

City of Excelsior
Hennepin County, Minnesota

MINUTES
HERITAGE PRESERVATION COMMISSION MEETING

September 22, 2015

7:00 p.m.

1. CALL TO ORDER

Chair Schmidt called the meeting to order at 7:04 p.m.

2. ROLL CALL

Commissioners Present: Brabec, Nelson and Schmidt

Commissioners Absent: Finch, Macpherson

Also Present: City Planner Smith, City Attorney Staunton and Advisor Caron

3. APPROVAL OF MINUTES

a) Heritage Preservation Commission Meeting of August 18, 2015

Commissioner Brabec moved, Commissioner Nelson seconded, to approve the Minutes as presented. Motion carried 3/0.

b) Heritage Preservation Commission Special Meeting of September 9, 2015

Commissioner Nelson moved, Commissioner Brabec seconded, to approve the Minutes as presented. Motion carried 3/0.

4. CITIZEN REPORTS OR COMMENTS

None

5. NEW BUSINESS

None

6. UNFINISHED BUSINESS

a) Planned Unit Development Review (HPC No. 14-18)

Smith stated that the HPC and Planning Commission had made comments on the three-stage Planned Unit Development process currently set forth in the ordinance. During Council review of the proposed changes to the ordinance process, City Attorney Staunton had suggested moving to a two-stage process for timing reasons. Staunton explained that a Minnesota statute seeks to ensure that municipal land use permits be acted on within a limited period of time, namely 60 days, which is extendable to 120 days. The court decisions to date construe the timeframe narrowly. Breaking up the permit approval timeline into phases does not violate the timeline requirement, but at some point a court might find it takes too long to pursue 3 separate stages. Staff has reviewed other Minnesota PUD ordinances and has not found another city that currently has three separate plan stages. The purpose of this discussion is to review this two-stage option from the HPC perspective.

Nelson stated that the HPC has been working to make the HPC process more transparent, and she believes that the HPC's PUD review could work in two stages. Caron described the past history of the three-stage review process, and that it was intended to give applicants the ability to put forward a concept for city consideration without investing in a full set of plans for a project that might not move forward. The final plan stage was to address making sure that all comments and requirements at the general plan stage had been addressed and the project plan was complete. Schmidt asked whether having an informal concept plan option would present any problem. Staunton described the city's current sketch plan process. Smith stated that the sketch plan process would be optional for any applicant who wished to use it, but could be followed by a two-stage formal PUD process.

Commissioners discussed that it would be important for city staff to determine the completeness of the application within 15 days under the statute. In its previous comments on the PUD ordinance, the HPC's concerns were to ensure that there be early HPC input on the concept of projects affecting historic structures or sites, and also that the HPC's Site Alteration Permit approval occur late enough in the PUD process that the project details are substantially complete. The opportunity for HPC input on the concept could occur either in the optional sketch plan or a preliminary plan. Staunton said that the Site Alteration Permit review would occur at the time of final plan review, along with the conclusion of the development agreement. Smith stated that he would suggest adding HPC input in the sketch plan process under the ordinance for all projects affecting historic sites, including any sketch plan submitted as an optional part of a PUD proposal.

Commissioner Brabec moved, Commissioner Nelson seconded, that a two-stage PUD process is compatible with HPC goals, with an optional sketch plan strongly recommended for HPC projects. Motion approved 3/0. Schmidt suggested that Finch and Macpherson be contacted so they can provide input as well. Smith stated that he would reach out to them via email.

b) Draft Historic Preservation Ordinance (HPC No. 14-09)

Schmidt stated that he is not comfortable working through the language with only three members in attendance. Smith suggested that Staunton could address the issue of property maintenance to prevent demolition by neglect. Staunton stated that it is always tricky legally going onto private property without a warrant or the consent of the owner. The law recognizes that someone can trespass for the limited purpose of requesting permission to enter. A further issue is whether entry can be done to inspect the property. A further issue is taking action to address something on someone's property, for which he would recommend having a court order.

The Commission discussed the responsibility of Commission members to monitor historic resources and promptly report potential violations to the city for appropriate action. Any city actions should be limited to the minimum necessary to preserve the historic structure as an enforcement option. To satisfy the legal balancing test, the city should make the case that it is not an unreasonable burden on the property owner to take the limited action necessary to preserve the historic resource. Staunton suggested that an administrative warrant might be an available avenue to assess a building that might be deteriorating internally. Remedies might include requesting repair or demolition, depending on the significance of the resource and the particular facts. There is no need to address the remedy for a nuisance, as this is already covered in that ordinance. It was noted that the attending HPC members believe that review of proposed Section 14 (Maintenance) has been completed, subject to final review of the entire ordinance.

7. COMMUNICATIONS AND REPORTS

a) Site Alteration Permits Approved Administratively

Smith stated that an administrative Site Alteration Permit was approved recently for 370 Water Street, the former Texaco Gas Station. The owner was proposing using non-historic colors that were not in keeping with the character of the mission-style stucco building. Caron and Brabec reviewed historic color palettes for similar buildings and recommended a lighter color. The owner then selected Benjamin Moore Brookline Beige with a darker Plymouth Brown trim, both historic colors.

b) Next Planning Commission Meeting – October 12, 2015

c) Next City Council Meeting – October 5, 2015

d) Next HPC Meeting – Tuesday, October 20, 2015

8. MISCELLANEOUS / COMMISSIONER'S COMMENTS

a) Recent City Council Actions

Schmidt reported that no appointments had been made yet to fill the existing HPC vacancies. Smith stated that the appointment decision was continued by the City Council because the candidate interviews had not been completed.

Smith stated that he had made a CLG grant presentation to SHPO and received approval of a grant to help fund the residential section of the HPC design manual. Smith provided a written summary of the SHPO statewide conference held in Little Falls and noted that Tom Zahn created the design manual for Little Falls as well.

At the Council meeting, the Council discussed with the applicant the status of the Excelsior Hotel project, and the applicant reported that he was having difficulty finding an operator and securing financing. The Council is losing patience with the developer and gave an extension until December 7 to make a final decision. The Council approved the PUD final plan for Bill Stoddard's housing project behind the Excelsior Mill. Oppidan requested changes to the approved signage for the Kowalski's site. The Council approved a blade sign for the Water Street entrance and restaurant, but the additional proposed Oppidan sign above the second story windows was denied.

Schmidt discussed the Commons and which structures are subject to HPC review. Permanent structures including benches, sculptures, and buildings are subject to review. It was noted that standards for the Commons will need to be included in the HPC design manual.

9. ADJOURNMENT

Commissioner Brabec moved, Commissioner Nelson seconded, to adjourn at 8:20 p.m. Motion carried 3/0.

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Respectfully submitted,

Tim Caron
Recording Secretary