

City of Excelsior
Hennepin County, Minnesota

Minutes
Planning Commission

Monday, April 27, 2020

1. CALL TO ORDER

Chair Wallace called the meeting to order at 7:01 p.m.

2. ROLL CALL

Commissioners Present: Wallace, DiLorenzo, Hersman, Holste, Noll, Craig, Harrison

Commissioners Absent: None

Also Present: City Planner Becker and City Attorney Staunton

3. APPROVAL OF MINUTES

a) Planning Commission Meeting of February 25, 2020

Motion by DiLorenzo, seconded by Hersman, to approve the Planning Commission meeting minutes February 25, 2020 as amended. Motion carried 6-0 with Harrison abstaining.

4. PUBLIC HEARINGS

a) *7 George Street Variances and Conditional Use Permit*

Becker presented the report. Harrison asked if the Thiss' had any input on the proposed project; Becker replied no. Noll asked why the lot is the shape that it is and what is considered the front, and Becker replied that it does meet minimum standards for lot width and minimum lot size, and so there was no reason to deny the administrative subdivision. He also wanted to know if the move would require the removal of any arborvitaes. It was questioned why the exact height wasn't provided, and Becker stated that the applicant is not proposing a height variance and determining the exact height would require an architect or designer to render the structure on the existing site with the existing grade. The applicant would be required to have an architect show the height of the house on the existing grade with the building permit application, and the height would need to be at or low the

maximum allowed. City Attorney Staunton also elaborated on the latitude the Planning Commission had in taking into consideration the validity of the variance. Craig asked what the maximum-allowed height would be, and Becker replied that the maximum-allowed height was 29 feet and could increase up to 32 feet with increased side yard setbacks. Holste clarified if the request would need to go back before the Planning Commission if any of the measurements changed. Dan Brattland, applicant, spoke, and explained that the lot was created so as to avoid taking away from the lakeshore at his property at 6 Third Street. He said that some arborvitaes would be required to be removed from the right-of-way adjacent to Lake Street, and that would need to be further assessed.

Wallace opened the public hearing at 7:43pm. Peter Hartwich, 186 George Street, stated that he had struggled with the project due to its resulting in the loss of green space and trees, but overall, he is favorable of the project.

Brattland explained that the proposed home would be far below standards in terms of height, building coverage, lot coverage, etc.

Hersman asked about the height, and Brattland replied that he had measured that the highest point to the top of the garage is 22 feet.

Ben Stedman, 10 George Street, asked about the longest front wall plane. Becker explained that the 32-foot front wall plane was the wall plane that was setback further from the nearest front wall plane, which was only 19.3 feet long. He was confused why the Heritage Preservation Commission (HPC) needed to review the proposed movement of the structure to this site and why the HPC supported the variances, including the proposed 2.2-foot front yard setback. Becker clarified that the HPC recommended a condition that the front yard have a setback of at least ten feet as recommended by staff.

William Bailey, 45 George Street, asked about the impact on the tree canopy on Water Street. Becker stated that this detail would need to be worked out and that any tree that would be required to be trimmed and any tree removal would be required to be approved by Council. He also asked about waiting to move the house until June of 2021, and Becker stated that the applicant doesn't necessarily have to wait until this time but would have to work closely with public works and engineering in order to ensure that no damage is done to the new streets.

Amy Schweitzer, 45 George Street, was concerned about the small setback and its hindrance of the views of the lake from their property.

Craig asked how the HPC had proposed to protect the historicity of the house. Becker replied that the HPC put a condition on their approval that they wanted 7 George Street separated from the 6 Third Street designation and for 7 George Street to be later dedicated as a landmark in order to protect the property.

Noll asked about the projection of the structure into the required front yard. Becker stated that it projected 8 feet into the required setback. Brattland clarified that other structures along that street had front-yard setbacks of 14.3, 14.1, 15.4, and 15.2 feet.

Wallace asked what other positioning options Brattland considered. Brattland explained his reasoning for the proposed positioning of the house. Noll had proposed sliding part of the lot line, making the lot wider and not requiring a variance. The applicant stated that moving the lot line further towards 6 Third Street would disrupt the project that he is working on to remodel the structure at 6 Third Street. Noll asked if the plans for 6 Third Street could be sent to the Planning Commission. Wallace asked if it was considered to decrease the rear yard setback in order to increase the front yard setback. Harrison wanted to clarify if the option that was being considered was the 12.1 setback option and if the applicant was removing one landmark tree and two significant trees; Becker confirmed that this was correct. Hersman clarified with Brattland that the lot behind 7 George Street was his. Brattland clarified that the original front yard setback proposed of 2.2 feet was in order to help save the views for the Thiss'.

