

1. Agenda And Packet

Documents:

[MAY 15, 2023 WORK SESSION AGENDA.PDF](#)

[MAY 15, 2023 WORK SESSION PACKET.PDF](#)

City of Excelsior  
Notice of Work Session  
of the Excelsior City Council

NOTICE IS HEREBY GIVEN that the City Council of the City of Excelsior will hold its work session on Monday, May 15, 2023 at 5:30 P.M. in-person at Trinity Episcopal Church - 322 Second Street, Excelsior, MN 55331 – Entrance is located on Second Street – Meeting Room is in Chamberlain Hall. The agenda for the meeting is attached hereto.

City of Excelsior  
City Council Work Session

Agenda

Monday, May 15, 2023

5:30 P.M.

1. Call to Order/Roll Call
2. Agenda Approval
3. Residential Review Process and Ordinance
4. Adjournment

Note: The purpose of a Work Session is for the Council to discuss matters informally and in greater detail than is allowed at formal Council meetings. All meetings of the Council including Work Sessions will be open to the public. While the privilege of participating in these discussions is generally limited to the Council, staff, and consultants, the Mayor may open a discussion from the floor.

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# MEMORANDUM

Work Session Item 3 – Residential Review

**Re:** Process and Ordinance

**Date:** May 15, 2023

**To:** City Council

**From:** Kristi Luger, City Manager

At the last City Council meeting, the Council served as the Residential Review Board on two residential review permit applications. During the application review, the Council noted several items that should be part of the analysis of the Residential Review Ordinance.

Staff thought it would be beneficial for the Council to share their observations and potentially add items to the Working Document. After this work session, staff believes there will be enough direction to have the Planning Commission discuss and formulate a recommendation to the Council.

At this work session, the Council will discuss the following items:

- Share observations from serving as the Residential Review Board
- Review and prioritize the Working Document
- Review and discuss the City of Stillwater's Demolition Ordinance

## OUR WORKING DOCUMENT

The Issue	How Do We Solve it?		
	Zoning Ordinance	Good Neighbor Guidelines	Process Issue
<b>Neighborhood Context</b>			
What is it?		X	
What matters most?		X	
<b>The Parcel</b>			
Front, rear, side setbacks	X		
Preserving open space in yards	X		
What do we consider small?	X	X	
<b>Building Envelope</b>			
Length of the home	X		
Volume of the home	X		
Breaking up long walls	X	X	
Less volume on smaller lots	X	X	
Building height	X		
Fill added to parcel	X		
Second story space			
<b>Accessory Structures</b>			
Garage size and setback	X		
Second level on garage	X		
Incentivize detached garage	X	X	
<b>Design</b>			
Symmetry in design		X	
Second story elements – dormers, gables		X	
Defining one and a half and two stories	X		
	X		
<b>Other</b>	X		
Incentivizing additions and preventing demolitions	X		X
Defining a “modest” home	X	X	
When plans meet Zoning standards but not the Good Neighbor Guidelines			X
Incentivizing Landmark Designations	X		
<b>Roles and Responsibilities</b>			
Neighbors			X
Planning Staff and City Architect			
Decision makers			X
Training for all		X	X

**Discussion Questions to Kick Off this Review Process:**

1. What are Council's concerns with the Residential Review Permit Ordinance outcomes to date?
2. What are the characteristics of some recently constructed single-family homes that make them incompatible with the mass and scale of surrounding homes?
3. Is the Residential Review application process (planning staff, city architect, and Planning Commission review) effectively implementing the Ordinance?
4. What are Council's goals for improving the Residential Review Permit Ordinance and process?

