

City of Excelsior
Notice of Work Session
of the Excelsior City Council

NOTICE IS HEREBY GIVEN that the City Council of the City of Excelsior will hold its regular work session on Monday, August 7, 2023 at 5:30 P.M. in-person at Trinity Episcopal Church - 322 Second Street, Excelsior, MN 55331 – Entrance is located on Second Street – Meeting Room is in Chamberlain Hall. The agenda for the meeting is attached hereto.

Members of the public may attend the work session either in person or by joining via Zoom either online or by telephone at:

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City of Excelsior
City Council Work Session

Agenda

Monday, August 7, 2023

5:30 P.M.

1. Call to Order/Roll Call
2. Agenda Approval
3. Residential Review Process and Ordinance
4. Adjournment

Note:

The purpose of a Work Session is for the Council to discuss matters informally and in greater detail than is allowed at formal Council meetings. All meetings of the Council including Work Sessions will be open to the public. While the privilege of participating in these discussions is generally limited to the Council, staff, and consultants, the Mayor may open a discussion from the floor.



MEMORANDUM

Residential Review Ordinance and Application

Re: Process: Recommended Changes

Date: August 7, 2023

To: City Council Work Session

From: Julia Mullin

Background

When the City Council adopted the Residential Review Ordinance (Article 42 of Excelsior's Zoning Ordinance) in September 2020, you found that traditional zoning regulations were not sufficiently preserving Excelsior's small-town character. While zoning standards were regulating new housing in terms of things like setbacks, height, building and structure coverage, they were not ensuring that new homes were compatible with the character of neighboring homes and the neighborhoods in which they were built. The Good Neighbor Guidelines were adopted as part of Article 42 and their intent was 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.

After two and a half years of implementation of this Ordinance, the Council has initiated a review of the Ordinance because we continue to see some new homes that are not compatible with the neighborhoods in which they are built, despite having gone through our Residential Review process. Simply put, the houses are too big. The City Council has held work sessions to discuss concerns and identify desired changes and temporarily become the decision-maker for Residential Review Permit applications in order to shepherd this review process and to identify revisions to our residential zoning standards and our Residential Review Ordinance. We continue to want new homes that are more compatible in mass and scale with Excelsior's existing homes, and we want clarity and predictability for applicants as they navigate our Residential Review process and build homes that preserve Excelsior's character.

The goals driving our recommended changes

To reduce mass and scale of new homes and have a review process that results in homes that are more compatible with existing structures, we've identified the following as the goals we want to accomplish:

- 1. Change some of our Residential Zoning Standards to reduce the mass and scale of homes and preserve open space.** We want our residential zoning standards to get us closer to the mass and scale of homes that we desire. We want to amend some of our traditional residential zoning regulations so that

at the very beginning of an application process, when an applicant first consults our zoning standards, the starting point will be a home design that is more closely compatible from a mass and scale standpoint with those in the surrounding neighborhood than what our current regulations allow. If our zoning regulations on their own result in homes that are more consistent with existing Excelsior homes, then we can rely less on the Good Neighbor Guidelines to make significant reductions in mass and scale. Instead, the Good Neighbor Guidelines will be used to tweak a design's mass and scale. Standards to look at include height, setbacks and building coverage as well as our standards for attached garages as many of the massing issues we encounter involved attached garages.

2. Incentivize the preservation of more of our existing housing stock and discourage demolitions. In order to preserve Excelsior's neighborhood character, we want to preserve as much of the existing housing stock as possible. Landmark properties are homes that define Excelsior's existing character. The Council looked at a sampling of Excelsior's Landmark properties and identified the architectural characteristics and construction elements that create Excelsior's character which helped us understand the specific elements of a home and parcel that contribute to this concept. (The list is noted at the end of the memo.) Landmark properties by definition are preserved but there are other existing homes that we also want preserved and we want to incentivize homeowners to renovate existing homes rather than demolish them and build new. We can do this through changes to our zoning regulations and also incentivizing renovations by making the review process for additions simpler and more streamlined.

