

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL WORK SESSION

MARCH 2, 2015

1. CALL TO ORDER/ROLL CALL

Mayor Gaylord called the meeting to order at 6:05 p.m.

Present: Councilmembers Beattie, Caron, Fulkerson, Miller (arrived at 6:47 p.m.), and Mayor Gaylord

Absent: None

Also Present: City Manager Luger, City Planner Smith, and City Clerk Johnson

2. AGENDA APPROVAL

Caron moved, Beattie seconded, to approve the agenda. Motion carried 4/0.

3. PARKING OF RECREATIONAL VEHICLES

Smith said that the current City Code allows for three recreational vehicles, including ice houses, to be stored on properties. He said these vehicles cannot exceed 18 feet in length and must be stored in the rear or side of the property. Smith said that items larger than 18 feet in length may be approved administratively.

Smith said the Planning Commission discussed recreational vehicles stored on properties and recommended keeping the number of vehicles at three and also allowing these vehicles to be up to 30 feet in length and allowing them to be stored in front yards, if it is impractical to be stored in the back yard. He said that the Planning Commission also included a provision in their recommendation for an administrative permit if the recreational vehicle (RV) exceeds 30 feet in length.

Smith said that, based on feedback from the public, the Planning Commission and City Council, staff is recommending using the following text:

Recreational equipment may be stored outside in the R-1 and R-2 zoning districts under the following conditions:

1. Recreational equipment includes, but is not limited to, camper trailers (pop up), motor homes, off-road vehicles, open trailers, pickup campers, snowmobiles, travel trailers, water craft and buildings for winter ice fishing.
2. No more than three recreational equipment items may be parked or stored outside on lots greater than 8,500 square feet in size. Those three recreational equipment items may include a maximum of one of each of – a camper trailer (pop up), motor home, off-road vehicle, open trailer, pickup camper, snowmobile, travel trailer, water craft or ice fishing house.
3. No more than two recreational equipment items may be parked or stored outside on lots equal to or less than 8,500 square feet in size. Those two

3. PARKING OF RECREATIONAL VEHICLES - *Continued*

- recreational equipment items may include a maximum of one each of – a camper trailer (pop up), motor home, off-road vehicle, open trailer, pickup camper, snowmobile, travel trailer, water craft or ice fishing house.
4. Trailers and contents located thereon shall be considered as one recreational equipment item.
 5. Recreational equipment may not exceed 24 feet in length. Trailers may not exceed 30 feet in length.
 6. No recreational equipment shall be stored in the front yard (or rear yard for lots abutting lakeshore), and any stored recreational equipment shall be subject to the side and rear yard setback requirements of accessory structures as found in subsection 18-2(g)(2) of this Appendix E. If there is not a practical way to store the recreational equipment in compliance with these requirements, then one such recreational equipment may be stored in the front yard (or rear yard for lots abutting lakeshore). If stored in front yards, recreational equipment must be stored on driveways and be no closer than 10 feet from the street.
 7. All vehicles must be operable and have the current year's registration, if registration is required by law.

Staff is recommending using 8,500 square feet as the separation between allowing three or two recreational vehicles as 8,500 is the minimum lot size for new lots in the R-2 Zoning District. Most of the lots in the R-2 Zoning District are below 8,500 square feet. Lots along Gideon's Bay are larger than 8,500 square feet. Most lots in the R-1 Zoning District are 10,000 square feet in size or larger.

Beattie asked if an RV plus a trailer could be 54 feet long. Smith said yes; there could be two items that equal 54 feet together, but not one item 54 feet long on its own.

Smith said that an item could not be stored in the front yard if there is access to the rear or side yard. If there is no access to the rear or side yard, Smith said staff recommends that one item could be in the front yard. Smith said this item must be stored on a driveway and be no closer than 10 feet from the street.

Fulkerson asked if staff is recommending more than the current ordinance allows; for example, vehicles 30 feet long compared to 18 feet long in the current ordinance. Smith said staff's recommendation is actually more strict than what the Planning Commission recommended.

The Council discussed whether items could be on the front yard or have to be on the driveway; Smith said items would only be allowed on the driveway. Luger said this was written specifically regarding boats.

Fulkerson asked if all equipment must be operational; Smith said yes.

Fulkerson asked if any equipment will be allowed to be grandfathered in; Smith said no.

