City of Excelsior
Hennepin County, Minnesota

MINUTES
HERITAGE PRESERVATION COMMISSION MEETING

Tuesday, May 19, 2015

7:00 p.m.

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Present: Carlson, Finch (joined at 7:05), Haugland, Macpherson, Nelson and Schmidt

Commissioners Absent: Brabec

Also Present: City Planner Smith, Advisor Caron, Consultant Zahn

Commissioner Carlson moved, Haugland seconded, to change the order of items 5(b) and (c). Motion carried 5/0.

3. APPROVAL OF MINUTES

a) Heritage Preservation Commission Meeting of April 21, 2015

Commissioner Macpherson moved, Commissioner Carlson seconded, to approve the Minutes, as presented. Motion carried 5/0.

4. CITIZEN REPORTS OR COMMENTS

None

5. NEW BUSINESS

a) Annual Meeting
   i) Elect Chair and Vice Chair

Commissioner Haugland moved, Commissioner Nelson seconded, that the Chair and Vice Chair should remain the same, with Schmidt serving as Chair and Macpherson serving as Vice Chair. Schmidt called for other nominations, and Finch nominated Carlson as Chair. Carlson stated that he is not able to serve due to his work schedule, but appreciated the nomination. Motion carried 6/0.

Commissioner Macpherson moved, Commissioner Finch seconded, to confirm the appointment of Advisor Caron if he is willing to continue to serve. Caron stated that he is willing to continue if desired by the Commission. Motion carried 6/0.

Commissioner Finch moved, Commissioner Schmidt seconded, to table the other annual meeting items to later in the meeting. Motion approved 6/0.

c) Draft Historic Preservation Ordinance and Design Manual

Smith stated that the Steering Committee has been following an established process and timeline to complete a revision of the HPC ordinance by the time the moratorium expires. Zahn has been working on revising the Design Standards and Smith has been working on a revision of the HPC Ordinance. Smith stated that he has reviewed a number of other ordinances from across the country to identify the best elements for Excelsior. The draft ordinance will treat landmarks differently than districts, treat contributing structures differently than non-contributing structures, and provide for a 180 day moratorium for those properties that are undergoing designation. All designated properties are to be identified on the city zoning map, owners must consent to have their structures designated as landmarks, except in the downtown district, and the HPC is proposed to act as the only design review body in the historic district. Any Planning Commission reviews for projects that include HPC reviews would proceed concurrently.

Schmidt asked about use variances under state statute. Caron and Smith clarified that granting use variances to allow reuse activities in historic buildings that would not be allowed in the underlying zoning district is one of the powers that HPCs can exercise under state law if included in the ordinance.

Finch asked about how a conflict would be resolved between the Planning Commission zoning review (such as a variance request) and the design review by the HPC in the downtown. Smith stated that the commission actions would proceed concurrently and would ultimately be determined by the Council, with any remedial action for the Site Alteration Permit returning to the HPC.

The Commission discussed supermajority vs. majority to overturn the HPC's action on appeal and the pros and cons of each approach. Smith stated that the Steering Committee seems to be leaning toward continuing a supermajority vote.

Smith stated that one of the objectives of the new ordinance is to have only one set of design standards for projects in the district. The ordinance also provides for administrative approval of minor alterations, provides new standards for relocation and demolition, including requiring a reuse study, and all city approvals must be received prior to issuing a Site Alteration Permit for demolition. The draft retains the existing historic designations and provides potential options for penalties when the ordinance is violated.

Macpherson questioned how long a project can go on without requiring a new permit application, particularly since the Council does not grant amendments to Site Alteration Permits. Smith stated that construction must commence within one year and may be extended for an additional year. Finch asked what constitutes the commencement of a project under the draft ordinance, what is the end time limit when the permit expires, and what constitutes project completion. Smith stated that a building permit expires if no work has been done for 180 days. Finch stated that there should be an administrative remedy for a continuing project that becomes a blight on the historic district, and suggested that there should be a limit of up to 6 months when approved by a supermajority of the commission to extend the time for completion. Schmidt stated that the ordinance should shorten the time for commencement of the project. Smith stated that the Site Alteration Permit is a formal permission for the applicant to make changes, but the city cannot enforce what the applicant doesn't do if the applicant later decides not to make the changes.