3. Improve the application process so that Ordinance intent is clear from the beginning and the process is efficient to navigate.

We want to improve communication with applicants so that our overarching goal of preserving Excelsior's existing residential character is clear. We want to connect with applicants before they begin their home design, as well as make information generally available, to clarify the Good Neighbor Guidelines, why we have them, and how we apply them, and how the Residential Review Permit application process works, so they can enter it and move through it as efficiently as possible.

Recommended changes

The following recommended changes are organized around the three goal areas. They are intended to get us toward reduced mass and scale of new homes. The city architect and Planning Commission have reviewed and shaped them.

1. Change some of our Residential Zoning Standards to reduce the mass and scale of homes and preserve open space.

A. Reduce the Allowable Size of Homes

a. Keep the maximum building height for single- and two-family structures at 28' for parcels with width 70' or less and 29' for parcels with width greater than 70' but eliminate the opportunity we currently offer to increase height to 31' or 32' by increasing side and rear setbacks. We want to find a balance between keeping height consistent with that of existing structures in Excelsior and not limiting architectural styles to those with flatter roofs. (41-4 (a) *Building Height*)

b. Continue to measure height at the front of the structure, using the existing average grade, however clarify the language in Sections 14 (Measurements) and 2 (Definitions) to make clear that the objective is to measure height from the existing grade, unless in certain cases if the grade is lowered.

c. Reduce building coverage maximums so that the allowed footprint of homes is smaller than what we currently allow. We have seen in recent applications for additions on existing homes that the existing homes are below our permitted building coverage maximums. To determine the "right" building coverage maximum we'll take a sampling of existing building coverage calculations, with special attention to homes on small lots, to see the patterns, and then identify a proposed new maximum. (*Revise Sec. 41-5.*)

d. Increase the rear yard setback for homes with attached garages, to decrease the overall length of homes with attached garages. We'll look at all the new homes built and recommend new setbacks. For example 40' instead of 35' in R1 District and 30' instead of 25' in R2 District). (*Revise Sec. 41-3.*)

e. We had preliminary discussions about adding Floor Area Ratio (FAR) standards to our Zoning Ordinance as a tool for controlling volume of structures, but no definitive recommendation. We need more exploration of the concept to consider it.

f. Limit the hardcover bonus provision for a garage located 60' from the front property line and accessed from the front of the house to parcels > 7000 sf. (This provision was meant to facilitate construction on smaller properties, but if the property is too small, it results in too much structure/hardcover. We want to help parcels have available hardcover for driveway to rear of parcel; but the bonus in some cases has enabled more structure to be built.)

B. Reduce the Allowable Mass on the Second Level of Homes

a. Require one and a half story (and prohibit two-story) massing above attached garages. This would reduce second level massing on the structure and may make a detached garage more of a viable choice. (*Sec. 11-1 Accessory buildings*) Or require attached garages to be lower in height than the house (*Sec. 41-10.*)

b. Allow livable space (one and a half story massing only) above some detached garages, incentivizing both renovation of existing homes and construction of new homes that are less massive and have detached garages. *(Sec. 11-1 Accessory buildings.)*

c. Require a larger offset in long wallplanes: instead of requiring an offset that is a minimum of 2' x 8', increase it to 4' x 8'. This is more likely to create a change in the roof form and will reduce more massing on the second level. *(Revise Sec. 41-10.)*

C. Preserve open space on parcels

a. Revisit building and lot coverage requirements by lot size. Current ordinance allows more building and lot coverage, as a percentage of lot size, for smaller lots than for larger lots. Is this differential too great? Are we too permissive on smaller lots? *(Revise Sec. 41-5, 41-6.)*

b. Revisit the 500 sf hardcover bonus we provide when the garage is placed at the rear of the property and entered from the front. We want to incentivize garages placed at the rear of the home, and we should provide a bonus that covers the hardcover needed for the driveway. However, some lots are not wide enough to put a garage at the front so the bonus should not be available. *(Revise Sec. 41-6.)*

c. Consider allowing a residential unit above a detached garage on parcels of a certain size or larger (we would need to determine what this minimum size is). Currently, we allow this only on Landmark properties. Expanding this provision may incentivize construction of new homes with detached garages which will preserve open space on parcels. *(Revise Sec. 11-1.)*