3. PARKING OF RECREATIONAL VEHICLES – *Continued*

Mayor Gaylord asked why smaller lots would be allowed to have two pieces of equipment and said it should be one. Smith said this is at the discretion of the Council. Beattie said that a smaller lot should only be allowed one item, not two.

Caron said she thinks some people may have more than one RV and, if they can make it work on a smaller property, then she is okay with it. She said if they can't make it work, they would have to find somewhere else to store it.

Mayor Gaylord said he thinks the determining line should be the lot line, not the street. Smith said the distance would be easier, from a staff perspective, to keep it at the street level. Caron said that other cities measure the distance from the street. Fulkerson asked about using the right-of-way; Luger said this would be difficult to enforce. Mayor Gaylord said if it were similar to the front yard setback, but still measured from the street, the front yard would be less cluttered; Beattie agreed. Smith said this almost eliminates using the front yard.

Fulkerson said that anyone with a 30 foot boat would have to store it somewhere else. Smith said the proposed ordinance would allow 24 feet for RV's and boats and 30 feet for trailers.

Fulkerson said the draft ordinance states that 'none of the vehicles can be over 30 feet.' Smith said that was part of the Planning Commission's recommendation.

Mayor Gaylord said he thinks that smaller lots shouldn't be cluttered with large items.

Beattie asked about properties with two different driveways; for example, one driveway that provides rear access. Smith said if there is access to the rear, there would be no allowance for storage in the front yard.

Fulkerson said she thinks the ordinance should be left as it is and enforce it. Mayor Gaylord said the current ordinance provides for the storage of three recreational vehicles. Luger said that the Council, at a minimum, may want to look at the maximum length of equipment allowed.

Fulkerson suggested not allowing any storage. Mayor Gaylord said that would be a different ordinance altogether.

Mayor Gaylord questioned properties with garages but have a truck, for instance, parked next to the house and whether this ordinance would allow for that. Smith said this ordinance pertains to recreational equipment only, so it wouldn't apply. Mayor Gaylord asked if this type of storage is allowed. Smith said he will look at the City Code to verify. Beattie said that this ordinance change should clarify that it does not include other vehicles (i.e., cars, pickup trucks). Mayor Gaylord asked Smith to look into this. Smith said one thing that wasn't included in the draft ordinance was the definition of a car or truck because this ordinance is more restrictive than parking for cars and trucks. Mayor Gaylord said the City should try to prevent having cars and trucks parked in the front yard.

3. PARKING OF RECREATIONAL VEHICLES - *Continued*

Luger asked the Council what they propose on the amount of recreational vehicles allowed. Mayor Gaylord said he thinks any property smaller than 8,500 square feet should not be allowed any items stored. He said if it's in the front yard, it should be pushed all the way in; Beattie agreed. Mayor Gaylord said if the property is over 8,500 square feet, it seems reasonable to allow storage in the side or back yard. Beattie asked if the property is 8,500 square feet or less, if front yard storage must still be on the driveway; Smith said yes.

Beattie said smaller lots should be allowed one in the side or front yard and larger lots should be allowed up to three items. Mayor Gaylord agreed, as long as the driveway rule is in place and items are pushed back to 30 feet for all lots. Caron said she thinks it should be two items for larger lots.

Beattie said if we allow a small lot of 5,000 or 6,000 square feet to store two items in the front yard on the driveway, that these items may end up being stored on the driveway and one or two cars may be displaced to the street. Smith said the proposed ordinance only allows one such item in the front yard if it can't be stored in the side or rear yard.

Beattie asked what would happen if a property had a 30 foot RV and parked it on the driveway and then cluttered the street by parking their cars on the street. Smith said that would only be if they cannot park the RV in the side or back yard.

Caron said that marinas will pick up and store boats for boat owners. She asked if there were comments from any residents needing room to store their boats on their property because she didn't feel this was a necessity. Smith said comments from residents were more in regards to storage of snowmobiles, atv's and other items.

Caron asked if the Council would prefer to not have RV's and boats parked in the front yard. Beattie said that was one of the items that came up at the Planning Commission and they put it in the draft ordinance. Smith said the Council could eliminate RV's in front yards.

Caron said the ordinance could state that a 24 foot boat or RV would only be allowed in the back yard, if there is access to it. Beattie said this makes sense but even the smaller items should be limited in the front yard and on the driveway. Caron said there could be two smaller items on the driveway.

