

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, June 13 at 6:30 p.m. at the Excelsior City Council Chambers at 339 Third Street, Excelsior, MN 55331.

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

<https://us02web.zoom.us/j/86051439192>

Meeting ID: 860 5143 9192

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Meeting ID: 860 5143 9192

**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

June 13, 2022

Council Chamber, City Hall, 339 Third Street

6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

- a) Planning Commission Meeting of May 9, 2022

4. PUBLIC HEARINGS

5. DISCUSSION ITEMS

- a) Residential Review Permit Report
- b) Review and approve PC Bylaws – strikethrough copy
- c) Zoning Amendments – update
- d) Continuing Education – presentation by City Attorney – continued to June 27, 2022

6. COMMUNICATIONS & REPORTS

- a) Next City Council Meeting – June 20, 2022
- b) Next Planning Commission Meetings – June 27, 2022
- e) Residential Review Permit Administrative Approval – None.

7. MISCELLANEOUS

- a) Recent City Council Actions

8. ADJOURNMENT

## 2022 Attendance

Meeting	Jan SM	Jan 24	Feb 28	Mar 14	Mar 28	Apr 11	Apr 25	May 9	May 23	Jun 13	Jun 27	Jul	Aug	Sep	Oct	Nov	Dec
Black	P	P	P	X	P	A	A	P	X								
Craig	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X
DiLorenzo	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Harrison	A	P	P	X	P	P	P	P	X								
Holste	P	A	P	X	P	P	P	P	X								
Noll	P	P	P	X	P	P	P	P	X								
Punch	X	X	X	X	X	P	P	P	X								
Tyler	X	X	X	X	X	X	P	P	X								
Wallace	P	P	P	X	P	P	P	A	X								

SM – Special Meeting

P – Present

A – Absent but gave prior notice

U – Absent without notice

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

City of Excelsior  
Hennepin County, Minnesota  
Minutes  
Planning Commission  
Monday, May 9, 2022

OATH OF OFFICE- Chair Wallace administered the Oath of Office to Andrew Punch

1. CALL TO ORDER

Vice Chair Black called the meeting to order at 6:30 pm.

2. ROLL CALL

Commissioners Present: Black, Harrison, Holste, Noll, Punch, Tyler

Commissioners Absent: Wallace

Others in attendance: Kevin Staunton, City Attorney and Julia Mullin, Community Development Director; Brian Larson, City Architect joined later in the meeting.

3. APPROVAL OF MINUTES

a) **Planning Commission Meeting of April 25, 2022**

Holste moved to approve the amended Minutes. Noll seconded. Motion approved 6/0.

4. PUBLIC HEARINGS

a) **162 West Lake Street – Variance Applications (PC No. 22-02) – continued from April 25, 2022**

Mullin presented staff report. Lance continued the public hearing. Peter Hartwich, 186 George Street, provided comment in favor of denying the Variances. Bill Muezenberg, 161 West Lake provided comment in favor of denying the Variances. Punch moved to deny the Variance applications. Tyler seconded. Motion failed 3/3. Harrison, Punch, Tyler voted yes. Black, Holste, Noll voted no.

b) **690 Excelsior Boulevard – Planned Unit Development Preliminary Application (PC No. 22-10)**

Mullin presented staff report. Black opened the public hearing. Bob Peterson, owner of nearby car repair business spoke; had questions about stormwater and parking. Peter Hartwich, 186 George Street, provided comment; too much mass; wants to see affordable units in the project. Harrison moved to recommend denial of the PUD application. Tyler seconded. Motion approved. 5/1. (Punch voted no on the motion.)

5. DISCUSSION ITEMS

Community Development Director suggested that the PC take up the Residential Review Permit Report first since the City Architect, Brian Larson, was in attendance at the meeting. Mullin presented staff report. Larson presented report.  
Staff will revise report and Planning Commission will continue discussion at next meeting.

- a) Planning Commission Annual Meeting
  - a. Review PC Bylaws
  - b. Continuing Education – presentation by City Attorney
  - c. Elect Officers
  - d. Residential Review Permit Report

Due to it being 9:30 pm, the Commission chose to continue the review of the PC Bylaws and the Continuing Education to the next meeting.

The Commission unanimously elected officers for 2022. Harrison moved to elect Dan Wallace, chair and Lance Black Vice Chair. Noll seconded. Approved 6/0.

Harrison moved to amend bylaws to return to one regularly scheduled Planning Commission meeting per month. Holste seconded. Approved 6/0.

