

City of Excelsior  
Hennepin County, Minnesota

Minutes  
Planning Commission

Tuesday, May 26, 2020

1. CALL TO ORDER

Chair Wallace called the meeting to order at 7:01 p.m.

2. ROLL CALL

Commissioners Present: Wallace, DiLorenzo, Hersman, Holste, Noll, Craig, Harrison

Commissioners Absent: None

Also Present: City Planner Becker and City Attorney Staunton

3. APPROVAL OF MINUTES

a) Planning Commission Meeting of April 27, 2020

Motion by Hersman, seconded by DiLorenzo, to approve the Planning Commission meeting minutes April 27, 2020 as amended. Motion carried 6-0 (Craig not yet present)

4. PUBLIC HEARINGS

**a) *Residential Review Board and Good Neighbor Guidelines***

Holste asked how many projects last year would have triggered a review. Becker guessed that around 32 projects with building permits issued in 2019 (correction: because the Residential Review Board Research Committee would have required review by the Review Board. Harrison asked for clarification on if the comparison chart comparing Stillwater guidelines was different than the Good Neighbor Guidelines, and Wallace clarified that the Stillwater guidelines were used to come up with the Good Neighbor Guidelines.

Wallace opened the public hearing.

Anne Mark, 236 Lake Street, said that having a review board would cut down on different opinions between what should happen and opinions between neighbors. She feels that so much time has lapsed since this concept has been introduced. She feels that the language can be tweaked later and that the most important thing is to get this done. Excelsior does not have standard lot sizes, and so it is difficult to come up with a one size fits all approach.

Andrew Punch, 561 Third Street, does not believe that a review board is needed. The changes that have happened in the last 18 months have not been fully flushed out yet. He believes it will slow down construction, increase cost, and decrease property values. He has some critiques of the proposed ordinance: the composition of the board is too small; having a Heritage Preservation Commission (HPC) member doesn't make sense since they would be reviewing non-historic properties; and that an appeal requires a 4/5 vote.

Dan Brattland, 6 Third Street, mentioned the speakers that spoke at the #ExcelsiorForever presentation. He said that all of the regulations that they spoke of were objective. He gave examples of why it is important to have objective guidelines as existing and prospective residents are designing a new home within the City.

Peter Hartwich, 186 George Street, feels that the predictions of a decrease in property values with the addition of a review board are not certain. He believes that change shows flexibility and is a reasonable solution.

Jodi Noll, 242 First Street, spoke about the paper petition that has over 220 signatures that support the residential review board. Because of COVID-19, this movement had to go online, and over 360 signatures have been collected.

Carrie Larson, 200 Lake Street, believes that Floor Area Ratio (FAR) makes sense for the City but is opposed to the residential review board, as she feels that it feels much too much like a Homeowners Association.

Lance Black, 274 Lake Street, doesn't believe that we have seen results of all the changes that have been adopted over the past 18 months. He asked that the Commission consider what implementing a review board would say to potential buyers. He believes that the review board would impact value and the process of someone buying a home and that following a review board without objective ordinances would be problematic.

Jane Bauman, 31 Third Street, doesn't believe that the process is happening too quickly. She believes that property values of properties are created by the City.

Wallace closed the public hearing.

Harrison wanted to clarify that the City Council is required to have a majority vote for appeal of an HPC decision or approval of a variance or conditional use permit. Craig talked about the composition of the review board. She wishes we could get by without having the review board.

Wallace questioned if we should be communicating if Planning Commission members wanted a review board. DiLorenzo believes there's a better way to accomplish the goal. Craig believes that the review process should be as efficient as possible. Harrison is not in favor of a separate review board and believes it would take too many resources along with having a high cost impact on the city. Hersman believes that the same thing could be accomplished with FAR in conjunction with Good Neighbor Guidelines. Noll is open to the concept of having the Planning Commission conduct the review. Holste is against a review board for all projects but sees the value in possibly requiring a review board if a proposed project is near the maximum-allowed standards. Wallace asked Staunton if subjective standards were acceptable so long as there is a review board; he doesn't see the value of having a review board if the standards are not subjective. Staunton replied that there is some room for subjectivity, and enforceability should be thought of in terms of each individual case, and findings should be sufficient to support the decision. Wallace is in favor of a review board if the review standards are subjective because the City is unique, and it is hard to develop standards that apply to all lots.

Wallace looks at the review board composition from the applicant's standpoint, and it is easier to deal with the City Architect directly rather than a panel of more people. DiLorenzo and Craig feel that a more efficient way could be found. Harrison believes that three is a bit too small and that the HPC should not be involved. She does not like the idea of nonresidents being on the review board except for the expert. She believes that five or seven may be a good number. Holste said that she had been a fan of a non-resident being involved and likes the idea of there being a City Architect to introduce the applicant to the goals of the Good Neighbor Guidelines. Noll can see value of a review board but is not prescriptive in what it is made up of.

