

City of Excelsior  
Planning Commission Meeting  
Minutes  
**Tuesday, April 6, 2010**  
Council Chamber, City Hall, 339 Third Street  
7:00 P.M.

1. CALL TO ORDER

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

2. OATH OF OFFICE

Mayor Nick Ruehl administered the Oath of Office to Planning Commissioner Cindy Busch.

3. ROLL CALL

Commissioners Present: Busch, Craig, Jensen, Putnam, Wallace, and Chair Gephart

Commissioners Absent: Gaylord

Also Present: City Attorney Staunton and City Planner Fuchs

4. APPROVAL OF MINUTES

(a) Planning Commission Meeting of March 2, 2010

Gephart asked if anyone had any additions or corrections to the Minutes.

Three typographical changes were submitted. It was moved by Commissioner Putnam, and seconded by Commissioner Wallace, to approve the Minutes of the Planning Commission Meeting of March 2, 2010 as amended. Motion carried 6/0.

(b) Planning Commission Special Meeting of March 22, 2010

Gephart asked if anyone had any additions or corrections to the Minutes.

One typographical change was submitted. It was moved by Commissioner Putnam, and seconded by Commissioner Wallace, to approve the Minutes of the Planning Commission Special Meeting of March 22, 2010 as amended. Motion carried 6/0.

5. PENDING ISSUES/PROJECTS

(a) Appoint Liaison to City Council

Commissioner Wallace will serve as the Planning Commission liaison to the April 19, 2010 Council meeting.

6. PUBLIC HEARINGS - (Con't)

(a) Variance from Minimum Lot Area, Yard Setback, and Impervious Surface Standard Requirements for 200 Bell Street - Daniel and Anne Vogel

Fuchs provided a brief overview of the subject proposal and burden of proof provided by the applicant to justify their proposal. He noted that the Planning Commission had reviewed a variance application at its September 9, 2009 meeting for variances from the minimum lot area, maximum impervious surface coverage, side yard setback adjacent to street, and rear yard setback requirements.

6. PUBLIC HEARINGS - (Con't)

- (b) Variance from Minimum Lot Area, Yard Setback, and Impervious Surface Standard Requirements for 200 Bell Street - Daniel and Anne Vogel

Fuchs explained that similar to this proposal, the request was to allow for the removal of an existing detached garage and to build an attached garage with a second floor living area onto the existing structure. He reviewed the changes between that application and the present proposal, noting that the present request included a one-stall garage while the original proposal had a two-stall garage. He explained that at the City Council's September 21, 2009 meeting and prior to a formal decision, the applicant withdrew their application.

Gephart voiced his concerns with the placement and size of the garage and questioned the reasoning for an additional 7' mudroom addition. He noted that a 12' addition onto the structure would be sufficient to serve for garage purposes.

Putnam stated that the proposal fits into the context of the neighborhood. She said that the applicant has done a nice job of separating the uses on such a difficult site.

Gephart said that it appears that a different plan could fit within current zoning standards.

Busch stated that the applicant appeared before the Commission to receive comments and input into their design and to gauge their proposal.

Putnam stated that the proposal seems reasonable.

City Attorney Staunton explained reasonableness and the intent of the letter of the law. He explained the three criteria by which the Planning Commission is to base their recommendation. He explained that just because there may be another option could also be reason for denial, though approval could be reasonable under a particular circumstance.

Jensen asked if there have been any objections by the neighbors.

Craig stated that the proposal appears to be a fit with the neighborhood.

Busch asked if it's not reasonable to have an attached garage, especially in light of the Moorhead court case.

Gephart stated that he would like to read the particulars of that court case. He feels that the applicant could eliminate the mud room and place the garage at current grade and eliminate the staircase.

John Nelson, the applicant's attorney, explained the reasoning and justification of adding the mud room and the design needs to facilitate access into the garage due to the topography.

Gephart noted that the 7' X 20' mud room coupled with the living area on the second story makes this a much larger dwelling.