## 6. COMMUNICATIONS & REPORTS

- a) Next City Council Meeting – May 13, 2022
- b) Next Planning Commission Meetings – June 13, 2022, and June 27, 2022
- c) Residential Review Permit Administrative Approval - none

## 7. MISCELLANEOUS

- a) Recent City Council Actions

## 8. ADJOURNMENT

Motion to adjourn by Harrison. Seconded by Holste. Approved 6/0.

Meeting adjourned at 10:00 pm.

Respectfully submitted,

Julia Mullin, Community Development Director



# MEMORANDUM

5 (a) – Staff Report: Residential Review Permit

**Re:** Report

**Date:** June 13, 2022

**To:** Planning Commission

**From:** Julia Mullin, Community Development Director

At the May 29, 2022, Planning Commission meeting the Planning Commission reviewed a preliminary draft of the Residential Review Permit Report. The Report summarizes the activity to date for permits issued for residential construction subject to the Residential Review Ordinance, adopted in September 2022. Planning Commissioners discussed the draft, made comments and directed staff to bring a revised report to the June 13 meeting.

## RECOMMENDED ACTION

It is recommended that the Planning Commission review the Residential Review Permit Report, and if the Planning Commission is satisfied with the report, take action to approve it with any necessary changes, and forward it to the City Council for review.



# MEMORANDUM

5 (a) – Residential Review Permit Report

**Re:** \_\_\_\_\_

**Date:** June 13, 2022

**To:** Planning Commission \_\_\_\_\_

**From:** Julia Mullin, Community Development Director \_\_\_\_\_

This report is a summary and analysis of the residential construction activity to date in the City of Excelsior that has been subject to the Residential Review Permit Ordinance adopted by the City Council in September 2020. The goal of the report is to understand how the Ordinance has worked over the past 21 months and to determine if the Ordinance has resulted in the consequences that inspired its creation and adoption. This report also provides some proposed recommendations for changes to the Ordinance and process.

## BACKGROUND

The Excelsior City Council adopted the Residential Review Ordinance (Ordinance 610) in September 2020. In its preamble the Ordinance describes conditions in the City that prompted the creation and adoption of the Residential Review Ordinance. The desired goal of the Ordinance was to cultivate residential construction that enhances Excelsior’s unique character as a historic small town. The Ordinance requires a Residential Review Permit for all new single family new construction as well as remodeling and additions:

The City of Excelsior has a diverse collection of single-family structures that have created a small-town character, making the city an especially desirable place to live. As a result of that desirability, the city has in recent years experienced a surge in single-family residential development activity, much of which has come from replacement of existing structures with entirely new houses, which has threatened the character that has made the city such a uniquely desirable place to live. The City Council finds that traditional zoning regulations have not been sufficient to preserve the small-town character that has made Excelsior such a desirable place to live.

Therefore, the City Council has adopted an ordinance that creates a Residential Review Process (“RRP”) to apply Good Neighbor Guidelines standards. The RRP is intended to encourage

collaboration between the community and the property owner and ensure that residential redevelopment preserves and enhances the special character that has made the community so desirable. After extensive discussion and study in the community regarding the issue, the City Council is adopting this ordinance regulating redevelopment of residential properties in the City of Excelsior.

The intent of the Ordinance as codified in Article 41 of Excelsior's Zoning Ordinance is to:

- (1) Regulate mass and scale, bulk and orientation of new construction and remodeling
- (2) Ensure compatibility of new construction and remodeling with existing surrounding properties
- (3) Preserve tree canopy, green space, air and light for existing surrounding properties
- (4) Protect and enhance the City of Excelsior's appeal and attraction to residents and visitors
- (5) Nothing in this chapter shall be construed to regulate architectural design of new construction and remodeling unless it affects mass, scale, bulk and/or orientation.

To meet this intent the Ordinance:

1. Adopts Good Neighbor Guidelines, which provide the criteria to apply in administering the residential review process and review of all single-family structure remodeling, additions, and new construction.
2. Requires a residential review permit for any new construction, additions, remodels that result in the increase of volume of or for any new construction, additions or remodels that reorientation or change in setbacks of a principal structure or accessory structure requiring a building permit.
3. Appoints the Planning Commission as the reviewing body in charge of approving and denying residential review permits through the residential review process.

