

City of Excelsior

Planning Commission Meeting

Minutes  
Tuesday, May 8, 2012

1. **CALL TO ORDER**

Chair Gaylord called the meeting to order at 7:02 p.m.

2. **ROLL CALL**

Commissioners Present: Busch, Craig, Jensen, Wallace, Duyvejonck and  
Chair Gaylord

Commissioners Absent: Wright

Also Present: City Planner Richards, and City Planner Braaten

3. **APPROVAL OF MINUTES**

a. Planning Commission Meeting of April 3, 2012

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

MOTION BY CHRIS JENSEN, SECOND BY CINDY BUSCH, TO APPROVE THE  
MINUTES FROM THE PLANNING COMMISSION APRIL 3, 2012 MEETING AS  
WRITTEN. MOTION CARRIED WITH ALL "AYES."

4. **PENDING ISSUES/PROJECTS**

a. Appoint Liaison to City Council (May 21, 2012)

Beth Duyvenjonck will be the Planning Commission Liaison to the May 21,  
2012 City Council meeting with Dan Wallace as a backup in the case that  
Beth cannot make the meeting.

5. **PUBLIC HEARINGS – (Continued)**

a. None.

6. **PUBLIC HEARINGS**

a. Conditional Use Permit to Construct Swimming Pool in Accordance with  
Appendix E, Article 21-2(6), Swimming Pool Protection at 731 Hidden Lane,  
P.I.D. #35-117-23-21-0013 – Bill and Shari Nichols

Scott Richards stated that the applicants were requesting approval to construct  
a swimming pool at 731 Hidden Lane, which requires a Conditional Use Permit  
in the R-1, Single Family Residential zoning district. Mr. Richards explained  
that the home did not require any special zoning approval, only the swimming  
pool was being considered as part of this application. Furthermore, Mr.  
Richards stated that the swimming pool was an acceptable accessory use in the

neighborhood; in fact the neighbor directly adjacent to the Nichols has an existing swimming pool. Mr. Richards stated that all of the required setbacks have been met as part of this application and that Liz Stockman, the Interim City Planner and author of the Staff Report for this application, had recommended approval of the application. Mr. Richards explained the City Ordinance standard which allows one curb cut access per 100 feet of frontage on a road right-of-way and that the Ordinance allowed the proposed driveway with the approval of an administrative permit.

Chris Jensen had concerns regarding the storage of the pool equipment. He felt that the applicants plan should be updated if they were to locate the pool equipment in a different location than what was indicated on the plans submitted. Mr. Jensen wanted to ensure that there were no issues with the neighboring property owners.

Mike Sharratt, Sharratt Design, stated that this home was an empty nest home for the Nichols. He explained that the applicants had worked within all other zoning constraints. He also commented on the proposed second driveway access explaining that it is an existing driveway and therefore the applicants should be allowed to keep it.

Discussion followed.

MOTION BY CHRIS JENSEN, SECOND BY NICKI CRAIG TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE CONDITIONAL USE PERMIT TO ALLOW THE APPLICANTS TO CONSTRUCT A SWIMMING POOL IN THE R-1, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT AND TO CONTINUE THE PUBLIC HEARING TO THE CITY COUNCIL MEETING ON MAY 21, 2012. MOTION CARRIED WITH ALL "AYES."

- b. Variance from Maximum Square Footage for Accessory Building Per Appendix E, Article 18, Sec. 18-2(h) for Addition to Existing Unattached Garage 634 Third Avenue, P.I.D. #35-117-23-23-0042 – Ken and Kristin Dowell

Mr. Richards introduced the application. The applicants were requesting approval of a variance to exceed the 800 sq. ft. maximum allowed for accessory structures in the R-1, Single Family Residential district. The property is a historically designated site and therefore the garage addition was sent to the Heritage Preservation Commission on April 17, 2012 and they approved the proposed addition. Mr. Richards explained that the applicants parcel was very large and that the proposed addition would be on the back side of the existing garage and screened from view. Mr. Richards stated that based on all of the information provided and the approval of the Heritage Preservation Commission staff was recommending approval of the variance application.

Mark Gaylord asked why the applicant did not just construct a second smaller accessory structure so the garage did not exceed the 800 sq. ft. maximum. Discussion followed. Mr. Braaten explained that the City Ordinance allowed a cumulative square footage of 800 sq. ft. for accessory structures, attached or detached.

Scott Richards commented that the lot was very large and that the proposed addition would cause very little impact on a parcel this size. Furthermore, the intent of the Ordinance was to limit the amount of garage space on smaller parcels within the City and to make sure the scale and size were consistent with the neighborhood. He explained that other cities have much more lenient standards when it comes to garages and accessory structures.

Nicki Craig asked the applicant about the proposed garage addition and how the proposed driveway would be configured. Ms. Dowell explained that the driveway would continue a short distance past the proposed addition. Discussion followed regarding driveway setbacks. Scott Richards explained that the City Ordinance required a 3 ft. setback from the lot line for a curb cut, but the Ordinance did not require a specified setback for a driveway from a property line. Ms. Dowell explained that originally they were thinking about constructing a three stall garage, but decided on leaving the two stall and adding the third on the back side of the garage so that they still had easy access to the back yard. She explained that the variance was necessary for storage of all of the lawn equipment that was necessary to maintain such a large property.

