

City of Excelsior
Notice of Regular Meeting
of the Excelsior Planning Commission

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Excelsior will hold its regularly scheduled meeting on

Monday, March 24, 2025, at 6:30 p.m.

**The meeting will be held at Excelsior City Council Chambers located at 106 Center Street, Excelsior,
MN 55331 – Entrance located on Center Street**

Members of the public may attend the meeting either in person at City Hall or by joining via Zoom online or by telephone at:

Join Zoom Meeting

[Topic: Planning Commission Meeting](#)

[Time: Mar 24, 2025 06:30 PM Central Time \(US and Canada\)](#)

[Join Zoom Meeting](#)

<https://us02web.zoom.us/j/81272677943?pwd=qOwDeOroN0hdiDB9jjFXWv1vfosiaQ.1>

[Meeting ID: 812 7267 7943](#)

[Passcode: 252309](#)

[Dial by your location](#)

[• +1 305 224 1968 US](#)

[• +1 309 205 3325 US](#)

[• +1 312 626 6799 US \(Chicago\)](#)

Notice: Some items on this agenda are important enough to City Council Members that a quorum of the Council may be present to receive information leading to their future deliberations and eventual decision.

Auxiliary aid for individuals with disabilities is available upon request. Requests must be made at least 96 hours in advance to the City Clerk at (952) 653-3675.

City of Excelsior
Planning Commission Meeting

AGENDA
Monday, March 24, 2025

Excelsior Council Chambers at 106 Center Street
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL

Welcome new Planning Commissioners JoAnna Hansen and Jeff Malsam

3. APPROVAL OF MINUTES

a) Planning Commission Meeting, February 24, 2025

4. PUBLIC HEARINGS

a) 287 Water Street, Jimmie's Old Southern BBQ – Application for Conditional Use Permit for Parking Impact Fee (PC No. 2025-01) – *continued from February 24th meeting*

b) 925 Excelsior Boulevard – Application for Variance from Shoreland Setback (PC No. 2025-02)

c) Ordinance 682 - Proposed amendment to Zoning Ordinance to prohibit cannabis retailers from locating in the Downtown Commercial District

5. DISCUSSION ITEMS

a) Annual Meeting Items – elect chair and vice chair

b) 2025 City Council Goals for the Planning Commission

6. COMMUNICATIONS & REPORTS

- a) Next City Council Meeting – April 7, 2025
- b) Next Planning Commission Meeting – April 28, 2025
- c) Planning Commission Training – April 30, 2025
- d) City Council Liaisons to the City's Commissions - schedule
- e) Updates

7. MISCELLANEOUS

8. ADJOURNMENT

2025 Attendance

Meeting	Jan 27	Feb 24	Mar 24	Apr 28	May 20	Jun 23	Jul 28	Aug 25	Sep 22	Oct 27	Nov 24	Dec 22
	Can- celled											
Day	X	P										
Johnson	X	P										
Hansen	X	X										
Malsam	X	X										
Muenzberg	X	A										
Neale	X	P										
Tyler	X	P										

P – Present

A – Absent but gave prior notice

U – Absent without notice

SM – Special Meeting

X – Not applicable (cancelled meeting or not on PC)

**City of Excelsior
Hennepin County, Minnesota**

**Planning Commission Meeting
Minutes
February 24, 2025**

1) CALL TO ORDER

- a) Chair Tyler called the meeting to order at 6:40 pm (staff was delayed starting the zoom meeting)
- b) Welcome New Commissioners, Mitch Day
- c) Welcome Quarter 1 City Council Member Liaison O'Hanlon

2) ROLL CALL

Commissioners Present: Day, Johnson, Neale, Tyler
Commissioners Absent: Muenzberg
Also Present: Julia Mullin, Community Development Director
Ali Cameron, Senior Planner

3) APPROVAL OF MINUTES

- a) Planning Commission Meeting, December 9, 2024.

Commissioner Johnson moved to approve December meeting minutes. Commissioner Neale seconded. Approved 4-0.

4) PUBLIC HEARINGS

- a) 287 Water Street, Old Southern BBQ – Conditional Use Permit for Parking Impact Fee
Commissioner Johnson moved to continue this item to the March Planning Commission due to lack of quorum (Commissioner Day needed to recuse himself from this item); Commissioner Neale seconded. Approved 4-0.

5) DISCUSSION ITEMS

- a) Planning Commission Annual Meeting in March
Commissioners discussed topics they'd like to have included in the annual training provided by the city attorney. Staff will coordinate the training topics and send to PC for additional comment and then forward to city attorney.

6) COMMUNICATIONS & REPORTS

- a) Next City Council Meeting – March 3, 2025

- b) Next Planning Commission Meeting – March 24, 2025
- c) Updates

7) MISCELLANEOUS

8) ADJOURNMENT

Commissioner Neale motioned to adjourn. Commissioner Johnson seconded. Approved 4-0.

Meeting adjourned at 7:15 pm.

Respectfully submitted,

Julia Mullin, Community Development Director

2025 Attendance

Meeting	Jan 27	Feb 24	Mar 24	Apr 28	May 20	Jun 23	Jul 28	Aug 25	Sep 22	Oct 27	Nov 24	Dec 22
	Can- celled											
Day	X	P										
Johnson	X	P										
Muenzberg	X	A										
Neale	X	P										
Tyler	X	P										

P – Present

A – Absent but gave prior notice

U – Absent without notice

SM – Special Meeting

X – Not applicable (cancelled meeting or not on PC)

MEMORANDUM

4(a) Conditional Use Permit for Parking Impact

Re: Fee, 287 Water Street

Date: March 24, 2025

To: Planning Commission

From: Julia Mullin, Community Development Director

APPLICANT:	Colleen Anderson, Jimmie's Old Southern Smokehouse BBQ, LLC, 5259 Edina Industrial Blvd., Edina, MN 55439
PROPERTY OWNER:	Dan Johnson, Red Leaf Partners, 441 Second Street, Excelsior, MN 55331
LOCATION:	287 Water Street, Excelsior, MN 55331
CASE NO.:	PC No. 2025-01
60/120-DAY REVIEW	
DEADLINE:	April 5, 2024/ June 4, 2025

BACKGROUND

The applicant is requesting a Conditional Use Permit (CUP) for a Parking Impact Fee for a new restaurant business at 287 Water Street. The proposed business is Jimmie's Old Southern Smokehouse BBQ, a dine-in and take-out restaurant anticipated to have a liquor license. The previous use in this space, from 2023-2024, was Nautical Bowls, a restaurant with no liquor license, and prior to that it was a retail space. The proposed new use will require more parking than the previous use and the applicant requests to satisfy their parking requirement with the annual parking impact fee.

287 Water Street is located within the boundary of the Downtown Historic District and is therefore subject to requirements of *Chapter 20* of the city code. As described below, Excelsior's Heritage Preservation Commission will review a proposed exterior change to the building.

Annual Parking Impact Fee

The city uses the annual parking impact fee to allow for new uses to locate in downtown when they cannot provide their required parking onsite. With the parking impact fee tool, the city determines the amount of parking (number of stalls) the new use must provide, subtracts from that requirement the number of parking stalls provided on the parcel (if any), subtracts the number of "grandfathered" stalls that were allocated to the property when the parking impact fee ordinance was adopted in 2012, and calculates the number of "deficit" parking stalls. The property owner is charged the parking impact fee for these deficit stalls. (*Zoning Ordinance, Sec. 19-9 Annual parking impact fee.*)

A parking impact fee is established for a property with the granting of a Conditional Use Permit. As described above, the number of deficit stalls is determined. The property owner must pay a parking impact fee for that number of stalls. Each year, the Council adopts the parking impact fee: since 2021 the parking impact fee has been \$1,000 per stall. If the fee per stall changes, the cost for approved parking impact fees may not increase but it may decrease. A condition of the conditional use permit is that the property owner must enter into a development agreement with the city establishing the parking impact fee.

Calculating the parking impact fee for 287 Water Street

Article 19-7 of the zoning ordinance requires 1 parking stall per 3 seats based on capacity design for a restaurant that serves liquor. The applicant provided a seating design for the restaurant (attached): 36 seats. Based on this design,

the applicant is required to provide 12 parking stalls onsite. The other business on this property, Olive's, currently pays a parking impact fee for a deficit of 6 parking stalls – determined in 2015.

Parking Summary:

Business		Stalls Required	Parking Impact Fee	
Olive's		14		
Jimmie's Old Southern BBQ		12 (former retail use required 7 stalls)		
TOTAL REQUIRED		26 stalls		
Stalls on site		0*		
Grandfathered Stalls (determined in 2012)		-15		
Parking Deficit		11 stalls	Olive's' parking impact fee: 6 stalls	CUP approved in 2015
			Jimmie's parking impact fee: 5 stalls	

*Note: the city has historically not counted the parking stalls at the corner of Water Street and Third Street, adjacent to 287 Water Street, as onsite stalls for the subject property. It is a developable parcel.

STAFF ANALYSIS

Staff reviewed this application using criteria applicable to the annual parking impact fee and criteria applicable to all conditional use permits. The criteria are below and staff comments are in italics.

Parking Impact Fee Review Criteria

Staff has analyzed this request for a Conditional Use Permit for Parking Impact Fee using the criteria found in *Section 19-9 Annual Parking Impact Fee* of the Excelsior Zoning Ordinance (Appendix E of the city code).

Pursuant to this section, any change in use requiring more parking at a property that cannot meet the City parking requirements (because there are not enough parking stalls on the property) shall be permitted if:

- 1) An annual parking impact fee is paid; and

The applicant will be required to pay \$1,000/stall per year for 5 stalls.

- 2) There is no reduction in the existing number of parking spaces on the property unless the spaces being eliminated are nonconforming with *sections 50-9 or 54-9 of this Appendix E*; and

There is no proposed reduction in number of stalls on the property.

- 3) A conditional use permit is approved based upon the criteria found in Article 4 of this Appendix E and the following:

1. The project is located within the "downtown business district" as that term is defined in *Section 32-165(a)* of the City Code.

2. The project is consistent with the comprehensive plan, is a permitted use, and complies with the City Code.
3. If the project is located on a property that is a contributing historic site or within the downtown historic district, the project complies with *Chapter 20* of the city code and *Article 62 of this Appendix E*.
4. The project includes a change of use, construction of a building or portion thereof that will close undeveloped gaps in the streetscape or increases the usable floor area within the downtown business district.
5. The project enhances the viability and vitality of the downtown business district.
6. The parking impact of the project does not exceed the available capacity of the city's automobile parking facilities. For purposes of this section, "available capacity" shall be the number of parking spaces available for use by applicants for new parking impact fee conditional use permits. This number shall be determined each year by the city council based on a monthly census of the utilization of the city's automobile parking facilities and set for the following calendar year by resolution.

The most recent parking counts are from 2022. It was determined that the available parking stalls downtown were approximately 60% full. Since then, a new public parking garage opened in November 2024 providing 244 new public stalls, an addition of 136 new stalls from what the former west parking lot provided. Staff has determined that there is available capacity in the public parking available.

The proposed conditional use permit meets the above six criteria. This is a contributing structure in the downtown historic district. Changes to the exterior of the building must be reviewed and approved by the Heritage Preservation Commission (HPC). The applicant has submitted a site alteration permit application to add a walk-up window on the side of the building; this proposal will be reviewed by the HPC at their meeting on March 25th.

Conditional Use Permit Review Criteria

Article 4-3(5) of the zoning ordinance outlines the general requirements for a Conditional Use Permit (staff comments are in italics):

- a. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official city comprehensive plan. *The proposal is consistent with the Comprehensive Plan: the property's use is guided for Downtown Commercial, and restaurants are a permitted use.*
- b. The proposed use is or will be compatible with present and future land uses of the area. *The proposed use is compatible with present and future land uses downtown.*
- c. The use or structure housing the use will be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. *The only exterior alteration proposed is the addition of a walk-up window on the side of the building. The HPC will review this proposal at their March 25th meeting. The new use will not change the essential character of the area.*
- d. The use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. *There will be no destruction, loss, or damage of a significant feature.*
- e. The proposed use conforms with the general performance standards contained herein, the conditional use performance standards found in [section 4-5](#) of this Appendix E, and the Code. *The use conforms with the City's performance standards.*

f. The proposed use can be accommodated with existing public services and will not overburden the city's service capacity. *No change in service utilization is proposed.*

g. Traffic generation by the proposed use is within capabilities of streets serving the property. *Traffic generation is within capabilities of downtown.*

h. The use will not be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare of the neighborhood or the city. *There is no anticipated detriment to welfare of the neighborhood or city.*

STAFF RECOMMENDATION

The Planning Commission shall hold a public hearing for this application pursuant to *Section 4-3* of the zoning ordinance. Staff recommends that the Planning Commission recommend to the City Council approval of the Conditional Use Permit for Parking Impact Fee for the property at 287 Water Street with the following proposed conditions:

1. The property owner shall enter into a development agreement with the city that includes an agreement to pay the parking impact fee for as long as is necessary to satisfy the off-street parking requirements for the use of the property.
2. The Conditional Use Permit shall expire one year from the date of adoption of the resolution of approval if not acted upon; City approval would be required for any subsequent extension.

ATTACHMENTS

1. Conditional Use Permit Application
2. Proposed Seating Plan



City of Excelsior
350 Highway 7, Ste 230 • Excelsior, MN 55331
(952) 653-3674

Land Use Review Application

APPLICANT INFORMATION		
Name: See Addendum	Business Name:	
Address:		
City:	State:	Zip Code:
Telephone:	E-Mail:	
OWNER INFORMATION (if different)		
Name:	Business Name:	
Address:		
City:	State:	Zip Code:
Telephone:	E-Mail:	

TYPE OF APPLICATION (check all that apply)		
☐ Comprehensive Plan Amend	☐ Design Standards	☐ Subdivision
☐ Rezoning	☐ Sketch Plan Review	☐ Admin Subdivision
☐ PUD – Concept Plan	☒ Conditional Use Permit/IUP	☐ Preliminary Plat
☐ PUD – General Plan	☐ Variance	☐ Final Plat
☐ PUD – Final Plan	☐ Appeal of Zoning Decision	☐ Other _____

PROJECT INFORMATION	
Street Address: See Addendum	Zoning District: Commercial Preferred
Property Identification Number(s) (PIN #s): 3411723110034	
Legal Description (attach if necessary): Lot 40, Auditor's Subdivision No. 120, Hennepin County, Minnesota	
Description of Proposal (attach additional information if needed): See Addendum	
Reason(s) to Approve Request (attach additional information if needed): See Addendum	

APPLICANT'S STATEMENT

This application should be processed in my name. I have completed all of the applicable filing requirements and, to the best of my knowledge, the documents and information I have submitted are true and correct. I agree to reimburse the City of Excelsior for the costs of professional Engineers and other Consultants hired by the City to review and inspect this proposal when the City is unable to do so with existing in house staff.

Signature: _____

Date: _____

OWNER'S STATEMENT

I am the owner of the above described property and I agree to this application.

Signature: 

Date: 1/31/25

Please see the attached checklist(s) for a list of plans and other information that must be submitted with this application and for other important information. The checklist must be submitted with the application and the required submittals.

Land Use Application Addendum

Applicant Information:

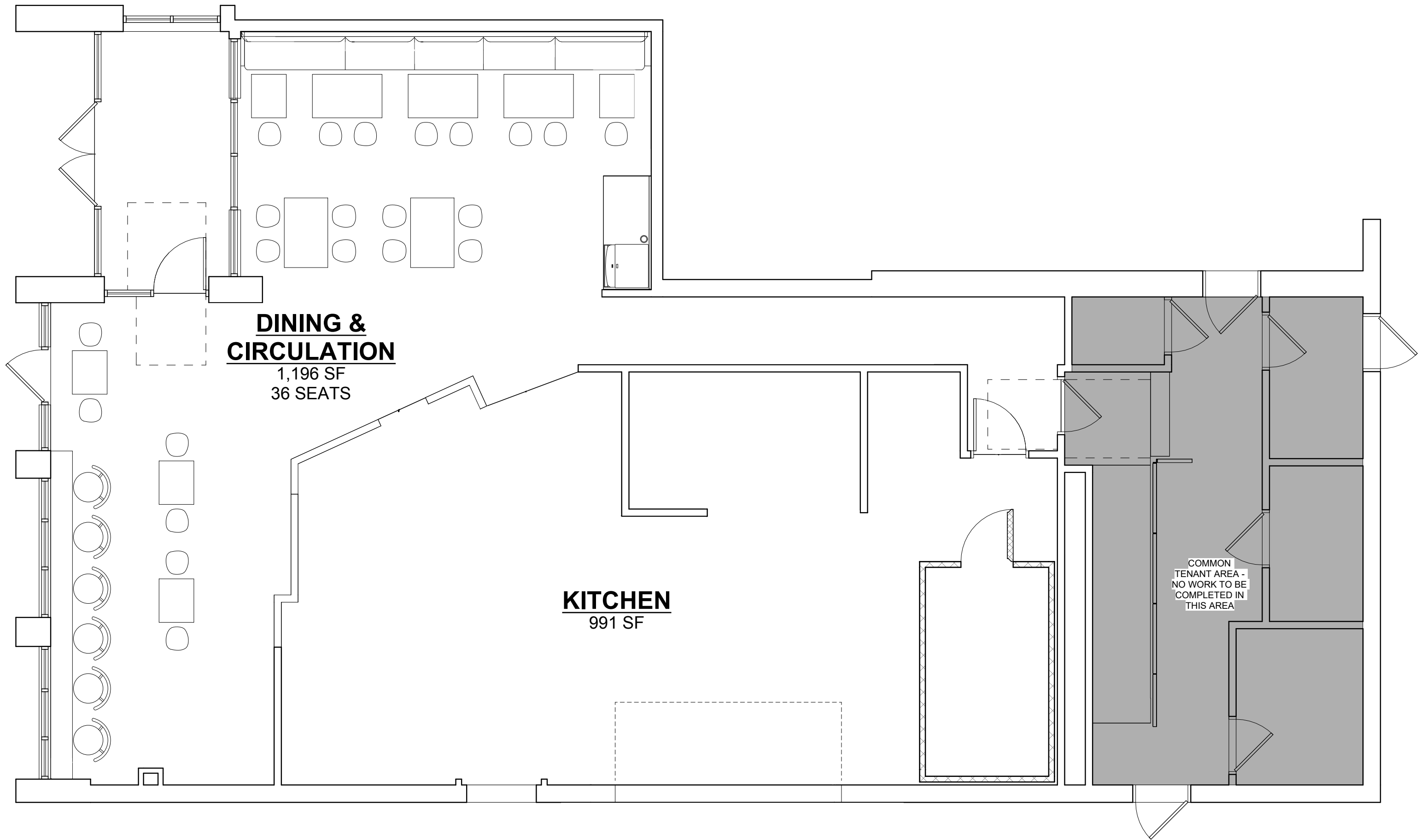
Jimmie's Old Southern Smokehouse BBQ, LLC
Attn: Colleen Anderson
5259 Edina Industrial Blvd, Edina, MN 55439
(612) 834-0547
colleen@oldsouthernbbq.com

Project Information:

Address: 287 Water Street, Excelsior, MN 55331
Zoning District: Commercial Preferred
PIN #: 3411723110034
Legal Description: Lot 40, Auditor's Subdivision No. 120, Hennepin County, Minnesota

Description of Proposal: Request for permit related to required parking and parking impact fee, which requires 12 parking stalls for applicant's dine-in restaurant.