**Council 's Initial Comments and Concerns**

1. We need to look at Zoning changes and the Residential Review Board structure
2. We expect a stricter review by the city architect; see compromising language in reports
3. To date the Ordinance has not been an obstacle to development
4. Need training for staff, Planning Commissioners, City Council members
5. Concerned with our standards for adding fill on a site and then building a taller house
6. Concerned with building height
7. Concerned with setbacks; not big enough
8. The intent of front porches is for there to be no second story above
9. What is neighbors' role? Difficult to ask neighbors to work with a builder
10. The Ordinance has resulted in some appropriate new homes
11. Our smaller lots are the most challenging; should there be stricter limits on smaller lots?
12. We are the stewards of Excelsior's future; don't burden neighbors with the role of plan review; there will be future neighbors as well whose perspective should be considered
13. How do we determine neighborhood context when there are newer homes on the block?
14. Context of neighborhood is most important
15. Let's look at the Residential Review Permit process and roles and responsibilities; who does what? Who should review and approve?
16. We should be more discerning in what we approve; we give deference to the applicant when the long-term impact to the community, and specifically the neighborhood, should be driving the decision
17. When we lost open yard area our housing is less desirable to families
18. PC has been reluctant to deny if zoning standards are met; we need to get comfortable with making findings that the Good Neighbor Guidelines are met or not
19. We trust the PC; the CC will learn from temporarily being the decision-making body



**Discussion Questions**

1. How do we define the character of Excelsior that we are aiming to preserve with the Good Neighbor Guidelines?
2. We all know what this character is but what elements of home design express this character?
3. We looked at slides of 15 Landmark Designated Properties and identified the design elements of the homes and parcels that represent Excelsior’s character:

**Council Comments**

1. New builds are not scaled correctly
2. Need to review if the home design/concept is compatible with the site
3. Excelsior’s older homes are “modest” in size and scale; how do we define “modest” and get new homes that are “modest”
4. Open yards – this is a character-defining element for Excelsior AND it makes homes desirable to families
5. We should use the zoning ordinance to reduce the building envelope that is permitted; then the design features we want will work better, and get us reduced mass and scale; if the building starts too big, then cannot get compatible mass and scale through design only
6. Detached garages are a character-defining element
7. We should incentivize Landmark designations
8. Our wall plane requirements are so prescriptive that the resulting designs look forced and not natural
9. Better to require that there be no broad wall or roof planes that are empty of detail; and then allow architects/builders to meet this requirement in their own way; for example we should allow fireplaces/chimneys to be used to break up long planes

**Excelsior’s Residential Character-Defining Elements**

- There is symmetry in design, including window placement, dormer location, gables
- These older homes have less volume
- The length of the home is broken up; we don’t see long straight walls
- From the street we don’t see as much roof as we see on newer homes
- There are apparent front, side, and rear yards that are open
- We see several dormers on an elevation, not just one
- There are multiple roof angles
- Fireplace and chimney are present
- Homes are one and a half stories or two stories
- Roof line does not dominate the structure
- Less fascia boards or less prominent
- Able to achieve space upstairs without additional roof
- Front porches project from the home and are single level (no living space above)
- There are mature trees on the parcel

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## **Sec. 31-215. Building demolition permit.**

Subd. 1. *Purpose.* To aid the city in achieving goals focused on community sustainability, protection of affordable housing, and the preservation of the community character of Stillwater's residential neighborhoods, the unnecessary demolition of National Register-designated structures and sites, heritage preservation sites and buildings or structures of potential historic significance built prior to January 1, 1946 is generally prohibited. Whenever feasible, National Register-listed structures and sites, heritage preservation sites, and pre-1946 buildings or structures of potential historic significance shall be preserved and repaired, rather than demolished, except as otherwise allowed under this subsection.

Subd. 2. *Demolition permit required.* Any property that is a National Register-listed structure or sites, heritage preservation site, or pre-1946 building or structure of potential historic significance must obtain a demolition permit prior to demolition. Demolition permit applications may only be submitted by the property owner or the city when said property has been neglected and in disrepair.

Subd. 3. *Inspections required.* The owner shall allow access to the subject property by appropriate city staff for:

- (1) A mandatory pre-demolition permit application inspection; and
- (2) The purpose of inspections and/or appraisals required city as part of its review of a demolition permit application.

Subd. 4. *Demolition permit submission requirements.* The applicant shall submit a demolition permit application and documentation regarding:

- (1) Architectural plans, elevations and/or renderings depicting the proposed demolition and site redevelopment's conformance to applicable overlay guidelines;
- (2) A cost comparison of the rehabilitation of the existing building or structure of potential historical significance and demolition and redevelopment of the site, including demolition and disposal costs;
- (3) Historic, if any, and current photographs of the elevations, exterior architectural features, and structural members; and
- (4) Photographs of the adjacent buildings or structures, or setting.