Nelson explained the budget constraints of when the applicant originally constructed the one-stall detached garage. He noted that the proposed addition eliminates a steep grade and adds additional living area for their growing family. He stated the applicant recognizes that a two stall attached structure may be too large in mass and scale and reduced the size accordingly.

Putnam asked about the parking apron and parking area proposed by the applicant and the constraints with parking on Bell Street. She asked how much discretion the City has.

6. PUBLIC HEARINGS - (Con't)

- (c) Variance from Minimum Lot Area, Yard Setback, and Impervious Surface Standard Requirements for 200 Bell Street - Daniel and Anne Vogel

Staunton explained that the Commission needs to look at precedence and the specific issues and facts to this situation. He noted that in reality all lots within the City differ from one another. He asked the Commission to consider if this lot warrants an exception.

Gephart stated that is a slippery issue as the lot previously received a variance to the impervious coverage requirements. He would be comfortable with the garage addition, but not with the increased size of the house.

Nelson explained the rationale of the split level and the reduced mass and scale afforded by a one-stall garage. Gephart stated that he feels that it is more of a design issue.

Gephart opened the public hearing. Hearing no comments, he closed the public portion of the meeting.

Craig stated that an attached garage is more desirable than a detached garage.

Wallace asked if the zoning code appears to favor detached garages. Fuchs explained that the code regulates detached garage heights though it allows those structures to be placed in closer proximity to property lines due to their mass and scale as opposed to a residential structure.

Staunton stated that an attached garage can have living area above it while a detached structure is typically a one story.

Wallace asked if it is the intent to have a detached garage.

Jensen stated concerns with the mass and scale of the proposed structure.

Chair Gephart moved, Commissioner Wallace seconded, to continue the public hearing to the City Council's April 19, 2010 meeting and forward the recommendation to the Council that it deny said variance request due to the applicant not meeting the hardship test to justify said requests and that the proposal could be re-designed to meet applicable code provisions. Motion carried 4/2, with Commissioners Busch and Putnam voting against the motion.

The Planning Commission discussed the changes from the initial application, the concept plan reviewed in January, the topographical constraints, the unique characteristics of the lot, the context of the proposal, parking issues on Courtland and Bell Streets, and past and future precedence of variance requests.

7. PUBLIC HEARINGS

- (a) Proposed Ordinance to Amend Article 19, Section 19-4, General Provisions, Pertaining to Off-Street Parking Requirements for Stall, Aisle and Driveway Design

Fuchs provided an overview of the staff report outlining the subject text amendments. He explained that the proposed changes are due to the conclusions and summary of the Parking Action Task Force and the proposed changes are in sync with the materials provided and reviewed by the Planning Commission on March 2, 2010.

7. PUBLIC HEARINGS

- (b) Proposed Ordinance to Amend Article 19, Section 19-4, General Provisions, Pertaining to Off-Street Parking Requirements for Stall, Aisle and Driveway Design

Commissioner Craig moved, Commissioner Wallace seconded, to continue the public hearing to the City Council's April 19, 2010 meeting and forward the recommendation to the Council that it amend Article 19, Section 19-4, General Provisions, Pertaining to Off-Street Parking Requirements for Stall, Aisle and Driveway Design as presented. Motion carried 6/0.

8. UNFINISHED BUSINESS

- (a) Land Use Options for Galpin Lake Properties

Gephart stated that he would like to schedule a special work session to discuss land use options for these properties.

Craig stated that it is hard to get people together and would prefer to start discussing this evening.

Gephart elaborated on the amount of work and discussions that occurred during the development of the Ridgeview Medical Clinic. He stated his concerns with having a developer purchase property and then asking the City to change the zoning code to allow them to build what they desire. He elaborated on past discussions and issues related with the Walgreens proposal, then the Ridgeview Clinic proposal, and now Frostad's proposal.

Craig expressed her desire to retain the property's R-3 zone classification with perhaps some greater flexibility with hardcover.

Jensen asked Council Member Caron to speak to the issues with this property.

