

City of Excelsior  
Hennepin County, Minnesota

Minutes  
Planning Commission

Tuesday, December 3, 2013

1. CALL TO ORDER

Acting Chair Duyvejonck called the meeting to order at 7:25 p.m.

2. ROLL CALL

Commissioners Present: Busch, Duyvejonck, Hannah and Chair Craig

Commissioners Absent: Wallace

Others present: City Planner Richards and City Attorney Staunton

3. APPROVAL OF MINUTES

(a) None

4. PENDING ISSUES/PROJECTS

(a) Appoint Liaison to City Council (December 16, 2013)

Chair Craig volunteered to be the liaison to the City Council at the December 16, 2013 City Council meeting.

Duyvejonck moved, Busch seconded, to amend the agenda and move Items 6(a) and 8(a) to follow Item 4(a).

6. PUBLIC HEARINGS

(a) Variance from Maximum Building Height Requirement Per Article 43 of Appendix E, Sec. 43-7 and Conditional Use Permit to Allow Reduced Front Yard Setback Per Article 17 of Appendix E, Sec 17-6 to Construct a Single Family Home at 337 George Street, P.I.D.# 34-117-23-13-0034 – Bill Stoddard

Richards presented. The applicant is requesting approval to construct a single family home with a setback of 20 feet versus the minimum requirement of 25 feet. The lot size is small, just over 4,900 square feet in area, non-conforming, R2 district, which requires 6,000 square feet. It is conforming with the lot width requirements. Setbacks for the proposed home for the detached garage would meet the requirements, except for the approval of a CUP with a setback of 20 feet versus 25 feet. The applicant is proposing 51 percent impervious coverage, with 49 percent green space. One condition is approval of a sustainable building practices plan. The applicant is proposing a 2,000 square foot house (above grade). Requirements for this district are an overall maximum height of 30 feet for mid-peak and 36 feet for the maximum height. The mid-peak height of the proposed application is 37 feet with an overall height of 41 feet. The detached garage meets the setback requirements and height requirements. Nearby properties are set back 17 feet. The applicant is proposing a 20 foot setback. Based on the information provided in the packet, Richards said the request for the 20 feet is reasonable.

Bill Stoddard, 337 George Street, addressed the Commission.

Stoddard said he is requesting approval to construct a 2,000 square foot (above grade) cottage style house on the lot and is requesting a height

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variance for the rear of the house. The house previously on this lot was demolished but the lot was not filled in at that time, leaving the topography lower than it would have been. Stoddard's second request is a front setback variance of five feet, necessary to put the garage in back of the house.

Chair Craig questioned the total square footage. Stoddard indicated that 1,200 square feet is below grade and 2,000 square feet is above grade, for an overall total of 3,200 square feet for the home.

Stoddard said that, of the four neighboring houses, setbacks for those homes are: 21 feet 3 inches, 12 feet 9 inches, 16 feet 9 inches, and 20 feet 6 inches. Stoddard said his request is for a setback of 20 feet. He also said that if the house were to be moved back five feet, there would be no turnaround area for the garage. In regards to hardcover, Stoddard said he will be working with the City Engineer once the building permit application is approved. A rain garden is one element that will be added and the location proposed for it is a natural space. The garage setback variances have been met. The driveway grade is 12 percent. Stoddard stated that the engineers thought this was the best grade to put in.

Richards asked if approval was received for the grading from the adjacent property owners. Stoddard stated that both owners are in attendance at tonight's meeting and that he gave them a request for the grading and both property owners had indicated their approval. Stoddard said he understands that he may need a Watershed District permit.

Craig asked about the two lots next to Stoddard's property that appear to be vacant. Stoddard said he does not own those two properties.

Hannah questioned how much fill will be brought into the lot. Stoddard said that one to two feet will be brought in. Hannah asked if the garage will be two-story and if the upper area is living space. Stoddard said the upper area will be for storage only.

Duyvejonck said that a number of homes in Excelsior have three stories with a walkout and questioned if any of those required a variance. Richards said that, historically, there are a number of homes that are similar but that he was unsure if there was a height variance necessary or not. The height requirements have changed. Richards said those properties may have been grandfathered in before the ordinance change.

Duyvejonck asked if fill were brought in, if the height would be measured from the existing grade. According to the ordinance limitation, Richards said if they had brought in fill at the time of demolition, it would have established a new grade at that time. But the new grade establishment would have had to have occurred one year prior to the date of application.