Reason to Approve: Necessary parking for applicant's operation of its dine-in restaurant.



**DINING &
CIRCULATION**
1,196 SF
36 SEATS

KITCHEN
991 SF

COMMON
TENANT AREA -
NO WORK TO BE
COMPLETED IN
THIS AREA



MEMORANDUM

Re: Item 4(b) 925 Excelsior Blvd. – Application for
Variance from shoreland setback for elevator

Date: March 24, 2025

To: Planning Commission

From: Julia Mullin, Community Development Director

APPLICANT: Ian Villamil, Villamil Construction, 5535 County Rd 151, Minnetrista, MN 55364
PROPERTY OWNER: Brenda C. Johnson, 5434 E. Lincoln Dr, Paradise Valley, AZ 85253
LOCATION: 925 Excelsior Boulevard
CASE NO.: PC No. 25-02
60/120-DAY REVIEW
DEADLINE: April 25, 2025/ June 24, 2025

BACKGROUND

The applicant requests a Variance from the required shoreland setback requirement in order to construct an elevator in an existing single family home. The existing two story home with a basement and roof deck was built in 2020. The parcel is 5,679 sf and located in the R1 zoning district. When the home was built in 2020, the property owner received eight variances, from the following standards: shoreland setback, rear yard setback, accessory structure setback, driveway setback, side yard setback, maximum impervious surface coverage, design standards, garage door setback from longest front/side wall plane. Resolution 2019-51 approving those variances is attached. The new home replaced an existing home on the property.

The application proposes to add an elevator to the existing home. The elevator will access the main level, second level, and rooftop deck. It is proposed to be built at the rear of the home in an area that is currently part of the deck. The footprint of the proposed elevator is 47 square feet.

VARIANCE REQUEST

The existing home is situated in the shoreland setback and is legally non-conforming. Pursuant to *Sec. 15-4* of the zoning code, legally nonconforming structures may not be expanded, enlarged, or extended in a way that increases the nonconformity. The proposed elevator will enlarge the nonconforming structure and therefore requires a variance.

Structures adjacent to Lake Minnetonka are required to be located no closer than 50 feet to the ordinary high water level (OHWL) (determined by MN DNR; defined as: the ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from

predominantly aquatic to predominantly terrestrial.) The existing home is located 11' from the OHWL. The proposed elevator will be added in an area that is currently a deck and therefore is increasing the size of the structure located within the required setback. The elevator will not be located closer to the OHWL than the existing home.

DETAILS/ZONING ANALYSIS (*Zoning Ordinance, Article 41, Residential Districts, Secs. 1-9*)

Standard	Required – R2 District	Existing	Proposed
Minimum Lot Area	10,000 sf	5,679 sf	5,679 sf
Minimum Lot Width	60 feet	94'	94'
Rear Yard Setback	35 feet	12'	12'
Front Yard Setback*	50 feet from ordinary high water level (OHWL)**	10'	10'
Side Yard Setbacks	10% of lot width plus 2 = 10' on each	Left: 11' Right: 15'	Left: 11' Right: 15'
Maximum Building Coverage	Parcels up to 10,000 sf: 25% (1,420 sf)	30% (1,706sf)	29% (1,628 sf)
Maximum Lot Coverage	Parcels less than 7,000 sf: 42% (2,385 sf)	44% (2,497 sf)	42% (2,425 sf)

* The front yard setback of a principal structure (or addition thereto) shall be no closer to the street than the average of the front yard setbacks for the principal structures on either adjacent lot on the same block and same side of the street provided that it shall not be closer than 20 feet from the front property line. If average of adjacent front yard setbacks is greater than 30 feet, the front yard setback shall be 30 feet. (Sec. 41-3).

** Parcels on Lake Minnetonka, Shoreland Ordinance applies. In Zoning Ordinance, Sec. 60-4(c).

Height

Pursuant to *Sec. 14-1(4)* building height limits do not apply to elevator bulkheads. The height of this home is 24' (measured from the average elevation at the front of the parcel, which is how we measured building height at the time of approval). While not subject to building height limits, the elevator bulkhead is adding height to this home and it's important to understand the impact as part of the variance review. This table of elevations provides information to help understand the impact of the height of the elevator. It is 6' taller than the top of the neighboring house at 917 Excelsior Blvd.

Elevations	Measurement
Basement elevation	935'
Top of foundation	946'
Main floor elevation	947'

Top of elevator shaft	972'
Top of existing DNR boat house (to the east)	949'
Top of neighboring home, 917 Excelsior Blvd (to the west)	966'

Impervious Surface Coverage: The addition of the elevator increases the impervious surface coverage by 47 sf. To stay under the maximum permitted, the applicant proposes to remove the existing accessory structure (119 sf).

Landscaping and Tree Preservation: This project has no impact on existing trees or landscaping.

Neighborhood Notification and Opportunity to be Heard

As required by *Article 6, Variance – Procedures, Section 6-6* property owners within 350 feet of the property have been mailed notice of the meeting and the opportunity to provide feedback at the public hearing at the regularly scheduled Planning Commission meeting on March 24, 2025.

VARIANCE ANALYSIS

Article 60 Shoreland Management District, Section 60-4(c), of the zoning code, requires that structures be located a minimum of 50' from the ordinary high water level of the lake. The existing home is located 11' from the OHWL and is legally nonconforming; the home was granted a variance from this setback at time of construction. The applicant proposes to add more structure within this setback – 47 sf. The proposed structure will not be closer to the OHWL than the existing structure. Pursuant to *Sec. 15-4* of the zoning code, any increase or enlargement of a nonconformity is not permitted and requires a variance. The Excelsior Zoning Code, per MN Statute, requires that a variance request be evaluated according to the following criteria:

- 1. Is the property owner proposing to use the property in a reasonable manner not permitted by the ordinance?**

The applicant requests to construct an elevator in an existing single family home in order to allow accessibility for the new homeowner. Accessibility allows the new homeowner to potentially use the home for a longer period of time. The applicant explored options for locating the elevator and determined this proposed location to be best given the constraints of the size and topography of the parcel. The existing home is already located within the shoreland setback. The proposed elevator will add an additional 47 sf of structure into the setback and is not extending further into the setback.

- 2. Is the plight of the property owner due to circumstances unique to the property that have not been created by the landowner?**

The unique circumstance is the small size of the parcel and the nonconforming setbacks of the existing structure. The existing home replaced an original home and was granted eight variances in order to be constructed. Front, rear, and side yard setbacks were required. It would be difficult to construct an elevator without a variance.

3. Will the variance, if granted, alter the essential character of the area?

The elevator increases the area of the house that is located 11' from the OHWL by 47 sf. It will be located where today there is a deck. The applicant proposes to remove an existing accessory structure in order to stay within the impervious surface requirements, and removal of this structure will reduce bulk on the parcel. The elevator most impacts the lakeside of the home and not the side of the home facing Excelsior Blvd. The elevator bulkhead, which is located on top of the home, adds height and impacts the neighboring lot to the east, however there is a DNR boathouse located there and not a home; the elevator bulkhead impacts the home to the west but less so because the elevator is on the east side of the home. The elevator will not alter the essential character of the area.

4. If a variance is granted, will the outcome be (a) in harmony with the purpose and intent of the ordinance, and (b) consistent with the Comprehensive Plan.

The Comprehensive Plan supports the provision of a variety of housing types and choices in the City, and for residents of all ages. The addition of an elevator for accessibility in this home is consistent with the following Comprehensive Plan goal for residential areas:

1) Promote the economic importance, and support the provision of, a variety of housing types and choices within the Community to meet the varied needs of residents of all ages and socio-economic circumstances in all geographic areas of the City.

Excelsior's Comprehensive Plan can be found on the city website at the following link:

<https://www.excelsiormn.org/DocumentCenter/View/1459/Comp-Plan-v19-final-with-East-Side-Plan>

Recommended Conditions of Approval.

Staff recommends the following conditions with any approval of the Residential Review Permit and Variance applications:

1. The applicant shall obtain all necessary City, watershed district, and other government entity permits and approvals including but not limited to building permits, grading and erosion control plans, etc.
2. The City Engineer shall review and approve the grading and drainage plans prior to issuance of the building permit.
3. The plans shall be consistent with the plans included in the Planning Commission packet dated March 24, 2025.
4. The Variance shall expire one year from the date of adoption of the resolution if not acted upon.

RECOMMENDED PLANNING COMMISSION ACTION

The Planning Commission shall conduct the public hearing for the Variance application. Staff has reviewed the variance criteria above and recommends approval of the application with the above recommended conditions and any other conditions the Planning Commission deems appropriate. Pursuant to *Section 6-6* of the zoning ordinance, the Planning Commission shall recommend to the City Council approval or denial of the Variance application based on the criteria in *Article 6*, considered above, of the zoning ordinance.

ATTACHMENTS

- 1) Variance Application
- 2) Property Survey and Project Plans
- 3) Resolution 2019-51 approving variances for construction of the home



City of Excelsior
350 Highway 7, Ste 230 • Excelsior, MN 55331
(952) 653-3674

Land Use Review Application

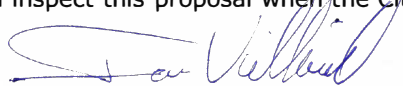
APPLICANT INFORMATION			
Name: IAN VILLAMIL	Business Name: VILLAMIL CONSTRUCTION		
Address: 5535 COUNTY ROAD 151			
City: MINNETRISTA	State: MN	Zip Code: 55364	
Telephone: 612-221-7811	E-Mail: IANVILLAMIL@VILLAMILCONSTRUCTIONCO.COM		
OWNER INFORMATION (if different)			
Name: BRENDA L. JOHNSON	Business Name:		
Address: 5434 E. LINCOLN DR. #977			
City: PARADISE VALLEY	State: AZ	Zip Code: 85253	
Telephone: 651-280-5419	E-Mail: BMM.JOHNSON@MSN.COM		

TYPE OF APPLICATION (check all that apply)		
☐ Comprehensive Plan Amend	☐ Design Standards	☐ Subdivision
☐ Rezoning	☐ Sketch Plan Review	☐ Admin Subdivision
☐ PUD - Concept Plan	☐ Conditional Use Permit/IUP	☐ Preliminary Plat
☐ PUD - General Plan	☒ Variance	☐ Final Plat
☐ PUD - Final Plan	☐ Appeal of Zoning Decision	☐ Other _____

PROJECT INFORMATION	
Street Address: 925 EXCELSIOR BLVD.	Zoning District: R-1
Property Identification Number(s) (PIN #s): 35-117-23-21003	
Legal Description (attach if necessary):	
Description of Proposal (attach additional information if needed): VARIANCE FOR ELEVATOR FOR ACCESSIBILITY	
Reason(s) to Approve Request (attach additional information if needed): ELEVATOR NEEDED FOR ACCESSIBILITY, ABE IN PLACE	

APPLICANT'S STATEMENT

This application should be processed in my name. I have completed all of the applicable filing requirements and, to the best of my knowledge, the documents and information I have submitted are true and correct. I agree to reimburse the City of Excelsior for the costs of professional Engineers and other Consultants hired by the City to review and inspect this proposal when the City is unable to do so with existing in house staff.

Signature:  Ian Villamil, President,
Villamil Construction Co. Date: 02/21/2025

OWNER'S STATEMENT

I am the owner of the above described property and I agree to this application.

Signature:  Date: FEB. 13, 2025

Please see the attached checklist(s) for a list of plans and other information that must be submitted with this application and for other important information. The checklist must be submitted with the application and the required submittals.

Variance Application Narrative for 925 Excelsior Boulevard, Excelsior, MN

To whom it may concern:

Re: Variance for an Elevator for Accessibility

1. What are the practical difficulties that would prohibit reasonable development without a variance?

A small corner of the elevator shaft crosses the setback by ~3 inches. One small section of the northeast corner of the elevator extends over the wavy setback line. The proposed elevator, designed to accommodate a wheelchair should it be needed, cannot be downsized to avoid crossing over the setback.

2. What are the unique circumstances on the property that create the practical difficulties?

The existing home sits on a very small lot, tight to the setbacks. This, and the design of the home, limit where the elevator may be placed to gain accessibility in the multiple levels of the home.

3. What other alternatives have you considered that do not require a variance? Why are these alternatives not acceptable?

We carefully reviewed the as built plans and property survey. We met with multiple elevator companies to explore elevator options and determine what could work. All options pointed to the planned location as the only viable option due to the design of the home, the structural elements, and the closeness of the home to all setbacks.

4. How is the variance not the result of deliberate actions of the applicant or property owner?

The owner did not design nor build the home. The setback runs on an odd angle, not parallel with the home or the lakeshore.

5. How does the Variance, if granted, not alter the essential character of the locality (neighborhood).

The plan is in keeping with the essential character of the neighborhood – the City was prepared to approve the plans until it was discovered that a small corner of the elevator extended a mere ~3 inches over the wavy setback line.

Variance Application Narrative for 925 Excelsior Boulevard, Excelsior, MN

The neighbor nearest the elevator shaft is the DNR boathouse.

The owner voluntarily agreed to remove an out structure to improve the permeable grass area of the lot as well as make the property less crowded thereby improving the lake appeal of the home. The addition of the elevation does not affect the valued canopy of trees on the west lot line.

6. How is the Variance consistent with the Comprehensive Plan?

The variance is consistent with the Comprehensive Plan in that it provides an incremental improvement that ensures that the home is functionally viable for living. It ensure this is a home and not a weekend retreat that does not help the economy of Excelsior.

LAKE
MINNETONKA
ST. ALBAN'S BAY

CERTIFICATE OF SURVEY FOR
BRENDA JOHNSON
IN LOT 101, AUD. SUB. NO. 120
HENNEPIN COUNTY, MINNESOTA

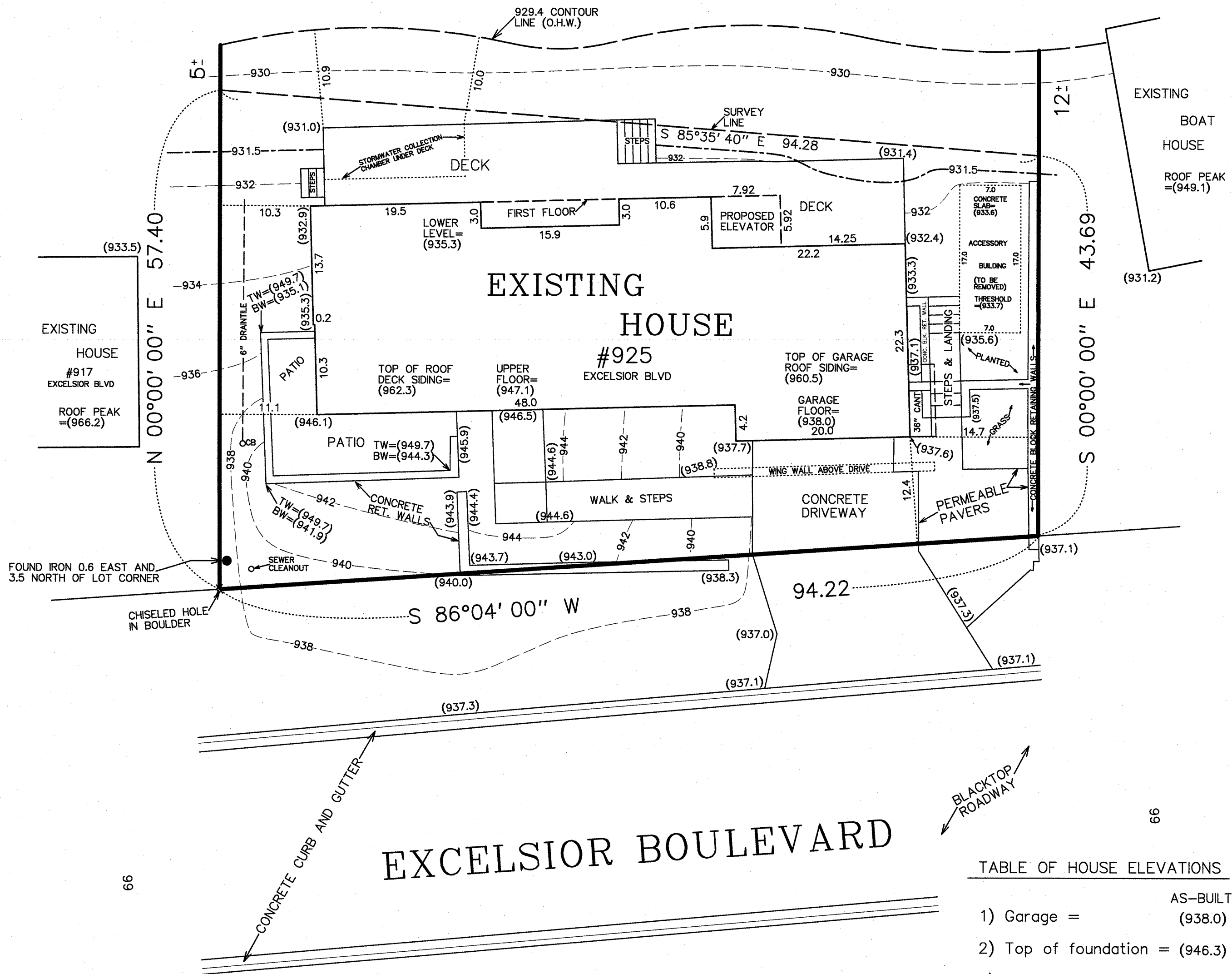


TABLE OF HOUSE ELEVATIONS :

	AS-BUILT	PROPOSED
1) Garage =	(938.0)	938.1
2) Top of foundation =	(946.3)	946.27
3) Main floor =	(947.1)	946.95
4) Basement =	(935.3)	935.27
5) Accessory building =	(933.7)	932.5

EXISTING HARDCOVER :

Lot area = 5679 Sq. ft.