Discussion followed regarding the "Practical Difficulties" standard for approving variances and the 800 sq. ft. maximum for accessory structures in the R-1, Single Family Residential District.

Nicki Craig, after reviewing the Certificate of Survey, noted that the pool on the subject parcel was not shown on the survey submitted for the variance request. Discussion followed regarding the submittal requirements for a variance request. Mark Gaylord stated that this could be considered an incomplete application and the variance could be tabled until all of the required information is provided. Discussion followed regarding the existing swimming pool, impervious surface, and updating the Certificate of Survey.

The Commission reviewed and discussed the "Practical Difficulties" standard.

Scott Richards stated that the City needed to address the 800 sq. ft. maximum accessory structure requirements, especially for larger lots for which a large garage would not be out of character or scale.

Beth Duyvejonck stated that if the variance were to be approved she would like to see the Certificate of Survey updated to show all of the improvements that have been made on the site, due to the fact the submitted Certificate of Survey was incomplete in its information. Discussion followed regarding if the Survey should be updated before a decision is made on the application or if the Commission should approve the application and require an as-built survey to be submitted when all improvements have been completed.

Mark Gaylord stated that he had concerns with this application meeting all of the requirements needed to approve a variance under the "Practical Difficulty" standard. The Commission discussed the application and the practical difficulty

standards and made the following finds of fact: 1) Based on the size and scale of the proposed garage addition and the approval of the Site Alteration Plan by the Heritage Preservation Commission the Planning Commission finds that the applicants are proposing to use the property in a reasonable manner, 2) The size of the existing parcel requires additional equipment in order to maintain the existing yard and landscaping, which is not common in other parcels within the City. Furthermore, the City requires that all materials and equipment to be stored indoors. Due to the size of the parcel and the tools and equipment necessary to maintain the parcel the applicants require the additional garage space. 3) The proposed garage addition will be consistent with the mass and scale of the existing garage. Furthermore, the proposed garage addition will be screened from view from Third Avenue by the existing garage and therefore will not alter the essential character of the area, and 4) The proposed garage addition relative to the size of the parcel would be in keeping with the purpose and intent of the ordinance and consistent with the comprehensive plan.

MOTION BY NICKI CRAIG, SECOND BY CINDY BUSCH TO RECOMMEND THE CITY COUNCIL APPROVE A VARIANCE FOR KEN AND KRISTIN DOWELL TO EXCEED THE 800 SQ. FT. ACCESSORY STRUCTURE MAXIMUM AND TO CONTINUE THE PUBLIC HEARING TO THE MAY 21, 2012 CITY COUNCIL MEETING WITH THE ADDITION OF A CONDITION REQUIRING THE APPLICANTS TO SUBMIT AN UPDATED AS-BUILT CERTIFICATE OF SURVEY UPON COMPLETION OF THE PROPOSED IMPROVEMENTS.

Discussion followed regarding the proposed findings of fact and the "Practical Difficulty" standard. The Commission agreed that due to the size of the lot and that the proposed garage addition met all setback requirements it would be beneficial to get an as-built Certificate of Survey upon completion of the improvements instead of requiring it prior to construction of the proposed garage addition.

MOTION CARRIED WITH ALL "AYES."

Discussion followed regarding the Certificate of Survey requirements in City Ordinance. Mark Gaylord and Chris Jensen asked the staff to add an agenda item to the Planning Commission schedule in the near future to discuss garage sizing on larger lots within the City. Discussion followed.

7. **UNFINISHED BUSINESS**

a. Impervious Surface Coverage Regulations – Green Technology Subcommittee

Scott Richards introduced the topic. Mr. Richards explained he had provided the March 5<sup>th</sup>, 2012 Ordinance as part of the Commissions packet. He explained that he would like to bring back this item to the June 5, 2012 meeting for discussion purposes.

Mark Gaylord asked the Commission if there was a better name that could be adopted by the Subcommittee. Discussion followed regarding sustainability and other possible language changes.

The Commission decided to review the proposed language at the June 5, 2012 Planning Commission regular meeting and schedule the public hearing for the July meeting.

- b. Discuss Amendment to Article 15, Non-Conforming Buildings, Structures, and Uses

Scott Richards provided the proposed markup copy of the Non-Conforming Structures section of the Ordinance. Mr. Richards stated that the discussion should wait for the City Attorney to provide the stormwater language which he thought would be ready for the July Planning Commission meeting.

Nicki Craig stated that the language referring to expansion of non-conforming structures was somewhat confusing and she was looking for clarification as to what the language meant. Discussion followed.

Mark Gaylord requested that when this topic is brought back to the Commission that a markup and clean copy of the proposed language is provided to make the document easier to read.