The Planning Commission, planning staff and city architect have reviewed the activities of the Residential Review Permit process since its inception in September 2020, drawn some conclusions, and proposed some recommendations for changes that would improve the process for applicants and result in new and



renovated homes that are compatible, in terms of mass and scale, with the size of the parcel and the surrounding neighborhood.

## **ANALYSIS**

### **1. Number and Type of Permit Applications**

Since the adoption of the Ordinance, there have been 17 Residential Review Permit applications approved by the Planning Commission and one application withdrawn. Additionally, the Planning Commission has approved two Amendments to approved permits, and staff has administratively approved one Amendment to an approved permit. Of the 17 applications, 7 were for the construction of new single-family homes and 10 for additions to existing homes. The additions have included added living space to the home, new garages, new porches. A list of all applications is included at the end of this report.

<b>RRP Application Type</b>	<b># Permits</b>
New Home	7
Addition	10
Amendment to approved Permit – approved by PC	2
Administrative Amendment to approved Permit – approved by staff	1

### **2. Applications with Variances**

Of the 17 Residential Review Permit applications, three were accompanied by Variance requests. Fourteen applications would not have been reviewed by the City prior to Building Permit issuance but for the Residential Review Ordinance. These 14 applications all complied with the standards of the Excelsior Zoning Code and were reviewed during this process for adherence to the Good Neighbor Guidelines.

The two Amendments to Residential Review Permits approved by the Planning Commission were accompanied by Variance applications.

The projects with Variance applications included:

678 Pleasant Street– maximum height and size of garage, minimum setback, garage with street-facing doors must be setback at least 10’ from front wall plane

366 Oak Street– maximum size of total accessory structures and garage, wall height, side yard setback, garage with non-street facing doors must be setback at least 6’ from front wall plane

162 West Lake – building coverage and lot coverage (the RRP permit was approved; the variances were not approved by the City Council)

101 Center Street Amendment– front yard setback

44 1<sup>st</sup> Street Amendment– rear yard setback

### **3. Application Process**

As with other land use applications, the City is required to act on Residential Review Permit applications within 60 days and may take up to 120 days to take action. One measure of how well the process is functioning for Applicants is to look at how long it takes for applications to be acted upon by the Planning Commission. Some applications are reviewed and approved in one meeting. Other applications are reviewed at an initial meeting during which the Planning Commission offers recommendations for better compliance with the Good Neighbor Guidelines and then a revised application comes back to the Planning Commission at a second meeting at which it is approved or denied.

Of the 17 Permit applications, 11 of them were reviewed and acted on by the Planning Commission at one meeting. Six applications were reviewed by the Planning Commission at one meeting and then continued to a future meeting so that revisions to the plans could be considered. Five of the six applications were completed in two meetings of the Planning Commission.

Another factor in the process is whether a pre-meeting with staff regarding the application is held. In some cases, the pre-meeting helped the applicant create an initial plan that met the Good Neighbor Guidelines and the Planning Commission reviewed and approved the application with unanimous approval. In other cases, despite a pre-meeting, the application still required more than one meeting with the Planning Commission before action was taken. Sometimes this was due to a project that had more complexity, such as a lot that presented constraints, or a project vision that was less clearly adhering to the Good Neighbor

Guidelines and the Applicant chose to continue to the Planning Commission with the plans as initially drawn.

#### **4. The Good Neighbor Guidelines most commonly at issue during Planning Commission review of projects:**

There are seven Good Neighbor Guidelines used to review each project. (They are attached.) The Good Neighbor Guidelines most often cited by the Planning Commission for not being adequately met by a proposed project were:

# 1. Massing and scale of a new structure should be compatible with neighboring structures

# 2. The size and mass of a new structure should be compatible with the size of the property

# 5. Consider front porch element in design of new structures

**Second story massing:** there have been a number of projects proposed on smaller lots that included a full second story in the plans. A full second story helps maximize the amount of space inside the house, especially on a small lot. However, a full second story also makes the house feel more massive. And it is not always possible to reduce the perception of mass through architectural detailing. When elements of a one-and-a-half story structure are included in the upper level, such as dormers, gables, lowered roof lines, or on the main level a porch that projects from the front of the house with no structure above it, the home feels less massive. In Excelsior there are many one-and-a-half story homes. A new two-story home in a neighborhood where both are present, does not always fit. However, it is also true that some sites do not present a strong contextual pattern of surrounding house massing because there is a mix of massing and heights. Identifying compatibility in these areas is challenging.