Existing house = 1587 sf
Front steps/walk = 187 sf
Concrete driveway = 230 sf
Patio = 190 sf
Accessory building = 119 sf
Steps/landing = 49 sf
Retaining walls = 135 sf

Total = 2497 Sq. ft.

$2497 / 5679 \times 100 = 43.97\%$

PROPOSED HARDCOVER :

Remove accessory building = -119 sf
Add proposed elevator = 47 sf

Net loss = -72 sf

$2497 - 72 = 2425 \text{ Sq. ft.}$

$2425 / 5679 \times 100 = 42.70\%$

LEGAL DESCRIPTION OF PREMISES :

That part of the West 188 feet of the East 338 feet, measured at right angles from the the East line thereof lying East of the West 94 feet thereof, Lot 101, Auditor's Subdivision Number One Hundred Twenty, Hennepin County, Minnesota.

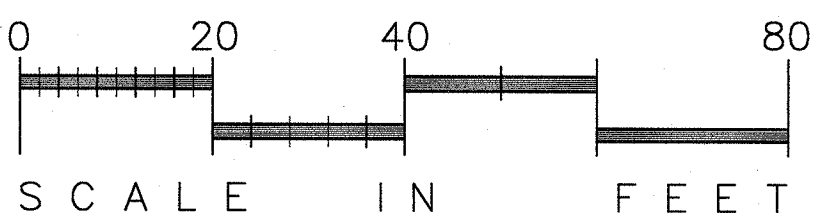
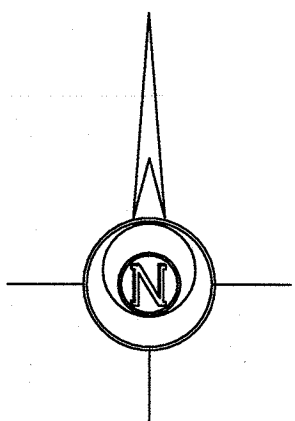
● : denotes iron marker found

(908.3) : denotes existing spot elevation, mean sea level datum

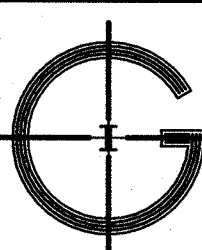
---917--- : denotes existing contour line, mean sea level datum

Bearings shown are based upon an assumed datum.

This survey intends to show the boundaries of the above described property, and the location of an existing house, spot elevations, topography and all visible "hardcover", and the proposed location of a proposed elevator thereon. It does not purport to show any other improvements or encroachments.



DATE	REVISIONS
10-18-21	CB & DRAINAGE, STEPS & RET. WALLS ADDED
10-26-21	EXISTING DRIVEWAY LOCATED, SHOWN ON DRAWING
11-3-21	FLOOR ELEVATION TABLE
2-18-25	UPDATED SURVEY DRAWING, PROPOSED ELEVATOR SHOWN

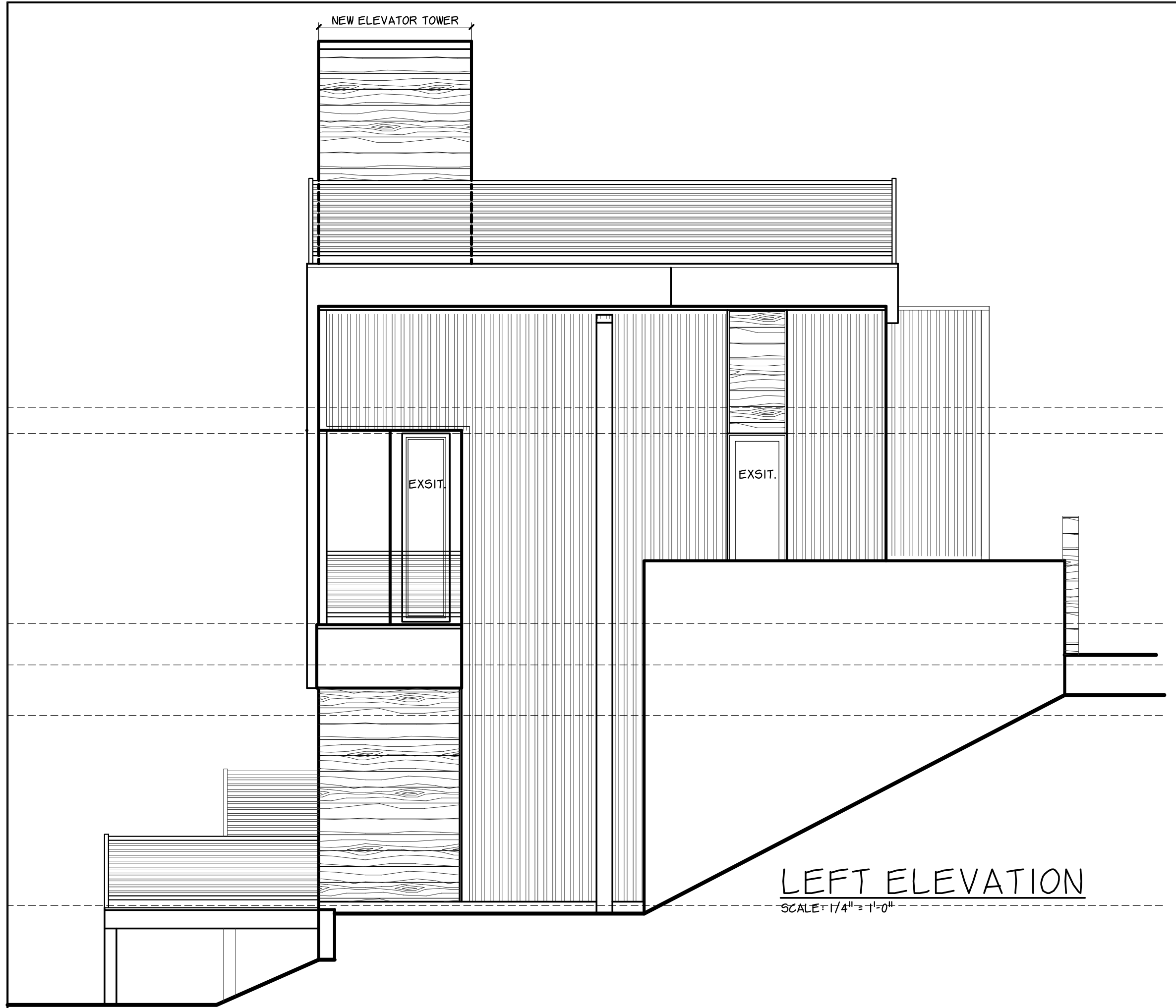


GRONBERG AND ASSOCIATES, INC.
CONSULTING ENGINEERS, LAND SURVEYORS, & SITE PLANNERS
445 NORTH WILLOW DRIVE
LONG LAKE, MN. 55356
952-473-4141

I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Mark S. Gronberg
Mark S. Gronberg Minnesota License Number 12755

SCALE
1"=10'
DATE
3-31-21
JOB NO.
25-043



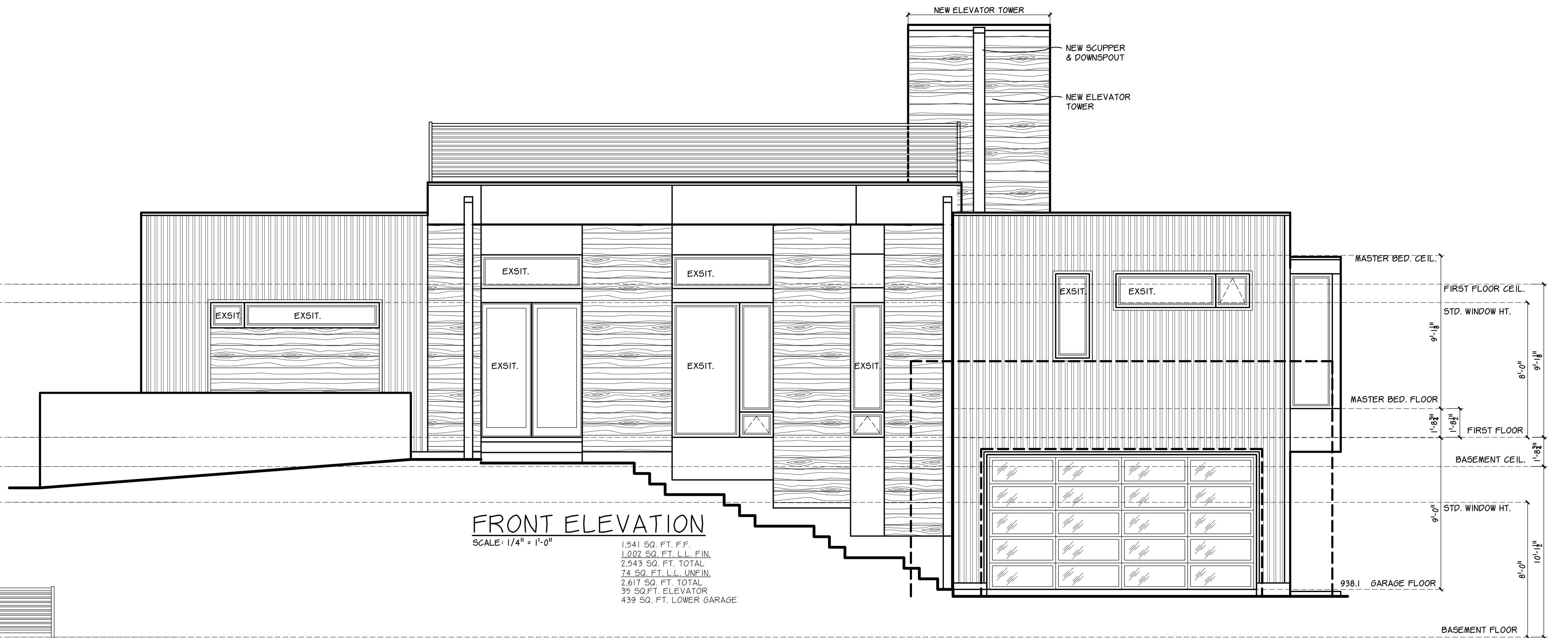
LEFT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

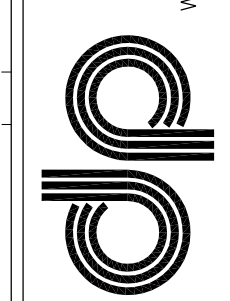


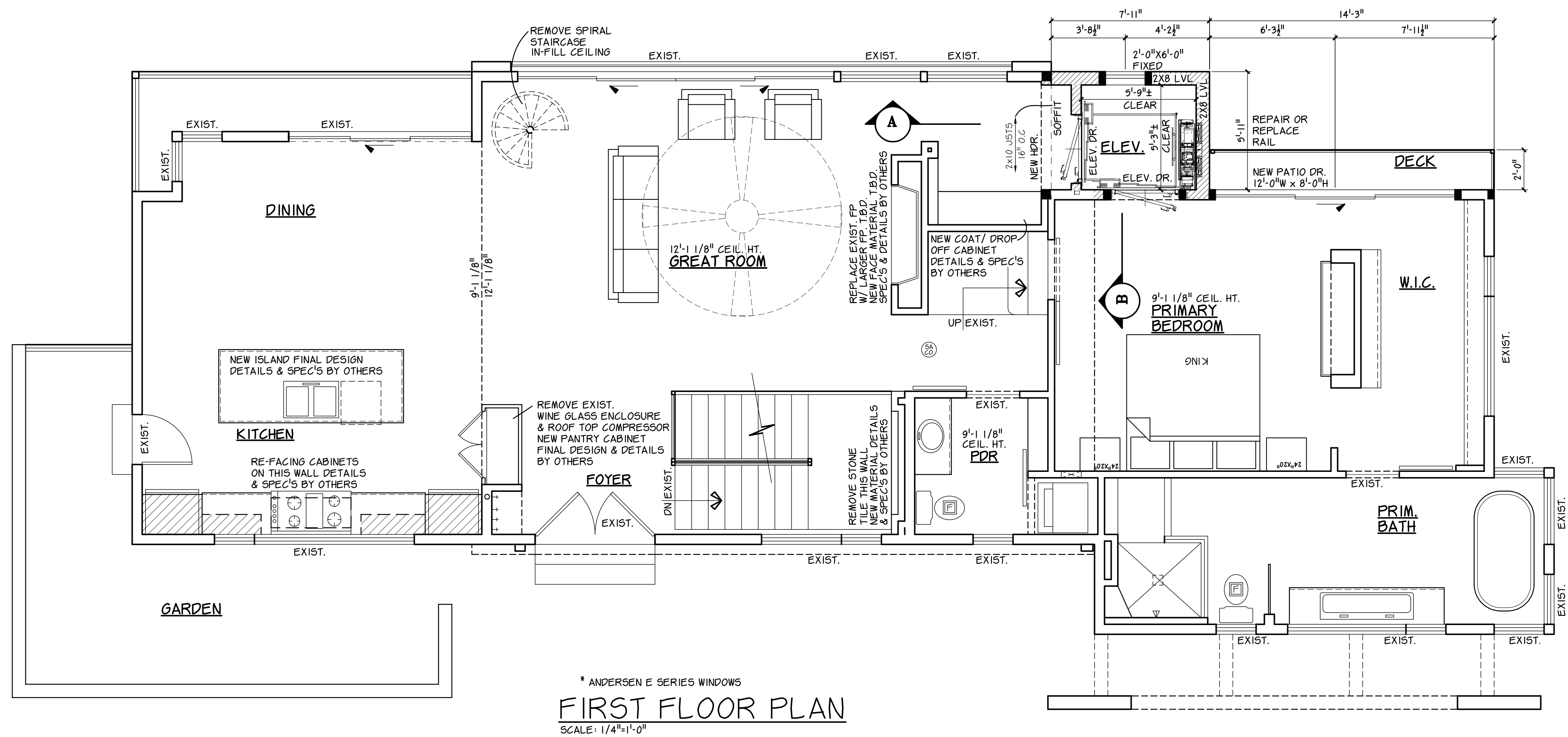
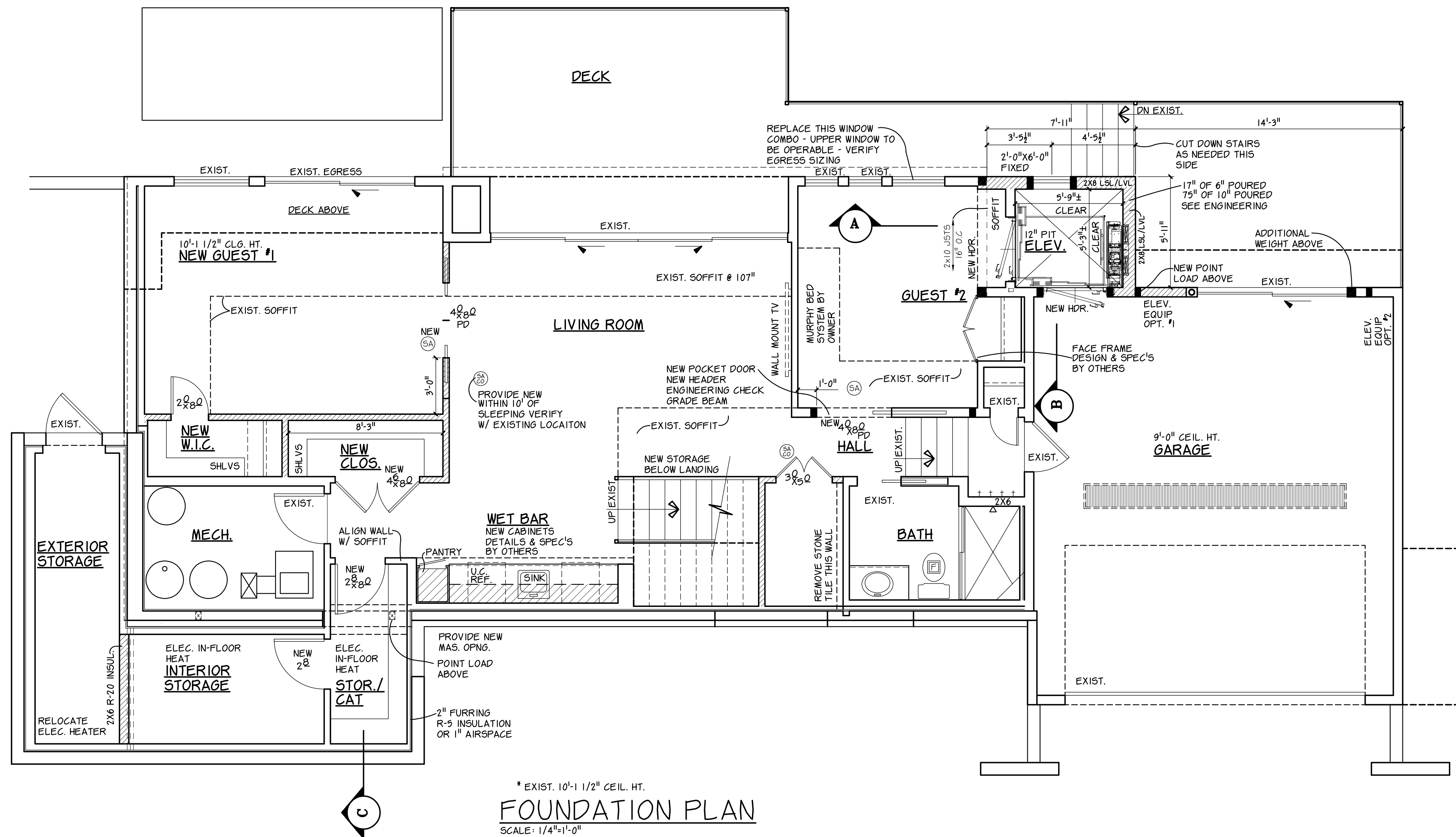
RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

