

City of Excelsior
Planning Commission Meeting
Minutes

Tuesday, October 4, 2011

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Present: Busch, Duyvejonck, Wallace, Wright, and Vice Chair Craig

Commissioners Absent: Jensen and Chair Gaylord

Also Present: City Planner Richards, City Attorney Staunton, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. Planning Commission Meeting of September 7, 2011

Vice Chair Craig asked if anyone had any additions or corrections to the Minutes.

Commissioner Wallace moved, Commissioner Busch seconded, to approve the Minutes of the Planning Commission meeting of September 7, 2011 as presented. Motion carried 5/0.

4. PENDING ISSUES/PROJECTS

a. Appoint Liaison to City Council (October 17, 2011)

Commissioner Busch will serve as the Planning Commission liaison to the October 17, 2011 Council meeting and Commissioner Wallace will be the alternate.

5. PUBLIC HEARINGS - (Continued)

a. Variances and Conditional Use Permit from the Minimum Lot Size and Front Yard Requirements - 125 Second Street – James & Barbara Stark

Richards reported that James & Barbara Stark, 3760 Northome Avenue, Wayzata, MN 55391, have submitted an application for a Variance from Article 43, Section 43-7 from the minimum lot size requirement and a Conditional Use Permit (CUP) to reduce the front yard setback for a principal structure. The applicants are proposing to raze the existing non-conforming two-family dwelling and accessory structure on-site and build a new single family home on a lot located at 125 Second Street.

5. PUBLIC HEARINGS - (Continued)
 - a. Variances and Conditional Use Permit from the Minimum Lot Size and Front Yard Requirements - 125 Second Street – James Stark & Barbara Stark – (Continued)

Richards said the Planning Commission reviewed this project at the September 7, 2011 meeting. The Planning Commission did not have any issues or concerns with the variance request from the minimum lot size requirement.

Richards stated that there is some concern with the garage forward design. The subcommittee looking at design standards for residential properties has discussed not allowing a garage forward design, but there are no regulations in place at this time to prohibit the design.

Vice Chair Craig opened the public hearing at 7:05 p.m.

James Stark, the applicant, said that the CUP would allow the house to line up with the neighboring properties. He could push the house back to meet the 25-foot setback, but he thought it would look better if the houses were more uniform. He thought the City also wanted the homes to line up.

Vice Chair Craig asked if the garage forward design came up at the September meeting. Commissioners said no.

Duyvejonck said that Commissioners Jensen and Wallace and Chair Gaylord had met with the applicant following the last Planning Commission meeting. It is her understanding that other designs were discussed at that meeting, but the design hasn't changed from what was presented at the September meeting. Wallace said that is correct.

Vice Chair Craig asked if making the porch a more prominent feature had been discussed. Stark said part of the reason for the setback is because the lot angles. It was his understanding that the Planning Commission would like to see larger porches and that the porch can be in the setback area.

Vice Chair Craig said she doesn't have an issue with the setback. She does have an issue with the design, because it is more of a suburban design. Wallace said that the City doesn't have any residential design standards in place to regulate this.

Wallace said that the way the building is designed it seems clear that it could be pushed back to meet the setback. He asked Staunton how the CUP process differs from the variance process. Staunton said that there is a significant difference between the two; a variance is an exception from the standards and a CUP is a permitted use. As long as the conditions for

5. PUBLIC HEARINGS - (Continued)

- a. Variances and Conditional Use Permit from the Minimum Lot Size and Front Yard Requirements - 125 Second Street – James Stark & Barbara Stark – (Continued)

the CUP are met, the applicant is entitled to come out to the average setback. He said that the Commission should not think of this as a variance. The scope of the Commission's review is to look at the conditions for allowing the CUP to make sure they are met.

Richards read the conditions for granting the CUP. Richards said the only question he has is whether the use is compatible and fits with the neighborhood. Staunton said if the Commission makes the finding that the use is not compatible and will change the look of the neighborhood the Commission could make the applicant push the building back.

