

City of Excelsior
Hennepin County, Minnesota

Minutes
Planning Commission

Wednesday, November 6, 2013

1. CALL TO ORDER

Acting Chair Duyvejonck called the meeting to order at 7:03 p.m.

2. ROLL CALL

Commissioners Present: Duyvejonck, Busch, Hannah, and Wallace

Commissioners Absent: Wilson and Chair Craig

Others present: City Planner Richards, and City Planner Braaten

3. APPROVAL OF MINUTES

(a) Planning Commission Meeting of October 8, 2013

Wallace moved, Hannah seconded, to approve the Planning Commission meeting minutes of October 8, 2013, as presented. Motion carried 4/0.

4. PENDING ISSUES/PROJECTS

(a) Appoint Liaison to City Council (November 18, 2013)

Wallace volunteered to be the City Council liaison for the November 18, 2013 City Council meeting.

5. PUBLIC HEARINGS – (Continued)

(a) Variance from Rear and Side Yard Setback Requirements Per Article 41 of Appendix E, Sec. 41-7 for an Attached Garage Addition at 335 College Avenue, P.I.D.# 34-117-23-13-0043 – Debra Hutchinson and Greg Miller

Braaten introduced the topic. Braaten informed the Commission that base on the comments of the Commission at the previous meeting the applicant had returned with a design that allowed for a 5 ft. setback from the side yard rather than the original 2 ft. setback proposed. Braaten explained the propose site changes.

Busch and Duyvejonck requested further information to understand how the garage space, after the revisions, had more square footage. Jerry Roelof explained the reconfiguration and how the garage was made deeper to allow for two cars. Mr. Roelof commented on the staff report and asked for the condition requiring removal of the storage shed be removed. The Commission discussed the small detached storage shed and felt that keeping the small shed for storage purposes was reasonable and had no bearing on the variance application.

Mr. Miller stated that he respected his neighbor's opinion and he went over both plans with him. All other neighbors are very supportive of the project. He explained how his plan would be consistent with the neighborhood and how they had designed the building to stay out of the drip line of the 100 year oak in the center of the back yard. They had also looked at having a garage in the front yard, but the elevation change was too great to make it work.

5. PUBLIC HEARINGS – (Continued)

Variance from Rear and Side Yard Setback Requirements Per Article 41 of Appendix E, Sec. 41-7 for an Attached Garage Addition at 335 College Avenue, P.I.D.# 34-117-23-13-0043 – Debra Hutchinson and Greg Miller
- *Continued*

The Commission discussed the proposed 5 ft. side yard setback. They commented that due to site challenges the proposed rear yard setback and 5 ft. side yard setback were appropriate and reasonable.

Discussion followed regarding detached accessory structures and the reasonableness of the request.

Bush stated that she had concerns about the west elevation, which would be facing the neighboring property, showing such a large and long unbroken plain. Mr. Miller stated that there will be a window and tree to screen the side of the attached garage and that the window had been mistakenly left out of the plans.

Duyvejonck opened the public hearing at 7:38 pm.

Discussion followed regarding stormwater drainage and the use of gutters and downspouts and rain gardens.

Mr. Miller stated that the shared retaining wall would stay in its current configuration and location. Furthermore, he stated that the project would not add any additional stormwater to flow toward the neighbor, rather it would make the existing conditions better. Busch asked if the stormwater/drainage plan had been approved by the City Engineer. Staff informed the Commission that one of the recommended conditions of approval required the City Engineer's approval prior to issuance of a building permit.

Discussion followed regarding drainage and snow plowing.

Duyvejonck closed the public hearing at 7:48 p.m.

Wallace moved, Hannah seconded, to recommend approval of the variance request for Greg Miller and Debra Hutchinson with the conditions stated in the staff report and the following changes: 1) condition #3 be revised to not require gutters and downspouts; 2) strike condition #4 which required removal of the 67.24 sq. ft. storage shed; 3) add a condition requiring the plans be revised prior to the City Council meeting to show the windows on the west façade of the proposed addition; and 4) add a condition stating that the applicant will be responsible for all damages to the right-of-way, adjacent properties and sidewalks associated with the project. Motion carried 4/0.