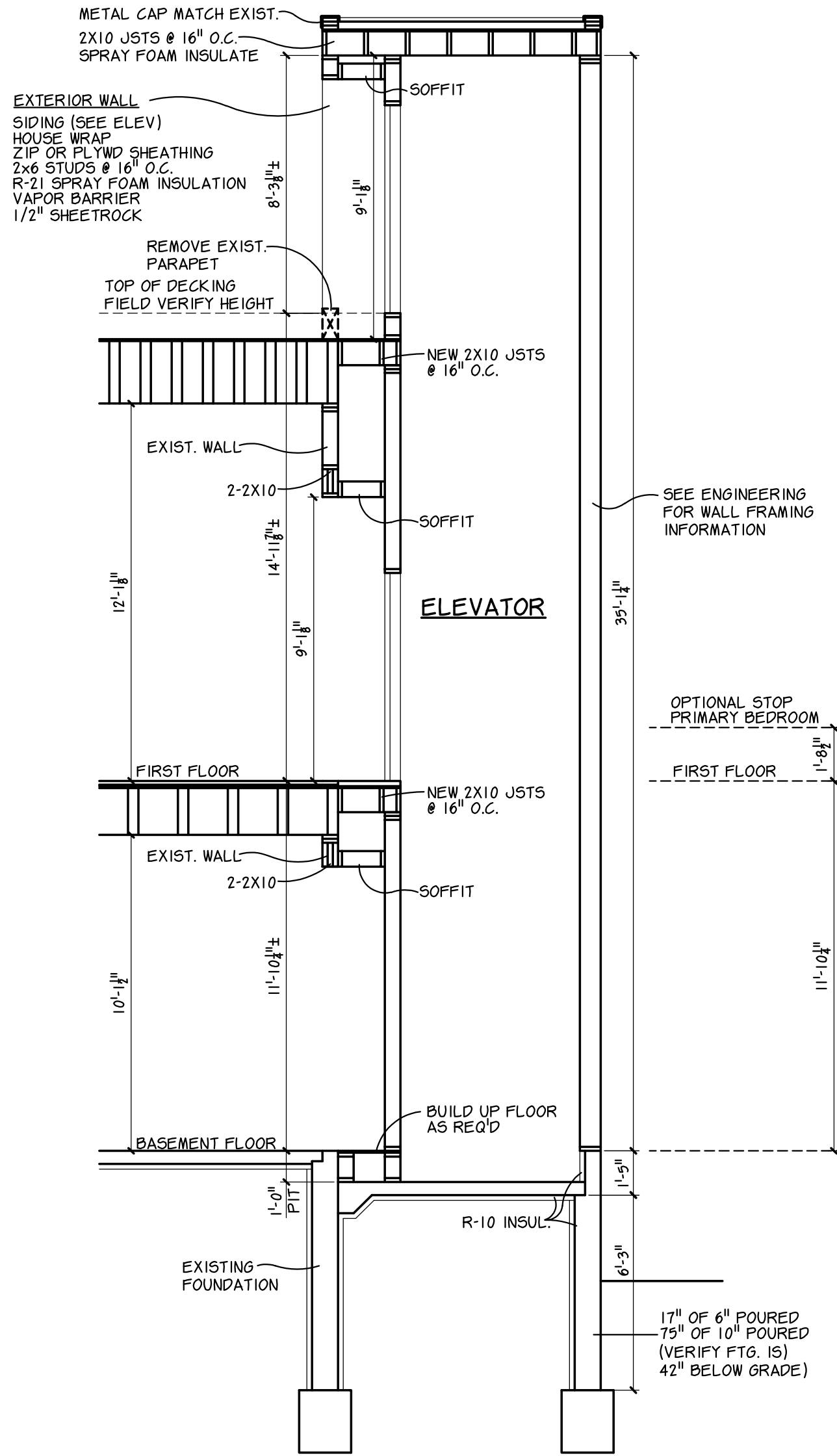


FRONT ELEVATION
SCALE: 1/4" = 1'-0"

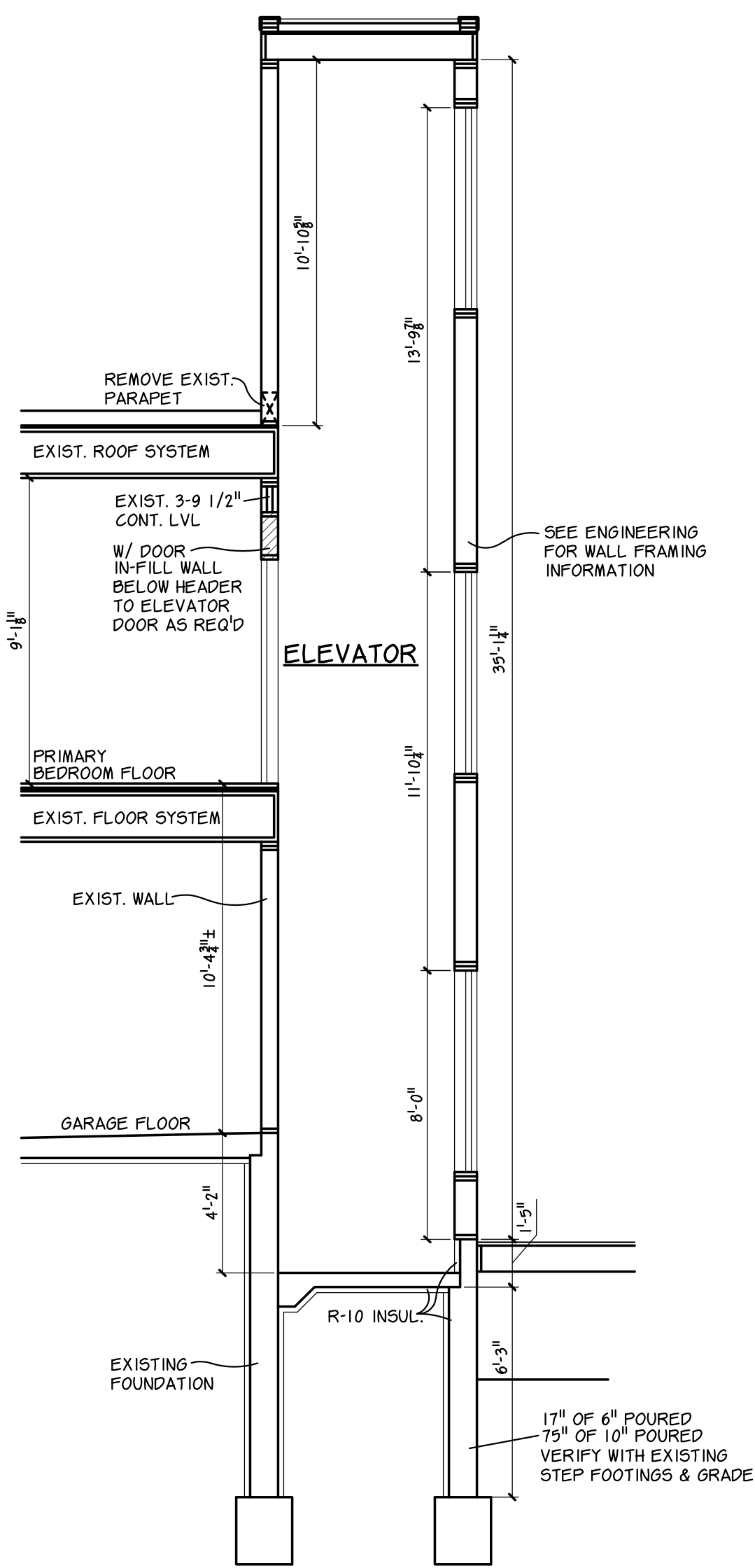
1,541 SQ. FT. F.F.
1,002 SQ. FT. L.L. FIN.
2,943 SQ. FT. TOTAL
74 SQ. FT. L.L. UNFIN.
2,617 SQ. FT. TOTAL
39 SQ. FT. ELEVATOR
439 SQ. FT. LOWER GARAGE



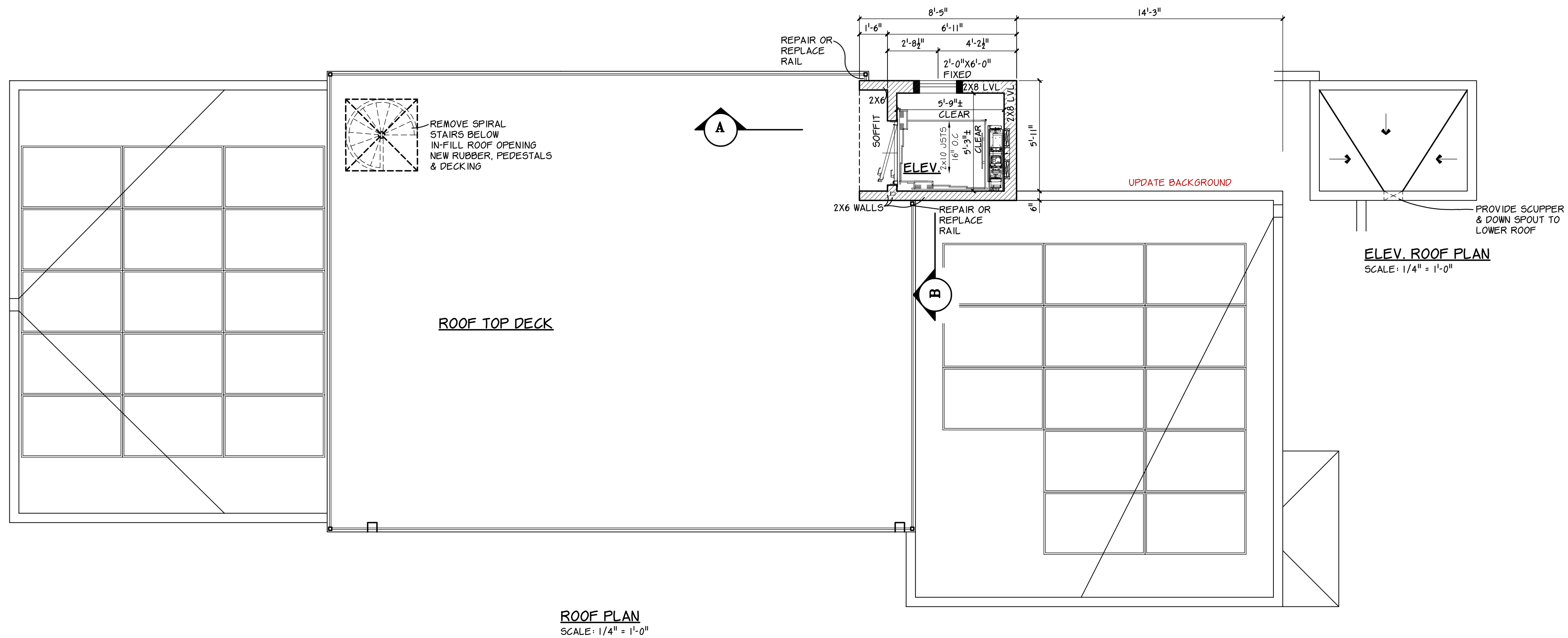
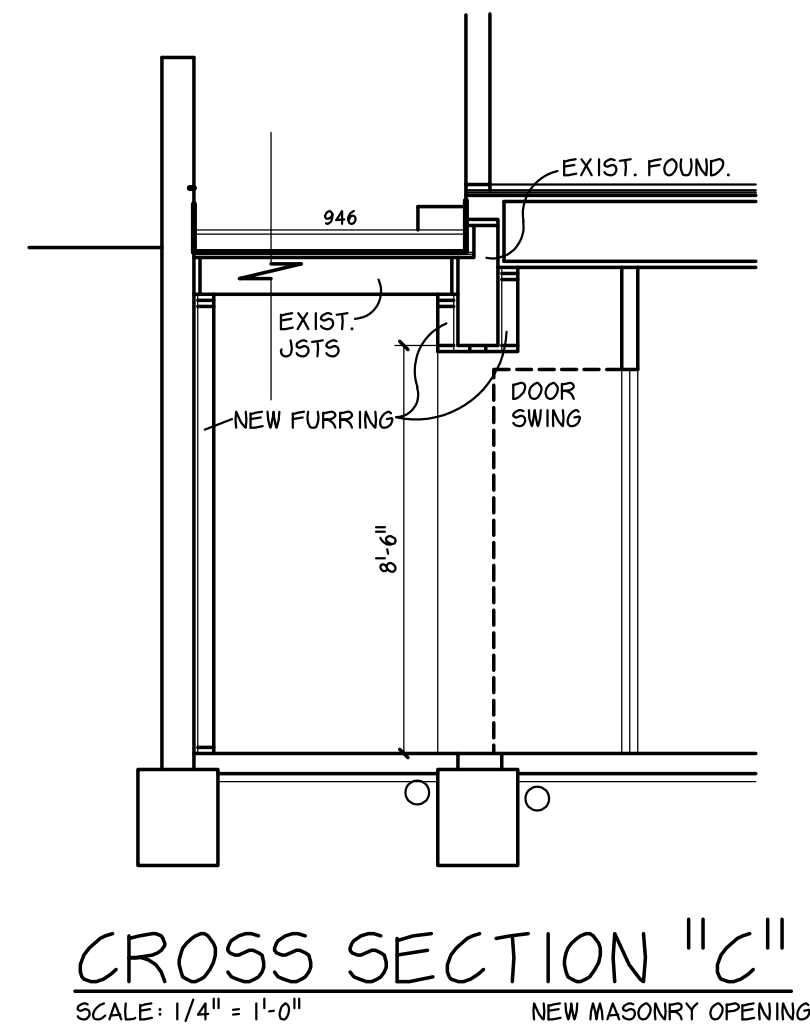




* VERIFY FLOOR TO FLOOR HEIGHTS WITH FLOOR FINISHES
CROSS SECTION "A"
SCALE: 1/4" = 1'-0"



* VERIFY FLOOR TO FLOOR HEIGHTS WITH FLOOR FINISHES
CROSS SECTION "B"
SCALE: 1/4" = 1'-0"



PROJECT SCOPE

DESIGN OF LAYOUT OF SUPPORTING HELICAL PIERS, CAST-IN-PLACE CONCRETE, STEEL, AND WOOD FRAMING FOR A PROPOSED REMODEL AND ELEVATOR ADDITION TO AN EXISTING SINGLE FAMILY RESIDENCE. CONSTRUCTION IS TO BE DONE IN ACCORDANCE WITH THESE DRAWINGS, STANDARD INDUSTRY PRACTICE, AND THE REQUIREMENTS OF THE CODE.

GENERAL NOTES

- THESE DOCUMENTS APPLY TO STRUCTURAL ONLY. REFER TO HOUSE PLANS BY DFP PLANNING & DESIGN FOR MORE INFORMATION.
- REVIEW OF EXISTING FRAMING AND FOUNDATIONS IS NOT INCLUDED UNDER THIS SCOPE.
- A SITE VISIT WAS NOT PERFORMED TO OBSERVE EXISTING CONDITIONS. BUILDER IS TO CONSULT W/ ENGINEER FOLLOWING DEMOLITION TO ENSURE SITE CONDITIONS ALIGN W/ ASSUMPTIONS MADE IN ORDER TO DETERMINE IF ADDITIONAL EXISTING CONDITIONS REQUIRE REVIEW, AND WHETHER MODIFICATIONS TO THE PROPOSED STRUCTURE IS REQUIRED.
- IT IS THE RESPONSIBILITY OF THE BUILDER TO PROVIDE ALL FUTURE PLAN OR FIELD CHANGES TO THE HANSON GROUP FOR REVIEW.
- ADEQUATE SHORING DURING CONSTRUCTION IS THE RESPONSIBILITY OF THE CONTRACTOR.
- CONTRACTORS AND BUILDER ARE TO VERIFY ALL DIMENSIONS AND CONDITIONS BEFORE PROCEEDING WITH WORK. NOTIFY THE HANSON GROUP IF DISCREPANCIES ARISE.
- MEANS AND METHODS OF CONSTRUCTION ARE THE RESPONSIBILITY OF THE CONTRACTOR.
- MOVEMENT/CRACKING OF EXISTING FINISHED MATERIALS MAY BE EXPERIENCED DUE TO REDISTRIBUTION OF EXISTING LOAD PATHS, NORMAL DEFLECTION OF NEW BEAM SPANS, AND ALTERED LOADING CONDITIONS.

