

City of Excelsior
Heritage Preservation Commission
Minutes
Tuesday, November 20, 2012

1. CALL TO ORDER/ROLL CALL

Chair Sanders called the meeting to order at 7:01 p.m.

Present: Bolles, Finch, Macpherson, Meyer, Mueller, Sanders

Absent: Roden

Also Present: City Planner Braaten, City Attorney Staunton, Advisor Caron

2. APPROVAL OF MINUTES

a. Heritage Preservation Commission Meeting of October 16, 2012

Sanders submitted a correction to page 6--in the paragraph that starts with "Roden," the last clause should read: "but it does not create compatible or standard bay widths."

It was moved by Macpherson, seconded by Mueller, to approve the minutes as corrected. Approved unanimously.

b. Heritage Preservation Commission Special Meeting of October 30, 2012

Meyer noted that, on page 3, the minutes should reflect that written comments were submitted to the Commission and are included in the record of the meeting.

It was moved by Macpherson, seconded by Meyer, to approve the minutes as corrected. Approved unanimously.

3. CITIZEN REPORTS or COMMENTS

None.

4. MISCELLANEOUS/COMMISSIONER'S COMMENTS

a. Recent City Council Actions

Staunton reported that the Council had held a public hearing on delinquencies for utilities and assessments. The Council considered several public works items related to water treatment and wellhead protection. The Council had a first reading of an ordinance regarding construction and other noise, with a permit

4. MISCELLANEOUS/COMMISSIONER'S COMMENTS

a. Recent City Council Actions (continued)

process to allow the City Manager to grant exceptions under appropriate circumstances. The Council decided not to require the applicant for the hotel to submit an economic feasibility report at this time. The Council discussed a special assessment for the new Minnesota Outboard project for streetlights. The Council approved a variance for a home on MacLynn Road to add a pergola, had a second reading of the noise ordinance, and the Sandall Marketing report was presented. The Council accepted Chair Sanders's resignation from the HPC with regret, and will now need to replace all three advisory commission chairs in 2013. The Council also is discussing the timetable for the hotel project, which may now extend into January.

Mueller asked about whether there would be a second market study and an economic feasibility study for the hotel project. Staunton stated that the Council determined that this information was not needed at this time. Mueller also asked about the cost of the Sandall Marketing analysis. Staunton stated that the company was to be paid \$20,000. Bolles asked Staunton whether the 45 day deadline for a Site Alteration Permit for the hotel project could be extended by the City. Staunton stated that it could be extended if the applicant were willing to withdraw the application and resubmit.

5. NEW BUSINESS

None.

6. UNFINISHED BUSINESS

It was moved by Macpherson, seconded by Mueller, to continue items 7(b) - (e) to the next meeting. Approved unanimously.

It was also moved by Finch, seconded by Mueller, to establish a subcommittee to work with the Bakers on alternatives for the awning in connection with item 7(e), consisting of Commissioners Macpherson and Meyer. Approved unanimously, with Bolles abstaining.

6. UNFINISHED BUSINESS

a. Decision and Order for Site Alteration Permit for New Construction at 10 Water Street -- Charles James

Sanders stated that the Commission had voted to deny the Site Alteration Permit for the 10 Water Street project at the last meeting, and the only matter before the Commission this evening is to finalize the written decision and order.

The Chair took public comments. Bob Koens, Excelsior resident, stated that he was disappointed that the Commission did not vote to approve a project that restores a part of history. He felt that the HPC had disapproved a project that met all City standards. They seemed not to want Excelsior to be successful and were hurting Excelsior. He stated that the applicant didn't even ask for TIF.

Sanders clarified that the project does not meet the City's standards, and that economic aspects of the project such as whether TIF has been requested are not within the HPC's jurisdiction. The role of the HPC is to evaluate the proposed building in accordance with its standards under the ordinances adopted by the City, which are based on similar ordinances around the country.

Matt Stone, Excelsior resident, stated that the Commission had acted objectively and in accordance with its ordinances and its decision was not subjective. The decision may have been unpopular to some, but people like him moved to Excelsior because of the built community that the HPC has been working to protect. He also noted that a discussion of TIF for the project is coming to the Council.

Jon Monson, 202 Water Street business owner, stated that he has been watching the HPC and it has been doing a tough job. The HPC is bound to follow ordinances not created by it. The Chapter 20 declaration of public policy and purpose declares that as a matter of public policy, the preservation of sites having historic value is a public necessity. The HPC is charged with the stewardship of the City's history. The HPC is a quasi-judicial body, and its order stands if not appealed. He believes that, since the 2010 HPC order denying the Site Alteration Permit for substantially the same project was not timely appealed, the applicant has waived the right to appeal. He stated that pure objectivity in relating the facts of the application to the ordinance standards should form the basis for its decision and order. The HPC has a clear mandate to do what it has done, however unpopular. He urged the Commission to do its job.