Motion by Craig, seconded by DiLorenzo, to approve the Conditional Use Permit to move the structure currently located at 200 Lake Street to the property at 7 George Street. Motion carried 7-0.

Noll wanted to clarify that the number of significant trees that were required to be retained was being met; Becker confirmed that this was correct. He wasn't sure if he could vote on the variance allowing the landmark tree to be removed until it was clear what the setbacks would be. It was speculated that no matter how the house was positioned, no trees that were considered to be removed would be able to be saved. Harrison pointed out that 14 trees had been removed on this property in 2018, which was concerning to her regarding the current proposal for additional landmark and significant trees to be further removed.. Motion by Craig, seconded by Noll, to recommend allowing a variance to remove a landmark tree from the property. Motion carried 7/0.

The Commission further discussed the request for a variance from the requirement that a side-loaded garage be recessed at least six feet from the front wall plane. Brattland explained that he was planning on proposing a front-loaded garage that was recessed at least ten feet from the longest front wall plane. Because these plans were not included in the application submitted to the Planning Commission and were not yet approved by the HPC, this was not considered. Wallace clarified that the only reason that a variance was required was essentially because this portion of the house has a garage door. Holste asked if, in addition to this side-loaded garage if the applicant would be able to add front-facing garage doors without a variance. Becker clarified that he would, because that would not require a variance, as the portion to the right of the existing garage was recessed at least ten feet from the front wall plane as is required by zoning regulations.

Motion by Holste to deny the variance request to retain the side loaded garage that is not recessed at least six feet from the longest front wall plane, seconded by Harrison, motion carried 5-2 with Craig and Wallace dissenting. Harrison clarified that if all of the setbacks were met appropriately on the site that she may have voted differently. Craig clarified that she denied the motion because the garage is tied to the porch, which was listed as a character defining feature within the Lindsay Hannah report. She had wished that the motion to was to approve the request on the condition that there not be a two-car garage in addition to the single stall side loaded garage.

Hersman asked how the front wall plane would change if the applicant installed a two-car garage on the front wall plane. Wallace clarified that the wall would still be nonconforming because the mass would not be changed. DiLorenzo clarified that the Commission should take into consideration that the concessions made to the maximum front wall plane lengths would be to preserve the house. Craig concurred. Harrison stated that the property is not a city-designated heritage preservation landmark, that the City Council did not deem it worthy of designating, and has trouble with the suggested history of the home versus the request for deviation from the current zoning regulations. If the house was proposed as a new build, the Planning Commission would not likely approve.. If the house came as a new build, the Planning Commission would not approve. Motion by Noll, seconded by DiLorenzo, to approve the maximum front wall plan variance requests. Motion carried 7-0.

Motion by Craig, seconded to recommend approval of the proposed 12.1-foot front yard setback and a 10-foot rear yard setback. Motion carried with a vote of 4-3 with Noll, Harrison, and Holste dissenting. Noll felt that the whole structure should be pushed back to match the adjacent properties. Harrison also felt that the requirements for a setback was created by the property owner, and the property is not unique to allow a variance. She would feel more comfortable with a front

yard setback between 15 and 15.4 feet; similar to adjacent impacted properties.. Holste feels that a property owner will change in the future (i.e. one owner will not always own both 7 George Street and 6 Third Street), and it's important to consider that.

b) Residential District Ordinance Amendments

Flat roof definition was discussed. Harrison pointed out that the National Roofing Contractor's Association considers low slope a slope of 3/12 or lower. Wallace agreed. Definition to change to 3/12 or less. Wallace asked about dormers; he felt that these should be included. Motion by Harrison, seconded by Holste, to include a new definition of flat roof as a roof with a slope of 3/12 or less including dormers. Motion carried 7-0.

Ron Wiese, Krista Fleck 415 Lafayette & Harrison feel that not requiring that the front entrance face the front lot line can greatly affect the streetscape. The Commission wanted to exempt lakeshore properties from this requirement. Motion by Craig, seconded by Harrison, to require that the front entrance of a home face what is considered the front lot line from a zoning ordinance perspective with lakeshore properties exempt. Motion carried 7-0.

Four-sided architecture was discussed. Wallace felt that the definition was a step in the right direction. Craig felt that word honest should be removed. Motion by Harris, seconded by seconded by Craig, Motion carried 7-0.

Stormwater management was discussed. Morgan Dawley, City Engineer, provided input on requiring best management practices. He states that BMPs better help with water quality rather than reducing water quantity. Item to be brought back to a future meeting to explore ways (i.e. gutters, etc) to help retain stormwater on properties.

5. ADJOURNMENT

Motion by Holste, seconded by Hersman, to adjourn at 10:53 pm. Motion carried 7/0.

Respectfully submitted,

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Emily Becker

Planning Director

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