FOUNDATION NOTES

- MINOR MOVEMENT MAY OCCUR WHEN ADDING LOADS TO EXISTING FOUNDATIONS, REGARDLESS OF THE STRENGTH OF THE SOILS. EXISTING FOUNDATIONS ARE OUTSIDE THE SCOPE OF THIS DOCUMENT.
- DRAIN TILE, DAMPROOFING AND/OR WATERPROOFING, & INSULATION, AS WELL AS THEIR INSTALLATION, ARE TO BE IN ACCORDANCE WITH THE CODE.
- INSTALL A MINIMUM OF (2) ANCHORS PER PORTION OF SILL PLATE AS WELL AS AN ANCHOR WITHIN 12" OF EACH END AS APPLICABLE.
- TOP OF ELEVATOR FOUNDATION WALLS ARE TO BE Laterally SUPPORTED PRIOR TO BACKFILLING. MEANS AND METHODS OF LATERAL SUPPORT ARE BY OTHERS.
- BAR SPLICES ARE TO BE LAPPED A MINIMUM OF 48 BAR DIAMETERS. PROVIDE MATCHING HOOK BARS FOR ALL HORIZONTAL BARS AT WALL GRADE BEAM CORNER. SEE DETAIL 4/S2.
- BACKFILL BELOW EXTERIOR ELEVATOR SLAB WITH COMPACTED GRANULAR MATERIAL.
- HELICAL SCREW ANCHORS ARE TO BE DESIGNED BY THE MANUFACTURER FOR A WORKING LOAD AS DESIGNATED ON THE PLAN UNLESS NOTED OTHERWISE. INSTALL ANCHORS TO TWICE THIS VALUE FOR AN ULTIMATE LOAD RESPECTIVELY WITH A FACTOR OF SAFETY=2. DEPTH OF INSTALLATION TO BE DETERMINED BY THE INSTALLER AND / OR A GEOTECHNICAL ENGINEER. INCREASE LOAD FOR POTENTIAL DOWN DRAG AS REQUIRED.
- INSTALL SCREW ANCHORS TO WITHIN 2" OF THE LOCATIONS SHOWN ON THE PLAN AND IN THE DETAILS. ANCHORS AND WALLS ARE TO BE CENTERED ON GRADE BEAM UNLESS OTHERWISE SHOWN.
- UTILITY CONNECTIONS ARE BY OTHERS.
- ELEMENTS NOT SUPPORTED BY DEEP FOUNDATION MAY SETTLE AND EXPERIENCE DISTRESS.
- GRADE BEAM MAY BE PLACED AT ELEVATIONS LOWER THAN SHOWN IN THE DETAILS. MAINTAIN 6" HELICAL PIER EMBED AS SHOWN.
- SLABS WITH THE POTENTIAL TO BE EXPOSED TO WATER AND DE-ICING SALTS ARE RECOMMENDED TO HAVE AN APPROPRIATE WATERPROOF, TRAFFIC RESILIENT COATING INSTALLED IN ACCORDANCE WITH THE MANUFACTURER REQUIREMENTS.
- SLAB CLEAR COVER NOTED ASSUMES PLACEMENT OVER POLY OR ALTERNATIVE EARTH BARRIER.

MATERIALS

CONCRETE FOOTINGS: $F_c = 5,000$ PSI @ 28 DAYS (OR 4,000 PSI WITH AN APPROVED ADMIXTURE THAT PROVIDES A WATER AND VAPOR RESISTANCE AT LEAST EQUIVALENT TO 5,000 PSI CONCRETE)

CONCRETE WALLS: $F_c = 3,500$ PSI @ 28 DAYS

CONCRETE SLABS: $F_c = 4,000$ PSI @ 28 DAYS

REINFORCING STEEL: ASTM A615 GRADE 60

STRUCTURAL STEEL: ANGLES/MISC - ASTM A36 ($F_y = 36$ KSI)

TUBES - ASTM A500 Gr. B ($F_y = 46$ KSI)

W SECTIONS - ASTM A992 ($F_y = 50$ KSI)

FOOTINGS - 1 1/2" MAX

WALLS/SLABS - 3/4" MAX

SANDY CLAY (GROUP II ASSUMED):

$\gamma_{req} = 45$ PSF/FT (ACTIVE)

$\gamma_{req} = 55$ PSF/FT (AT-REST)

SAND (GROUP I AS NEEDED):

$\gamma_{req} = 30$ PSF/FT (ACTIVE)

$\gamma_{req} = 55$ PSF/FT (AT-REST)

WALL STUDS (10" OR LESS): SPF STUD GRADE OR BETTER

WALL STUDS (OVER 10"): SPF NO.2 GRADE OR BETTER

DIMENSIONAL LUMBER: SPF NO.2 GRADE OR BETTER

TREATED LUMBER: SYP NO.2 GRADE OR BETTER

2x6 LSL STUDS: 1 1/2" WIDTH - 1.3E OR BETTER

2x8 LSL STUDS: 1 1/2" WIDTH - 1.5E OR BETTER

LSL BEAMS: 1 1/2" WIDTH - 1.55E OR BETTER

LVL: 1 1/2" WIDTH - 1.9E OR BETTER

PSL: 1.8E OR BETTER

GLULAM: SYP 26F4V OR BETTER

CHANNELS/MISC - ASTM A36 ($F_y = 36$ KSI)

TUBES - ASTM A500 Gr. B ($F_y = 46$ KSI)

W SECTIONS - ASTM A992 ($F_y = 50$ KSI)

LOADS

ROOF LIVE LOAD: 35 PSF (SNOW)

ROOF DEAD LOAD: 15 PSF

FLOOR LIVE LOAD: 40 PSF

FLOOR DEAD LOAD: 15 PSF

SLAB DEAD LOAD: VARIES (150 PCF)

WOOD WALL LOAD: 10 PSF

WIND LOAD: 115 MPH ULTIMATE EXP. B

CODE

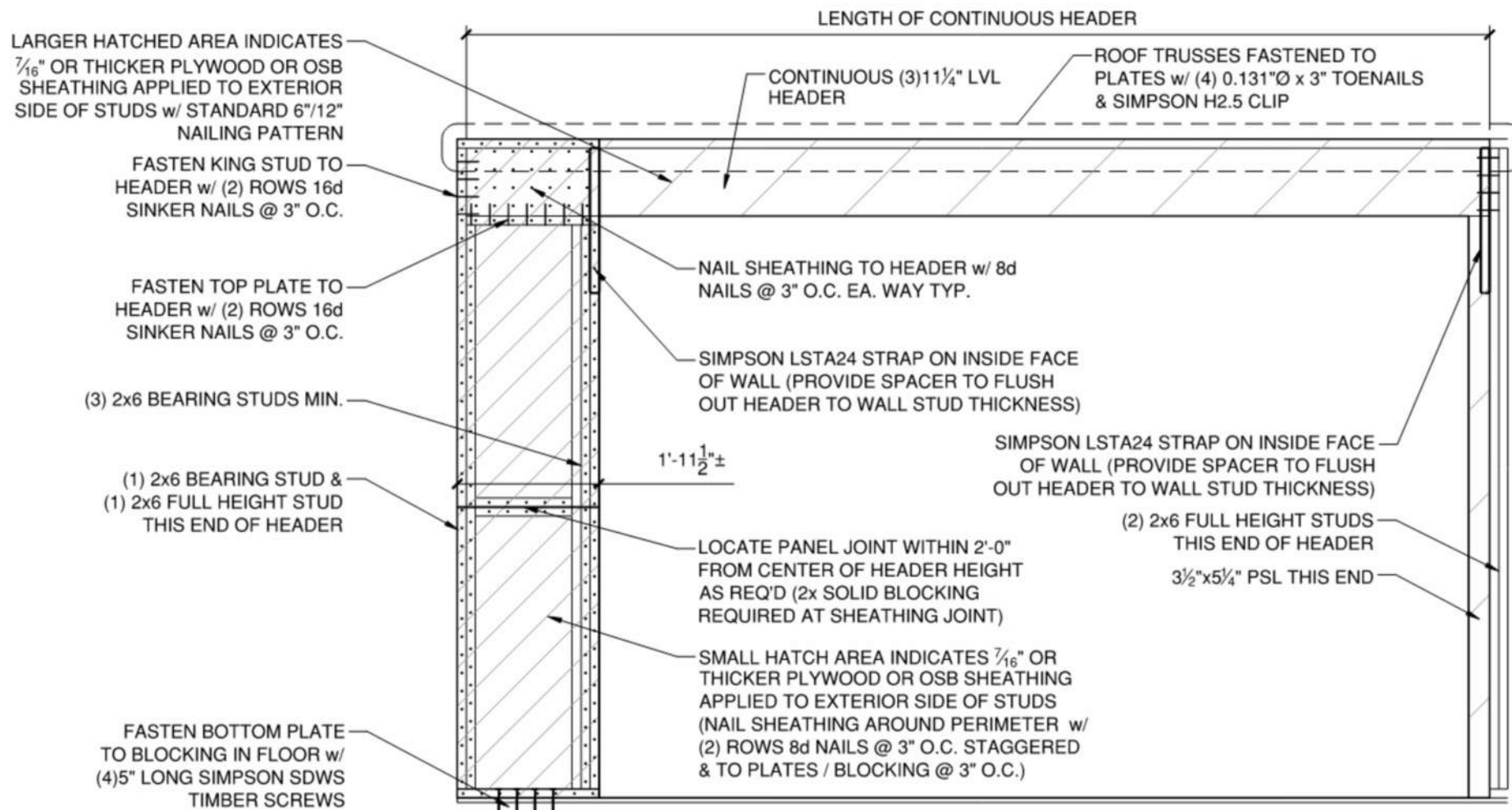
2025 MINNESOTA RESIDENTIAL CODE

ABBREVIATIONS

- | | | |
|--------|---|------------------------|
| TYP. | = | TYPICAL |
| SIM. | = | SIMILAR |
| U.N.O. | = | UNLESS NOTED OTHERWISE |
| MIN. | = | MINIMUM |
| MAX. | = | MAXIMUM |
| O.C. | = | ON CENTER |
| NTS | = | NOT TO SCALE |
| G.T. | = | GIRDER TRUSS |
| LLV | = | LONG LEG VERTICAL |

FRAMING NOTES

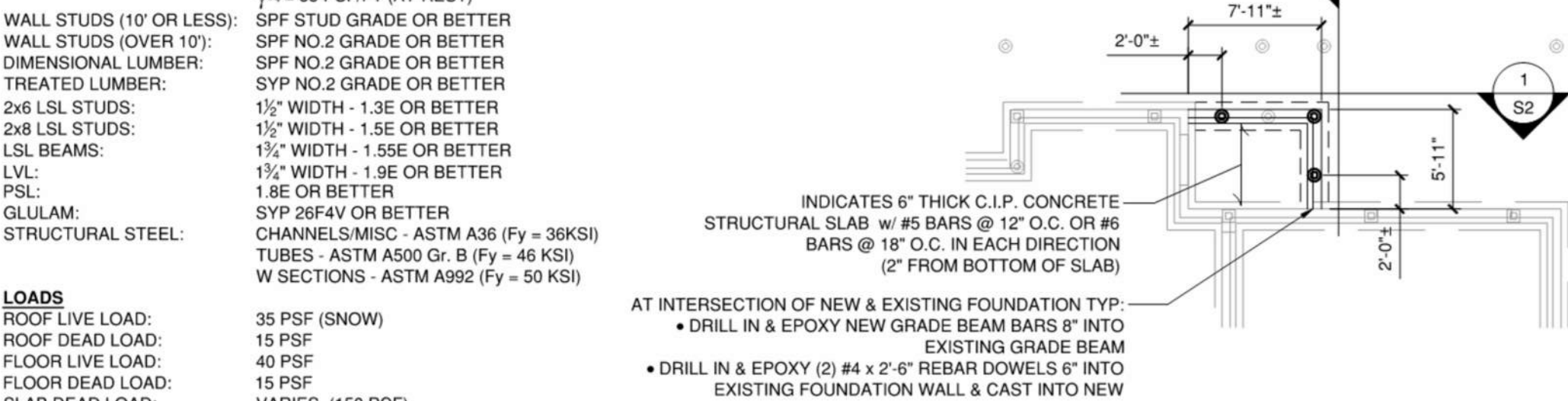
- ALL HEADERS ARE TO BE MINIMUM (2) 2x10 LUMBER UNLESS NOTED OTHERWISE. (2) 2x10 MEMBERS SHOWN MAY BE SUBSTITUTED WITH (2) 1 1/2" x 7 1/4" LVL OR (3) 1 1/2" x 5 1/4" LVL AS REQUIRED.
- ALL DIMENSION LUMBER HEADERS AND BEAMS ARE TO HAVE A MINIMUM OF ONE BEARING STUD AT EACH END AND TWO AT INTERMEDIATE SUPPORTS. ALL 2-PLY LSL/LVL AND GIRDER TRUSS BEAMS AND HEADERS ARE TO HAVE A MINIMUM OF TWO BEARING STUDS AT EACH END AND AT INTERMEDIATE SUPPORTS. 3-PLY LSL/LVL MEMBERS ARE TO HAVE A MINIMUM OF THREE BEARING STUDS AT EACH END AND AT INTERMEDIATE SUPPORTS. ADDITIONAL BEARING STUDS ARE NOT REQUIRED FOR LSL/LVL SUBSTITUTED FOR STANDARD SAWN LUMBER. ALL BEARING ABOVE IS UNLESS NOTED OTHERWISE ON PLANS. TRUSS SUPPLIER IS TO VERIFY GIRDER TRUSS BEARING LENGTH AND SUPPORT REQUIREMENTS.
- ALL HEADERS AND BEAMS ARE TO HAVE A MINIMUM OF ONE FULL HEIGHT KING STUD AT EACH END. EXTERIOR OPENINGS GREATER THAN EIGHT FEET IN WIDTH ARE TO HAVE A MINIMUM OF TWO FULL HEIGHT KING STUDS AT EACH END, EXCEPT AT TALL WALLS AS NOTED. EXTERIOR OPENINGS GREATER THAN SIXTEEN FEET IN WIDTH ARE TO HAVE A MINIMUM OF THREE FULL HEIGHT KING STUDS AT EACH END, EXCEPT AT TALL WALLS AS NOTED. FOR CONTINUOUS BEAM CONDITIONS, SPAN IN DETERMINING NUMBER OF KING STUDS IS THE FULL LENGTH OF THE HEADER.
- ALL CONNECTIONS ARE TO BE MADE WITH ADEQUATE SIMPSON, USP OR EQUAL JOIST HANGERS, CLIPS, POST CAPS, AND POST BASES.
- CONNECT MULTIPLE MEMBER LVL'S TOGETHER IN ACCORDANCE WITH MANUFACTURER REQUIREMENTS.
- ALL EXTERIOR WALLS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE FOLLOWING CRITERIA, U.N.O., WHICH MEETS OR EXCEEDS THE REQUIREMENTS OF CODE SECTION R602.10.4 WSP AND CS-WSP.
 - 2x6 OR 2x8 STUDS SPACED @ 16" O.C.
 - WALL SHEATHING: 7/16" MIN. STRUCTURAL PANEL SHEATHING w/ 8d COMMON NAILS @ 6" O.C. AT PANEL EDGES AND 12" O.C. AT INTERMEDIATE SUPPORTS OR 1 1/2" 16 GAUGE STAPLES @ 3" / 6" SPACING.
- ALL INTERIOR WALLS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE FOLLOWING CRITERIA, U.N.O.
 - 2x4 OR 2x6 STUDS SPACED @ 16" O.C.
 - WALL SHEATHING: 1/2" MIN. GYPSUM SHEATHING FASTENED TO FRAMING w/ 5d COOLER NAILS @ 8" O.C. MAX. OR TYPE S/W WALLBOARD SCREWS @ 16" O.C. MAX. (1/2" MINIMUM STUD PENETRATION)
- ALL FLOORS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE FOLLOWING CRITERIA.
 - FLOOR FRAMING SPACED AT A MAXIMUM OF 24" O.C.
 - FLOOR SHEATHING: 3/4" STRUCTURAL PANEL SHEATHING w/ 8d COMMON NAILS @ 6" O.C. AT PANEL EDGES AND 12" O.C. AT INTERMEDIATE SUPPORTS.
- ALL ROOFS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE FOLLOWING CRITERIA.
 - ROOF FRAMING SPACED AT A MAXIMUM OF 24" O.C.
 - FASTEN ALL ROOF FRAMING TO TOP PLATES WITH SIMPSON H2.5 CLIPS OR EQUIVALENT AND (4) 0.131"O x 3" TOENAILS.
 - ROOF SHEATHING: 1/2" MIN. STRUCTURAL PANEL SHEATHING w/ 8d COMMON NAILS @ 6" O.C. AT PANEL EDGES AND 12" O.C. AT INTERMEDIATE SUPPORTS OR 1 1/2" 16 GAUGE STAPLES @ 3" / 6" SPACING.
 - PROVIDE FULL DEPTH BLOCKING BETWEEN TRUSSES AT ENERGY HEELS FOR PERIMETER ROOF SHEATHING NAILING OR TOP AND BOTTOM BLOCKING SHEATHED PER FRAMING NOTE 6.
- ALL BEARING POINT OR POST LOADS ARE TO BE BLOCKED SOLID TO THE FOUNDATION.
- VERIFY DROPPED VERSUS FLUSH BEAM CONDITIONS WITH HOUSE PLANS.
- ALL OTHER FASTENERS TO BE IN ACCORDANCE CODE TABLE R602.3(1).
- ABOVE STUD PLIES IN BUILT UP COLUMNS AND AT INTERMEDIATE STUD FRAMING TO BE FASTENED TO SHEATHING / GYP BOARD AS NOTED (12" O.C. MAX. AT EXTERIOR AND 16" O.C. MAX. AT INTERIOR).
- A BRACED WALL REVIEW HAS BEEN PERFORMED FOR THE ADDITION ONLY. DUE TO FULL ENGINEERING PROVIDED, EXTERIOR BRACED WALLS ARE NOT SHOWN FOR CLARITY.