6. PUBLIC HEARINGS

- (a) Proposed Ordinance to Amend Article 17, General Yard, Lot Area and Building Regulations of Appendix E of the Excelsior City Code of Ordinances Related to Residential Design Standards – Galvanized Building Materials

Richards introduced the proposed ordinance amendment. He reminded the Commission that the Council would like to see a recommendation.

Discussion followed regarding galvanized, clear coat, corten material and the current ordinance language.

Duyvejonck opened the public hearing at 8:20 p.m.

Bob Bolles, 229 George Street, cautioned the Commission in approving the use of galvanized metal in the City. He stated that it was a really dangerous road unless an architect or designer is very sensitive to the use. He stated that he would not recommend the allowance of galvanized metal as a building material in the City.

Discussion followed regarding residential properties, commercial properties, and what look the City was trying to prohibit.

Duyvejonck closed the public hearing at 8:40 p.m.

Busch moved, Hannah seconded, to direct staff to revise the language as discussed and continue the public hearing to the December Planning Commission meeting. Motion carried 4/0.

- (b) Proposed Ordinance to Amend Article 4, Administration – Conditional Use Permits, Article 5, Administration – Interim Use Permits, Article 6, Administration – Variances, Article 9, Administration – Site Plan Review, and Article 65, PUD, Planned Unit Development District of Appendix E of the Excelsior City Code of Ordinances Related to Administrative Extensions

Richards introduced the topic. Richards informed the Commission that this discussion was at the request of the City Council. The City Council is currently unhappy with the administrative extension section of the City Code and would like more control when extensions are approved. Richards explained the proposed language.

Discussion followed regarding the proposed language, the current language and the issues being cause by said language.

Duyvejonck opened the public hearing at 8:47 p.m.

Hearing no comments, Duyvejonck close the public hearing 8:48 p.m.

Busch moved, Wallace seconded, to recommend approval of the proposed ordinance amendment with the addition of site plan review. Motion carried 4/0.

7. UNFINISHED BUSINESS

(a) Formula Business Regulations (Franchises)

Richards provided the revised formula business regulation language. The Commission discussed the revised language.

Duyvejonck asked if the City Attorney has had an opportunity to review the language. Richards replied that he has not reviewed the current language but, if the Commission has a comfort level with the propose language, he will have the City Attorney review the language.

Discussion followed regarding the restriction of formula businesses.

Richards stated that he would submit the final draft language to the City Attorney. Duyvejonck requested that the language also be submitted to the Chamber of Commerce and Downtown Business Group for comment.

Discussion followed.

Duyvejonck moved, Hannah seconded, to direct staff to set a public hearing for the December Planning Commission meeting and to make the revisions discussed. Motion carried 4/0.

Duyvejonck called a five minute break at 8:58 p.m.

Duyvejonck reconvened the meeting at 9:06 p.m.

7. UNFINISHED BUSINESS

(b) Planned Unit Development – Procedure Changes

Richards stated that staff would provide language at an upcoming meeting.

Wallace moved, Bush seconded, to continue this agenda item to the December Planning Commission meeting. Motion carried 4/0.

8. NEW BUSINESS

At the request of the City Council, the Commission briefly discussed the changes that had been recently made to Steele Fitness at 470 Water Street.

Richards explained the governing sections of the City Code pertaining to Design Standards. The Commission discussed the changes and the ordinance language and determined that the property owner needed to have Design Standards approval prior to the work they had already completed. They requested that staff inform them they would need to come in with an after-the-fact Design Standards request.

(a) Dates for Additional Work Session(s)

None.

9. COMMUNICATIONS & REPORTS

(a) Next Planning Commission Meeting – Tuesday, December 3, 2013

10. MISCELLANEOUS

(a) Recent City Council Actions

Richards and Braaten informed the Commission of recent City Council actions.

11. ADJOURNMENT

Wallace moved, Duyvejonck seconded, to adjourn the meeting at 9:37 p.m.
Motion carried 4/0.

Respectfully submitted,

Lane L. Braaten
City Planner