Macpherson asked whether Jon Monson could comment on the proposed 12 month commencement limit. Monson stated that the ordinances need to work in

coordination with each other, so that the timeframe for commencement would correspond to the timeframes in the PUD ordinance, for example, but he believes that one year to commence work is generous. Smith stated that the timeframe is consistent with other zoning timelines for projects. Nelson suggested there might be different standards for residential vs. commercial district projects, with small residential projects afforded more flexibility on timing.

Schmidt stated that the intent of the revision is to place the design review elements into a separate design manual and take them out of the ordinance. The new construction section is now in the draft design standards manual. Zahn stated that the design standards draft is still being developed but he described the basic elements of what is proposed for inclusion in this document. The manual serves two main functions--to graphically illustrate the standards to aid interpretation, including concepts and considerations for alterations, and to provide the actual standards and guidelines that staff and the Commission would use to guide their decisions. The standards are intended to be consistent with the standards that the Planning Commission will use for design review outside the historic district. Finch asked about residential standards. Smith stated that no standards had been drafted yet for historic residential structures, but that he is hoping to get additional funding for residential design standards.

Macpherson left the meeting at 7:55 p.m.

Schmidt asked if an addition is considered new construction. Zahn said yes, but Smith said that will need to be clarified, because the draft ordinance defines new construction as infill, which would not include additions. Schmidt stated that there needs to be a clear definition of infill. Carlson stated that is would be helpful to understand the overall framework for the design manual and then be able to read and ask questions or suggest areas for further development.

Zahn presented the overall structure of the design manual, consisting of a table of contents, application process description and application form, process flow chart, tax incentives, building types (which includes residential type structures because some are located in the district), building terminology for interpretation, a discussion of masonry, preservation brief references, guidelines for appropriateness, storefront guidelines, doors, windows and awnings guidelines, architectural details, signage and lighting, new construction (which is yet to be written, with rooftop additions currently in this section), Secretary of the Interior Standards, appendix of properties in the district and contributing/non-contributing status from the Hess Roise study, a glossary of architectural terms and preservation planning terms.

Jon Monson stated that the criteria used and their definitions are important. The terms "shall" and "should" are frequently misunderstood, so it is important to make sure that the correct term is used. Also, it should define what is "highly visible" from the street for rooftop additions.

Schmidt stated that he is concerned about the moving and demolition standard, which can authorize demolition if there is a public safety hazard that cannot be eliminated by feasible means, including the sale of the structure, or cannot be rehabilitated to provide for any beneficial use of the property. He has a concern about forcing a sale, and also thinks that contributing or non-contributing have unclear definitions that are not based on objective criteria.

Finch stated that he is concerned about the process and the areas that have not been addressed in the ordinance and design manual. He thinks it is not clear how they are to be amended or updated, and how the documents relate to each other.

Monson stated that he thought that the Council's charge was to deal with the issue of rooftop additions during the moratorium period, and not to rewrite everything. Smith stated that, when the City Council selected the Steering Committee and when the funding was approved for the project, it was for revision of the ordinance and design standards, not just addressing rooftop additions. Nelson stated that it is now time for the Commission to focus on the gaps and provide any needed content.

Haugland stated that work sessions are clearly needed to discuss the ordinance structure presented and the content, but the City may have to move forward with the rooftop additions aspect first due to the moratorium deadline.

Nelson stated that her understanding of the purpose of the ordinance revision is to coordinate fragmented information and determine whether the standards should be national or local and flexible, and believes we should work on parallel tracks on the ordinance and rooftop addition issue, with different completion timelines, if necessary.

Schmidt stated that the City should get public input at the upcoming open house and then have a work session to discuss this further. Smith should suggest possible meeting dates in early June. Commissioner Finch moved, Haugland seconded, that staff coordinate with the Chair to set a special meeting work session not later than June 10. Motion carried 5/0.