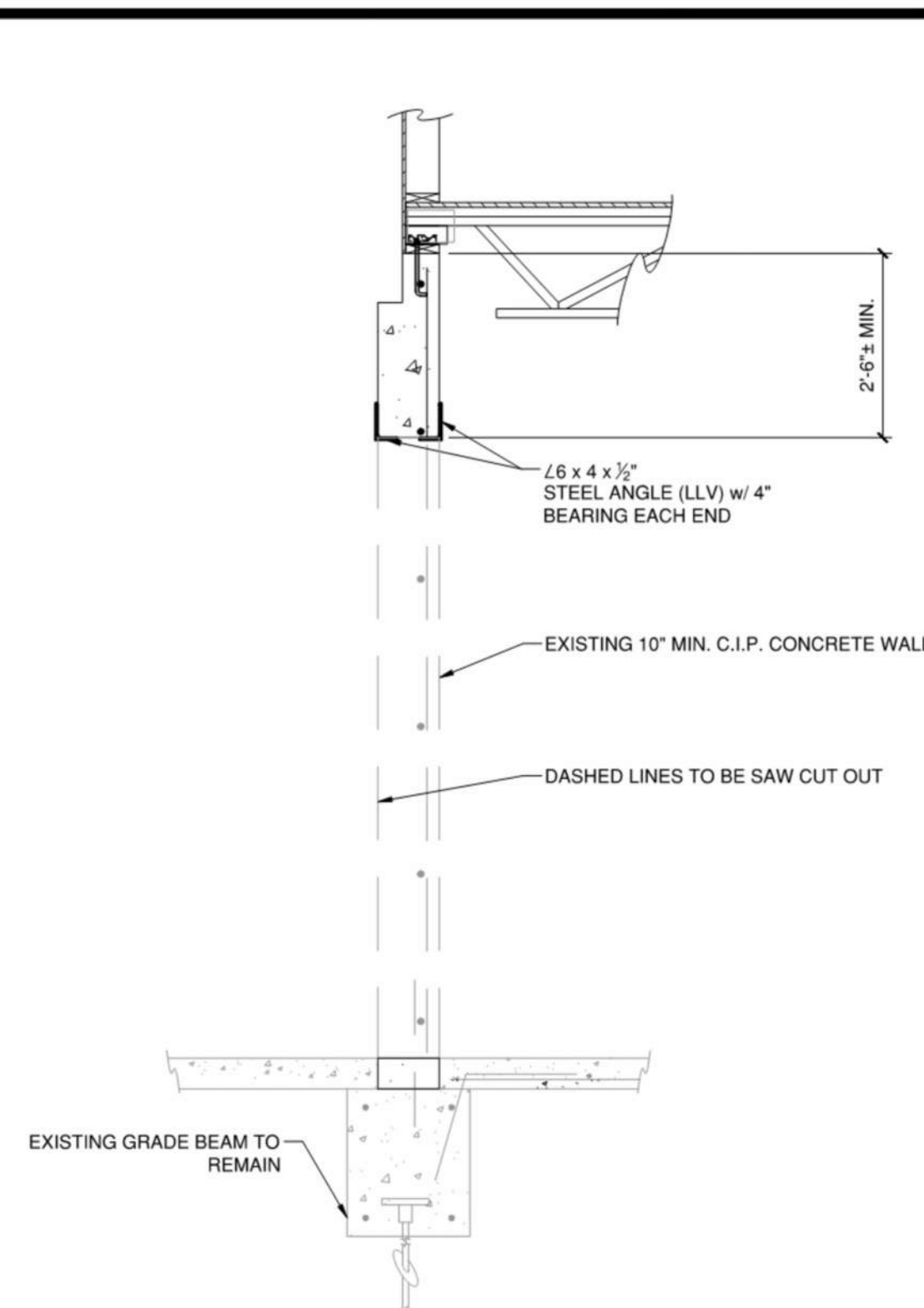
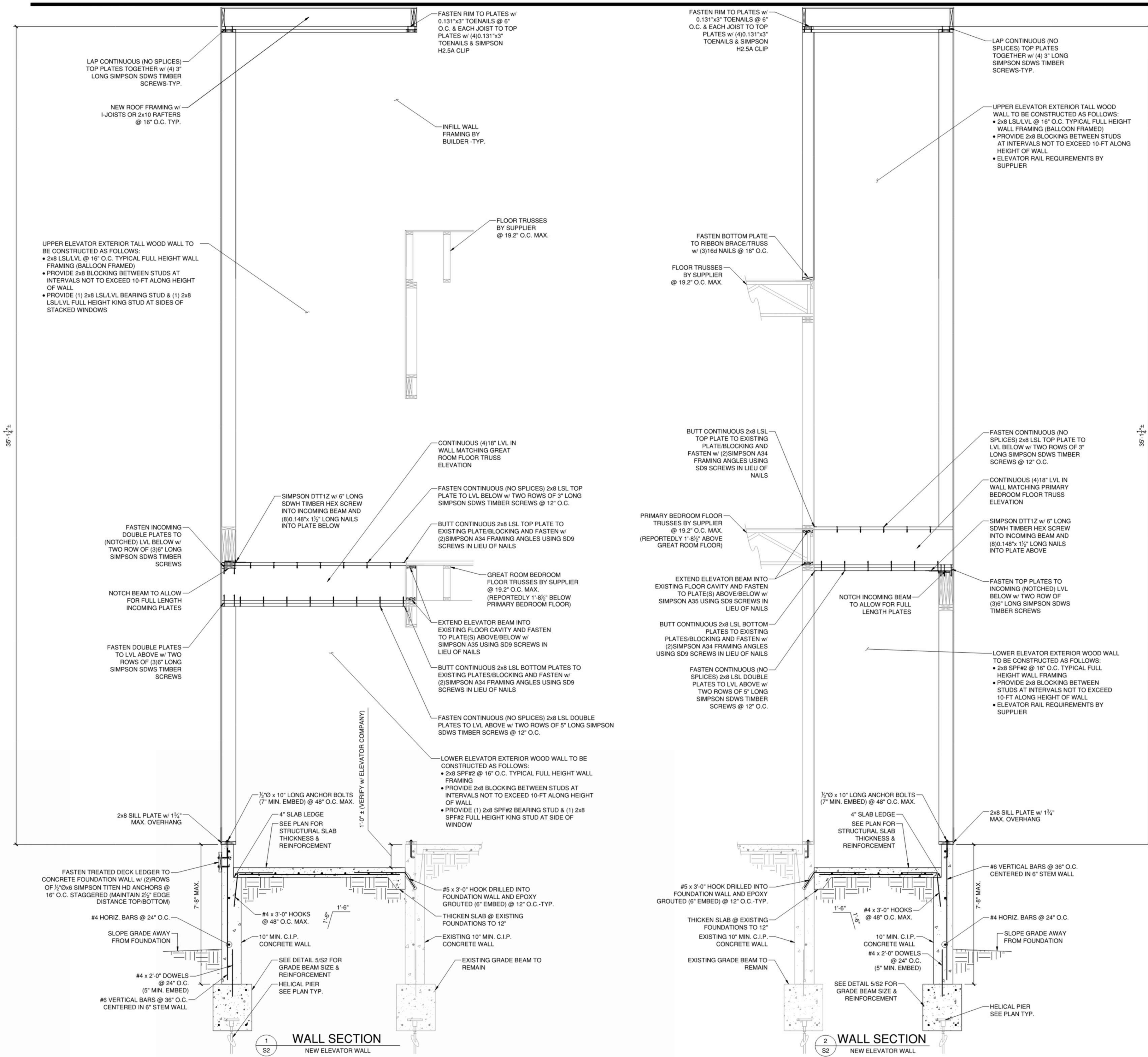


FRAMING DETAIL

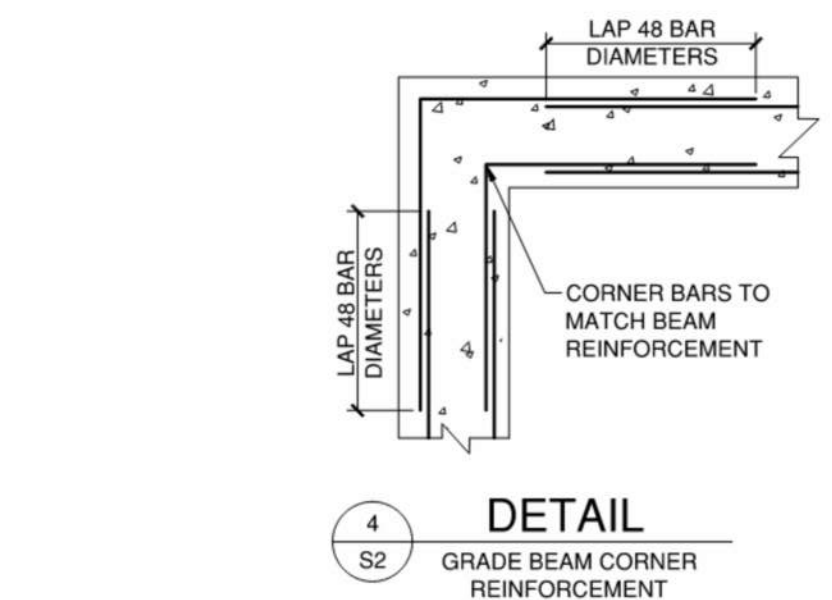
RIGID SHEAR PANEL

NOTE:
INFO APPLIES SYMMETRICALLY ACROSS
DETAIL UNLESS NOTED/SHOWN OTHERWISE.

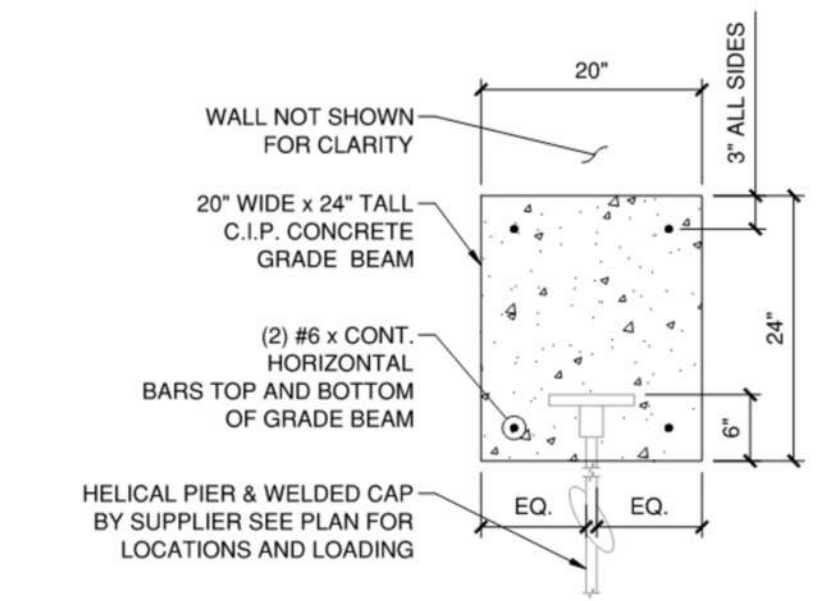




3
S2
WALL SECTION
EXISTING STORAGE/HOUSE
FOUNDATION WALL



4
S2
DETAIL
GRADE BEAM CORNER
REINFORCEMENT



5
S2
SECTION
GRADE BEAM

DFP Planning and Design
9100 Baltimore St NE, Suite 106
Blaine, MN 55449

Revision	Date	Description

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Signed: *Nick Hanson*

Print Name: Nick Hanson

Date: 12-12-24 License Number: 46665

THE HANSON GROUP
structural engineers
hg

5851 Cedar Lake Road
Suite 202
St. Louis Park, MN 55416
Tel 612-708-3572
www.hansongroupmn.com

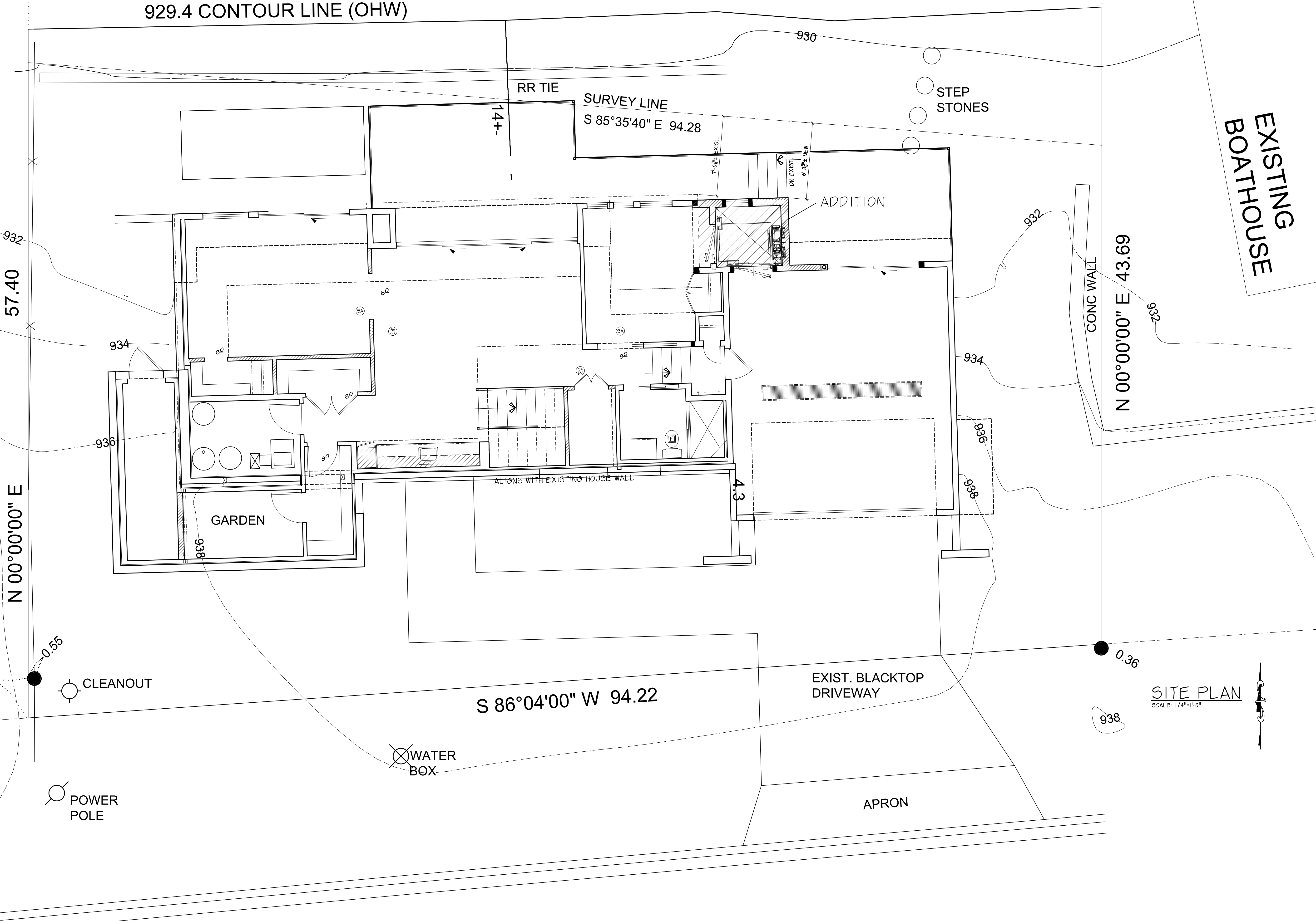
Johnson Residence
925 Excelsior Blvd
Excelsior, MN

Project Number: 6.139
Date: December 12, 2024
Sheets: 2 of 2

S2

LAKE MINNETONKA

929.4 CONTOUR LINE (OHW)



EXISTING
BOATHOUSE

SITE PLAN
SCALE: 1/4"=1'-0"

D.F.P. PLANNING & DESIGN
SINCE 1980
10000 BALTIMORE ST. NE, SUITE 100, BLAINE, MN 55449
PHONE: 763.780.8004
FAX: 763.780.8015
WEB: WWW.DFPDESIGN.COM
E-MAIL: INFO@DFPDESIGN.COM

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UNAUTHORIZED USE OF THE PLAN
IS A VIOLATION OF THE U.S.
COPYRIGHT ACT

JOHNSON RESIDENCE
925 EXCELSIOR BLVD.
EXCELSIOR, MINNESOTA

DATE:
10-16-24
REVISIONS:
10-22-24 CD
10-28-24 CD
11-18-24 CD
11-20-24 CD
12-13-24 CD

DRAWN BY:
CD

COMM. NO.
224234

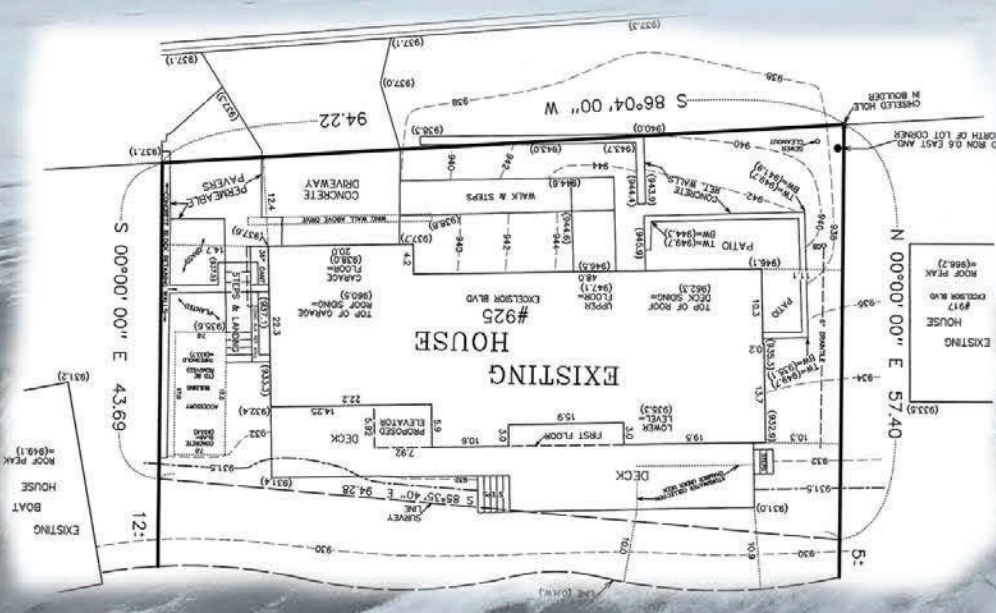
SHEET NO.
5





EXISTING
BOAT
HOUSE
ROOF PEAK
=(948.1)

EXISTING
HOUSE
#917
EXCELSIOR BLVD
ROOF PEAK
=(966.2)



JOHNSON RESIDENCE
925 EXCELSIOR BLVD.
EXCELSIOR, MINNESOTA

TABLE OF HOUSE ELEVATIONS :

	AS-BUILT	PROPOSED
1) Garage =	(938.0)	938.1
2) Top of foundation =	(946.3)	946.27
3) Main floor =	(947.1)	946.95
4) Basement =	(935.3)	935.27
5) Accessory building =	(933.7)	932.5

City of Excelsior

Resolution No. 2019-51

A Resolution Approving Variances from the Front Yard (Ordinary High Water Level (OHWL))), Rear Yard, Accessory Structure Setback, Driveway and Side Yard Setbacks; Maximum Impervious Surface; Design Standards; and Requirement that a Garage with Street-Facing Garage Doors be Recessed at Least Ten Feet from the Longest Front or Side Wall Plane of the Principal Building for 925 Excelsior Boulevard

WHEREAS, Bill Stoddard ("Applicant") has made application for variances from the required minimum front (OHWL) yard, rear yard, accessory structure, driveway, and side yard setbacks; maximum impervious surface; design standards; and requirement that a garage with street-facing garage doors be setback at least ten feet from the longest front or side wall plane of the principal building as stated in Article 41 and Article 60 Section 60-4, of the Excelsior City Code, to allow for a new house to be built at 925 Excelsior Boulevard, Excelsior, Minnesota, P.I.D.#35-117-23-21-0003; and

WHEREAS, the Planning Commission held a Public Hearing on the variance requests on October 14, 2019 and recommended the City Council approve the variance application with certain conditions; and

WHEREAS, the City Council reopened the Public Hearing at its meeting on October 21, 2019 and considered testimony and other evidence submitted by the public, the Applicant, and the recommendations of staff and the Planning Commission.