Mayor Gaylord suggested only allowing one item; Fulkerson said it should be dependent on the lot size. Mayor Gaylord suggesting allowing one item on larger lots and no items on smaller lots, similar to Shorewood. Smith said Minnetonka allows four items, but that includes all vehicles and cars.

Beattie asked if specific residential areas are regulated in other cities. Smith said they only refer to residential districts and that none of the other cities broke it down by lot size. Mayor Gaylord said he thinks it's better to break it down by lot size. He also said that Excelsior's current ordinance allows for cars and RV's.

3. PARKING OF RECREATIONAL VEHICLES - *Continued*

Mayor Gaylord summarized the Council's agreement to lot size delineation, RV's that cannot fit in the back yard but could be parked in the driveway only, and a 30 foot setback from the street. Caron said this is good but that the number should be two items. Beattie asked if Caron is suggesting two items for smaller vehicles only; Caron said yes.

Beattie said that staff did a good job on the draft ordinance and prefers limiting the small lots to one item. He said he likes the 30 foot setback, no matter the lot size. Beattie said he also prefers only allowing one vehicle in the front yard. Beattie said he would move to allowing two smaller vehicles on smaller lots in the front yard, if RV's and boats on trailers were eliminated from the front yard. Smith questioned lots smaller than 8,500 square feet and whether that means two items would be allowed on that size lot. Caron and Beattie both said yes, but not an RV or a 24 foot boat in the front yard. Smith recommended there should be a length limit for storage in the front yard; Beattie agreed - mass and scale limitation.

The Council directed staff to bring back another draft ordinance with these changes to a future regular Council meeting.

4. LAKE MINNETONKA CONSERVATION DISTRICT UPDATE FROM COUNCILMEMBER CARON

In regards to the City Council's previous discussions regarding the City's desire to extend the docks further out into the lake, Caron said the Lake Minnetonka Conservation District (LMCD) has allowed commercial marinas to extend their docks. Caron said that the LMCD Ordinance Review Committee makes their recommendations to the LMCD Board.

Caron said that she discussed with the Chair of the Committee when the process for City dock extension approval would take place. She said he was confident that the ordinance would be extended to allow cities to extend in 2015. Caron said the Chair was unsure what the ordinance would look like but that it may be an ordinance change or a Planned Unit Development (PUD) process. Caron said that the LMCD recognizes that every city is different, with ports, harbors, different shorelines, etc. She said that the Chair believes the LMCD needs to craft one set of standards that may be applied to all cities. Caron said she asked to be seated on the Ordinance Review Committee and that her request was granted, so she will start sitting in on these review meetings. She also said that she will suggest that Jeff Morris be granted this, also, when he returns as the LMCD Representative for Excelsior.

Caron said that Gabriel Jabbour is a new member on the Ordinance Review Committee and that he has strong feelings, compared to the Ordinance Review Committee Chair. Caron said that Mr. Jabbour believes municipal harbors are the exception for cities that have harbors or parts, such as Excelsior, but this would only include Mound, Wayzata and Excelsior. She said the Chair doesn't think the Board will support an ordinance that only benefits three cities.

4. LAKE MINNETONKA CONSERVATION DISTRICT UPDATE FROM COUNCILMEMBER CARON - *Continued*

Mayor Gaylord asked if other cities, such as Tonka Bay with a large amount of shoreline, would be allowed a lot of docks. Caron said yes, and that Excelsior could also use a lot more shoreline, but both cities already have the ability to do that today – they just can't go out any further.

Miller asked if it's possible to separate the two issues, commercial versus residential docks. Caron said she thinks the Chair may have been referring to that with the PUD. She said she got two very different perspectives from two of the cities. Caron said this may be resolved this year. Caron said that she will be sitting on this Committee for at least two months and will suggest that Mr. Morris be seated on this Committee, as well.

Miller asked if the City can word the reappointment of Mr. Morris so that he is automatically included in the Ordinance Review Committee. Caron said yes, as long as the Council agrees to it.

Mayor Gaylord asked if the LMCD is tasked with securing the lake with the Sheriff's Department and if they have discussed the reduction in the Sheriff's ability to patrol the lake. Caron said there was a meeting with the Sheriff's Department last month and that they discussed how they can get more coverage of the lake. She believes they are moving in a positive direction.

5. ADJOURNMENT

Beattie moved, Caron seconded, to adjourn at 6:57 p.m. Motion carried 5/0.

Respectfully submitted,

Shirley Johnson
City Clerk