**Location of the garage:** Traditionally in Excelsior garages are located at the rear of the lot. There are zoning standards in place to encourage this location, such as the 500 sf bonus in hardcover calculation for a garage that is 60 feet from the front property line. When a garage is proposed to be attached, it creates more mass in the primary structure. The Planning Commission worked with applicants on the issue of lowering the roof between the home and the attached garage in order to lessen mass, and worked with applicants to locate the attached garage at the rear of the home.

**Front porches:** The Good Neighbor Guidelines encourage a front porch be part of plans for new homes. Many original homes in Excelsior have front porches, and porches connect a home to the street, are an architectural detail on the house that provides interest and can lessen the overall massing of a home. A

number of the applications that came before the Planning Commission included small front porches that could also be termed covered entryways into the home, with finished space adjacent, or front porches that had second story finished space above them. While not problematic in and of themselves, these porches did not provide the same relief of massing that a front porch which projects from the front of the house would provide. The definition of "porch" in the Zoning Ordinance is "*an entryway attached to a building and/or projecting from its main mass*". However, that projection is not always what is proposed.

The Good Neighbor Guidelines that were less often cited by the Planning Commission were:

# 3. A new structure should follow alignments that are predominant on the street and compatible with neighboring properties

# 4. A new structure's design should respect the site's natural slope and features, minimizing cut, fill and retaining walls

# 6. A new structure should be detailed as four-sided architecture

# 7. Consider neighbor views, privacy and sunlight in placement and size of a new structure's elements

## **5. Public/Neighbor Input**

The Residential Review Permit process encourages Applicants to share their plans with neighbors and to consider their feedback as they finalize their design. Good Neighbor Guidelines #7 states: Consider neighbor views, privacy and sunlight in placement and size of a new structure's elements. There have been some applications that have proved controversial to neighbors. Neighbors have weighed in and sometimes are frustrated when a design goes ahead seemingly unaltered by neighborhood comment. The Planning Commission has made clear that they take into consideration the efforts made by an Applicant to work with neighbors. Ultimately, neighbor input is not a deciding factor in approval decisions.

## **CONCLUSIONS**

### **Contributions to Successful Application**

In a review of the Applications to date, the following characteristics seemed to positively impact its approval by the Planning Commission or its approval after some minor revisions were provided:

- No variance requested.
- Applicant demonstrated in their application narrative or in their presentation to the Planning Commission how the plans met the Good Neighbor Guidelines in application materials in presentation/application.
- Applicant did not propose a structure that met the maximum dimensions permitted by the Zoning Ordinance, including height, setbacks, building coverage, lot coverage.
- Applicant reached out to neighbors in a proactive way and demonstrated how their proposed design responded to neighbor concerns.

**Two Examples of the Residential Review Permit process that resulted in an improved project:**

163 Mill – The garage addition is smaller and less tall than what was originally proposed. A reduction in roof height between the garage and home to reduce overall massing was added to the final approved plans. There is architectural detail on all sides of the garage and in the addition that connects the garage to the home, and the details on the addition match those of the original house.

197/199 Oak – The overall height of each of these new homes is lower than originally proposed. Long blank roof planes were relieved with projections and recessions in the plans. There are more windows in the structures and garages than originally proposed. has more relief.

**RECOMMENDATIONS**

After participating in the Residential Review process, the Planning Commission and staff recommend the following improvements to the process:

1. Require a pre-submission meeting for every Applicant with city planning staff and the city architect. In this meeting any zoning compliance issues can be addressed, and staff can provide feedback regarding satisfaction of the Good Neighbor Guidelines. This gives the applicant an opportunity to make some revisions before review by the Planning Commission and could result in more applications completing their review with the Planning Commission in one meeting.
2. Define one, one-and-a-half story, and two-story massing more clearly to help applicants create designs that are compatible with the lot size and the surrounding neighborhood. The definitions could identify elements, such as dormers, gables, porches, etc. that are consistent with each type of structure and provide graphic examples of each.

