



Planning Commission Regular Meeting

Tuesday, May 19, 2026, 6:30 PM
106 Center Street

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

<https://us02web.zoom.us/j/84485666871?pwd=RMkHBfvwuqXrzNSt59to06J0rthpdS.1>

Meeting ID: 844 8566 6871

Passcode: 562085

One tap mobile

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+16469313860,,84485666871#,,,,*562085# US

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

AGENDA

1. Call to Order
2. Roll Call
3. Minutes of the Preceding Meeting(s)
 - A. April 27, 2026 Planning Commission Meeting Minutes
4. Discussion Items
 - A. Public Hearing, 345 Oak Street, Applications for a Residential Review Permit and Variances from Height and Building Coverage Standards for construction of an addition (PC No. 2026-06)
 - B. Public Hearing, 221 Monroe Street, Application for a Conditional Use Permit for construction of a new pool
 - C. Public Hearing, 138 Second Street, Applications for a Residential Review Permit and Variances from Height Standard for a construction of a new home (PC 2026-08)
 - D. Amendment to Zoning Ordinance, Appedix E, Sec. 24 Signs - continued from April 27 Planning Commission Meeting
5. Communications and Reports
 - A. Council Update
 - i. Next City Council Meeting: June 1, 2026

ii. Next Planning Commission Meeting: June 22, 2026

B. Upcoming Items

6. Miscellaneous

7. Adjournment

City of Excelsior
Planning Commission

Monday, April 27, 2026
Meeting Minutes

106 Center Street, Excelsior, MN 55331 – Entrance located on Center Street
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL

Present: Commissioners Johnson, Malsam, Muenzberg, Neale, Tyler

Absent: Commissioner Day

Also Present: Josh Wier, Acting City Attorney, Julia Mullin, Community Development Director, Jess Long, City Planner

3. MINUTES OF THE PRECEDING MEETING(S)

(a) March 23, 2026 Planning Commission Meeting Minutes

Tyler moved to approve the minutes. Neale seconded the motion. Approved 5-0.

4. DISCUSSION ITEMS

(a) Annual Meeting Topics

- 2026 Goals and Work Plan

Chair Muenzberg moved this item after item (e).

(b) Public Hearing, Application for Amendment to Zoning Ordinance, Appendix E, Sec. 11-4.
Outdoor storage of recreational equipment. (PC No. 2026-07)

Chair Muenzberg opened the public hearing. The Applicant, Patrick Foss, 456 Lafayette Ave., presented a request for an amendment to the zoning ordinance and answered questions. No one from the public spoke. Tyler moved to recommend approval of the proposed zoning amendment with the following changes to the staff recommendation: remove language that imposes time limits; exclude non-motorized watercraft (ex. Canoes, paddleboards, etc.) from the storage requirements; revise maximum height of equipment to 12'. Johnson seconded. Motion approved 5-0.

(c) Public Hearing, Amendment to Zoning Ordinance, Appendix E, Sec. 24 Signs.

Chair Muenzberg opened the public hearing. No one from the public spoke. Commissioners discussed the proposed sign ordinance amendment. Neale moved to continue the item to the Ma Planning Commission meeting. Malsam seconded. Motion approved 5-0.

(d) Public Hearing, Amendment to Zoning Ordinance, Appendix E, Sec. 15-6 Nonconforming Structures.

Chair Muenzberg opened the public hearing. No one from the public spoke. Commissioners discussed the proposed nonconforming structure amendment. Johnson moved to continue the item to the May Planning Commission meeting. Malsam seconded. Motion approved 5-0.

(e) 35 Center Street- PC Resolution 2026-04 Approving Variances from height, front yard setback, and wall plane standards

Neale moved to approve the resolution. Malsam seconded. Approved 5-0.

(a) PC Work Plan: Commissioners discussed the staff presentation and comments included: request packet information sooner than Thursday before meeting; use ordinances to improve enforcement; PC working groups; prioritize PUD ordinance and lot coverage on small lots for review; Council liaison to PC to help increase alignment.