- c. Parking Update - Implementation

Scott Richards introduced the topic. He informed the Commission that staff was working on improving the current maps. He thought this may be a task that could be done by a summer intern.

Discussion followed regarding the current parking count maps. Chris Jensen opined that the inclusion of some addresses on the current maps could help people more easily figure out where they were located on the map making the maps much simpler to read and use.

Scott Richards informed the Commission that the City Council had reduced the annual parking impact fee from \$1,500 per space annually to \$1,200 per space. Mr. Richards also informed the Commission that Parking Counts started next week and they needed to be done on Monday, Wednesday and Thursday at 12:00 PM, 2:00 PM, 4:00 PM, and 6:00 PM and that if anyone could help out with them it would be appreciated.

Discussion followed regarding parking management vendors and the possibility of having an intern look into this topic for future discussion.

- d. Annual Meeting Items

- 1. Review By-Laws

Scott Richards introduced the topic. Mark Gaylord stated that there was no need to change the By-Laws.

MOTION BY MARK GAYLORD, SECOND BY DAN WALLACE TO RETAIN THE

EXISTING BY-LAW LANGUAGE. MOTION CARRIED WITH ALL "AYES."

2. Goals and Objectives for 2012

Scott Richards introduced the topic. He commented that the City Council would be discussing the residential design standards topic in June and the Commission should wait to hear the direction of the Council before moving forward on this issue. Discussion followed regarding mass and scale, and residential design standards. Mr. Richards stated that the Commission may want to focus on the Zoning Ordinance and set the residential design standards aside for a while. Mark Gaylord commented that he would like to complete the design standards and get them approved by the City Council as soon as possible.

The Commission then decided to go through each of the six goals and objectives and discuss them. 1. Develop guidelines for residential areas – Mark Gaylord commented the goal was to have it approved as part of the Ordinance, 2. Work toward controls to assist with streetscapes and rear facades and entrances of the downtown businesses – The Commission discussed this objective and proposed to remove this item from their goals and objectives, 3. Review and develop green technologies/sustainable development standards and policies – Mark Gaylord commented that this was an important topic moving forward, 4. Review non-conforming buildings and structures standards – The Commission agreed that this was in progress, 5. Review Article 62. Heritage Preservation Program and Designation of Historic District/Sites of City Code Appendix E as they relate to the Secretary of the Interior's Standards for Rehabilitation – The Commission requested to continue this issue as a review item, 6. Bring the Zoning Code into conformance with the Comprehensive Plan – The Commission discussed this topic briefly.

Mark Gaylord stated that he would like to add comprehensive training for the commissioners to the Goals and Objectives list. Kevin Stauton responded informing the Commissioners that they had set two mandatory training dates for Council members and Commissioners. Mr. Stauton requested that all of the Commissioners sign up for either the May 31<sup>st</sup> training date or the June 2<sup>nd</sup> training date. Discussion followed regarding ongoing training and the possible topics to be covered at the upcoming training.

3. Code of Ethics

Kevin Stauton informed the Commission that ethics would be discussed as part of the upcoming training.

**8. NEW BUSINESS**

a. Design Standards 50-foot Setback Requirement on Water Street – B-2 District

Scott Richards gave some background on the subject and provided a couple of maps to the Commission. Mr. Richards stated that the B-1 District has a

50 ft. setback for parking from Water Street, while the B-2 District does not. But, the design standards required a 50 ft. setback along the entire length of Water Street. He asked the Commission if the 50 ft. setback should continue into the B-2 District or not? Discussion followed regarding the historic districts and pedestrian accessibility.

Mark Gaylord asked Rick Meyer, Heritage Preservation Commissioner, if he thought they should consider changing the design standards in the B-2 District. Mr. Meyer replied that there was a lot of concern over the development of the Mason Motors site, but that was water over the bridge. Mr. Meyer asked for clarification as to where the B-1 District ended and the B-2 District began. Scott Richards explained the current zoning boundaries for the B-1 and B-2 Districts.

Discussion followed regarding the vision of the City and the supporting Ordinance language. Mark Gaylord commented that if the City does not have a vision for the future how will we represent what we would like to see to current and future developers?

Discussion followed.

b. Dates for Additional Work Session(s)

A very brief discussion and the Commission moved on to the next agenda item.

Rick Meyer, Heritage Preservation Commissioner (HPC), gave a brief statement regarding what the HPC has been discussing currently at their meetings.

**9. COMMUNICATIONS & REPORTS**

a. Next Planning Commission Meeting – Tuesday, June 5, 2012

The Planning Commission's next regular meeting is scheduled for Tuesday, June 5, 2012.

**10. MISCELLANEOUS**

a. Recent City Council Actions

The Commission briefly discussed the latest Council actions.

**11. ADJOURNMENT**

MOTION BY NICKI CRAIG, SECOND BY DAN WALLACE TO ADJOURN THE PLANNING COMMISSION MEETING. MOTION CARRIED WITH ALL "AYES."

Minutes  
Planning Commission Meeting  
May 8, 2012  
Page 8 of 8

Respectfully submitted,

Lane L. Braaten  
City Planner