3. Consider a minimum lot size and lot width for houses that are a full two stories. On lots below the minimum, one or one-and-a-half story homes would be permitted. This distinction would help create massing on individual projects that is appropriate to the lot and neighborhood context.
4. Clarify the definition of a front porch and the purpose a porch serves in meeting the Good Neighbor Guidelines. A front porch can activate the streetscape if it is large enough to be occupied. It can act simply as an entryway, and landing spot before entering the house. It can reduce the massing of the overall structure by acting as a one-story transition to the upper level. If a front porch is to be required or used to meet some of the Good Neighbor Guidelines, particularly appropriate mass and scale, it must project from the main structure and it must run the length of the front of the house.
5. Consider requiring that an attached garage be visually separated from the house in order to reduce the mass and scale of the structure. For example, require a lowered roof line, or no full second story above the garage.
6. Consider making “garages” a separate category in the Good Neighbor Guidelines for review. Add new standards to the Zoning Ordinance and/or revise the Good Neighbor Guidelines language to ensure garages are compatible in mass and size with the principal structure and surrounding area. Examples of changes might be to remove the standard in the Zoning Ordinance that permits an increase in height for a detached garage if the garage is moved in from the set back. This provision permits larger garages and incentivizes pulling them away from the rear property line. Another change might be to consider prohibiting second stories above detached garages.
7. Currently, the Code requires that wall planes of a certain length be broken up by the addition of 2’ x 8’ projections or recessions. Consider adding other acceptable techniques for breaking up wall planes, such as windows, fireplace/chimney, etc.
8. Consider conducting a survey of all the Applicants or all residents to date to find out about their experience with the Residential Review Ordinance and process. Use the information gathered to inform revisions to the Ordinance or Zoning Code. Questions would include: Is the Residential Review Permit process a barrier to entering excelsior? How much does the process cost? Did it result in a better project? Are new homes and additions enhancing Excelsior’s unique character?

9. Consider the Good Neighbor Guidelines themselves. Streamline the Guidelines so that they are easier to use. Re-order the Guidelines to increase clarity and avoid redundancy. Start with the larger, broader impact and move to the specific and local impact of the proposed project. For example, #3, #1, #7, #2, #4, #6, #5.

## **Attachments**

List of Residential Review Permits, 2020-present

Good Neighbor Guidelines

**RESIDENTIAL REVIEW PERMITS, 2020 - present**

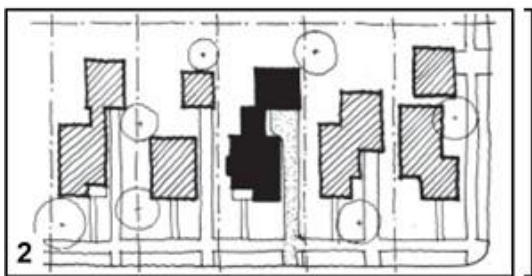
<b>ADDRESS</b>	<b>PROJECT</b>
<b>2020</b>	
678 Pleasant	Garage expansion
444 Lafayette	New garage
<b>2021</b>	
366 Oak Street	Addition with new garage and living space
220 West Lake Street	Addition
220 Bell Street	New Construction
700 3 <sup>rd</sup> Avenue	New deck
678 Pleasant Street	Amendment
101 Center Street	Second level addition
162 West Lake Street – not built	Demolition and new construction
197 and 199 Oak Street	Demolition, lot split, new construction – two homes
186 Maple Street	Addition
101 Center Street	Amendment
181 George Street	Addition and new garage
125 1 <sup>st</sup> Street	New Construction
48 Center Street - withdrawn	Demolition and new construction
44 1 <sup>st</sup> Street	Demolition and new construction
335 George Street	New Construction



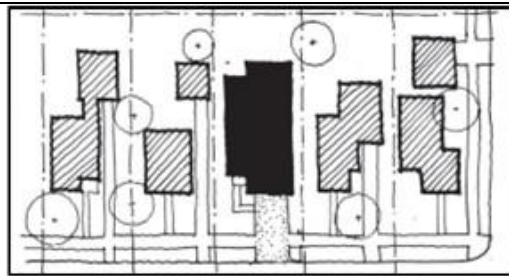
1 Bell St	Addition
<b>2022</b>	
44 1 <sup>st</sup> Street	Administrative Amendment – expand attached garage
631 Mill Street	Addition and new garage
162 West Lake Street	Demolition and new construction – 2 Variances, for building and lot coverage, were recommended for denial by the PC; the CC approved a Resolution to deny the Variances