2. Incentivize the preservation of more of our existing housing stock and discourage demolitions.

a. New home construction almost always results in a larger home than what currently exists on the parcel. Review our residential zoning standards (building coverage, setbacks, etc.) and be sure they generally reflect the sizes of our existing homes in Excelsior. We don't want to too strongly incentivize new construction if a new home can be larger than an existing home and the option to renovate is not a viable one.

b. State up front in our Ordinance and application materials that we encourage additions on existing homes. *(Revise Article 42.)*

c. Encourage additions by adding more activities to our list of "Exemptions" from the Residential Review Permit process, and more to our list of "Administrative Approval". For example, currently our Ordinance exempts "porches that are 50% open" from our process. Add "porches that are 50% open including open areas that have windows or screens". *(Revise Sec. 42-6.)*

d. Identify a threshold at which an addition may be administratively approved. For example, additions that meet zoning standards (side and rear setbacks, lot and building coverage) and are no taller than existing structure. Or, if the addition is no greater than an X% increase in the home's total finished space. These would require an administrative review and then go straight to a Building Permit application. In some cases, it could reduce the review/approval time from 10 weeks to 2 weeks, an incentive for doing a renovation instead of new construction. *(Revise Sec. 42-6.)*

e. Exempt Landmark properties from the RRP process. This could be an incentive for homeowners to try to get their homes designated, or at least would lessen the disincentive, which would result in the preservation of more existing homes. Today, any proposed change to a Landmark property must go through an HPC review to determine if the proposed change meets Preservation Design Guidelines and preserves historic character. An additional Residential Review Ordinance review is duplicative. *(Revise Sec. 42-6.)*

f. Increase the number of designated Landmark homes by prioritizing the review of the existing list of homes that are potential candidates for designation. Contact property owners to determine interest and conduct designation studies on those homes whose owners are interested in designation. Landmark homes preserve Excelsior's character but it's also important to note that a packet of incentives (financial and process oriented) to designate a home would be a positive step as we rely on Landmark homes to preserve city character yet Landmark homeowners are restricted in what they can do to improve their homes. When a home is designated a Landmark, renovations are limited by Preservation Design Guidelines.

g. Allow second level livable space above some detached garages. (See above 1.B.) The ability to put living space above a detached garage may influence the choice to renovate rather than demolish and build new. Maximum detached garage height would need to be raised; to 20' (would allow for livable space and not impact neighbors significantly.) And possibly greater setbacks than 3' from side and rear property lines. *(Revise Article 11.)*

h. Revisit the maximum size limits for detached and attached garages so that attached garages are not unduly incentivized. The existing standards allow larger attached garages than detached garages. This may be a factor in influencing the choice to renovate or demolish and build new. *(Revise Article 11.)*

3. Improve the Application Process so that Ordinance intent is clear from the beginning and the process is efficient to navigate.

A. Make improvements to the Application Process

a. More strongly recommend an application pre-submission meeting with staff to review Good Neighbor Guidelines, discuss applicant's vision, the characteristics of the parcel and neighborhood, mass

and scale considerations, and provide initial feedback to applicant. This helps us reach the applicant before too much of the design has been defined, and it can help those applicants who are new to a mass and scale review. A required pre-submission meeting would start the 60-day application review clock which would create time constraints for staff review. *(Revise Sec. 42-2 and 42-6, and revise application materials.)*

b. Make clear at the beginning of the application process that an application that meets all zoning standards (including height, setbacks, volume and bulk standards allowed by zoning) may be denied if there are findings that the application does not meet the Good Neighbor Guidelines. Explain that it is a two-part review: review of the lot and building standards AND a review of the Good Neighbor Guidelines. *(Revise application materials.)*

c. Create a unified staff report from planning staff and city architect. Planning staff presents the zoning standards review and city architect presents the Good Neighbor Guideline review.