5. COMMUNICATIONS AND REPORTS

(a) Council Update

(b) Mini Master Plan and Playground Design Concepts – The Commons

(c) Upcoming items

6. MISCELLANEOUS

7. ADJOURNMENT

*Malsam moved to adjourn meeting. Tyler seconded. Approved 5-0.
Meeting adjourned at 9:40 pm.*

Respectfully submitted,
Julia Mullin, Community Development Director



MEMORANDUM

Item 4(a) – Residential Review Permit and Variance

Re: Application for addition at 354 Oak Street

Date: May 19, 2026]

To: Planning Commission

From: Julia Mullin, Community Development Director
Jess Long, City Planner

APPLICANT: Mike Rau
APPLICANT ADDRESS: 354 Oak Street, Excelsior, MN 5533
PROPERTY OWNER: Mike Rau
LOCATION: 354 Oak Street
CASE NO.: PC No. 2026-06
60/120-DAY REVIEW 5/18/2026 and 7/17/2026 (extension letter sent)
DEADLINE:

BACKGROUND

The applicant, Mike Rau, submitted applications for a Residential Review Permit for the addition of a residential unit on a parcel with an existing single family home and variances from the height and lot coverage standards at 354 Oak Street. There is an existing single-family home with a tuck under garage facing Oak Street and an accessory garage facing Grathwol Lane located on an 17,483 square foot parcel and zoned R-2 Single and Two Family Residential. The applicant proposes to replace the accessory garage with a three-story residential unit and tuck under garage facing Grathwol and attaching this proposed unit to the existing home for a side by side duplex. This is a large parcel. The existing single family home is located towards the rear of the parcel, by Grathwol Lane, and there is a long driveway to Oak Street which is the front of the parcel.

The applicant initially proposed subdividing the parcel into two parcels, the northwesterly parcel with the existing home, 9,495 sf and the southeasterly parcel with the proposed addition, 7,988 sf. The Excelsior zoning ordinance requires a minimum parcel size of 10,000 in the R2 zoning district so the subdivision could not be executed administratively. Additionally, the minimum lot size in the district is 55' and the proposed lot widths were 47' and 40' respectively. The proposed survey shows this proposed subdivision, however, the applicant is not moving forward with that application. This proposed survey will be corrected to show one parcel rather than two if the Residential Review Permit and variance applications are approved.



DETAILS/ANALYSIS

Standard	Required – R2 District	Existing	Proposed
Minimum Lot Area	10,000 sf	17,483 sf	17,483 sf
Minimum Lot Width	60'	85'	85'
Front Yard Setback*	20-30 feet Front porch may encroach up to 6' into front setback	Approx. 110'	Approx. 110'
Rear Yard Setback	35'	26.7'	26.7'
Minimum Side Setback	Lots 70' wide and greater - 10% of the lot width + 2 = 10' 5"	East 11.9' West 9.5'	East 10.8' West 9.5'
Maximum Building Coverage	20% of lot area = (3,497 sf)	2,691sf (15.4%)	3,214 sf (18.3%)
Maximum Lot Coverage	4,720 sf (27%)	7,702 sf (44%)	8,440 sf (48%)
Maximum Height	29' (lot width greater than 70')	35' 3"	35' 3"
Front Wall Plane	16' max without a 2'x 8' offset	22.4'	13'
Side and Rear Wall Plane	32' max without a 2'x8' offset		East side: 16' West side: party wall Rear: 28'
Garage size	800 sf	506 sf	798 sf

Neighborhood Notification and Opportunity to be Heard

As required by Ordinance *Section 42-7 (c) Neighbor Notification and Opportunity to be Heard*, property owners within 500 feet of the property have been mailed notice of the meeting and the opportunity to provide feedback at the regularly scheduled Planning Commission meeting on May 19, 2026.

RRP Criteria

The City Architect's review is attached. The following, in italics, is Planning Review.