Subd. 5. *Review authority.* Demolition permits shall be reviewed by the city upon submittal of a complete demolition permit application. To aid the city in its review of demolition, the city may engage properly licensed architects, engineers, historic preservation specialist, and/or real estate appraisers to investigate and prepare:

- (1) A written report on the significance of the building, site or structure and its ability to reasonably meet the national, state or local criteria for designation as a heritage preservation site; the age and overall integrity of the building, site or structure, including its significant features, unusual or uncommon design, texture, and/or material; and the relative importance of the building, site or structure in the context of the block where such building or structure is located (historical report); and
- (2) A written report upon the existing condition and feasibility of preservation of the heritage preservation site proposed for total demolition (conditions report). Said conditions report shall include an estimate of the reasonable cost of all work required to preserve, rehabilitate, or restore the historic building or structure; and
- (3) A written report upon the county's ten-year appraised value and/or existing market value of the relevant heritage preservation site (appraisal report), for the purposes of comparing this value against the cost estimate contained within the conditions report.

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Subd. 6. *Staff review and report development.* Upon submission of a complete demolition permit application, city staff or its consultants will prepare and compile the necessary appraisal, conditions and/or historical reports.

Subd. 7. *Heritage preservation commission review.* The heritage preservation commission (HPC) will consider all demolition permit applications in a public hearing.

- (1) Requests for demolition of a National Register-listed structures or sites or a heritage preservation sites shall be reviewed by the HPC who will make recommendation of permit approval or denial to the city council.
- (2) Request for demolition of pre-1946 buildings or structures of potential historic significance shall be reviewed by the HPC.
- (3) The HPC will consider the following review criteria prior to making its decision:
  - (a) The structural integrity of the building, site or structure proposed for demolition and evidence of the owner's efforts to properly maintain it;
  - (b) The ability of the building, site or structure to be reused onsite in a reasonably economical way;
  - (c) The cost and economic feasibility of restoring the building, site or structure;
  - (d) The ability of the building, site or structure to be practically moved to another site in the town; and
  - (e) The site development proposal's conformance to the established district adopted guidelines and:
    - (i) Any impact(s) that will occur to the visual character of the neighborhood where demolition is proposed to occur.
    - (ii) Any impact(s) that will occur to the historic importance of the buildings, structures or objects located on the property and adjacent properties.
    - (iii) Any impact that will occur to the architectural integrity of the buildings, structures or objects located on the property and adjacent properties.
- (4) Upon reviewing the reports and review criteria, the HPC will make a determination whether the demolition permit should be approved based on demolition permit approval findings found in Subd. 9. If the HPC denies the permit application, it will forward a recommendation of denial to the city council.

**Subd. 8. *City council review.*** The city council shall review the HPC recommendation, demolition permit application and all applicable reports and take action on the request. Approval or denial of the demolition permit shall be documented with findings based upon Subd. 9.

**Subd. 9. *Findings.*** Prior to the approval of a demolition permit, the city must find:

- (1) Demolition of the resource has been evaluated against and, on balance, has been found supportive of the goals and policies of the comprehensive plan and relevant area plans, taking into account factors such as: the merits of proposed new development on the site, the merits of preserving the resource, and the area's desired character; and
- (2) Denial of a demolition permit would effectively deprive the owner of all reasonable use of the site.
  - (a) For investment or income-producing properties, the owner's inability to obtain a reasonable rate of return in the present condition or if rehabilitated under design permit criteria.
  - (b) For non-income producing properties consistent of an owner-occupied single- or two-family dwelling and/or institutional use not solely operating for profit, the owner's inability to convert the property to a compatible and conforming use in its present condition or, if rehabilitated.

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- (c) Noneconomic reason: There is situation substantially inadequate to meet the applicant's needs because of specific health and/or safety issues.

Subd. 10. *Penalty for violation of section.* An owner or occupant of building, site or structure subject to this section demolishes said structure, or a portion thereof, in violation of this section shall be guilty of a misdemeanor. Each such day is a separate violation, and it shall be punishable as such. The imposition of the penalties prescribed shall not prevent the city from instituting civil actions allowed by law, such as but not limited to abatement or administrative citations.