d. Require that applicants submit the heights/elevations of all neighboring structures to help in review for compatibility with neighboring structures. *(Revise Sec. 42-7)*

e. Require that applicants demonstrate existing average grade and proposed average grade so that analysis of proposed height is transparent. *(Revise Sec. 42-7)*

f. Clarify the role of neighbors in the Residential Review Process. The RRP decision-making body is responsible for applying the Good Neighbor Guidelines – it is not the responsibility of neighbors to make sure this is done. Encourage applicants to talk with neighbors informally early in the process, to share their vision, so that, if desired, modifications can be made to the design early in the process. And to open dialogue with the neighbors. As the process continues, neighbors should be encouraged to communicate questions/concerns with staff and with PC/CC. Make clear in the process that neighbor comments are considered in the process, however, the analysis is about compatibility with the Good Neighbor Guidelines, and not whether neighbors support or oppose. *(Revise Application documents.)*

g. Rename the “Good Neighbor Guidelines” the “Residential Compatibility Standards” (for example). This process is about preserving Excelsior’s residential character and guiding the development of new homes so that they are compatible with this character. Remove “Neighborhood” from the title so that their community-wide intent is clear. Use “Standards” instead of “Guidelines” as they are not recommendations; they are requirements. *(Revise Sec. 42 and Application documents.)*

h. Note in application materials that any photographic renderings must include a statement from the architect/designer that they accurately represent the design. Staff will review these kinds of images and city architect will comment on their accuracy. *(Revise Application documents.)*

B. Make the Good Neighbor Guidelines more direct and user-friendly.

1. Clarify GNG # 5: Encourage a one-story open front porch that projects from the house to break up the structure's massing on the street face. *(Revise GNGs.)*
2. Require that the applicant describe what they've done to mitigate mass.
3. Add visual examples to the GNGs: show gables, dormers, changes in roof forms, ways to make less roof plane visible, and other characteristics of Excelsior's existing residential architecture. Include examples of one and a half story massing to make clear what it means and why it must be part of the design in order to be compatible in many neighborhoods. Also show examples of too much mass. (city architect could create). *(Revise GNGs.)*
4. Create a gallery of homes on the city website that have compatible mass and scale.
5. Clarify what "Neighborhood Context" means. GNG # 1 uses "neighboring structures" as the compatibility group. They are defined as "properties in the block surrounding the new structure, including those in the rear." Add to this "and on the block across the street facing the structure"

C. Confirm the Decision-making Structure

1. Return decision-making responsibility to the Planning Commission with appeals to the City Council. Two full application reviews (by Planning Commission and City Council) is not reasonable.
2. In addition to allowing the appeal of an application denial, allow the appeal of an application approval. Create a threshold that must be met, for example three un-related residents of Excelsior can appeal an approval within two weeks of approval.

D. Conduct Training

1. Provide training to Planning Commission and City Council on how to use the Good Neighbor Guidelines when reviewing plans, how to look for elements that reduce or add mass to a home, and how to make robust findings for approval or denial of applications.

RECOMMENDED ACTION

Staff requests that the Council provide direction both on the overall goals we are trying to achieve with this Ordinance revision process and the specific recommendations for ordinance and process change.

Note:

Excelsior's Character-Defining Elements as Identified by City Council

- There is symmetry in design, including window placement, dormer location, gables
- These older homes have less volume
- The length of the home is broken up; we don't see long straight walls
- From the street we don't see as much roof as we see on newer homes
- There are apparent front, side, and rear yards that are open
- We see several dormers on an elevation, not just one
- There are multiple roof angles
- Fireplace and chimney are present
- Homes are one and a half stories or two stories
- Roof line does not dominate the structure
- Less fascia board or less prominent
- Able to achieve space upstairs without additional roof
- Front porches project from the home and are single level (no living space above)
- There are mature trees on the parcel