commission. He was elected to the City Council and will begin his term in January 2025.

9. ADJOURNMENT

Commissioner Bildsoe motioned to adjourn. Commissioner Johnson seconded. Approved 5-0. Meeting adjourned at 8:20 pm.

Respectfully submitted,

Julia Mullin, Community Development Director

2024 Attendance

Meeting	Jan 29	Feb 26	Mar 25	Apr 22	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Bildsoe	X	P	P	P	P	P	A	A	P	P	P	P
Holste	X	P	X	X	X	X	X	X	X	X	X	X
Johnson	X	X	P	P	P	P	P	P	P	P	P	P
Muenzberg	X	P	P	P	P	P	P	P	P	A	P	P
Neale	X	A	P	P	P	A	P	P	P	P	P	P
Noll	X	A	X	X	X	X	X	X	X	X	X	X
Punch	X	P	P	P	P	A	P	P	P	P	P	X
Tyler	X	P	P	P	P	P	P	P	P	A	P	P

P – Present

A – Absent but gave prior notice

U – Absent without notice

SM – Special Meeting

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MEMORANDUM

4(a) Conditional Use Permit for Parking Impact

Re: Fee, 287 Water Street

Date: February 24, 2025

To: Planning Commission

From: Julia Mullin, Community Development Director

APPLICANT:	Colleen Anderson, Jimmie's Old Southern Smokehouse BBQ, LLC, 5259 Edina Industrial Blvd., Edina, MN 55439
PROPERTY OWNER:	Dan Johnson, Red Leaf Partners, 441 Second Street, Excelsior, MN 55331
LOCATION:	287 Water Street, Excelsior, MN 55331
CASE NO.:	PC No. 2025-01
60/120-DAY REVIEW	
DEADLINE:	April 5, 2024/ June 4, 2025

BACKGROUND

The applicant is requesting a Conditional Use Permit (CUP) for a Parking Impact Fee for a new restaurant business at 287 Water Street. The proposed business is Jimmie's Old Southern Smokehouse BBQ, a dine-in and take-out restaurant anticipated to have a liquor license. The previous use in this space, from 2023-2024, was Nautical Bowls, a restaurant with no liquor license, and prior to that it was a retail space. The proposed new use will require more parking than the previous use and the applicant requests to satisfy their parking requirement with the annual parking impact fee.

Annual Parking Impact Fee

The city uses the annual parking impact fee to allow for new uses to locate in downtown when they cannot provide their required parking onsite. With the parking impact fee tool, the city determines the amount of parking the new use must provide, subtracts from the requirement the number of parking stalls provided on the parcel (if any), subtracts the number of "grandfathered" stalls that were allocated to the property when the parking impact fee ordinance was adopted in 2012, and calculates the number of "deficit" parking stalls. The property owner is charged the fee for these deficit stalls. (*Zoning Ordinance, Sec. 19-9 Annual parking impact fee.*)

A parking impact fee is established for a property with the granting of a Conditional Use Permit. As described above, the number of deficit stalls is determined. The property owner must pay a parking impact fee for that number of stalls. Each year, the Council adopts the parking impact fee: since 2021 the parking impact fee has been \$1,000 per stall. If the fee per stall changes, the cost for approved parking impact fees may not increase but it may decrease. A condition of the conditional use permit is that the property owner must enter into a development agreement with the city establishing the parking impact fee.

Calculating the parking impact fee for 287 Water Street

Article 19-7 of the zoning ordinance requires 1 parking stall per 3 seats based on capacity design for a restaurant that serves liquor. The applicant provided a seating design for the restaurant (attached): 36 seats. Based on this design, the applicant is required to provide 12 parking stalls onsite. The other business on this property, Olive's, currently pays a parking impact fee for a deficit of 6 parking stalls.

Parking Summary:

Business		Stalls Required	Parking Impact Fee	
Olive's		14		
Jimmie's Old Southern BBQ		12 (former retail use required 7 stalls)		
TOTAL REQUIRED		26 stalls		
Stalls on site		0*		
Grandfathered Stalls*		-15		
Parking Deficit		11 stalls	Olive's' parking impact fee: 6 stalls	CUP approved in 2015
			Jimmie's parking impact fee: 5 stalls	

*Note: the city has historically not counted the parking stalls at the corner of Water Street and Third Street, adjacent to 287 Water Street, as onsite stalls for the subject property. It is a developable parcel.

STAFF ANALYSIS

Staff reviewed this application using criteria applicable to the annual parking impact fee and criteria applicable to all conditional use permits. The criteria are below and staff comments are in italics.

Parking Impact Fee Review Criteria

Staff has analyzed this request for a Conditional Use Permit for Parking Impact Fee using the criteria found in *Section 19-9 Annual Parking Impact Fee* of the Excelsior Zoning Ordinance.

Pursuant to this section, any change in use requiring more parking at a property that cannot meet the City parking requirements (because there are not enough parking stalls on the property) shall be permitted if:

- 1) An annual parking impact fee is paid; and

The applicant will be required to pay \$1,000/stall per year for 5 stalls.

- 2) There is no reduction in the existing number of parking spaces on the property unless the spaces being eliminated are nonconforming with sections 50-9 or 54-9 of this Appendix E; and

There is no proposed reduction in number of stalls on the property.

- 3) A conditional use permit is approved based upon the criteria found in Article 4 of this Appendix E and the following:
 1. The project is located within the "downtown business district" as that term is defined in Section 32-165(a) of the City Code.
 2. The project is consistent with the comprehensive plan, is a permitted use, and complies with the City Code.
 3. If the project is located on a property that is a contributing historic site or within the downtown historic district, the project complies with Chapter 20 of the city code and Article 62 of this Appendix E.