# Excelsior Good Neighbor Guidelines

Guideline	Review Criteria
<p>1. Massing and scale of a new structure should be compatible with neighboring structures</p>	<ul style="list-style-type: none"> <li>• Ensure that the massing and scale of a new structure is visually compatible with neighboring structures, with special attention to design of upper levels and roofs.</li> <li>• Consider incorporating the following mass mitigation techniques to align with neighborhood patterns:               <ul style="list-style-type: none"> <li>▪ Street facing gable</li> <li>▪ One story open front porch</li> <li>▪ Step-downs</li> <li>▪ Upper level components that are 1/2 story rather than full story</li> <li>▪ Roof planes that are broken up (no large unarticulated planes)</li> <li>▪ Offset structure components to break up bulk and large flat planes (gable and wing)</li> <li>▪ Separate components by breezeway or one story element</li> <li>▪ Garage located 60' back from front street</li> <li>▪ Highly creative design that reduces the perception of bulk</li> <li>▪ A “tunnel effect,” which results from tall walls placed close together, should be avoided through one-story additions or step-backs</li> </ul> </li> <li>• Maintain consistency with the street wall on all sides (including corner lots) and design façade width to reflect established range of neighboring structure widths.</li> <li>• Ensure that the height of a new structure is within the height range of neighboring structures and floor-to-floor heights are compatible with those of neighboring structures.</li> <li>• Position taller portions of a structure away from neighboring structures of lower scale to minimize looming effects and shading of neighboring structures, or step down the structure toward lower-scaled neighboring structures.</li> </ul>



Appropriate: Footprint of building maintains scale and pattern of neighborhood.



Inappropriate: Oversized footprint of building ignores scale and pattern of neighborhood and neighbors' open spaces.

<p>2. The size and mass of a new structure should be compatible with the</p>	<ul style="list-style-type: none"> <li>• Ensure that the structure's visible building envelope (bulk) is compatible with the property size and with neighboring structures.</li> <li>• Locate the garage to respect existing neighborhood patterns and minimize the garage's impact on structure massing and street face.</li> </ul>
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size of the property	
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Appropriate: Recessed garage is downplayed, emphasizing house at streetfront.

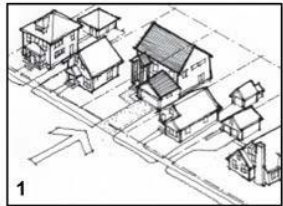


Inappropriate: Garage-dominated "snout" house.

<p>3. A new structure should follow alignments that are predominant on the street and compatible with neighboring properties</p>	<ul style="list-style-type: none"> <li>• Respect the established structure location, alignments and open space patterns between neighboring structures when locating a new structure.</li> <li>• Maintain the traditional rhythm of the street face, the orientation pattern and the proportion of built to open space of structures facing the street, including each side of a corner lot.</li> <li>• Design the site footprint of a structure to be compatible with the existing lot coverage pattern of neighboring structures.</li> </ul>
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Appropriate infill: New house maintains overall massing rhythm, sideyard spacing and aligns with predominant street setback.



Inappropriate Infill: New house is more massive, disrupts rhythm along street and does not follow existing alignment.

<p>4. A new structure's design should respect the site's natural slope and features, minimizing cut, fill and retaining walls</p>	<ul style="list-style-type: none"> <li>• Ensure that grade changes do not change the character of the street face or the relationship of the structure to neighboring structures.</li> <li>• Respect the site's natural slope and minimize cut, fill and retaining walls.</li> <li>• Use structure setbacks and stepdowns at the slope to break up massing and continuous walls.</li> </ul>
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Appropriate: Adjust the building to respect existing vegetation and slope.



Inappropriate: Clearing the site; using cut and fill and retaining walls.

<p>5. Consider front porch element in design of new structures</p>	<ul style="list-style-type: none"> <li>• Use an unenclosed single-story front porch to break up a structure's massing on the street face.</li> </ul>
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Front Porches contribute to the streetscape and neighborhood character

6. A new structure should be detailed as four-sided architecture

- Relate structure's ratio of solid to void, distribution of window and door openings, and use of consistent detailing on all sides to those of neighboring structures.
- Arrange openings to reflect the traditional alignment of openings in neighboring structures to avoid large unbalanced solid wall expanses.



Appropriate: Details are consistent on all sides.



Inappropriate: Details and material use are not consistent.

7. Consider neighbor views, privacy and sunlight in placement and size of a new structure's elements

- Locate decks, balconies and pools to consider privacy of neighboring properties.
- Minimize interruption of the sunlight, skyplane, and views for neighboring structures.



Inappropriate Infill: Tall mass may obstruct sunlight to adjacent yards.

Notes:

- Street face refers to the streetscape elevations of the houses in the block adjacent to the new structure; when the new structure is within two houses of the street corner, the immediately adjacent block beyond the street corner shall also be included.
- Neighboring structures or properties refer to the properties in the block surrounding the new structure, including those in the rear.
- For corner lots, all of the street faces of structures adjacent to the property will be evaluated.
- Special consideration will be given to appropriate mass and scale, appropriate roof lines, and diverse architectural style.
- Special consideration will also be given to tree preservation, landscaping, and stormwater management that exceeds standards set forth in the City Code.



