

City of Excelsior
Planning Commission Meeting
MINUTES
Tuesday, March 8, 2011
Council Chamber, City Hall, 339 Third Street
7:00 P.M.

1. CALL TO ORDER

Vice Chair Gaylord called the meeting to order at 7:00 p.m.

2. OATH OF OFFICE

City Clerk Cheri Johnson administered the Oath of Office to new Planning Commissioners Beth Duyvejonck and David Wright.

Gaylord expressed his appreciation to Gephart and Putnam for all their years of sitting on the Planning Commission.

3. ROLL CALL

Commissioners Present: Wright, Wallace, Craig, Duyvejonck, Jensen, and Vice Chair Gaylord

Commissioners Absent: Busch

Also Present: City Attorney Staunton, City Planner Richards, and City Planner Fuchs

4. APPROVAL OF MINUTES

(a) Planning Commission Meeting of February 8, 2010

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

It was moved by Commissioner Wallace, and seconded by Commissioner Craig, to approve the Minutes of the Planning Commission Meeting of February 8, 2011 as presented. Motion carried 6/0.

5. PENDING ISSUES/PROJECTS

(a) Appoint Liaison to City Council (March 21, 2011)

Jensen will serve as the Planning Commission liaison to the March 21, 2011 Council meeting.

Commissioner Wallace moved, Commissioner Craig seconded, to move Item 9(a) up on the agenda, followed by Item 9(b) and then Item 7(b). Motion carried 6/0.

6. PUBLIC HEARINGS - (Continued)

(a) None

7. PUBLIC HEARINGS

(a) Variance from Setbacks for Principal Structure and Accessory Structure for 153 West Lake Street – Charles P. Kampen and Pamela J. Rajala

Fuchs introduced the variance application request and written narrative submitted by Charles Kampen and Pamela Rajala.

7. PUBLIC HEARINGS

- (a) Variance from Setbacks for Principal Structure and Accessory Structure for 153 West Lake Street – Charles P. Kampen and Pamela J. Rajala

Fuchs informed the Planning Commission that the existing house is situated on a corner lot adjacent to West Lake Street and Linwood Avenue on the property located at 153 West Lake Street. He stated that the application was for a Variance to Article 43, Section 43-7 from the 15-foot side yard setback requirement abutting a street right-of-way and a Variance from Article 18, Accessory Buildings, Structures, Uses, and Equipment for a rear yard setback for an accessory structure.

Fuchs said the applicants propose both interior and exterior modifications to the existing building, as well as adding onto the detached one-stall garage. The improvements also include constructing a new roof over the existing structure and adding an addition with a small bathroom on the main floor, which is located approximately .3 feet from the Linwood Avenue right-of-way. The improvements to the existing accessory garage include straightening the structure, adding a new roof, adding a four foot addition onto the rear. He noted that the existing structure is located approximately 1.6 feet from the property line and that a small lean-to attached to the front of the garage is proposed to be removed. He informed them that 29.81% hardcover is proposed. He stated that the recent Krummenacher decision and potential findings-of-facts are contained in the staff report.

Pamela Rajala, the applicant, informed the Planning Commission that the desire is to maintain an existing structure, renovate it, and in the process fix numerous problems with the dwelling. She stated that in light with the recent Krummenacher decision, they still desire to proceed to preserve the existing structure and did not want to have to tear it down in order to fix it.

Gaylord asked if the architect of record has considered any alternatives to the design. Rajala stated that numerous designs have been considered.

Gaylord stated that the circumstances are difficult due to the Krummenacher decision. Rajala asked if it would be best to tear down the structure rather than remodel.

Jensen inquired if the intent is to live there following the completion of the improvements. Rajala answered yes, they intend to retire here in Excelsior.

Gaylord opened the public hearing at 7:25 P.M.

Mark Rossi, 182 George Street, spoke in favor of the variance. He noted that the does not believe it hinders the neighborhood.

Marsh Gabriel, 162 West Lake Street, spoke in favor of the variance as it preserves an existing structure and critical views towards Lake Minnetonka.

Gaylord closed the public portion of the meeting at 7:30 P.M.

Wallace asked if the staircase would require a variance. Fuchs noted that it would be dependent on its placement.

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Staunton defined non-conforming structures. He noted that structures built prior to current zoning ordinances and non-conforming in nature can be repaired, maintained, and replaced in the exact location. He said that the current proposal includes consideration to the height, an addition to the house, and an addition to the garage.

He explained that the essence of the Krummenacher decision is that the property cannot be put to a reasonable use. He highlighted that the context of the area is not changing and the plight of the existing improvements was not caused by the property owner. He asked the Planning Commission to wrestle with the question of whether the property can be put to a reasonable use without the variance. He noted that some communities have contemplated changing their regulations to deal with similar types of non-conforming structures.