- 1. Massing and scale of new structure should be compatible with neighboring structures.**
The proposed addition of a residential unit over a garage in the location of an existing accessory garage has a lot of mass. The existing home on the parcel is two levels at the back (the proposed addition is oriented to Grathwol Lane) the parcel slopes down to the southeast, and the proposed addition is on that side of the house and rather than follow the decreasing slope of the parcel is proposed at the same height as the existing structure resulting in three stories. The application proposes a duplex in place of a single family home, which is permitted in this zoning district and the lot area meets the minimum requirements, however the side by side massing of the existing structure and the addition, creates a scale that is not compatible with neighboring structures, particularly the structure adjacent to the southeast. If the addition were two stories, the resulting duplex would be compatible with neighboring structures.
- 2. The size and mass of a new structure should be compatible with the size of the property.**
The parcel is relatively for the R2 zoning district and the area – 17,483 sf. It could accommodate a duplex given its size. However, the side by side character of the proposed duplex, the three story addition, and its location close to the rear of the property and close to adjacent structures,

renders the proposal incompatible with the property. A reduction to two stories, or architectural elements including dormers, big windows, or other features could improve the compatibility of the new structure.

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

The existing home is set far back from Oak Street (the front lot line of the parcel abuts Oak Street), and the addition is too. The block has commercial properties at the corner of Water and Oak, then a residential property on either side of the subject property. These other residential parcels also locate the structures at the rear making the location of the duplex addition in alignment with neighboring properties.

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

The subject parcel slopes downward from the northwest side of the parcel to the southeast. The decrease in elevation is approximately 6' (976' to 970'). The addition should follow this elevation, use it to create compatibility, by stepping down the height from the existing home. Instead, the height is carried over to the addition and the result is a structure that does not respect the site's natural slope.

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

The proposed addition includes a second level small balcony on the front of the structure with supportive posts that frame the front entrance to the home. The front entrance feels located beneath the balcony and is not framed by a porch. A porch located below the balcony would improve the front of the addition creating a stronger effect of primary entrance and better meet this guideline.

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

The proposed addition has minimal architectural detail and windows on the northeast and southeast elevations that demonstrate no symmetry.

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

The proposed addition primarily impacts the neighbor to the southeast due to its height and massing. However, this is a unique area between Oak Street and Grathwol and the impact is limited to the adjacent parcel. Behind the subject parcel, across Grathwol is open area on a parcel with a single family home.

Variance Review Criteria

As required by City Ordinance *Appendix E, Section 6-6 – Procedures Variances*, the Planning Commission shall conduct a duly noticed public hearing on the Variance application at their regularly scheduled meeting on Monday, May 18, 2026. Neighbors within 350' of the subject parcel were notified. 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?

Constructing an addition to create a duplex is a reasonable use of this property. However, a height variance and lot coverage variance to permit a three-story addition is not reasonable.

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

The existing structure is located at the rear of the parcel prompting the addition to be located there as well. There is a significant elevation change on the parcel which makes conformance with the height standard difficult. However, the applicant could reduce the height of the proposed addition. The parcel is currently over the lot coverage standard and the proposed addition increases this nonconformity. A reconstruction of the existing driveway or proposed addition footprint could eliminate this need for a variance.

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

The immediate character of the area is unique. The surrounding parcels all use Grathwol Lane, an alley, for access. There are two commercial properties at the corner of Water and Oak, one of which has a garage with two residential units in it, located adjacent to Grathwol. There is a single family residential structure on either side of the subject parcel. A duplex could be constructed in a way that would not alter the essential character of the area, however, the proposed three-story addition adds too much mass to maintain character.

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 proposal meets the following Goal of the Comprehensive Plan for Residential Areas. City policy supports the enhancement of housing and residential neighborhoods. Goal: Maintain the Community's image and desirability as a great place to live and raise a family by preserving and enhancing the quality, character, safety and appeal of residential neighborhoods and developments, and providing diversity in its housing stock and unit types.

The intent of the height standard is to ensure compatibility with the height of existing homes in Excelsior. The existing two-story home meets the intent of the ordinance; the two story massing faces Grathwol where the impact is greater, and the three story elevation faces Oak Street and the home is setback over 100' from the street. However, adding a 1,029 sf structure to the existing home that is the same height as the existing home and three stories, does not meet the intent.