Caron explained the City Council's recent joint work session with the Planning Commission. She said that the discussion tended to lay out two potential changes to the property. One option could be to retain the R-3 residential zoning and evaluate added flexibility within the zone and another option would be to rezone the property to a commercial use. She explained that a rezone would take four votes. She stated that the City Council and Heritage Preservation Commission (HPC) have a meeting to discuss the historic house in the near future.

Jensen asked about the past history of the site and a local historian's evaluation of the site. He stated due to the uncertainties raised in the details presented at that time, additional research is warranted. He stated that he feels that the City is not in the position to purchase the property.

Wallace stated that if the structure is designated, that he would be receptive to studying an increase in allowable hardscape provided the use is not a bar or nightclub.

Gephart stated that the current zoning allows for medical clinics for people as a conditional use.

Jensen stated that he is strongly in favor of retaining the properties' current R-3 zone with some revisions. He also explained that he would prefer not doing anything until the HPC has made a decision.

Gephart stated that he would prefer to see the property used for residential purposes.

Putnam said she would hate to see this property fall into the same disrepair as the former Fruit Growers building.

John Fenstermacher, 723 Water Street, stated that he attended a number of the HPC's meetings and it appears that they had a hard time to commit to an actual age for the structure.

8. UNFINISHED BUSINESS

(a) Land Use Options for Galpin Lake Properties

Gephart reminded the Planning Commission of the purpose in discussing this item. He stated that he is leaning towards retaining the R-3 zone classification with some changes as noted in Option 1 in City Planner Richards staff report.

Jensen stated that the HPC needs to figure out the significance of the structure and determine if it is something that should be saved.

Craig asked if we are accepting responsibility of the structure, especially if we can't and ultimately falls into disrepair.

Gephart stated that the property is being marketed as commercial and the HPC and City Council will be discussing the site in the near future.

Putnam asked what happens if the structure is moved.

Gephart stated that if the property is rezoned, Ridgeview will in all likelihood pursue a second story with associated parking.

The general consensus of the Planning Commission was to pursue Option one.

9. NEW BUSINESS

(a) Schedule Dates for Additional Work Session(s)

The Planning Commission decided to hold off on scheduling any additional Work Sessions beyond the subcommittee meetings.

10. ANNUAL MEETING

(a) Elect Chair and Vice-Chair

Commissioner Craig moved, Commissioner Wallace seconded, to elect Tim Gephart as Chair. Motion carried 6/0.

Commissioner Putnam moved, Commissioner Wallace seconded, to elect Mark Gaylord as Vice Chair. Motion carried 6/0.

Putnam stated that in the future the Planning Commission may consider rotating the Chair and Vice-Chair positions.

(b) Review By-Laws

The Planning Commission discussed the By-Laws and questioned if the copy that was provided was the duly adopted By-Laws. Staunton confirmed that the By-Laws provided were in fact adopted.

10. ANNUAL MEETING

(c) Goals and Objectives for 2010

Commissioners identified the following goals and objectives for 2010:

1. Develop guidelines for residential areas;
2. Work toward controls to assist with streetscapes and rear facades and entrances of the downtown businesses;
3. Review and develop green technologies/sustainable development standards and policies; and,
4. Bring the Zoning Code into conformance with the Comprehensive Plan.

11. COMMUNICATIONS & REPORTS

Fuchs provided the Planning Commission with discs of the recently adopted Comprehensive Plan. He requested that Commissioners contact Cheri Johnson if they want a hard copy of the Plan. He also informed the Commission the recently updated City Code is also available on-line and is available in hard copy too. He reminded the Planning Commission that the City Council, advisory commission, and staff potluck is scheduled for Monday, April 26, 2010, at the Southshore Community Center.

12. MISCELLANEOUS

(a) Recent City Council Actions

Council Member Miller updated the Planning Commission on recent City Council actions. He reported on the Pavement Management Plan, recent Vogel variance application, Kayak rental agreement at the Commons, audit, Minnetonka museum and water conservation rates.

13. ADJOURNMENT

Commissioner Craig moved, and Commissioner Wallace seconded, to adjourn the meeting at 9:25 p.m. Motion passed 6/0.

Respectfully submitted,

Ronald G. Fuchs  
City Planner