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Richards said this is a good case for a variance.

Busch asked if there are any comparable heights in the neighborhood.

Lynne Walker, 351 George St, addressed the Commission. She stated that her neighboring property has a retaining wall that is over eight feet from her property down to Stoddard's. She also has a two-story house with a full basement below grade. She stated that she is able to stand above the Stoddard house because the Stoddard house starts at a lower level than hers. Craig questioned the height of Walker's ceilings. Walker stated that they are 9 feet in the older part of the house, 8 feet in the back addition, and less than that in the basement, but the basement used to be a dirt basement at one time. Walker stated that the topography is such that the ground is higher on her property and the street goes down to the next house.

Chair Craig opened the public hearing.

Bob Bolles, 229 George Street, addressed the Commission. Bolles stated that he is very supportive of what Stoddard is doing and believes it is an asset to the city. Bolles said the 20 foot setback is reasonable, given the site condition. Bolles said he owns the two vacant lots adjacent to the Stoddard property, which is owned by BBB Partnership. They also own the 6 foot by 3 foot piece of property on the drawing. Bolles said the majority of Stoddard's property is owned by Bolles and his wife. Bolles asked the Commission to grant Stoddard the variance, both for the height and setback request. Bolles stated, also, that the plan indicates "Concept Elevations" but Bolles would like to request that the Commission consider those as "Final Elevations." Another issue Bolles wanted to point out is that two surveys were done. He said that a judicial land monument controls the depth around the property at 340 Water Street and they were established by a court in 1941.

Richards asked Bolles if he had any issues with the proposed grading. Bolles said no.

Chair Craig closed the public hearing.

Duyvejonck stated that she is concerned with the size of the house becoming a "mega house" and that the Commission needs to be protective of the restrictions set in place and watch the precedent the Commission is setting.

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Staunton said that City Code requires a building permit be issued to replace a building before a demolition permit is issued. This is so the number of single family homes in Excelsior is not reduced.

Hannah asked what the height is from George Street. The Commission discussed that only the height from the back is different. In the front of the home, it's the same as the neighboring properties.

Duyvejonck asked what the topography of lots 3 and 4 are and if they are similar to this lot. Bolles said that lots 3 and 4 are in need of fill. Staunton said the two lots are assessed as one lot.

Busch stated she concurs with Hannah's comments and has no argument with the variance request. Busch questioned if the quality of the plans are acceptable. Richards stated that they are acceptable for the variance request but would not be acceptable for the building permit. The plans would need to have more detail, dimension, and material call-outs for the building permit.

Chair Craig asked if the siding and shingles will be an issue, in regards to residential design standards, but Richards stated these will not be an issue because they are consistent all the way around.

Duyvejonck moved, Hannah seconded, to approve the Variance from Maximum Building Height Requirement Per Article 43 of Appendix E, Sec. 43-7 and Conditional Use Permit to Allow Reduced Front Yard Setback Per Article 17 of Appendix E, Sec 17-6 to Construct a Single Family Home at 337 George Street, P.I.D.# 34-117-23-13-0034 – Bill Stoddard, with a condition number 11 added that the survey be clarified with the adjacent property owner, and that condition number 1 includes labeling the elevation drawings as "final conceptual diagrams." Motion carried 4/0.

8. NEW BUSINESS

- (a) Design Standards Review to Alter the Building Design at 470 Water Street, P.I.D.# 34-117-23-13-0091 – Brett Dudeck, Steele Fitness

Richards presented the application for the Steele Fitness design standards review. The previous metal background that was approved in July 2012 was for a painted metal, but the current white background is a vinyl application. There was discussion at that time about the amount of metal that was approved, which was reduced slightly. The Planning Commission recommended and City Council had approved the brick cornice of the structure. Steele's marketing changed with the new look they decided to go to for Steele 365. Design Standards does not indicate color, but does indicate alterations to building design, wall, window or openings, and the material used. Richards stated that this is enough of a material change and goes against what the City Council approved in July

8. NEW BUSINESS

- (a) Design Standards Review to Alter the Building Design at 470 Water Street, P.I.D.# 34-117-23-13-0091 – Brett Dudeck, Steele Fitness - *Continued*

2012. The overall dimension of the white area is 840 sq. ft. Steele Fitness would be allowed 75 sq. ft. of signage. Steele Fitness indicated the white area is part of their logo, but the white background becomes part of the sign and exceeds the sign requirements. Staff states this is a sign issue and a Design Standards issue, also, when compared to what was originally approved.