The intent of the lot coverage standard is to ensure adequate blue and green space on parcels and reduce stormwater impact of impermeable surface. This parcel is 17,483 sf and the existing lot coverage is 44% (7,702 sf). Proposed is 48% (8,440 sf). Removing 703 sf of hardcover from the parcel would reduce the need for the variance. The lot coverage could be managed by reducing the size of the existing driveway and the footprint of the proposed addition.

Recommended Conditions of Approval.

Staff recommends the following conditions with any approval of this Residential Review Permit and Variances:

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 plans and ensure conformance with Ordinance requirements.
3. The plans shall be consistent with the survey and plans included in the May 19, 2026 Planning Commission packet.
4. The RRP and 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 hold a public hearing for the Variance application. Staff recommends that the Planning Commission deny the Residential Review Permit and recommend to the City Council denial of the requested building height and lot coverage variances based on the findings in this staff report and the city architect's staff report. Staff will bring a resolution affirming the decision on the Residential Review Permit application to the June Planning Commission meeting for approval.

Excelsior Good Neighbor Guidelines PLAN Review

354 Oak Street

2026 05 14

Guidelines (7)	Review Criteria
1. Massing and scale of a new structure should be compatible with neighboring structures	• 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. • Consider incorporating the following mass mitigation techniques to align with neighborhood patterns: ▪ Street facing gable ▪ One story open front porch ▪ Step-downs ▪ Upper level components that are 1/2 story rather than full story ▪ Roof planes that are broken up (no large unarticulated planes) ▪ Offset structure components to break up bulk and large flat planes (gable and wing) ▪ Separate components by breezeway or one story element ▪ Garage located 60' back from front street ▪ Highly creative design that reduces the perception of bulk ▪ A "tunnel effect," which results from tall walls placed close together, should be avoided through one-story additions or step-backs • Maintain consistency with the street wall on all sides (including corner lots) and design façade width to reflect the established range of neighboring structure widths. • 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. • 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.

This project indicates a proposed construction of a proposed new residence addition to an existing large 3 story house at 354 Oak Street, replacing a garage and creating duplex units. This proposed larger duplex home mass forms two primary structures, separated by an existing recessed entrance and connecting element. The existing and new structures are set back deep on the lot from Oak Street (roughly 110' and 134', respectively), making their visibility from Oak St. less prominent. The site plan/survey shows the existing house garage and drive connecting to Oak Street to the north, and the new unit garage and drive connecting to Grathwol Lane to the south. Plans show an entrance deck for the new unit facing Oak St. but site plan is unclear how/if this is connected to Oak St. by sidewalk (the existing house has a sidewalk to its driveway). The new unit appears to be at the same height as the existing house, with primary gable roofs at 90 degrees rotation to each other. The existing house has an 8/12 gable roof; the new a 5/12 gabled roof. The new unit has a roofed semi open deck on the third level.

The site's context fronting Oak Street is unusual; single-family homes are adjacent to the north/west and across the alley/Grathwol at its rear, with only one residence (366 Oak) between the subject site and commercial properties to the south/east along Oak Street. Most of the houses on the blocks adjacent are 1-1/2 story, with some smaller two-story houses. A church and commercial properties are across Oak Street from the site.

The new residence's mostly three-story massing, attached to the large footprint and similar height existing structure, creates a significant mass that struggles for compatibility with its residential neighbors. Its public impact facing Oak St. is lessened by its deep frontyard setback, and though its unique location with nearby commercial properties suggest some flexibility regarding compatibility, the conjoined three-story houses do not seem consistent or compatible with their adjacent residential context.

The massing and proposed 5/12 roof pitch of the new unit, while understandable in maximizing volume/minimizing height, affects its compatibility with the original structure by appearing less integrated with it. The setback and reduced size of the third level and its open deck with roof is beneficial and does relieve some of the massing impact at the southeast corner.

2. The size and mass of a new structure should be compatible with the size of the property	• Ensure that the structure's visible building envelope (bulk) is compatible with the property size and with neighboring structures. • Locate the garage to respect existing neighborhood patterns and minimize the garage's impact on structure massing and street face.
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The proposed new garage location, using a driveway access similar to the existing from Grathwol, seems reasonable. But the mass and bulk of the existing/new conjoined houses, considering the size of the lot and pattern of neighboring structures, seems excessive. The adjacent houses at 366 Oak and 340 Oak appear most impacted by the proposed new structure.