Craig asked if the roof could be repaired without installing new trusses. Charles Kampen, the applicant, explained the reasoning for the new trusses and the deficiencies with the rafters in the existing structure.

Jensen explained that he has no issues with replacing a roof with one that meets the building code. Staunton explained that he would need to research the building code and speak with the building official about the interpretation of the building code as this may be a cleaner path for improving the roof portion of the variance application. He clarified that it would be harder to justify the expansion of the roof structure.

Gaylord stated that he would agree with bringing the roof structure into conformance along with extension of the main floor and second story addition over the addition. He finds it hard to justify the garage variance.

The Planning Commission asked about setback requirements for principal and accessory structures. Fuchs explained City Code setback requirements and the proposed setbacks.

Rajala explained the reasoning for the second story addition and the need for redoing the bathroom. She noted that the structure was built in 1900 and there have been additions since then that were not up to code. She explained that the improvements to the garage are to facilitate an improved stair system to the upper portion of the garage. She expressed her desire to do more improvements than just cosmetic ones.

Gaylord stated his concern lies with the garage. He explained that a roof improvement is one thing while a desired garage design is another.

Wallace stated that he feels that the garage is a design issue. He asked staff what would need to be changed so a variance for the garage is not required. Fuchs stated that the garage would need to be setback an additional 1.4 feet.

7. PUBLIC HEARINGS

- (a) Variance from Setbacks for Principal Structure and Accessory Structure for 153 West Lake Street – Charles P. Kampen and Pamela J. Rajala

Kampen and Rajala stated they would be receptive to a redesign for the garage.

Gaylord summarized the proposal as structural roof improvements, a second story addition, and garage improvements.

Fuchs explained the existing building improvements and building envelope as defined by City Code.

Gaylord stated that he feels that the improvements are a design issue.

Duyvejonck explained her thoughts of the main floor additions and her concerns with the second story addition for the portion within the Linwood Avenue setback.

Rajala stated that she hopes the court case is addressed by the current legislature and that legislation is drafted to address concerns similar to theirs. She asked if the City has audited non-conforming structures in the City. Staunton stated the City has not done an audit nor will it be policing any form of enforcement of non-conforming improvements.

The Planning Commission discussed their role and the oath of upholding City Code.

Rajala informed the Planning Commission that they purchased the property in 2009 and they are attempting to adhere to all rules and regulations.

Kampen stated that it is cost prohibitive to add onto the structure in any other direction. Gaylord stated that at this point in time, they have to comply with the court ruling.

Richards stated that staff has discussed potential changes to City Code pertaining to the non-conformance.

Staunton informed the Commission that there are a number of options outlined in the staff report. He clarified that if the application is denied by the City Council, it prohibits a similar application for the property for six months as prescribed by City Code.

Kampen and Rajala stated that they will be out of state for the next regularly scheduled Planning Commission meeting. They will take this time to think in more detail about their design and their garage needs.

Staunton asked the Planning Commission to consider voting on a continuance to allow the applicant more time to ponder their proposal.

Jensen stated that he has no concerns with the roof improvements and the 4'X8' main floor addition. He said that he is not favorable to the second story addition nor the garage addition within the required setbacks.

7. PUBLIC HEARINGS

- (a) Variance from Setbacks for Principal Structure and Accessory Structure for 153 West Lake Street – Charles P. Kampen and Pamela J. Rajala

Staunton explained the statutory 60-day and 120-day requirements for taking action on an application.

Commissioner Jensen moved, Commissioner Wallace seconded, to continue Item 7(a) to the April 5, 2011 Planning Commission meeting. Motion carried 6/0.

9. NEW BUSINESS

- (a) Site Plan Review and Design Standards Review for 229 Water Street, P.I.D. #34-117-23-11-0121, Michael and Britany Reger

Richards provided a brief overview of the proposed changes to 229 Water Street. He stated Joseph Reger has applied for a Design Standards and site plan review to make the building appearance more in conformance to the historic context of the Downtown. He stressed that enhancements are to be made only to the Water Street façade of the building and generally consist of window replacements, restoration of the transom windows, addition of a suspended metal canopy, and new lighting.

He informed the Planning Commission that the Heritage Preservation Commission (HPC) considered a Site Alteration Permit for the proposed changes at their meeting on February 23, 2011 meeting. He said that the HPC continued the discussion on this item to the March 22, 2011 meeting to allow the project architect to make some minor changes to the transom and first floor window configurations. He stated that the plan before the Commission this evening reflects the changes suggested by the HPC.

