

City of Excelsior

Special Planning Commission Meeting

Minutes

Thursday, November 17, 2011

1. CALL TO ORDER

Chair Gaylord called the meeting to order at 5:02 p.m.

2. ROLL CALL

Commissioners Present: Busch, Duyvejonck, Jensen, Wright, and Chair Gaylord

Commissioners Absent: Craig and Wallace

Also Present: City Clerk Johnson

3. CONTINUED PUBLIC HEARING – VARIANCES AND CONDITIONAL USE PERMIT FRO THE MINIMUM LOT SIZE AND FRONT YARD SETBACK REQUIREMENTS, 125 SECOND STREET – JAMES STARK

Johnson said that James & Barbara Stark, 3760 Northome Avenue, Wayzata, MN 55391, have submitted an application for a variance from the minimum lot size requirement and a conditional use permit (CUP) to reduce the front yard setback for a principal structure in the R-2 – Single and Two-Family Residential District for a property located at 125 Second Street. 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. The Planning Commission opened the public hearing and reviewed the applications for the variance and CUP at its meeting on September 7, 2011. After some discussion, the Applicants agreed to revise the plans to eliminate the garage forward design of the proposed structure.

Dan Wallace, architect for the applicant, reviewed the revised site plan and plans for the residential home. He noted it was difficult to design a residential home with a small two car garage attached and a bedroom on the main floor on such a small site. He reviewed the changes that have been made to the design. He noted that the garage has been flipped to the other side of the lot and pushed back, so now the front of the house and gable end are the prominent features. He noted that the garage is behind the front yard setback area, but the porch extends into the front yard setback area by 3 ½ feet.

Jensen asked if the porch is still behind the average of the front yard setback with the adjacent properties. Wallace said yes.

Chair Gaylord asked if the porch was enclosed. Wallace said no; the porch is open with a roof over it.

3. CONTINUED PUBLIC HEARING – VARIANCES AND CONDITIONAL USE PERMIT FROM THE MINIMUM LOT SIZE AND FRONT YARD SETBACK REQUIREMENTS, 125 SECOND STREET – JAMES STARK – (Continued)

Chair Gaylord asked why the driveway stripes are angled. Wallace said there are two large trees on the property that they want to save. He said that the garage apron could be increased in size to make it easier to access the garage.

Chair Gaylord asked if it was possible to move the structure forward to the 20.4 average front yard setback line. Wallace said yes.

Busch asked if there would be two separate garage doors. Wallace said there will be one door that will be made to look like two doors.

Jim Stark, the applicant, showed a model that he had built of the house.

Chair Gaylord asked what are the small areas that extend out from the house. Wallace said they are 1 ½ foot bump outs to get more square footage for the house.

Chair Gaylord asked if the drainage issues will be addressed. Wallace said yes.

Chair Gaylord opened the public hearing at 5:15 p.m. Hearing no comments, Chair Gaylord closed the public comment portion of the meeting.

Commissioners and staff reviewed the findings-of-fact and conditions outlined in the draft resolution.

Commissioner Duyvejonck moved, Commissioner Jensen seconded, to continue the public hearing to the City Council's November 21, 2011 meeting and forward the recommendation to the City Council that it approve the variance from the minimal lot size requirement and the conditional use permit to reduce the front yard setback requirement based on the following:

Findings-of-Fact

1. The Applications and the Planner's Report are hereto and incorporated herein by reference and copies are available for review at the City offices.
2. The Applicants' lot is 5,314 square feet.
3. There is currently a non-conforming two family home on the Applicants' lot.

3. CONTINUED PUBLIC HEARING – VARIANCES AND CONDITIONAL USE PERMIT
FRO THE MINIMUM LOT SIZE AND FRONT YARD SETBACK REQUIREMENTS,
125 SECOND STREET – JAMES STARK – (Continued)

4. The Applicants' propose to demolish the existing structure and build a new single family residential home on the property.
5. The Applicants' are proposing to locate the new structure within the front yard setback area, but stay within the average front yard setback area of the adjacent properties.
6. With a parallelogram shaped lot, it is difficult to site a structure on the lot without the CUP.

Conditions

1. All applicable permits (i.e. building permit, curb cut, and, etc.) are applied for by the applicant with all supporting documentation and issued prior to the start of construction, said information shall include such items as scaled and dimensioned architectural elevations, proposed color scheme, height, landscape plan, and et cetera, in conformance with code provisions and permit application needs.
2. The structure shall be built in accordance with the plans approved and conditioned by the City Council on November 21, 2011, with a front yard setback of 20.4 feet.
3. Prior to the issuance of a building permit by the City of Excelsior, the applicant/owner shall provide to the City of Excelsior documentation from the Minnehaha Creek Watershed District authorizing and approving the site plan approved by the City Council on November 21, 2011.
4. The impervious surface coverage of the site shall not exceed 35 percent as required by City Code. Prior to the issuance of a building permit, applicant/owner shall provide to the City of Excelsior a revised certificate of survey for review and approval. Said plan, shall comply with all City Codes and approving Resolution (said plan shall be signed by Surveyor with revision dates).
5. Final grading, drainage, and erosion control plans shall be approved by the City's Engineer prior to the commencement of any grading and/or construction on the site. An erosion control plan during and immediately after construction is actively in place and this shall be shown on the certified site plan.

3. CONTINUED PUBLIC HEARING – VARIANCES AND CONDITIONAL USE PERMIT FROM THE MINIMUM LOT SIZE AND FRONT YARD SETBACK REQUIREMENTS, 125 SECOND STREET – JAMES STARK – (Continued)
 6. The Applicants' shall only be allowed to have one driveway entrance. All other driveway entrances must be removed and the curb replaced at the Applicants' expense.
 7. Any damage to Second Street that occurs as a result of construction shall be repaired at the Applicants' expense.
 8. The survey must be updated and consistent with the site plan approved by the City Council on November 21, 2011. An updated survey must be included with the plans when the Applicants' apply for the building permit.
 9. Prior to the issuance of a building permit by the City of Excelsior, the applicant/owner shall record the adopting resolution in the chain of title for the property with Hennepin County and shall provide the City with verification of its recording.
 10. The variance and conditional use permit shall expire one year from the date of adoption of the resolution if not acted upon; City approval will be required for any subsequent extension.
 11. Prior to the issuance of a Building Certificate of Occupancy, a Plan of Final Site Conditions (as-built) shall be submitted for review and approval per Articles 10 and 36 of Excelsior Zoning Ordinance. Said plan, shall comply with all City Ordinances, City Codes, and approving Resolution, including documentation of recordation of Resolution, and said information and plans shall be submitted for review a minimum ten (days) prior to said application for Certificate of Occupancy in both electronic (dwg & pdf) and paper copy (said plan shall be signed by Surveyor with revision dates).
 12. All indirect costs with the building permit, review, final plans and the certificate of occupancy associated with engineering and administrative costs shall be paid by applicant/owner.

Motion carried 5/0.

4. ADJOURNMENT

Commissioner Busch moved, Commissioner Wright seconded, to adjourn the meeting at 5:22 p.m. Motion carried 5/0.

Respectfully submitted,

Cheri Johnson
City Clerk