Commissioner Finch moved, Commissioner Haugland seconded, to continue all remaining items to the next regular meeting, except for items 5(d) and (b). Motion carried 5/0.

d) Funding for Residential Design Guidelines

Haugland stated that it makes sense to complete the residential standards. Commissioner Haugland moved, Commissioner Finch seconded, that the Council authorize $5000 for completion of the residential design standards. Motion carried 5/0.

b) Single Family Scale Standards

Smith stated that the Council had directed staff to look into the scale of existing homes due to resident concerns that some newly constructed houses were out-of-scale and detrimentally affecting the character of Excelsior. The Planning Commission looked into this issue for about 8 months and considered various options for establishing design standards that would address any new structures that might seem out-of-scale with existing neighborhoods. The Council was split on the Planning Commission's recommendation, and thought that the HPC should be aware of the proposal due to its potential impact on the character of historic neighborhoods.

The proposal makes minimal mass and scale adjustments to new single family-type residential construction. Shorter houses could have larger footprints, and in general, the larger the lot, the larger the house that would be allowed. The proposal results in no drastic changes to existing standards, and 8 of the 16 new houses reviewed would meet all of the proposed standards. The proposal considers a combination of building height, impervious surface and lot coverage. There is also a height exception if the new house is located between two taller homes. Stormwater best management practices (BMPs) currently allowed by ordinance present enforcement issues, so the City needs to better define what allowances should provide a credit against impervious surface requirements and therefore allow a bigger house. The maximum building footprint is variable based on the height of the house. The

standards also encourage detached garages and porches by not including them in the building coverage limits. There is also a standard for setbacks for garages from the front house line, which encourages individual garage doors with windows above. The front house line does not include any front porch.

Smith stated that City staff had spoken with the Minnehaha Creek Watershed District, who understood that it is very hard to police stormwater BMPs, since they can be removed in the future without awareness by the City. The proposal also includes consideration of a demolition fee for residential teardowns to provide funding for either capital improvements like street projects that are necessitated in part due to contractor vehicle wear and tear, or affordable housing initiatives. Nelson stated that the demolition fee should be higher, like $10,000, rather than the $5,000 staff recommendation, to be more similar to the demolition fees in other communities that have adopted such fees. The Commission noted that the maximum house size reduction percentages are modest changes, but represent an important step in retaining the community character. Finch stated that any affordable housing use of the fee should not go to apartment building owners, but the City should consider making sure that any fee proceeds are dedicated to owner-occupied single family housing, or up to a maximum of 3 units in a house. Nelson suggested that the fee proceeds might also be used for a Commons improvement fund.

Carlson stated that this proposal presents an issue for his family because he is affected by it on his property, but he nevertheless is supportive of the proposed changes, and the proposal is helpful in providing concrete standards for acceptable house scale. He stated that he is not a fan of forward-facing garages in the village, and he would like to see that tightened up for the R-2 districts. He also believes that the demolition fee should be meaningful to be more effective, even up to $25,000.

Jon Monson commented that he is conflicted about the proposal, and would like to see a process to mandate saving the houses that are worthy of being saved without collecting a fine. Some of his clients would simply pay the fee and view it as a cost of the project.

Commissioner Finch moved, Commissioner Haugland seconded, that the Commission convey to the Council that the HPC highly regards the work that has been done by staff and the Planning Commission and requests that the three areas noted above (higher demolition fee, dedication of fee proceeds to affordable owner-occupied housing, and potential Commons improvement funding in addition to street project funding) be considered in adopting the proposed standards. Motion carried 5/0.

6. UNFINISHED BUSINESS

a) None

7. COMMUNICATIONS AND REPORTS

a) Historic Preservation Ordinance Steering Committee

b) Site Alteration Permits Approved Administratively

c) Next Planning Commission Meeting – June 8, 2015

d) Next City Council Meeting – June 1, 2015

e) Next HPC Meeting – Tuesday, June 16, 2015

8. MISCELLANEOUS / COMMISSIONER'S COMMENTS

a) Recent City Council Actions

9. ADJOURNMENT

Commissioner Finch moved, Commissioner Haugland seconded, to adjourn at 10:10 p.m. Motion carried 5/0.

Respectfully submitted,

Tim Caron
Recording Secretary