Commissioners discussed how the issue wasn't the setback but the design; the applicant can push the house back 3 feet to meet the front yard setback and keep the same design.

Stark said he will move the house back to meet the front yard setback and withdraw his application for the CUP.

The Commission had taken action on the variance application at the September meeting and with the CUP application being withdrawn, no further action was needed.

Vice Chair Craig closed the public comment portion of the public hearing at 7:29 p.m.

6. PUBLIC HEARINGS

- a. Proposed Ordinance to Amend Article 42, R-2, Single and Two Family Residential District Pertaining to Impervious Surface Coverage for Schools

Richards reported that Mike Condon, Supervisor of Building and Grounds of Minnetonka Public Schools, has requested an amendment to the R-2, Single and Two Family Residential District to allow greater impervious surface coverage for school facilities. Excelsior Elementary exceeds the impervious surface coverage allowance of 35%. In order to accommodate future needs that would require additional hardcover, the School District is looking to amend Appendix E (Zoning Ordinance) as opposed to asking for a variance with each application that may require an increase to impervious surface coverage.

Wallace asked why the City wouldn't just handle this through a variance process. Richards said what would be the hardship. Also, before the School

6. PUBLIC HEARINGS

- a. Proposed Ordinance to Amend Article 42, R-2, Single and Two Family Residential District Pertaining to Impervious Surface Coverage for Schools – (Continued)

District can make any improvements it would need to come back to the City for an amendment to their CUP and a variance.

Staunton said the City has been very strict with hardcover variances and if this is handled through a variance process it leaves the door open for other variances. From the staff perspective, the nature of this use is a bit of an anomaly, so why not recognize that this property is unique.

Duyvejonck asked where this will be placed in the ordinance. Richards said it will be in Section 43-7; the impervious surface line would be amended to show one percentage for schools and a different percentage for all other uses.

Mike Condon, Supervisor of Building and Grounds of Minnetonka Public Schools, said that the site is 9.5 acres and currently has 38.7% impervious surface coverage.

Wallace asked why the ordinance proposes 50% impervious surface coverage, why not a lesser percentage?

Condon said that the Minnetonka School District has a long term plan and with the enrollment growth they are continually looking at all of their sites. The enrollment this year is about 830 students. There are plans to add a capanazium and music rooms in the future. The School District is also working with the City on a possible parking lot with a new ingress and egress, which will bring the site up to around 47% to 48% impervious surface coverage.

Wallace asked if a lot of these future plans will take place where there is already hardcover. Condon said yes. Richards said the music room and remodeling are in areas that have green space.

Duyvejonck said if the City makes this change, will other schools in the City be allowed to have more impervious surface coverage. Commissioners discussed this and decided that the allowance for additional hardcover should only apply to standalone schools.

Busch asked Condon if any of the hardcover can be changed to a permeable surface. Condon said it's difficult to manage with the enrollment, especially when you take into consideration all of the aspects of the school such as parking, recess areas, etc. He noted that all of the School District's other sites have a 60% hardcover allowance.

6. PUBLIC HEARINGS

- a. Proposed Ordinance to Amend Article 42, R-2, Single and Two Family Residential District Pertaining to Impervious Surface Coverage for Schools – (Continued)

Craig said that a 50% allowance is less than what the City allowed for clinics and offices.

Duyvejonck said she likes the best management practices to help offset the allowance for more hardcover and the educational programming.

Wright asked if Options #1 and #3 outlined in the staff memo could be tied together. Richards said yes.

Richards said that later on the agenda the Commission will be discussing scheduling a special meeting to consider an Interim Use Permit for the Minnetonka School District. He suggested that the Commission continue this item to the special meeting so both items can be handled at the same time.

Vice Chair Craig opened the public hearing at 7:47 pm. Hearing no comments, Vice Chair Craig closed the public comment portion.

Commissioner Wright moved, Commissioner Duyvejonck seconded, to continue this agenda item to the special meeting that the Commission will schedule later in the meeting. Motion carried 5/0.