Kathy Anderson, Architectural Consortium, the applicant for the project, stated that the proposed elevations incorporate and reflect changes from the discussions at the February 23, 2011 HPC meeting. She noted that she agrees with the changes that resulted from the discussions at the HPC meeting.

The Planning Commission discussed the proposed improvements. They asked for additional clarification on how the bricks are to be stained. Anderson explained that each brick will be individually stained.

Gaylord spoke about the metal clad windows. Wallace asked about trim material. Anderson answered that the trim will be wood.

Jensen stated that he is comfortable with metal or composite on the second story, but the main story needs to be wood.

The Planning Commission and the applicant discussed the proposed downward directional lighting.

Commissioner Wallace moved, Commissioner Jensen seconded, to recommend approval of 229 Water Street based on the staff report and draft conditions of approval. Motion carried 6/0.

9. NEW BUSINESS

(b) Hennepin Library Preview

Richards provided a brief introduction of the Hennepin County Library project.

Lois Thompson, Hennepin County Library Coordinator, provided an overview of library services and needs.

Lee Anderson, Hennepin County Property Services Department, Senior Project Manager, said that the County has given a preview presentation to the Heritage Preservation Commission. He stated the reasoning for proposing a library, the history of the site, and their intent to comply with all zoning codes and design standards. He thanked the Commission for allowing them to preview the project with them.

Mark Wentzell, 292 Design Group, architect for the project, talked about what new libraries generally provide. The library is proposed to be placed on the old Lyman Lumber site, which is on Water Street between the regional trail and Artworks. He explained the internal layout for the library. He said that the proposed building will be approximately 7,200 square feet. The layout is multi-functional with little nooks with windows built in for people to sit and read, and there will be seats built into the windows along Water Street.

Wentzell said the parking for the new library will be placed in the rear of the site and the building will be next to Water Street. He showed the site plan and where bicycle parking will be located. He stated there is only one public access into the building and that fronts the regional trail.

Wentzell stated that the Water Street side of the building will have a large center bay window with a smaller bay window on each side of the center window that will be set back a short distance behind the center window. He explained that the zinc cornice will wrap the building and there will be colonnades along the front and building's entrance. There are two light monitors proposed, one in the center and a smaller one by the front door to help bring light into the library.

Wentzell provided drawings of the rear façade, looking down Water Street, and from surrounding areas. He stressed that he feels that the design stands out, but yet ties to other surrounding buildings.

Wentzell showed a materials board with examples of the proposed bricks, natural zinc, and wood. In addition, stucco will be used in the back part of the building.

Gaylord asked about fence materials. Wentzell answered that the fence will be wrought iron and constructed of steel and aluminum.

Gaylord expressed his concerns with the orientation and positioning of the building. Wentzell explained that because the parking is to the rear of the property it forced them to place the public entrance on the side facing the trail.

9. NEW BUSINESS

(a) Hennepin Library Preview

Gaylord inquired if public space is greenspace or a planter box. Wentzell elaborated on the public amenities that are proposed.

Gaylord asked if site lines had been addressed. Wentzell stated that a screen will be placed adjacent to the trail.

Gayord asked if a traffic study has been submitted. Wentzell answered that a traffic study has not been done. Richards said that the City Engineer will evaluate this.

Gaylord asked if members of the public had any comments regarding the Hennepin County Library preview plan.

Robert Johnson, representing the Excelsior Streetcar, said he likes the interior layout, but with Excelsior's historic charm he does not think the proposed style fits in with any other properties.

Gaylord said that the proposed design is contemporary. He asked the applicant the rationale of a design that appears not to be in context with anything in Excelsior. Wentzell responded that the design is of today and he believes does fit in.

Craig stated that the proportion of window openings does not seem to meet the design standards. Gaylord stated that the design is interesting.

Wallace expressed his concern with a project adjacent to a trail where there is no trail access. Wentzell responded that the design is intentional to force people to use the trail and sidewalk adjacent to Water Street.

Gaylord asked if parking needs are met with this proposal. Wentzell answered that the City's parking and landscaping requirements are met.

Gaylord asked if sustainable building elements, such as pervious pavers and green roofs have been incorporated into the design. Wentzell said that pervious type materials have not been utilized because of the soil conditions. As for green roofs, Hennepin County is currently evaluating other recent improvements for their feasibility and short and long term maintenance needs.

Jensen said that he likes the library design, although there are many elements that do not meet the Design Standards. Wentzell stated they are proposing a design they like, noting that he has gone through the City's Design Standards. He stated that they are not inflexible to design changes, but they need to adhere to and stay within their schedule.

Craig stated that she would like a design that stays within the context of Excelsior. She clarified that people come to Excelsior for a reason and it is up to the Commission to protect this.