(Ord. No. 1150, § 4, 9-15-20)

Editor's note(s)—Ord. No. 1150, § 4, adopted September 15, 2020, repealed the former Section 31-215, and enacted a new Section 31-215 as set out herein. The former Section 31-215 pertained to site alteration permit and derived from Res. No. 2007-178, 9-4-07.



44 First Street – The proposed home is smaller than the maximum dimensions permitted by the zoning ordinance. It is compatible with the small size of the lot (under 5,000 sf) and with homes in the surrounding neighborhood.

### **No Applications Denied**

Of the 18 applications received by the Planning Commission, one was withdrawn and none were denied. Applicants used the Good Neighbor Guidelines to create their designs, and in some cases worked with the Planning Commission to revise and reshape project plans during the application process. Each of the 17 applications was ultimately approved by the Planning Commission. As a result of the Residential Review Permit Ordinance, residential construction was shaped by the Good Neighbor Guidelines.

### **RECOMMENDATIONS**

After approximately 20 months of implementing the Residential Review process, the Planning Commission and staff recommend the following improvements to the process:

1. Require for every Applicant a pre-submission meeting with city staff. Staff can share elements of a successful process, initial zoning compliance issues can be addressed so that they do not cause delay, and staff can provide initial advice regarding adherence to the Good Neighbor Guidelines. This gives the applicant an opportunity to make some revisions before review by the Planning Commission and could result in more applications completing their review with the Planning Commission in one meeting.
2. Define one, one-and-a-half story, and two-story massing more clearly to help applicants create designs that are compatible with the lot size and the surrounding neighborhood. The definitions could identify elements, such as dormers, gables, porches, etc. that are consistent with each type of structure and provide graphic examples of each.
3. Clarify the definition of a front porch and the purpose a porch serves in meeting the Good Neighbor Guidelines. For example, a front porch can activate the streetscape if it is large enough to be occupied. It can act simply as an entryway, and landing spot before entering the house. Or it can reduce the massing of the overall structure by acting as a one-story transition to the upper level. Clarify that if a front porch is used to meet some of the Good Neighbor Guidelines, particularly appropriate mass and scale, it must project from the main structure.



4. Consider making “garages” a separate category for review in the Good Neighbor Guidelines. Consider changing the zoning standards or the Good Neighbor Guidelines to ensure that garages are compatible in mass and size with the principal structure and surrounding area. Consider requiring that an attached garage be visually separated from the house in order to reduce the mass and scale of the structure. An example of a change to the Zoning Ordinance might be to remove the standard that permits an increase in height for a detached garage if the side and/or rear setbacks are increased. This provision permits larger garages and incentivizes pulling them away from the rear property line.
5. Currently, the Code requires that wall planes of a certain length be broken up by the addition of 2' x 8' projections or recessions. This is too prescriptive. Consider adding other acceptable techniques for breaking up wall planes, such as different size projections/recessions, windows, fireplace/chimney, etc.
6. Consider conducting a survey of all the Applicants or all residents to date to find out about their experience with the Residential Review Ordinance and process. Use the information gathered to inform revisions to the Ordinance or Zoning Code. Questions would include: Is the Residential Review Permit process a barrier to entering Excelsior? How much does the process cost? Did it result in a better project? Are new homes and additions enhancing Excelsior’s unique character? Together with this report, these survey results will help the City determine if the intent of the Ordinance is being met.
7. Consider the Good Neighbor Guidelines themselves. Streamline the Guidelines so that they are easier to use. Re-order the Guidelines to increase clarity and avoid redundancy. Start with the larger, broader impact and move to the specific and local impact of the proposed project. For example, #3, #1, #7, #2, #4, #6, #5.
8. The City chose to make the Planning Commission the decision-making body for Residential Review Permit Applications, with the opportunity for an Applicant to appeal a denied application to the City Council. Are there circumstances that suggest this should be revisited?

## **Attachments**

List of Residential Review Permits, 2020-present

Good Neighbor Guidelines