7. UNFINISHED BUSINESS

- a. Design Standards Review for 344 Water Street

Commissioner Wallace recused himself and left the Commission table as he was representing the applicant.

Richards reported that Tim Caron of Madelena Properties, LLC has made application for Design Standards review for 344 Water Street. The applicant proposes changes to the façade to emphasize the buildings mid-century design in colors and materials. The property is within the Downtown Historic District and is zoned B-2 General Business District.

Richards stated that on the Water Street façade, the windows and doors will be replaced with units that are similar in appearance to the original mid century design. The existing brick veneer at the base will be brought up the side walls. A metal panel system will be placed above the doors and windows and painted a red color. A cap will be placed at the top of the building. On the north elevation, the brick veneer will be continued around and glass block windows will be included in the façade. The metal panel system and aluminum cap will be continued around the façade. On the south

7. UNFINISHED BUSINESS

a. Design Standards Review for 344 Water Street – (Continued)

elevation, the brick, metal panel system and cap will be utilized where the wall is exposed. The applicants have proposed to extend a canopy over the sidewalk. The plans indicate a blade sign at the front of the building similar to what was on the building, but the plans have not been finalized.

The property at 334 Water Street is within the Excelsior Downtown Historic District but is not a contributing structure. The HPC, at their August 16, 2011 meeting, reviewed the Site Alteration Permit and recommended the following alterations to the plan. The cap at the roof ridge must be painted the same color as the metal panel system, the canopy cannot be extended over the sidewalk and the metal panels must be divided to create vertical lines. The HPC reviewed the revised plans at their September 20, 2011 meeting and recommended the original design with the aluminum cap, the metal panels and the canopy as originally designed. They added one condition that there must be a clear delineation between the side wall and the canopy at the front façade.

Dan Wallace, architect for the project, said he was happy to answer any questions for Commissioners.

Duyvejonck asked Wallace how he had decided on the color. Wallace said the client had chosen the color.

Vice Chair Craig asked for clarification on whether this is a historically designated building. Wallace said this is not a historically designated building.

Wallace said the original structure was just the front portion of the building and it was a prefabricated wood structure. The building has been remodeled through three additions. The slope window went in as part of the third addition. It is a predominant design element, and they've used that element and remodeled the rest of the building around that.

Duyvejonck asked if the brick is red. Wallace said they will be using the same brick that is there now.

Vice Chair Craig asked if it was Norman brick. Wallace said yes. Richards said the brick can vary from the design standards if there is a precedent for it. Vice Chair Craig said the building has Norman brick on it now.

Commissioners discussed the brick feature. Wallace noted that the current pattern will be replicated.

Duyvejonck asked who the tenant will be. Wallace said nothing has been decided. He noted that the new owners will maintain the building's name of Knapp TV.

7. UNFINISHED BUSINESS

a. Design Standards Review for 344 Water Street – (Continued)

The Planning Commission reviewed the conditions outlined in the staff memo.

Commissioner Busch moved, Commissioner Wright seconded, to forward the recommendation to the City Council that it give design standards approval to 344 Water Street with the conditions outlined in the staff memo. Motion carried 4/0.

Wallace rejoined the Planning Commission at 8:07 p.m.

b. Amendment to Article 15

Richards said that the City Attorney would like more time to discuss this matter with other attorneys who have dealt with these regulations and amended their regulations accordingly. He suggested that the Commission continue this item to the November meeting.

Commissioner Wright moved, Commissioner Busch seconded, to continue this agenda item to the November 9, 2011 Planning Commission meeting. Motion carried 5/0.

c. Residential Design Guidelines

Richards said that the Excelsior Residential Design Standards Subcommittee met on September 29, 2011. The next Residential Design Standards Subcommittee meeting is scheduled for 1:00 p.m. on October 20, 2011 in the Council Chambers.

The Residential Design Guidelines Subcommittee is interested in looking at green technologies with regard to impervious surface coverage. The Subcommittee has language drafted pertaining to garage setbacks. Based on tonight's discussion, it makes sense to begin moving forward some of the language for the Planning Commission to look at. There are also new members on the Planning Commission who have not heard about some of the provisions the Subcommittee is working on.