NOW, THEREFORE, IT IS RESOLVED, that the Council of the City of Excelsior, Minnesota, grants the requested variances to allow for the proposed house to be built, based on the following:

FINDINGS OF FACT

1. The Applicant's property is located in the R-1, Single Family Residential zoning district.
2. The property has a lot area of 5,447 square feet and it is 94 feet wide. the west side of the property is 57.4 feet deep; the east side is 43.69 feet deep. Because the property is located adjacent to Lake Minnetonka, the Zoning Ordinance considers the lake side of the property as the front yard.
3. The property previously had a single-family house with an attached garage. The previous house was constructed 1958, prior to adoption of the City's Zoning Code. The required setback from the Lake Minnetonka Ordinary High-Water Mark is 50 feet, and the previous structure was located 14 feet from the Lake Minnetonka Ordinary High-Water Mark. Accordingly, the structure encroached 36 feet into the Lake Minnetonka setback. The proposed structure is proposed to be located 16.4 feet from the Ordinary High-Water Mark, encroaching 33.6 feet into the required setback.

4. The encroachment of the previous home was legally nonconforming because it existed before the adoption of the required setbacks, however the proposed home will shift slightly, and any relocation of a non-conforming structure requires that the structure be brought into conformance.
5. It is difficult to conform to the front and rear yard setback requirements because the total setback distance (85 feet) is greater than the total depth of the lot (approximately 58 feet).
6. The proposed project will improve stormwater drainage into Lake Minnetonka.
7. The proposed project will not result in further encroachments into the front or rear yard setback, increase in impervious surface, or garage setback. It will result in further encroachments of side yard, driveway and accessory structure setbacks.
8. Neighboring homes have similar setbacks from Lake Minnetonka.
9. The property will continue to be used for single-family residential purposes.
10. The proposal is consistent with the goals in the Comprehensive Plan to strengthen and maintain single-family residential uses in Excelsior.
11. The property to the east side of the parcel is not occupied by a residence but, instead, by a DNR structure.
12. Pursuant to Sec. 60-2(c) of the Zoning Code, notice of the public hearing was sent to the Department of Natural Resources 10 days prior to the public hearing.
13. The neighboring property was granted variances from the maximum height, side, front and rear yard setback standards in 2004 and 2006, and the subject property was granted variances for a similar proposed layout in 2016.

CONCLUSIONS

1. The property cannot be put to a reasonable use without the variances. Variances from the front and rear yard setbacks are reasonable because, without these setback variances, the combined distance of the front and rear setbacks renders the lot unbuildable (the total lot depth - 58 feet - is exceeded by the combined depth of the setbacks - 85 feet). The existing wood pilings would allow the installation of helical piers under all eight corners of the house, which would necessitate the requirement of a side yard setback variance. The applicant is decreasing the amount of impervious surface from the previous home, and the home has already been designed and was previously approved prior to expiration of the variance and building permit.
2. The plight of the applicant is due to circumstances unique to the property and not of the applicant's making.
3. Granting the variances will not alter the essential character of the locality. Allowing the variance leaves the footprint of the previous structure essentially

unaltered. Finally, the variances allow continued use as a single-family home consistent with other structures in the area.

4. The outcome of the variances would be in harmony with the purpose and intent of the ordinance and consistent with the comprehensive plan.

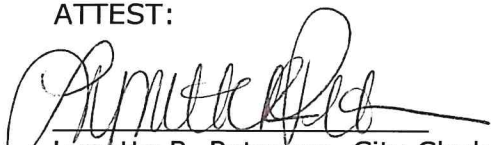
CONDITIONS

Approval of the variances is subject to the following conditions:

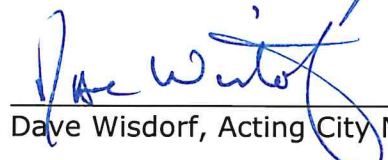
1. The applicant shall obtain all necessary City, watershed district, and other government entity permits and approvals including but not limited to building permits, grading and erosion control plans, etc.
2. The plans shall be consistent with the survey dated September 4, 2019 and plans dated December 7, 2016.
3. Prior to issuance of a building permit, the applicant shall record this resolution in the chain of title for the property with Hennepin County and shall provide the City with verification of its recording.
4. The variance shall expire one year from the date of adoption of the resolution if not acted upon; City approval will be required for any subsequent extension.
5. The applicant shall address all comments outlined in the Engineer memorandum dated September 5th, 2019 or apply for and have approved by the City a variance from these requirements.
6. Pervious pavers shall be installed in the area of the proposed driveway that will be increased from its previous location.

Adopted by the City Council of the City of Excelsior, Minnesota, this 21st day of October 2019.

ATTEST:


Lynette R. Peterson, City Clerk


Todd R. Carlson, Mayor


Dave Wisdorf, Acting City Manager

MEMORANDUM

Re: 4(c)- Ordinance 682 to Prohibit Cannabis
Retailers from Locating in the Downtown
Commercial District

Date: March 24, 2025

To: Planning Commission

From: Julia Mullin, Community Development Director

Background

The State of Minnesota enacted a law in 2023, and amended it in 2024, that legalizes adult-use cannabis in Minnesota and establishes a regulatory framework over the cannabis industry. The state will license cannabis businesses and cities will be required to register retail sellers of cannabis and perform license checks. On March 17th, the City Council adopted Ordinance 681, pursuant to MN State Statute 342, for the registration of cannabis businesses in Excelsior (the ordinance is attached).

With that adoption, the City Council directed staff to draft an ordinance to amend our zoning code to prohibit cannabis retailers from locating in the Downtown Commercial zoning district. Pursuant to *Article 3, Section 3-3* of the zoning code, the Planning Commission is required to hold a public hearing on any proposed amendment to the zoning code, report its findings, and make a recommendation to the City Council.

Ordinance 681, Registration and Regulation of Cannabis Businesses

Pursuant to *MN Statute 342*, cities may prohibit the location of cannabis businesses within 1,000 feet of schools, and within 500 feet of day care centers, residential treatment facilities, and attractions within a public park regularly used by minors (for example, a playground, ballfield, pool.) There are two schools in Excelsior – Excelsior Elementary and St. John the Baptist Catholic Montessori School and two day care centers – River Valley Montessori and Child Care and Mis Amigos Preschool. Our “park features” are the playground and ballfield in The Commons and the So Hi Playground on Third Avenue.

The City Council adopted these buffers as part of Ordinance 681. The Ordinance also caps the number of cannabis retail businesses in Excelsior at one (a zoning map with the buffers is attached).

Proposed Locations

Given the adopted buffers, there are four areas in the city where a cannabis retailer may operate in Excelsior (a zoning map with adopted buffers is attached):

1. Several parcels zoned Downtown Commercial near Lake St. and Water St., and Second St. and Water St.;
2. The parcels zoned Mixed Use along Excelsior Blvd. between Lake Street and the Lake Minnetonka Regional Trail;
3. A parcel zoned General Commercial near the intersection of Beehrl Ave. and Oak Street; and
4. Two parcels zoned General Commercial near Water Street and Hwy. 7.

The City Council wants to further restrict the available locations so that cannabis retailers may not locate in properties zoned Downtown Commercial. The purpose for prohibiting them from this zoning district is to support the Downtown Commercial district as Excelsior's main retail street, which is suited to pedestrian traffic, browsing, restaurants and coffee shops, and retail establishments that cater to visitors and residents and draw people to Excelsior as a shopping and dining destination. It is not the appropriate location for cannabis retail businesses. By prohibiting these businesses from locating in the Downtown Commercial district, a potential business could locate in the three other areas (see # 2-3 above).

The state prohibits cannabis retail businesses from allowing consumption or use of products onsite and they must have plans in place to prevent the visibility of cannabis and hemp-derived products to individuals outside the retail location.

For background, Excelsior permits on and off sale liquor uses and tobacco uses permitted in all of our commercial districts. Our ordinance employs a "prohibition buffer" for tobacco uses. Tobacco uses are prohibited from locating within 500' of a school. (Excelsior Code, Sec. 10-661).

Hours of Operation

The Council directed staff to include hours of operation for cannabis retailers, in Ordinance 681, that mimic those of off-sale liquor retailers. A cannabis retailer may operate Monday – Saturday 8:00 am – 10:00 pm and this is consistent with hours of our off-sale liquor sales and permitted by state statute. Sunday hours for cannabis retailers, permitted by state statute, are slightly more permissive than our off-sale liquor hours. Cannabis retailers may operate 10:00 am-9:00 pm on Sundays; our city code permits off-sale liquor establishments to operate 11:00 am-6:00 pm on Sundays.

Recommended Planning Commission Action:

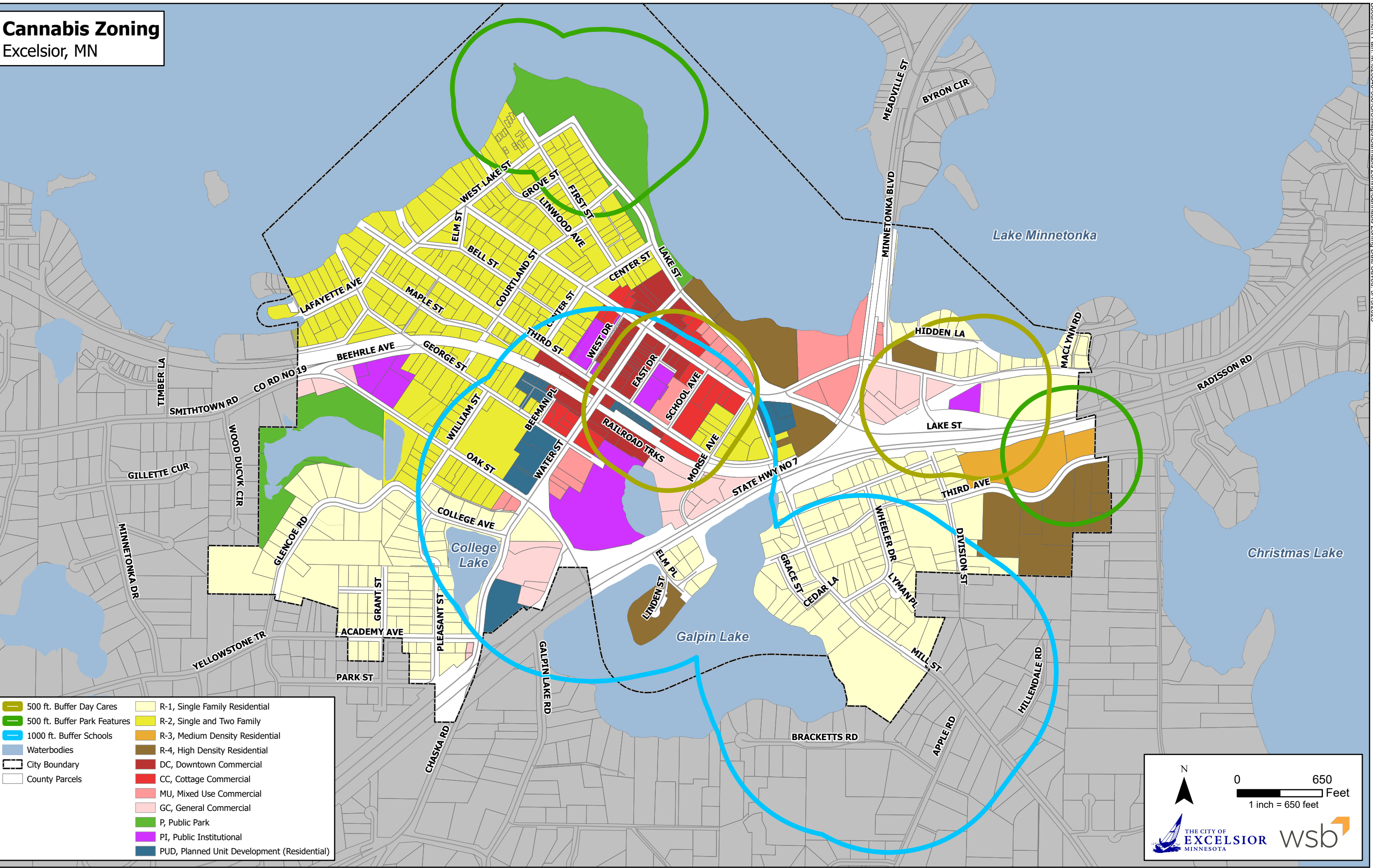
Staff recommends that the Planning Commission hold the public hearing, make findings, and recommend approval of Ordinance 682 which prohibits cannabis retailers from locating in the Downtown Commercial zoning district. Staff will draft a resolution based on the Planning Commission's findings and present it to the City Council for their consideration and action.

Attachments:

1. Zoning map with buffers
2. Ordinance No. 681 – adopted by the City Council on March 17, 2025
3. Ordinance No. 682

Cannabis Zoning
Excelsior, MN

- | | |
|---|---|
|  500 ft. Buffer Day Cares |  R-1, Single Family Residential |
|  500 ft. Buffer Park Features |  R-2, Single and Two Family |
|  1000 ft. Buffer Schools |  R-3, Medium Density Residential |
|  Waterbodies |  R-4, High Density Residential |
|  City Boundary |  DC, Downtown Commercial |
|  County Parcels |  CC, Cottage Commercial |
| |  MU, Mixed Use Commercial |
| |  GC, General Commercial |
| |  P, Public Park |
| |  PI, Public Institutional |
| |  PUD, Planned Unit Development (Residential) |



N

0 650 Feet

1 inch = 650 feet

 THE CITY OF
EXCELSIOR
MINNESOTA

 wsb

ORDINANCE NO. 682

AN ORDINANCE AMENDING APPENDIX E, SECTION 50 OF THE EXCELSIOR CITY CODE TO PROHIBIT CANNABIS RETAILERS FROM LOCATING IN THE DOWNTOWN COMMERCIAL ZONING DISTRICT

The City Council of the City of Excelsior hereby ordains as follows:

Section 1. Appendix E, Article 50, Section 50-2 of the Excelsior City Code is amended as follows:

Sec. 50-2. Permitted uses.

Table 50.1 lists the Permitted, Conditional, Interim and Accessory uses for the Commercial Districts.