6. UNFINISHED BUSINESS

- a. Decision and Order for Site Alteration Permit for New Construction at 10 Water Street -- Charles James (continued)

Steve Bubb, Excelsior resident, stated that he had gone back to try and educate himself about the HPC process and standards. Since there is no other hotel in Excelsior, and the site is the largest parcel in the district, the Commission is operating in uncharted territory. The standards in the past have been applied to buildings that are more similar in their characteristics, so this proposal is unique. The Commission should consider the mass, scale and height as determined by the nature of the site and the potential use, which is inherently different than a retail shop or barber shop. He felt we would never have the downtown as it exists today if the Commission's standards were applied as it was built. This site is one of the few pieces of property in the downtown that can accommodate a hotel, and hotels have a long history in the Lake Minnetonka area and in Excelsior. He expressed the hope that the Commission can work with the developer.

Linda Putnam, Excelsior resident, stated that she was also disappointed that, in her view, personal opinions got in the way of rational decisions. As a many year Planning Commissioner, she understood that it is necessary to look beyond the ordinances and rules to make worthy projects happen. She has supported the hotel for five years. The HPC should have been in the vanguard in supporting this project.

Sanders stated that if there were a proposal that met the Commission's criteria, there is no question in her mind that it would have been approved. She stated that the Commission had told the applicant that it would like to see a plan resubmittal meeting the standards and the Commission is willing to work with the developer. She doesn't know what will follow, but it was clear that the Commission was being presented with a final plan that would not be changed and it had to say yes or no. The building as presented didn't meet the HPC's criteria. Macpherson clarified that the rules are not guidelines created by the commission, but are found in the City Code.

Sanders closed the public comments. Staunton stated that he had circulated a draft of the decision and order based on the version used in 2010 with various revisions based on his review of Macpherson's memo regarding the findings of fact and suggestions from Advisor Caron regarding the content of the Commission's discussion as reflected in the recent meeting minutes. He added

6. UNFINISHED BUSINESS

- a. Decision and Order for Site Alteration Permit for New Construction at 10 Water Street -- Charles James (continued)

procedural history and requested input on how to complete finding #3 regarding materials, details and building elements.

Macpherson felt that the documentation for the project was quite preliminary and not what has been required of other applicants appearing before the HPC. There was a greater degree of detail presented for the Mason Motors site proposal and the new library project. Finch stated he has attempted to address that in his comments. Bolles felt that the prior motion was disappointing and inappropriate, since he did not feel that there was yet a total impasse. He thought that an additional 45 day review period should be pursued.

Staunton said that an extension would require withdrawal and resubmission by the applicant. He has not heard that the applicant is willing to pursue that.

Sanders questioned whether the HPC had the authority to require that Stuart MacDonald attend an HPC meeting to discuss the design. Mueller stated that, based on her many years serving on commissions, she did not see any movement on the part of the developer to revise the plan, so the motion to deny seemed appropriate. The applicant demanded a vote with no changes to the design.

Sanders stated that Bolles's statement to the Planning Commission that the Commission's decision was based on the 2010 plan was inaccurate. The motion to deny was based on the submitted 2012 plans and discussion, and the reference to the 2010 decision was that it could serve as a template for the written order.

The Commission discussed, in detail, the decision and order.

It was moved by Macpherson, seconded by Finch, to adopt the decision and order as amended. The motion was approved 5-1, with Bolles opposed.

7. COMMUNICATIONS AND REPORTS

a. Site Alteration Permits Administratively Approved

The Nails and Spa signage at Dunn Brothers was approved.

The Big Island Swim and Surf store would like to install a new awning in the rear. There is an issue with covering the transom window above the door. The Commission requested that a formal application be made for the awning.

At Wyer Hill, they would like to add an additional sign to the historic lightpost. It is unclear if it would require another bolt into the post or if the weight would affect the existing mounting. Signage is not permitted on the property due to condo association covenants. The Commission expressed some concerns with the proposal.

It was noted that there had been removal at the Lago Taco site of a sign for the building designating its date as 1955. The Commission requested that it be replaced. Jon Monson, as the landlord, stated that he agreed that the sign should be replaced.

b. Next Meeting - Tuesday, December 18, 2012

It was requested that City staff note on the agenda that there will be a social occasion following the next meeting.

8. ADJOURNMENT

It was moved by Mueller, seconded by Macpherson, to adjourn. Approved unanimously.

Adjourned at 9:34 p.m.

Tim Caron
Secretary