Wallace said one of the things that the Commission is always dealing with is hardcover. If a garage is placed closer to the street it's possible to have a larger house. The Subcommittee is looking at ways to allow more hardcover allowance, possibly through permeable pavers, etc.

Duyvejonck said the Tree Subcommittee, which is now the Green Technology Subcommittee will begin discussing impervious surface issues and working on green technology items. The Subcommittee's next meeting is October 18, 2011 at 5:00 p.m. in the Council Chambers.

7. UNFINISHED BUSINESS

d. Parking Update - Implementation

Richards said the map is still something that needs to be worked on for the City's website and the Chamber's website. It is a hand drawn map that needs to be updated.

Richards said that the City Council discussed the shared parking ordinance at the September 19, 2011 meeting. The Council had a concern with a property owner being able to share parking with another property owner in another location. The Council was more amenable to the shared parking if it was within the same building. The language has been amended to reflect this and the Council will hold the second reading and adopt the ordinance at the October 17, 2011 Council meeting.

Duyvejonck said there was some concern that instead of paying the parking impact fee someone would pay their neighbor a little less and it would negate all of the work that was done previously.

Richards said that the parking counts completed in September along with a summary was provided in the agenda packet. He noted that the person who was going to do the parking counts at 4:00 p.m. on Wednesdays and Thursdays is no longer able to do the counts. Richards said that for the most part, occupancy rates average around 60% capacity.

Craig asked why the parking studies that have been done previously show a higher capacity. Richards explained that most of the parking studies only took counts of the municipal lots and the parking counts they are doing now encompasses street and other parking.

8. NEW BUSINESS

a. Schedule Special Planning Commission Meeting

Richards said that the Minnetonka School District will be requesting an Interim Use Permit in October to allow for a temporary, one way access from Morse Avenue through their property to the school parking lot. This would allow drop off and pick up of students through this access point, thus reducing the congestion at Oak and Water Streets. The School District will construct this access immediately after approvals are granted, weather pending.

Richards said that the School District has requested a special meeting of the Planning Commission for November 1st or 2nd. Pending a recommendation, this would allow the City Council to consider this item at their November 7, 2011 meeting.

8. NEW BUSINESS

a. Schedule Special Planning Commission Meeting – (Continued)

Commissioner Duyvejonck moved, Commissioner Wright seconded, to schedule a Special Planning Commission meeting for Tuesday, November 1, 2011 at 5:30 p.m. Motion carried 5/0.

b. Dates for Additional Work Session(s)

None were scheduled at this time.

9. COMMUNICATIONS & REPORTS

a. Joint Work Session with Heritage Preservation Commission - Tuesday, October 18, 2011 at 6:00 p.m.

Information only.

b. Update on Green Technology Subcommittee Meeting with Minnehaha Creek Watershed District

Richards said that a representative from the Minnehaha Creek Watershed District (MCWD) gave a short presentation. He noted that there was a perception that the MCWD was not conducive to allowing credit for green technology, which is not the case. The MCWD is very willing to work with the City on this. He noted that 40% is used by most manufacturers for permeable pavers and this is also the percentage used by some cities. Rain gardens will also provide additional credit to impervious surface if this technology is used.

Duyvejonck said that it would be good to have the City Engineer provide data on what percentages make sense for pervious pavers and rain gardens.

Busch said that the City of Minnetonka has credit provisions in their City Code. She noted that the MCWD does not have jurisdiction over residential properties, only commercial.

c. Next Planning Commission Meeting – Wednesday – November 9, 2011

Information only.

10. MISCELLANEOUS

a. Recent City Council Actions

City Attorney Staunton provided an update to Commissioners on recent City Council actions.

11. ADJOURNMENT

Commissioner Duyvejonck moved, Commissioner Busch seconded, to adjourn the meeting at 8:55 p.m. Motion carried 5/0.

Respectfully submitted,

Cheri Johnson
City Clerk