3. A new structure should follow alignments that are predominant on the street and compatible with neighboring properties	• Respect the established structure location, alignments and open space patterns between neighboring structures when locating a new structure. • 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. • Design the site footprint of a structure to be compatible with the existing lot coverage pattern of neighboring structures.
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The proposed new house generally follows the front yard setback alignments of the existing house, and is located roughly where the existing garage was, but the resulting footprint and massing is not consistent with overall existing lot coverage or open space patterns in the neighborhood.

4. A new structure's design should respect the site's natural slope and features, minimizing cut, fill and retaining walls	• Ensure that grade changes do not change the character of the street face or the relationship of the structure to neighboring structures. • Respect the site's natural slope and minimize cut, fill and retaining walls. • Use structure stepbacks and stepdowns at the slope to break up massing and continuous walls.
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The new structure is responsive to existing grades and elevations, and no new retaining wall are indicated. Except for indicated driveway, the Site plan/survey is unclear on site paving, sidewalks or proposed planting.

5. Consider front porch element in design of new structures	• Use an unenclosed single story front porch to break up a structure's massing on the street face.
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The proposed new 6-0 deep x 10-0 wide entrance deck on the new unit facing Oak Street has a roofed second-floor deck above it, forming a two-level entrance element/porch that creates a modest break in the sheer three story front elevation.

6. A new structure should be detailed as four-sided architecture	• Use an unenclosed single story front porch to break up a structure's massing on the street face. • Arrange openings to reflect the traditional alignment of openings in neighboring structures to avoid large, unbalanced wall expanses.
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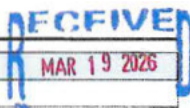
The design detailing, windows and siding materials appear to relate somewhat to the existing house in terms of materials and window types, though the new unit's northeast and southeast elevations have window types and alignments that are not resolved or consistent with the southwest elevation

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.
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The proposed design appears to have some nominal impact on neighbor views, privacy and sunlight due to its height and mass on a narrow lot, but due to its unique location, would primarily affect adjacent 366 Oak to the southeast.



Residential Review Permit Application
350 Highway 7, Ste. 230, Excelsior, MN 55331
952-653-3674
Email permit to: permits@excelsiormn.org



APPLICANT INFORMATION		
Name: Lynne & Michael Rau		Business Name:
Address: 354 Oak Street		
City: Excelsior	State: MN	Zip Code: 55331
Telephone: 612-747-3953	E: [REDACTED]	
OWNER INFORMATION (if different)		
Name:		Business Name:
Address:		
City:	State:	Zip Code:
Telephone:	E-Mail:	
TYPE OF APPLICATION (check all that apply)		
☐ Sketch Plan	☒ Residential Review Permit	
PROJECT INFORMATION		
Street Address: 354 Oak Street		Zoning District (R-1 or R-2):
Property Identification Number(s) (PIN #s):		
Legal Description (attach if necessary): Lot 4 & Part of Lot 5, Block 1, College Lake Addition to Excelsior		
Description of Proposal (attach additional information if needed): Turn my current single family home into a duplex		
Reason(s) to Approve Request (attach additional information if needed): The city adds another taxable revenue source		
FEES & ESCROW		
Residential Review Permit	\$500 Escrow	
Residential Sketch Plan	\$ 50 fee	

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: Michael Rau

Date: 3/18/26

OWNER'S STATEMENT

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

Signature: Michael Rau

Date: 3/18/26

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.

