

City of Excelsior  
Hennepin County, Minnesota

Minutes  
Planning Commission

Wednesday, June 10, 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 May 26, 2020

Motion by DiLorenzo, seconded by Harrison to approve the Planning Commission meeting minutes May 26, 2020 as amended. Motion carried 7-0

4. PUBLIC HEARINGS

***a) Ordinance Amendments: Tree Preservation, Residential Stormwater Management Requirements, and Cupola Definition***

Wallace said that the arborist said that Silver Maples should be included in the list of significant trees. DiLorenzo asked if trees on City property were subject to replacement requirements, and Staunton replied that removal of trees within the public rights-of-way is not subject to approval of the City's forester and an independent arborist and approval of the City. Harrison is concerned with that, as that would include any public rights-of-way on City streets, and that is in conflict with the Comprehensive Plan. Harrison asked if a permit was required to remove a tree and if there was a fee schedule for tree removal fines. Becker replied that there is a tree removal permit requirement but not a fee schedule for tree removal fines. DiLorenzo concurred that Silver Maples should be

considered significant. Harrison felt that there should be no exemptions for significant trees and that perhaps we should reduce the Diameter at Breast Height (DBH), as other cities consider trees with smaller DBHs as significant trees. DiLorenzo felt that boxelders, for example, are considered insignificant trees by the Minnesota Department of Natural Resources, and so should perhaps not be considered significant trees. Harrison feels that the canopy should be required to be preserved. Wallace suggested moving from ten to eight DBH. Harrison felt that the arborist could review the suggestion and she did not need to see the need to bring back to a future meeting.

Wallace opened the public hearing.

Brian Ziess, 311 George Street, is concerned that the language is ambiguous when it comes to existing homes and seems that it implies to new development or redevelopment and does not apply to existing homes. Other ordinances differentiate new or redevelopment from existing homes. He noted that Excelsior's policy used to be that way. He believes that homeowners should have some discretion to do with trees what they want on their own property.

Peter Hartwich, 369 George Street, wishes that the Planning Commission would have followed a different process before recommending that the Planning Commission be the reviewing body in the Residential Review process.

Wallace closed the public hearing.

Harrison had wondered if perhaps tree preservation ordinance provisions should go into the Good Neighbor Guidelines. She likes the idea of allowing some leeway but is concerned about the people who would take advantage of clear cutting everything. Craig is also concerned with removing too many trees. Harrison brought up that a neighboring City allows removal of noxious trees and insignificant trees. Staunton felt that the language within 12-2(b) should be amended to avoid confusion that 12-9(a) be removed. He suggests that and 12-9 (preservation and protection of trees) be deleted from 12-2(b).

Harrison felt that there should be a fee schedule for fines for removing trees. Staunton says that the administrative penalties should be referenced within the Chapter so that there is an opportunity to appeal.

Motion by Craig, seconded by Hersman, to recommend discussed changes regarding tree preservation and landscaping, motion carried 6-1 with Wallace dissenting because he believes Silver Maples should not be exempted from the list of significant trees per the recommendation of the City Arborist.

Stormwater management was discussed. Craig asked if the engineer would review building permit applications for additions and garages. Becker replied that he would, but additions and garages wouldn't require a Best Management Practices (BMP) like a raingarden, etc. Noll said that the focus should be on water quantity not quality. The Commission in general felt that language regarding BMPs should remain as-is. Harrison liked the language proposed by staff and agrees that water quantity not quality is the issue. Noll feels that the potential solution for flooding on adjacent property should be deferred to the City Engineer. He noted that as-builts are not required for additions. Becker said that she would look further into changing the process to require an as-built and site inspection along with escrow for additions and garages and not just new construction.

Wallace opened the public hearing.

Anne Mark, 236 Lake Street, said that the City Engineer should work with builders to ensure that they're maintaining the approved grading.

Motion by Noll, seconded by Harrison, to recommend discussed language regarding stormwater management and requiring as-builts and city engineer inspections for additions and garages.

Cupola definition was discussed. Whether or not it should be accessible was discussed. Noll wanted to add a maximum size of the cupola. Holste suggested that we add language adding a six-foot maximum width. Motion by Craig, seconded by Holste, to recommend the discussed definition of cupola.

#### DISCUSSION ITEMS

***b) Annual Meeting: Elect Chair and Vice-Chair, Review By-Laws, Goals and Objectives for 2020, Code of Conduct and Decorum for Appointed Officials, Communication Improvement Proposal, and Excelsior Award***

Wallace was named Chair, and Harrison was named Vice-Chair.

The by-laws were discussed, and Harrison discussed ex-parte communications. Staunton clarified that this only applied to an application from a particular property owner or developer that was being considered by the Planning Commission in order to ensure that what is being evaluated is being evaluated by everyone. DiLorenzo asked if this would apply to a potential and not current applicant, and Staunton felt that that was a gray area.

2020 Goals were discussed. Noll suggested that the Planning Commission have a monthly check-in regarding the residential review board and Floor Area Ratio. He also suggested that we look at setbacks for Commercial districts. Harrison suggested that we remove GreenStep City.

The Code of Decorum and Communications Improvement Policy were discussed. Harrison felt that public hearing comments should be received sooner.

Excelsior Award was discussed. Wallace felt that the award was meant to be more informal than what the draft edits to the award guidelines had proposed. It was meant for the Planning Commission to consider projects from over the past year to look at projects over the past year and provide an award if the Planning Commission sees fit. DiLorenzo wanted the completion date of construction of a proposed project to be changed to "in the previous year" and wanted anyone to be able to nominate and wanted it to be reviewed at the annual meeting. They discussed having a description of the project on the sign, and Craig said that it would be on the website, local newspaper, newsletter and perhaps have a QR code that links the sign to the website. DiLorenzo suggested including landscaping projects.

5. ADJOURNMENT

Motion by Harrison, seconded by Craig, to adjourn at 9:33 pm. Motion carried 7/0.

Respectfully submitted,

Emily Becker

Planning Director