P=Permitted Use; C=Conditional Use; I=Interim Use;	Downtown Commercial	Cottage Commercial	General Commercial	Mixed Use	Specific Standards
Dwelling unit located above the ground floor	P	P	P	P	
More than one principal building on a base lot	C	C	C	C	
Clinics (non- veterinary)	P [1]	P	P	P	Section 13-2, Article 13
City-owned parks and recreational facilities	P	P	P	P	
Day care and preschool facilities	C [1]	C	C	C	Article 30
Municipal offices	P	P			
Business services	P [1]	P	P	P [2]	
Offices business (general)	P [1]	P	P	P [2]	Section 13-12, Article 13
Educational services	C [1]	C	C	C [2]	Section 13-6, Article 13
Personal services	P	P	P	P	
Repair and maintenance shop	P	P	P	P	Section 13-20, Article 13
Financial institutions	P [2]	P [2]	P [2]	P [2]	Section 13-12, Article 13
Marinas				C	Section 13-6, Article 13
Motels, hotels, and bed and breakfast facilities	P	P	P	P	Section 13-22, Article 13
Trade shops		C	C		Section 13-17, Article 13
Transportation services			C		Section 13-18, Article 13
Veterinary Clinic	P	P	P	P	Section 13-19, Article 13

Bakeries	P	P	P	P	
Microbreweries	C	C	C	C	Section 13-10, Article 13
On and off sale liquor	P	P	P	P	
Taverns	P	P	P	P	
Restaurants	P	P	P	P	
Pet shops	P	P	P	P	Section 13-15, Article 13
Retail sales	P	P	P	P	
Cannabis retailer		P	P	P	Chapter 10 Article XXV
Car wash				C	Section 13-3, Article 13
Motor fuel stations				C	Section 13-11, Article 13
Open sales and rental lots			C		Section 13-13, Article 13
Light industrial			C		Section 13-8, Article 13
Indoor recreation		C	C	C	Section 13-7, Article 13
Membership Organization	P [1]	P		P [2]	
Outdoor recreation			C		Section 13-14, Article 13
Theaters (excluding drive-in type of service)	P			P	
Adult use, Principal			P [3]		Chapter 10, Article XII
Antennas			P/C/I	P/C/I	Article 29
Public or private parking facilities	C	C	C	C	Article 19
Rail transit systems	C	C	C	C	Section 13-16, Article 13
Adult use, Accessory	P	P	P	P	Chapter 10, Article XII and Article 13, Section 13-1
Car washes				C	Section 13-3, Article 13
Drive-through facilities				C	Section 13-4, Article 13
Electronic amusement device or game	P	P	P	P	Section 13-5, Article 13
Essential services	P/C	P/C	P/C	P/C	Article 26
Fences	P	P	P	P	Article 12
Garages and Parking Spaces	P	P	P	P	Articles 11 and 19
Home Occupations	P	P	P	P	Article 31
Keeping of animals	P	P	P	P	Article 33 and Chapter 6
Off-street parking	P	P	P	P	Article 19
Off-street loading	P	P	P	P	Article 20

Open or outdoor sales	P	P	P	P	
Outdoor sidewalk cafes	P	P	P	P	Article 37
Repair or processing necessary to conduct permitted principal use	P	P	P	P	Section 13-20, Article 13
Signs	P	P	P	P	Article 24
Temporary structures	P	P	P	P	Article 27
WECs	I	I	I	I	Article 28
Short-term rental [5]	P	P		P	Chapter 10, Article XXIV

- [1] Use cannot be located at street level on Water Street or at street level in structures that have frontage on both Water Street and one of the following: Lake Street, 2nd Street, or 3rd Street; use must be located on the upper level.
- [2] Use cannot be located at street level; must be located on the upper level.
- [3] Principal accessory uses are permit in the General Commercial District only within the following boundary as described in section 10-433, in the area beginning from the northernmost point of intersection of Morse Avenue and the Hennepin County Regional Railroad Authority right-of-way, heading due east to a point of junction with State Highway 7, then heading generally southwest along State Highway 7 to a point of junction with Morse Avenue, then heading generally northeast along Morse Avenue to the point of beginning; and less than 250 feet from one or more property lines of a residentially zoned property, a church site, a school site, a day care facility, or a park.
- [4] At least 75 percent of the footprint of the building at street level must consist of the principal allowed use. Any allowed accessory use must be located behind the principal use away from street level.
- [5] Use must be in a dwelling unit located above the ground floor.
- (Ord. No. 625, § 2, 3-7-2022; Ord. No. 638, § 3, 8-1-2022; Ord. No. 660, § 4, 5-6-2024)

Section 2. This Ordinance is effective in accordance with Section 3.06 of the Excelsior City Charter.

Adopted by the Council of the City of Excelsior, Minnesota, this ____ day of _____ 2025.

Gary Ringate, Mayor

ATTEST:

Theresa Bajda, City Clerk

Kristi Luger, City Manager

First Reading of Ordinance: April ___, 2025
Second Reading and Adoption: _____, 2025

Publication of Ordinance: _____, 2025
Effective Date: _____, 2025

ORDINANCE NO. 681

**AN ORDINANCE ADDING A NEW ARTICLE XXV TO CHAPTER 10 OF THE
CITY CODE REGARDING REGISTRATION OF CANNABIS AND HEMP
BUSINESSES AND RELATED REGULATIONS**

The City Council of the City of Excelsior hereby ordains as follows:

Section 1. Chapter 10 of the Excelsior City Code is amended to add the following new Article XXV:

ARTICLE XXV. – REGISTRATION OF CANNABIS AND HEMP BUSINESSES

Sec. 10-1401. – Purpose and Findings.

The City of Excelsior makes the following legislative findings: The purpose of this article is to protect the public health, safety, welfare in the City by implementing regulations pursuant to Minnesota Statutes, chapter 342 related to the registration and regulation of cannabis and hemp businesses within the City. The City finds and concludes that these regulations are appropriate and lawful and are in the public interest and for the public good.

Sec. 10-1402. – Definitions.

The following words, term, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult-use cannabis product. As defined by the Act, meaning a cannabis product that is approved for sale by OCM or is substantially similar to a product approved by OCM. Adult-use cannabis product includes edible cannabis products but does not include medical cannabinoid products or lower-potency hemp edibles.

Applicant. An entity with a license issued by the Office of Cannabis Management that is applying for an initial registration or for registration renewal.

The Act. Minnesota Statutes, Chapter 342, as it may be amended from time to time.

Cannabis business. As defined in the Act, which includes any of the following licensed under the Act: cannabis microbusiness; cannabis mezzobusiness; cannabis cultivator; cannabis manufacturer; cannabis retailer; cannabis wholesaler; cannabis transporter; cannabis testing facility; cannabis event organizer; cannabis delivery service; and medical cannabis combination business.

Cannabis flower. As defined in the Act, meaning the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower.

Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

Cannabis product. As defined in the Act, meaning any adult-use cannabis products, including but not limited to edible cannabis products and medical cannabinoid products.

Cannabis retailer. Any person, partnership, firm, corporation, or association, foreign or domestic, that sells cannabis product to a consumer and not for the purpose of resale in any form and is licensed under the Act and required to register with the City under Minnesota Statutes, section 342.22.

Daycare. A location licensed with the Minnesota Department of Human Services to provide the care of a child in a location outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

Hemp-derived consumer product. As defined by the Act, meaning a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and: (1) contains or consists of hemp plant parts; or (2) contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients. Hemp-derived consumer product does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.

Lower-potency hemp edible. As defined by the Act, including any product that: is intended to be eaten or consumed as a beverage by humans; contains hemp concentrate or an artificially derived cannabinoid, in combination with food ingredients; is not a drug; does not contain a cannabinoid derived from cannabis plants or cannabis flower; is a type of product approved for sale by OCM or is substantially similar to a product approved by OCM, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods; and meets either of the requirements in Minnesota Statutes, section 324.01, subd. 50(b).

Lower-potency hemp retailer. Every lower-potency hemp edible retail business that sells lower-potency hemp edibles to consumers and is licensed under the Act and required to register with the City under Minnesota Statutes, section 342.22.

Medical cannabis combination business. A person, cooperative, or business holding a medical cannabis combination business license under the Act and authorized to perform any or all the authorized actions set forth in Minnesota Statutes, section 342.515, as it may be amended from time to time.

OCM. The Office of Cannabis Management.

Park feature. An attraction within a public park that is regularly used by minors, including but not limited to, a playground or athletic field.

Potential licensee. An applicant that has not received a license from the OCM.

School. Any kindergarten, elementary school, middle school, or secondary school as defined by Minnesota Statutes Section 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. Section 120A.24.

Temporary cannabis event. An event held by an individual or an organization licensed by the State of Minnesota as a Temporary Cannabis Event Organizer, as described in Minnesota Statutes, sections 342.39 and 342.40.

Sec. 10-1403. – Pre-license certification of cannabis businesses.

(a) *Authority to Certify.* The City Manager, or their designee, is authorized to certify whether a proposed Cannabis Business complies with the City’s zoning ordinances and if applicable, with state fire code and building code pursuant to Minnesota Statutes, section 342.13.

(b) *Pre-certification inspections.* Potential licensees are responsible for making all necessary zoning applications prior to the City receiving the request for certification from the OCM. If a potential licensee fails to obtain necessary zoning approvals prior to the City receiving a request for certification, the City will inform the OCM that the potential licensee does not meet zoning and land use laws. If, at the time the City receives a request for zoning certification, there are no further intended alterations to the building where the business is to be conducted, the City will also certify compliance with building and fire code regulations, provided that the potential licensee has obtained inspections prior to the City’s receipt of a request for certification from the OCM. Building and fire code inspections will be valid for 1 year from completion.

(c) *Location.* No Cannabis Business may be located within 1000 feet of a school, or within 500 feet of a daycare or park feature as measured by the shortest line from the property line of the space to be occupied by the potential licensee and the nearest property line of the school, daycare, or park feature.

Sec. 10-1404. – Registration of Retailers.

Retail Registration Required. Before making retail sales to customers or patients, all Cannabis Retailers and Lower-Potency Hemp Retailers must register with the City. Making retail sales to customers or patients without an active registration is prohibited.

Sec. 10-1405. – Cannabis Retailer Registration Limits.

(a) *Cap on Cannabis Retailer Registrations.* The City will issue one (1) cannabis retailer registration in the City. Registrations issued to businesses with a license preapproval from OCM will count toward the City’s registration limit.

(b) *Exceptions.* The following businesses are not subject to the cap on registration under (a) above:

- (1) Businesses operating under a tribal compact entered into under Minnesota Statutes, Section 3.9224 or 3.9228;
- (2) Tribally issued licenses and registrations;
- (3) Lower-Potency Hemp Retailers;
- (4) Medical cannabis combination businesses; and
- (5) Municipal cannabis business.

Sec. 10-1406. – Processing registration.

(a) *First-come, first-served.* Applications for registration will be processed on a first-come, first-served basis based on the City receiving a complete application and payment of all fees.

(b) *Complete applications.* Applications will be considered complete when all materials in section 10-1405 are received by the City and include all required information.

(c) *Date of pre-licensing certification.* The date a pre-licensing certification under section 10-1403 is issued will have no impact on the applicant's registration processing and is not an indication that the cap on registrations has not been met.

Sec. 10-1407. – Application for Registration.

(a) *Application.* All applicants for initial registration or renewal registration must submit a registration application provided by the City. The form may be amended from time to time by the City, but must include or be accompanied by:

- (1) Name of the property owner;
- (2) Name, address, email address, telephone number, and date of birth of the applicant;
- (3) Address and parcel ID for the property for which the registration is sought;
- (4) Certification that the applicant complies with the requirements of this article;
- (5) The following fees, as established in the City's fee schedule, at the time of initial application and prior to the City's consideration of any renewal application:
 - (a) At the time of initial registration: An initial registration fee. The initial registration fee will pay for the costs of registration and the cost of the first year of operation.
 - (b) The renewal fee for the second year of operation.
 - (c) At the time of the first annual renewal (prior to the second year of operation), no fee will be due.

(d) At the time of the second annual renewal, and each year thereafter, the renewal fee must be paid prior to the City issuing any renewal registration.

(6) A copy of a valid state license or written notice of OCM license preapproval; and

(7) Acknowledgement that all property taxes and assessments are current at the location where the retail establishment is located.

(b) *Fees non-refundable.* Initial registration fees and renewal registration fees are nonrefundable.

Sec. 10-1408. – Preliminary compliance check.

Initial Cannabis Retailer or Lower-Potency Hemp Retailer registration shall not be issued unless, prior to opening for operations following approval of an application for initial registration, the applicant has passed a preliminary compliance check conducted by the City to ensure compliance with this article and any other regulations established pursuant to Minnesota Statutes, section 342.13.

Sec. 10-1409. – Basis for denial of registration.

(a) *Basis to Deny Registration.* The City shall not issue a registration or renewal for any Cannabis Retailer or Lower-Potency Hemp Retailer if any of the following conditions are true:

(1) The applicant has not submitted a complete application.

(2) The applicant does not comply with the requirements of this article.

(3) The applicant does not comply with applicable zoning and land use regulations.

(4) If applicable, the applicant is found to not comply with the requirements of the Act, this article, the building code, or the fire code at the preliminary compliance check.

(5) If applicable, the maximum number of registrations, pursuant to section 10-1405 have been issued by the City.

(6) The applicant does not have a valid license from the OCM.

(7) The applicant is not current on all property taxes and assessments at the location where the retail establishment is located.

Sec. 10-1410. – Issuance of registration or renewal.

The City shall issue the registration or renewal if the applicant meets the requirements of this chapter, including that none of the reasons for denial in section 10-1407 are true.

Sec. 10-1411. – Registration nontransferable.

A registration is not transferable to another person, entity, or location.

Sec. 10-1412. – Enforcement.

(a) *Generally.* The City Council may impose a fine or suspend a registration on a finding that the registered business has failed to comply with an applicable statute, regulation, or ordinance, including a violation of this article.

(b) *Notice and Right to Hearing.* Prior to imposing a fine or suspending any registration, the City shall provide the registered business with written notice of the alleged violations and inform the registered business of its right to a hearing on the alleged violation.

(c) *Delivery of Notice.* Notice shall be delivered in person or by regular mail to the address of the registered business and shall inform the registered business of its right to a hearing. The notice will indicate that a written response must be submitted within ten (10) days of receipt of the notice, or the right to a hearing will be waived.

(d) *Council Hearing.* Provided a timely request for a hearing is submitted by the registered business, the City Council will hold a hearing before taking final action to fine or suspend a registration. The City Council shall give due regard to the frequency and seriousness of the violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply and shall issue a decision to fine or suspend the registration only upon written findings.

(e) *Council Action.* If a timely request for a hearing is not received, the matter shall be submitted to the City Council for imposition of the fine or suspension.

(f) *Emergency.* If, in the discretion of the City's chief law enforcement officer, or their designee, a registered business poses an imminent threat to the health or safety of the public, the City may immediately suspend the registration and provide notice of the right to hold a subsequent hearing as prescribed in this section.

(g) *Reinstatement.* The City may reinstate a registration if it determines that the violations have been resolved. The City shall reinstate the registration if the OCM determines the violations have been resolved.

(h) *Report to OCM.* All enforcement actions will be reported to the OCM.

Sec. 10-1411. – Penalties.

(a) *Misdemeanor.* Any person who violates this article is guilty of a misdemeanor and, upon conviction, is subject to a fine and imprisonment as prescribed by state law. Each day each violation continues or exists, constitutes a separate offense.

(b) *Civil Penalty.* The City may impose a civil penalty, as authorized by Minnesota Statutes, section 342.22, of up to \$2,000 for each violation of this article.

(c) *Action Against Business License.* Violation of this article shall be grounds for enforcement against any business license issued by the City of Excelsior.

Sec. 10-1412. – Cannabis business operating regulations.

(a) *Compliance Checks.* The City shall complete, at a minimum, one compliance check per calendar year of every registered Cannabis Retailer business to assess if the business meets age verification requirements, as required under Minnesota Statutes, section 342.22, subd. 4(b) and this article. Any failures under this article are a basis for enforcement action and must be reported to the OCM.

(b) *Hours of Operation.* Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products to between the hours of 8:00 a.m. and 10:00 p.m. Monday through Saturday, and 10:00 a.m. and 9:00 p.m. on Sunday.

(c) *Display of License and Registration.* All licenses and registrations must be posted and displayed in plain view of the general public on the premises.

(d) *Advertising.* Signage is subject to the City's sign code, Appendix E, Article 24 of this Code, with the addition of the following: Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business.

Sec. 10-1413. – Lower-potency hemp retailer operating regulations.

(a) *Compliance Checks.* The City shall complete at minimum one compliance check per calendar year of every registered Lower-potency Hemp Retailer business to assess if the business meets age verification requirements, as required under Minnesota Statutes, section 342.22, subd. 4(b) and this article. Any failures under this article are a basis for enforcement action and must be reported to the OCM.

(b) *Display of License and Registration.* All licenses and registrations must be posted and displayed in plain view of the general public on the premises.

(c) *Advertising.* Signage is subject to the City's sign code, Appendix E, Article 24 of this Code.

Sec. 10-1414. – Temporary Cannabis events.

(a) *Special Event Permit Required.* Prior to holding a Temporary Cannabis Event, any cannabis event organizer with a license from the OCM must obtain a special event permit from the City and follow all regulations under Chapter 10, Article XIV of this Code.

(b) *Other Requirements.* In addition to the requirements for special events under Chapter 10, Article XIV, all Temporary Cannabis Events must meet the following requirements:

- (1) The event organizer must provide to the City a complete copy of the cannabis event license application submitted to OCM pursuant to Minnesota Statutes, section 342.39, subd. 2.
- (2) If held outdoors, events are subject to location restrictions applicable to cannabis and hemp businesses in section 10-1403(c).
- (3) All Temporary Cannabis Events must follow all requirements of Minnesota Statutes, chapter 342, as it may be amended from time to time, and all requirements of the temporary cannabis event organizer license issued by the OCM.

Sec. 2. This Ordinance is effective in accordance with Section 3.06 of the Excelsior City Charter.

Adopted by the Council of the City of Excelsior, Minnesota, this 17th day of March 2025.

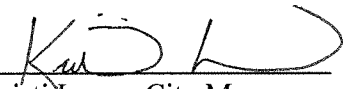


Gary Ringate, Mayor

ATTEST:



Theresa Bajda, City Clerk



Kristi Luger, City Manager

First Reading of Ordinance: March 3, 2025
Second Reading and Adoption: March 17, 2025
Publication of Ordinance: March 27, 2025
Effective Date: April 29, 2025

Commission Assignment	Q1 (Jan-Mar)	Q2 (Apr-Jun)	Q3 (Jul - Sep)	Q4 (Oct-Dec)
Parks and Recreation	Bildsoe	Ringate	Caron	Tyler
Heritage Preservation	Caron	Tyler	O'Hanlon	Bildsoe
Planning	O'Hanlon	Bildsoe	Ringate	Caron

**Rotated in alphabetical order by last name*

Bildsoe
Caron
O'Hanlon
Ringate
Tyler