

City of Excelsior
Hennepin County, Minnesota

Minutes
Planning Commission

Monday, October 28, 2019

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Present: DiLorenzo, Wallace, Harrison, Holste, Emfield, Hersman

Commissioners Absent: Craig

Also Present: City Planner Becker and City Attorney Staunton

3. APPROVAL OF MINUTES

a) Planning Commission Meeting of October 14, 2019

Motion by Holste, seconded by DiLorenzo, to approve the Planning Commission meeting minutes of October 14, 2019 as amended. Motion carried 6/0.

4. PUBLIC HEARINGS

a) Variance Request for 301 Third Street – (PC No. 19-12)

Chair Wallace recused himself from the discussion, as he owns the adjacent property on Third Street. Becker presented the report. Mark Williams, 332 Second Street, explained that he had originally submitted the permit application prior to the adoption of the emergency interim ordinance, and the need for the redesign was due to the rear wall of the proposed home, as it was a long blank wall and needed to provide recessed walls and stepbacks due to the interim ordinance. He indicated that the client was willing to comply with the design requirements. DiLorenzo wanted to know if the applicant has spoken with the City Engineer to clarify what the alternative was mentioned in the staff report regarding the setback of the retaining wall. Williams indicated that he has asked for this clarification in the past on other projects, but that the Engineer has indicated that he cannot design for the property, as he is working on the City's behalf. Holste wanted to know if the property owner had considered requesting a variance from the minimum setbacks from the corner side yard or front yard. Williams indicated that he had considered it, but that he felt that a corner side yard or front yard variance would be more impactful to the City.

Dan Wallace, 311 Third Street, has indicated that by sliding the home 5.16 feet to the west that only one variance would be required. He indicates that he has suggested this to the applicant, but that they indicated that they were not interested in waiting an extra 30 days in order to request this variance due to public hearing requirements. He also indicates that there is a window well that is shown on the elevations but is not shown on the site plan. He has drainage concerns about the site

plan and is concerned about the impact the home will have on his property. There was discussion regarding the requirement of a legal notice for a new variance, and it was of the opinion of City Attorney Staunton that a separate legal notice was not required.

Williams indicated that the client would be willing to redesign the site plan by moving it 5.16 feet to the west, but that there was cost concern. He also explained the process that was gone through in order to ensure that proper drainage is being maintained. Harrison asked if the trees in the northeast corner of the lot would remain if the retaining wall was moved five feet to the west. Williams indicated that they would remain if the retaining wall was moved. Holste stated that her biggest concern was maintaining an adequate setback from the adjacent property and did not feel comfortable with a retaining wall on the property line. DiLorenzo pointed out that moving the home 5.16 feet to the west would more closely align with the adjacent home on Center Street so did not see an issue in decreasing the corner side yard setback. Harrison is still concerned with the mass and scale of the home that necessitated the variance request.

There was discussion if moving the house five feet to the west would in fact resolve the height issue. Wallace provided the Commission drawings of the proposed revised site plan.

DiLorenzo moved to recommend approval of a variance from the required corner side yard setback based on previous discussion in order to protect more blue space for the adjacent neighbor, protect trees, and help prevent runoff to the adjacent property, seconded by Emfield. Motion carried with a vote of 4/1. Harrison dissented because she feels that the proposed home does not fit into the mass and scale of the neighborhood and that the lot is not the right size for the proposed home. Wallace abstained.

b) Comprehensive Plan Amendment to Add East Side Subarea Plan and Possible Future Land Use Change for 810 Excelsior Blvd - (PC No. 19-13)

There was concern that there were too many changes to the work that has been done on the East Side Subarea Plan and that it can get confusing for those who worked on the plan everything that has now changed.

Greg Miller, 335 College Avenue, explained that there are unforeseen development opportunities that necessitate changes to the Comprehensive Plan. He wants to ensure that changes are not made to properties that would diminish the value.

Beth Maloney, Maynard's Restaurant, says that using the word preferred and having a conflicting standard in the zoning code is a problem and could diminish property values. Staunton clarifies that it could cause an argument that the zoning code should be changed to two stories in the future but it also allows the opportunity for a three story building to be built. She objects to the language that "12 units is preferred" because the Mixed-Use Land Use Category allows for 8-19 units per acre

and that "two stories is preferred" conflicts with the current zoning that allows for a height of 35 feet.

Bob Sarna, LoCorr Funds, has stated that LoCorr Funds has been in the community since 2003, and he wants the plan to stop changing.

Mike Malloney 241 14th Ave, Hopkins, has stated that he is affiliated with Maynard's and understood that the East Side Subarea Plan was communicated as a vision rather than being incorporated into the Comprehensive Plan.

Wallace questioned if the East Side Subarea Plan can be utilized without being incorporated into the Comprehensive Plan. DiLorenzo feels that if there is pressure for this to be adopted into the Comprehensive Plan that the language should be buttoned up in order to bring clarity to the plan.

Motion by DiLorenzo to accept the two recommendations that have been made and aligning two stories and changing to buffer mixed use. Harrison would like for Adele's to have a voice in the land use change. Motion amended to continue the hearing in order to know where the development is going to land prior to changing the Plan, seconded by Harrison. Motion carried 6/0.

Greg Miller indicated that he is pretty sure that the Council wants this plan incorporated into the Comprehensive Plan and points out that Comprehensive Plans are always changing, and that the future cannot be predicted.

c) *Single Family Standards Task Force Recommendations*

There was discussion regarding stepdowns. Harrison does not feel that the numbers are there right now and feels that the requirement is drastic. DiLorenzo feels that this could lead to unforeseen consequences. The Commission wanted the Residential Review Board Research Committee to study step downs and review if stepdowns are the most viable way to make for cohesive design standards. Harrison would also like the RRBRC to look at stepbacks in relation to stepdowns.

Holste liked the idea of Floor Area Ratio (FAR) instead of requiring stepdowns and stepbacks. Harrison feels that this is a good start. The Commission wanted to see a sliding scale similar to building coverage. The Commission wanted to know what other ordinances would need to be changed with the inclusion of this ordinance. There was discussion if the garage should be included or not. The Commission wanted to see more smaller home examples provided.

They would like to have the Residential Review Board Research Committee study the requirement for an increase in side yard setbacks of one foot for every one foot taller than five feet taller a proposed principal structure is than the adjacent structure.

5. DISCUSSION ITEMS

a) *Excelsior Award*

The Planning Commission wanted to be the ultimate decision authority. The Planning Commission only wanted to give the award by reviewing projects over the year. The Planning commission was open to nominations. The Commission wanted submittal requirements. The Commission wanted the homeowner to sign off on the nomination. The Planning Commission wanted to review projects during its annual meeting.

6. ADJOURNMENT

Motion by Harrison, seconded by DiLorenzo, to adjourn at 10:32 pm. Motion carried 6/0.

Respectfully submitted,

Emily Becker
City Planner

DRAFT