Craig asked if it is brick behind the original black metal but Richards doesn't believe there is brick behind it.

Brett Dudeck, Steele Fitness Senior Project Manager, and Lori Smith, Steele Fitness Marketing Director, addressed the Commission. Mr. Dudeck and Ms. Smith feel as though black or white, their brand will fit within a sleek clean design that they're trying to promote and attract clientele. They presented a mock-up of a new design and a sample of the material used, which can be peeled off; however, the adhesive that was used on the building is very permanent and difficult to remove and could possibly damage the surface underneath. They indicated that removing the entire white space would not work with black lettering.

Craig stated that the issue is not just that they didn't paint, but the color that was used. Brett indicated that if they were painting, they wouldn't have been changing any of the materials.

Richards said that staff indicated it was the change of materials that raised the issue and that City Council had approved the building wall with a specific look with the metal finish.

Duyvejonck said that if the Commission is considering changing the ordinance, it needs to consider the difference between repainting a previously painted surface versus a prefinished or not previously painted surface (i.e., brick).

Staunton said there was a lot of discussion at the staff level on this and that there are no requirements for color. However, the motivation from Steele Fitness for the change is the "brand issue," so Staunton doesn't think the City see much issue in the future with other projects. From a staff perspective,

Staunton said this signage would fit within the 75 sq. ft. maximum allowance.

Richards asked the Applicant what their intent is for removing the white vinyl. Smith stated that they intend to do a partial or full removal of the white vinyl by taking down the metal and redoing the process. They intend to take the vinyl material off because it could not be painted on top of it. Ms. Smith also stated that, if the white vinyl cannot be removed, they may need to have a new metal piece made.

Smith stated that multiple Steele Fitness locations around the Twin Cities

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are going to the new brand. She said they used the same treatment at another facility, the Victoria Crossing Mall.

Richards suggested they redo the entire panel or restore the original surface.

Staunton asked what they will do to research removal of the material. Dudeck stated they will go back to the original installer. Staunton stated that the installer may be an option that no one has thought of, yet.

Dudeck stated they will keep the same look, which matches their Grand Avenue façade. He said that "Steele" will be black background with white lettering, while "Steele 365" will be white background with black lettering. It's a differentiation of their brand.

Busch thinks the sign should be the black metal surface with white only behind the letters. All of the Commissioners agreed.

Hannah said that the Commission is looking to have this blend with our community. Dudeck questioned that Gary's Car Care, at Third and Water Streets, is all white with black lettering, the same look as Steele Fitness. Richards said it was grandfathered in before Design Standards.

Staunton said this is more of a sign issue than a Design Standards issue. While they technically could change the color, the rationale for changing it was the brand, not that they were trying to make a bigger sign. If they can bring the brand change within the 75 sq. ft. limit, then we can do this.

Richards looked at the Design Standards to find out whether it includes vinyl and quoted, "recyclable grades of vinyl, steel and aluminum."

Duyvejonck stated that color is an important part of the Design Standards Review, because the black background tied in with so many other surfaces in the area.

Smith stated that the mockup she provided is really no change from their original design plan and, if they had painted it white rather than used vinyl, she questioned if it would have been approved. Richards stated the design intent that was originally approved by the City Council. Dudeck stated the color is not required to come before the Planning Commission, according to the City's ordinance.

Hannah and Busch discussed that a key point in both the Planning Commission and City Council discussions was the black color.

The Commission discussed the design standards and whether it applies to change of color. Richards said a vinyl finish could be appropriate under the current language.

Staunton said the bigger issue is the sign and that it starts to look more

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like a billboard. He said there is question to what happened in the original design and the metal being needed for the tenant and that it all ties into the building. Staunton said the Applicant's request concedes that this is a brand issue with the change of color - because of the change in their brand, but the sign code limits the size of the sign. Staunton said the most powerful objection that the City has is that the Applicant is converting the space to a large sign, which wasn't approved in the original drawing. Staunton stated that, if they want to do a white background, they should limit it to 75 sq. ft. and, if they can accomplish this objective, Staunton said that the City could compromise on the materials.