9. NEW BUSINESS

(b) Hennepin Library Preview

Gaylord stated that he would like to see a building that works with Excelsior.

Bob Bolles, 229 George Street, expressed his concerns with the proposed building design, materials, brick color, light monitors, building rhythm, cornice, and use of glass. He stressed that the design should reflect the context of Excelsior.

Richards reviewed the next steps involved with a preview plan. He highlighted a preliminary design review application submittal and schedule based on discussions with Hennepin County staff.

(b) Proposed Ordinance to Amend Article 65, PUD, Planned Unit Development District Pertaining to Allowable Uses

Richards provided a brief overview of the staff report. At the February 8, 2011 meeting the Planning Commission discussed Article 65, Planned Unit Development (PUD) of Appendix E as it relates to the requirements for eligibility of parcels for a PUD. He said the Commission discussed the draft language provided by staff and voted 3/2 to direct staff to schedule a public hearing for the March 8, 2011 Planning Commission meeting to consider an amendment to the PUD standards.

Gaylord opened the public hearing at 9:55 PM. Hearing no comments, he closed the public hearing.

The Planning Commission discussed the eligibility requirement language.

Gaylord asked the Planning Commission if they want to change the language or if they desire to keep it as currently written. Jensen said that he likes the proposed language.

Wallace stated that the proposed language still requires that all City Codes be met.

Wright said that he is fine with the language as proposed by staff.

Duyvejonck stated that she would need additional time to become familiar with the language, so she would abstain from voting on this item.

Chair Gaylord moved, Commissioner Duyvejonck seconded, to continue the public hearing to Amend Article 65, Planned Unit Development District Pertaining to Allowable Uses to the April 5, 2011 Planning Commission meeting. Motion carried 4/2, with Commissioners Jensen and Wallace voting against the motion.

8. UNFINISHED BUSINESS

(a) Parking Update

Richards provided a brief overview of the staff report. He informed the Planning Commission that at their February 8, 2011 meeting they discussed the Parking Action Task Force

8. UNFINISHED BUSINESS

(a) Parking Update – (Continued)

recommendations specifically related to a parking map on the website, a shared parking opportunities ordinance, and the use of parking management vendors and parking meters. It was decided that the Planning Commission would work on this issue versus having a subcommittee.

The Planning Commission discussed the information provided by staff and decided to discuss this agenda item in more detail at the April Planning Commission meeting.

(b) Tree Management

Fuchs provided an update on recent actions by the City Council. He explained that the City Council approved a Shade Tree Program similar to the City of Chaska's. He explained that the program should help to encourage the replacement of trees on boulevards and residential properties where trees may have been lost through recent street reconstruction activities, storms, and disease (Ash Borer, Dutch Elm, Oak Wilt, etc).

Fuchs informed them that the Shade Tree Program is in cooperation with Hartman Companies (Victoria, MN). Trees are offered on a first-come, first-serve basis in the spring to residential property owners. The trees are offered at wholesale prices, so none of the trees are under warranty. By participating in this program, the City will receive one free tree for every ten trees that are sold. Residential Excelsior property owners will be able to purchase shade trees at wholesale prices from mid-March through the first week of April.

(c) Residential Design Guidelines

Richards stated that it has been suggested that the subcommittee wait until April to convene a meeting.

(a) Dates for Additional Work Session(s)

Commissioner Craig moved, Commissioner Wallace seconded, to schedule a special meeting on March 24, 2011 at 7:00 P.M to discuss the proposed Excelsior Library Project on property located at 337 Water Street. Motion passed 6/0.

10. ANNUAL MEETING

(a) Elect Chair and Vice-Chair

Commissioner Wallace moved, Commissioner Jensen seconded, to elect Mark Gaylord as Chair. Motion carried 6/0.

Commissioner Gaylord moved, Commissioner Wallace seconded, to elect Nicki Craig as Vice Chair. Motion carried 6/0.

(b) Review By-Laws

The Planning Commission discussed the By-Laws.

Commissioner Jensen moved, Commissioner Wallace seconded, to continue operating under the current By-Laws. Motion carried 6/0

10. ANNUAL MEETING

(c) Goals and Objectives for 2010

The Planning Commission briefly discussed the Goals and Objectives and decided to discuss this in more detail at a future Planning Commission meeting.

11. COMMUNICATIONS & REPORTS

(a) None

12. MISCELLANEOUS

(a) Recent City Council Actions

Staunton updated the Planning Commission on recent City Council actions.

13. ADJOURNMENT

Commissioner Craig moved, Commissioner Wallace seconded, to adjourn the meeting at 10:35 p.m. Motion passed 6/0.

Respectfully submitted,

Ronald G. Fuchs
City Planner