4. The project includes a change of use, construction of a building or portion thereof that will close undeveloped gaps in the streetscape or increases the usable floor area within the downtown business district.
5. The project enhances the viability and vitality of the downtown business district.
6. The parking impact of the project does not exceed the available capacity of the city's automobile parking facilities. For purposes of this section, "available capacity" shall be the number of parking spaces available for use by applicants for new parking impact fee conditional use permits. This number shall be determined each year by the city council based on a monthly census of the utilization of the city's automobile parking facilities and set for the following calendar year by resolution.

The most recent parking counts are from 2022. Since then, a new public parking garage opened in November 2024 providing 244 new public stalls, an addition of 136 new stalls from what the former west parking lot provided. Staff has determined that there is available capacity in the public parking available.

The proposed conditional use permit meets the above six criteria. This is a contributing structure in the downtown historic district. Changes to the exterior of the building must be reviewed and approved by the Heritage Preservation Commission (HPC). As of now, proposed changes are for the interior only. The applicant is considering a walk-up window; this proposal will be reviewed by the HPC.

Conditional Use Permit Review Criteria

Article 4-3(5) of the zoning ordinance outlines the general requirements for a Conditional Use Permit (staff comments are in *italics*):

- a. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official city comprehensive plan. *The proposal is consistent with the Comprehensive Plan: the property's use is guided for Downtown Commercial, and restaurants are a permitted use.*
- b. The proposed use is or will be compatible with present and future land uses of the area. *The proposed use is compatible with present and future land uses downtown.*
- c. The use or structure housing the use will be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. *There are no exterior alterations proposed at this time. Any exterior work would need HPC approval. The new use will not change the essential character of the area.*
- d. The use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. *There will be no destruction, loss, or damage of a significant feature.*
- e. The proposed use conforms with the general performance standards contained herein, the conditional use performance standards found in [section 4-5](#) of this Appendix E, and the Code. *The use conforms with the City's performance standards.*
- f. The proposed use can be accommodated with existing public services and will not overburden the city's service capacity. *No change in service utilization is proposed.*
- g. Traffic generation by the proposed use is within capabilities of streets serving the property. *Traffic generation is within capabilities of downtown.*

h. The use will not be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare of the neighborhood or the city. *There is no anticipated detriment to welfare of the neighborhood or city.*

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend to the City Council approval of the Conditional Use Permit for Parking Impact Fee for the property at 287 Water Street with the following proposed conditions:

1. The property owner shall enter into a development agreement with the city that includes an agreement to pay the parking impact fee for as long as is necessary to satisfy the off-street parking requirements for the use of the property.
2. The Conditional Use Permit shall expire one year from the date of adoption of the resolution of approval if not acted upon; City approval would be required for any subsequent extension.

ATTACHMENTS

1. Conditional Use Permit Application
2. Proposed Seating Plan



City of Excelsior
350 Highway 7, Ste 230 • Excelsior, MN 55331
(952) 653-3674

Land Use Review Application

APPLICANT INFORMATION		
Name: See Addendum	Business Name:	
Address:		
City:	State:	Zip Code:
Telephone:	E-Mail:	
OWNER INFORMATION (if different)		
Name:	Business Name:	
Address:		
City:	State:	Zip Code:
Telephone:	E-Mail:	

TYPE OF APPLICATION (check all that apply)		
☐ Comprehensive Plan Amend	☐ Design Standards	☐ Subdivision
☐ Rezoning	☐ Sketch Plan Review	☐ Admin Subdivision
☐ PUD – Concept Plan	☒ Conditional Use Permit/IUP	☐ Preliminary Plat
☐ PUD – General Plan	☐ Variance	☐ Final Plat
☐ PUD – Final Plan	☐ Appeal of Zoning Decision	☐ Other _____

PROJECT INFORMATION	
Street Address: See Addendum	Zoning District: Commercial Preferred
Property Identification Number(s) (PIN #s): 3411723110034	
Legal Description (attach if necessary): Lot 40, Auditor's Subdivision No. 120, Hennepin County, Minnesota	
Description of Proposal (attach additional information if needed): See Addendum	
Reason(s) to Approve Request (attach additional information if needed): See Addendum	

APPLICANT'S STATEMENT

This application should be processed in my name. I have completed all of the applicable filing requirements and, to the best of my knowledge, the documents and information I have submitted are true and correct. I agree to reimburse the City of Excelsior for the costs of professional Engineers and other Consultants hired by the City to review and inspect this proposal when the City is unable to do so with existing in house staff.

Signature: _____

Date: _____

OWNER'S STATEMENT

I am the owner of the above described property and I agree to this application.

Signature: 

Date: 1/31/25

Please see the attached checklist(s) for a list of plans and other information that must be submitted with this application and for other important information. The checklist must be submitted with the application and the required submittals.

Land Use Application Addendum

Applicant Information:

Jimmie's Old Southern Smokehouse BBQ, LLC
Attn: Colleen Anderson
5259 Edina Industrial Blvd, Edina, MN 55439
(612) 834-0547
colleen@oldsouthernbbq.com

Project Information:

Address: 287 Water Street, Excelsior, MN 55331
Zoning District: Commercial Preferred
PIN #: 3411723110034
Legal Description: Lot 40, Auditor's Subdivision No. 120, Hennepin County, Minnesota

Description of Proposal: Request for permit related to required parking and parking impact fee, which requires 12 parking stalls for applicant's dine-in restaurant.

Reason to Approve: Necessary parking for applicant's operation of its dine-in restaurant.