Richards said that, in order to recommended endorsement of the Applicant's option, that they need to restore the surface back to the original color.

Busch moved, Duyvejonck seconded, to restrict the signage to 75 sq. ft., that the building materials comply with the Design Standards and the original intent of the approvals from July 2012, with the recommendation that the background go back to the preferred black metal background, and that the City Council will make the final recommendation at the December 16, 2013 City Council meeting. Motion carried.

5. 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 presented the use of galvanized metal in building materials, which was approved by City Council in September 2013. In regards to the finish, the language states that no unfinished steel, cordon steel, or unfinished aluminum should be used as a building material in any zone district. High quality copper, zinc or finished metal shall be allowed. Duyvejonck asked to clarify the difference between coated and uncoated galvanized metal.

The Commission decided to change the wording to "coated" in the Ordinance where it reads, "Clear coated galvanized and galvanized material shall only be allowed in the business zoned district."

Duyvejonck stated that she doesn't think galvanized materials should be allowed at all and no longer supports the use of it in any area. Duyvejonck said she doesn't think it's possible to draft language that states specifically the use that would be appropriate.

The Commission discussed whether there is a limitation to the amount of metal finishes used.

Chair Craig opened the public hearing.

5. 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 - *Continued*

Bob Bolles, 229 George Street, addressed the Commission. Bolles agrees that it should be eliminated.

Busch moved, Hannah seconded, to approve the wording as presented, with the word changing from "clear coated" to "coated." Motion carried 3/1-Duyvejonck opposed.

Chair Craig closed the public hearing.

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- (b) Proposed Ordinance to Amend Article 38 of Appendix E of the Excelsior City Code of Ordinances to Provide Restrictions on Formula Businesses within the Business Zoning Districts

Richards presented a proposed ordinance to provide restrictions on formula businesses within the business zoning districts. Richards said he would like to discuss this with the Chamber of Commerce and the Downtown Business Group before moving this item forward.

Chair Craig opened the public hearing.

Duyvejonck stated that she feels the Commission is working outside the typical role of the Planning Commission and would like public input, however there were not many in attendance for the public hearing at tonight's meeting. The Commission discussed their concern that not many people attended tonight's meeting, especially with a topic as important as this. The Commission questioned how the public hearing was noticed and stated that it should be in the local newspapers, on the City's website, and also discussed with the Downtown Business Group.

Chair Craig closed the public hearing.

Duyvejonck moved, Busch seconded, to continue this discussion at the January 7, 2014 Planning Commission meeting, with input from the Chamber of Commerce and additional advertising with business leaders. Motion carried 4/0.

7. UNFINISHED BUSINESS

- (a) None

8. NEW BUSINESS

- (a) Design Standards Review to Alter the Building Design at 470 Water Street, P.I.D.# 34-117-23-13-0091 - Brett Dudeck, Steele Fitness - *Item moved to follow Item 6(a).*
- (b) Dates for Additional Work Session(s)  
None

9. COMMUNICATIONS & REPORTS

- (a) Next Planning Commission Meeting – Tuesday, January 7, 2014

10. MISCELLANEOUS

- (a) Recent City Council Actions

Staunton highlighted items from the November 18, 2013 City Council meeting:

- Hutchinson/Miller variance was approved for the garage at 335 College Avenue
- The first reading of the Ordinance on Administrative Extensions was waived and scheduled for the December 2, 2013 City Council meeting
- The City Council discussed the Farmer's Market and approved the same location for 2014
- The City Council discussed downtown decorative lighting

Staunton also highlighted items from the November 4, 2014 City Council meeting:

- Parking restrictions ordinance
- Oak Street Sidewalk Feasibility Study
- Public Works items

Craig asked about the expansion for Excelsior Brewing Company. Staunton said the City Council approved the amendment to the CUP and that the discussion was the scope of the property, particularly the outdoor patio on Third Street and the alley, and the concern with the residential use across Third Street. Staunton said the City Council decided to approve the CUP and wait until the Liquor License is scheduled for approval to decide on the precise footprint in which alcohol may be served. Staunton said Excelsior Brewing Company will be attending the December 16, 2013 City Council meeting with a request to expand their Liquor License premise to include the outdoor seating space and what hours it can be used.

11. ADJOURNMENT

Hannah moved, Busch seconded, to adjourn at 10:05 p.m.

Respectfully submitted,  
Shirley Murphy  
City Clerk