Trigger for review was discussed. Noll asked about exemptions and administrative approval. Harrison felt that anything in excess of an established FAR should go forth before the Planning Commission. Craig asked if the same submittal requirements are required for an application to the review board as is required for a variance, and Becker confirmed they are for the most part. Noll doesn't expect that the length of time that the review would be very extensive and that the proposed triggers for review aren't terrible. He believes that we will find out if the triggers are appropriate after some time. Hersman is in support of what the City is trying to do in working with mass and scale. She believes that if something is over on an established FAR value that that is what would trigger the requirement. Harrison felt that perhaps the Planning Commission should review any proposed project that increased volume.

Objective language was discussed. Craig asked if a proposed home would not be able to be built to the maximum height outlined in the Zoning Code. She wonders if this could become problematic to limit home height or encourage larger homes.

Harrison felt that including the block immediately adjacent could be a slippery slope that could trigger exorbitant increases in height because there could be larger homes in this area. Also, this doesn't take into account non-conforming or decrepit properties. Noll likes the subjectivity of the Good Neighbor Guidelines as a way to review.

Good Neighbor Guidelines were discussed. DiLorenzo felt that the homeowner should be required to fill out a checklist, ensuring that they have considered the surrounding properties. He envisions objective standards worked on, some zoning tweaks and utilizing the guidelines as guidelines and not standards. Harrison believes that the guidelines should be implemented and enforced by the Planning Commission. She also felt that the City Architect could be consulted but shouldn't be used all the time. Noll feels that the benefit of the architect is that there would be a pre-application meeting that could help the applicant's architect to form a design. Noll feels that the guidelines could be slimmed down to remove some guidelines that are repetitive of standards already in place.

Motion by Hersman, seconded by DiLorenzo, that the implementation and enforcement of Good Neighbor Guidelines be carried out by the Planning Commission to help ensure that there is a community process that is banked into what is presented. The Good Neighbor Guidelines would need to be restructured to be applicable for the Planning Commission to apply. The hiring of the City Architect would be up for interpretation based on the Council's decision. Harrison believes that if

FAR is implemented along with the guidelines, that would be a huge win. Motion carried 7/0. Holste wanted to clarify that she still values a third-party architect.

Craig and Holste suggested that there be a threshold to trigger review. Further discussion regarding what triggers a review. Motion by Harrison, seconded by Holste to recommend that trigger for a review be as proposed in the draft ordinance with special consideration given to second story redevelopment. Motion carried 7/0.

***b) 511 Second Street Design Standards Review Amendment and Easement Vacation***

Hersman wanted to clarify if the green space did in fact increase and wanted to verify if there could not be more trees because of the size of the layout. Hersman did not feel with the increased size that the proposed materials were appropriate.

Tim Brown, partner and President of Schaefer Development, LLC spoke regarding the proposal. Harrison asked about the trash enclosure and about visitor parking.

Wallace opened the public hearing. No one from the public spoke. Wallace closed the public hearing.

Harrison has an issue with the new, increased scale of the building. Wallace believes that it should be a new design standard review. Craig also believes that the scale is too large. Wallace asked if the Planning Commission was able to weigh in on what the use of the bottom portion of the building could be, and Staunton said that the Planning Commission is limited to weighing in on the design of the building through the design standards review. Noll asked that some of the challenges or contentions are in dealing with the previous Design Standards Amendment. Noll believes that this area is a gateway to the City and that the proposed building will feel too massive. He also has issues with the garage door opening width and small size of the trash enclosure. Harrison pointed out that the building is not limited in size or scale as is guided by the Comprehensive Plan, and it is not a proper link between the east side to the downtown. Craig asked why this isn't a new Design Standards Review, and Staunton said that they meet all the zoning requirements, and so the Planning Commission should only be reviewing the design, and that review should be done solely based on the Design Standards. Craig asked if there was a minimum amount of commercial space that was required for the bottom floor, and Becker replied that there is no prescription for how much of the bottom floor needed to be commercial and how

much could be parking. Holste feels that having most of the street level be parking feels like a manipulation of that requirement. Wallace feels that there is an overall misunderstanding that this project relates to the Design Standards. DiLorenzo feels that the building is in spirit of the approved design, but the scale makes the building feel aggressive and ominous and would like for the black to be removed. Noll is a fan of the design, but not for this particular location in Excelsior at this scale. Harrison did not feel that it met many objectives of the Comprehensive Plan. Staunton recommended that if the Commission did not feel comfortable with approving the proposal that staff prepare findings and bring back to a future meeting. Harrison pointed out that there are not just design but some zoning standards not being met that should be included in the findings for denial.

Motion by Noll, seconded by Hersman, to continue the item to prepare recommended findings for denial with a focus on design standards and goals of the Comprehensive Plan pertaining to mass, scale, and pedestrian-friendliness. Motion carried 7/0. DiLorenzo wanted to add that he was in favor of this project, as it could be an improvement. Harrison also appreciates the redevelopment attempt.

Harrison would be the representative of the Planning Commission regarding the Residential Review Board and Good Neighbor Guidelines at the June 15, 2020 Council meeting.

5. ADJOURNMENT

Motion by Hersman, seconded by Craig, to adjourn at 11:19 pm. Motion carried 7/0.

Respectfully submitted,

Emily Becker  
Planning Director