# MEMORANDUM

**Re:** Item 5(b) Revised PC Bylaws

**Date:** June 13, 2022

**To:** Planning Commission

**From:** Julia Mullin, Community Development Director

At the Planning Commission Annual Meeting on May 23, 2022, the Planning Commission reviewed the Planning Commission Bylaws, Appendix D of the Excelsior Code of Ordinances. Proposed changes to the Planning Commission Bylaws, attached, are before the Planning Commission for review and approval.

The Planning Commission approved a motion at their meeting in May to return to one regularly scheduled Planning Commission per month. The Commission has been holding two regularly scheduled meetings per month since January 2022 and both Commissioners and staff have found the value of more frequent meetings did not balance out the work and time required to hold the additional monthly meeting.

Additionally, in an effort to avoid a gap between members completing their terms and new commissioners being appointed to start their terms, language is proposed to allow a commissioner at the end of their term to serve until a new commissioner is appointed to fill the seat.

In summary, the attached proposed revisions to the PC Bylaws include:

1. One regularly scheduled meeting per month
2. Meeting start time at 6:30 pm
3. Permitting commissioners at the end of their terms to continue to serving until new commissioners are seated

## **RECOMMENDED ACTION**

It is recommended that the Planning Commission review the amended Bylaws and approve the changes.

**Attachment:** PC Bylaws with proposed revisions

## APPENDIX D PLANNING COMMISSION BYLAWS<sup>1</sup>

### Section I. Annual Meetings.

The annual meeting of the Planning Commission shall be the first regular meeting in the month of March each year. Such meeting shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled by the Planning Commission as per Section VI.

### Section II. Regular Meetings.

Regular meetings of the Planning Commission shall be held in the City Hall at ~~6:30~~ 7:00 p.m. on the fourth Monday of each month. At such meetings, the Commission shall consider all matters properly brought before the Commission. A regular meeting may be canceled or rescheduled by the Commission at a prior meeting or by staff after consultation with the chair with written notice to members at least four days in advance of a regular meeting.

### Section III. Special Meetings.

Special meetings of the Planning Commission shall be called by the Chair or Vice-Chair who shall designate the time and place of the meeting as well as the agenda. Written notice thereof shall be given to all members not less than 24 hours in advance of the special meeting.

### Section IV. Quorum.

In order for any meeting to be called to order, a quorum of four members must be present. During the course of a meeting at least four members must be present to take action on any matter before the Commission.

### Section V. Voting.

At all meetings of the Planning Commission, each member attending will have one vote on each issue brought to a motion. Voting shall be by voice. In the event that any member shall have a personal interest of any kind in a matter then before the Commission, s/he shall disclose those interests and be disqualified from voting upon the matter, and the secretary shall so record in the minutes that no vote was cast by such member. Each formal action of the Planning Commission required by law, rules, or regulations shall be entered in full in the Minute Book. The affirmative vote of a majority of members in attendance shall be necessary for the adoption of any motion. The results of any vote shall be recorded listing those voting aye, those voting nay, and those abstaining.

### Section VI. Proceedings.

A. At any regular meeting of the Planning Commission, the following shall be the normal order of business:

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<sup>1</sup>Editor's note(s)—Printed in this appendix D are the bylaws of the planning commission in effect at the time of the publication of Supplement No. 6 to the Excelsior Code.

Cross reference(s)—Boards, commissions and committees, § 2-111 et seq.

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- 1) Call to Order
  - 2) Roll Call
  - 3) Minutes of the preceding meeting(s)
  - 4) Discussion Items
  - 5) Communications and Reports
  - 6) Miscellaneous
  - 7) Adjournment
- B. The following procedures will normally be observed for each issue before the Commission unless it is modified by the Chair:
- 1) Staff presents report and makes recommendation.
  - 2) The Planning Commissioners may ask questions regarding the staff report.
  - 3) Applicant makes a presentation.
  - 4) Open Public Hearing, if appropriate.
  - 5) General testimony is taken.
  - 6) Applicant makes rebuttal of any points not previously covered.
  - 7) Discontinue taking public comment and continue public hearing to city council meeting.
  - 8) Planning Commission discusses the issues and then takes a vote.

( Amend. of 3-25-2019 )

## **Section VII. Deadline for Agenda.**

The deadline for filing for placement on the agenda for applications to be considered by the Planning Commission, shall be 12:00 Noon, Monday, one week prior to the meeting. Applications requiring public hearings shall have earlier deadlines as required by Ordinance.

## **Section VIII. Rules of Procedure.**

All meetings of the Planning Commission shall be conducted in accordance with the latest edition of "Roberts Rules of Order".

## **Section IX. Member Responsibilities.**

Members are expected to be interested in Planning and Zoning matters as they relate to the overall general welfare and development of the community.

The Commission is authorized to consider recommending removal of a commissioner to the Council if:

- A commissioner fails to attend two meetings of the Commission's regularly scheduled monthly meetings in a calendar year without providing prior notice to the Chair and Zoning Administrator, or
- A commissioner fails to attend ~~four~~ ~~four~~ meetings of the Commission's regularly scheduled monthly meetings in a calendar year with or without providing prior notice to the Chair and Zoning Administrator.

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- Any member missing ~~three~~ ~~three~~ consecutive meetings without prior discussion and agreement by a majority of the commission will be subject to review.

( Amend. of 3-5-2019 )

## **Section X. Ex Parte Contacts.**

Ex parte communications are contacts, whether oral or written, direct or indirect, which occur outside the public meeting forum between individuals seeking to influence the decisions of the Planning Commission and individual members of the Planning Commission in which such member discusses the merits of any matter which may or will be subject to such Commissioner's vote. Such contacts include, without limitation, meetings with project proponents or opponents, residents, property owners, citizens or other interested parties separate from Planning Commission meetings, and telephone calls or letters which attempt to influence a Commissioner's opinion on a matter which may or will be subject to the Commissioner's vote.

In the interest of keeping all Planning Commission discussion on an application within the public record and to avoid the perception of undue influence, ex parte contacts on quasi-judicial matters before the Planning Commission should be avoided. When ex parte contacts occur, they should be disclosed prior to the Planning Commission's discussion of a given item.

"Quasi-Judicial Matters" Defined. For purposes of this Section 10, "Quasi-Judicial Matters" shall mean matters as to which the Planning Commission determines the legal rights, duties or privileges of specific parties in a public hearing or other contested case proceeding over which the Planning Commission has jurisdiction. By way of example only, Quasi-judicial matters do not include legislative actions recommending, adopting, amending or revising comprehensive plans, zoning ordinances, other land use planning documents, or other similar matters.

## **Section XI. Officers.**

The Officers of the Planning Commission shall consist of a Chair, and a Vice-Chair elected by the Planning Commission at the annual meeting for a term of one year. Secretarial duties will be supplied by City Hall.

Cross reference(s)—Officers and employees, § 2-61 et seq.

## **Section XII. Duties of Officers.**

The duties and powers of the Officers of the Planning Commission shall be as follows:

- A. Chair:
  - 1) To preside at all meetings.
  - 2) To call special meetings of the Planning Commission in accordance with these Bylaws.
  - 3) To sign documents of the Commission.
  - 4) To see that all actions of the Commission are properly taken.
- B. Vice-Chair:
  - 1) During the absence, disability or disqualification of the Chair, the Vice-Chair shall exercise or perform all the duties and be subject to all the responsibilities of the Chair.
  - 2) To call special meetings of the Planning Commission in accordance with these Bylaws.
- C. Secretarial Duties Delegated to City Staff:
  - 1) To keep the minutes of all meetings of the Commission in an appropriate Minute Book.



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- 2) To give or serve all notices required by law or these By-Laws.
  - 3) To prepare the agenda for all meetings of the Commission.
  - 4) To be custodian of Commission records.
  - 5) To inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence.
  - 6) To handle funds allocated to the Commission in accordance with its directives, the law, and City Regulations.

### **Section XIII. Vacancies.**

Should any vacancy occur among the members of this Planning Commission by reason of death, resignation, disability, or otherwise, immediate notice thereof shall be given to the Mayor. The Mayor shall then see that a new appointment is made. Resignations should be made in writing to the Mayor stating the effective date of the resignation.

( Amend. of 3-5-2019 )

Commissioners shall serve terms of three years. At the end of a term, Commissioners may continue serving until new appointments are made.

### **Section XIV. Amendments.**

These Bylaws may be amended at any meeting of the Planning Commission provided that notice of said proposed amendment is given to each member in writing at least four days prior to said meeting.