1. Prevailing neighborhood streetfront

setback: (Guidelines #3 and #7)

Prevailing setback on block (est.) 25'

Average setback on block (est.) 25'

Proposed new house setback 25' +

2. Is the pattern of homes on in your neighborhood 1, 1 1/2, or 2 stories high?

(Guidelines #1 and #7)

Stories	1	1-1/2	<u>(2)</u>
House on right	☐	☐	☒
House on left	☐	☐	☒
House to rear	☐	☐	<u>N/A</u>
Prevailing on block	☐	☐	☒
Proposed new house	☐	☐	☒

3. Prevailing front porch pattern in your neighborhood: (Guidelines #1 and #5)

	Front Porch	None
House on right	☒	☐
House on left	☐	☒
House to rear	☐	<u>N/A</u>
Prevailing on block	☐	☒
Proposed new house	☒	☐

4. Prevailing garage location pattern in your neighborhood: (Guidelines #1 and #2)

	1 stall garage	2 stall garage	3 stall garage
House on right	☐	☒	☐
House on left	☒	☐	☐
House to rear	☐	☐	<u>N/A</u>
Prevailing on block	☐	☒	☐
Proposed new house	☐	☒	☐

5. Is the proposed addition or structure compatible in form and detail with the

design character of the main house?

(Guideline #2)

Yes

6. If the proposed addition or structure location, setbacks, size or general design character does not fit prevailing neighborhood patterns, how do you propose to reduce its impact on the neighborhood and streetscape?:

7. Does the proposed addition or structure work with natural slopes and contours of the property? (Guideline #4)

- ☒ Structure sited parallel to slope
☒ Building designed to reduce cut and fill (minimize retaining walls)
☒ Landscaping incorporated into grading changes

Notes: _____

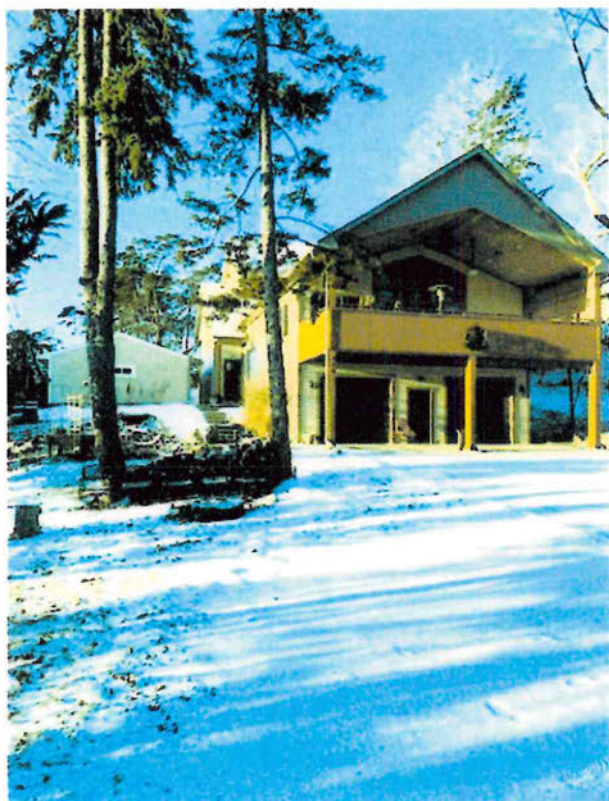
8. Will the proposed addition or structure significantly affect your neighbor's access to sunlight in adjacent yards, patios or rooms? (Guideline #7)

House to right: no

House to left: very little, late afternoon

House to rear: N/A

Notes: _____





Variance for Addition (Duplex) for Lynne and Michael Rau

Narrative for converting our property into a duplex:

1. We are looking for a Height Variance for the city code, however, we are building the addition to the same height of our existing property. We need the variance for the additional space of a third floor and have a walkout deck that over looks College Lake. This allows us outdoor space that blocks the noise of Oak Street (County Rd 19).
2. There really is not anything unique as the build is consistent with our existing property. We will be tearing down an existing 2 – car garage.
3. Without the variance, we considered building a much larger addition but this would intrude on our neighbor to the left and the existing house.
4. The variance is in accordance with the house we built based on the 2014 code.
5. This variance will not alter the existing neighborhood. Our house is on a hill so we are currently higher than our house on the left and lower than the house on the right. We also do not have neighbors in front or in back of us.
6. This variance fits our existing house height.
7. This is a “win” for the city as it will gain another taxable property.

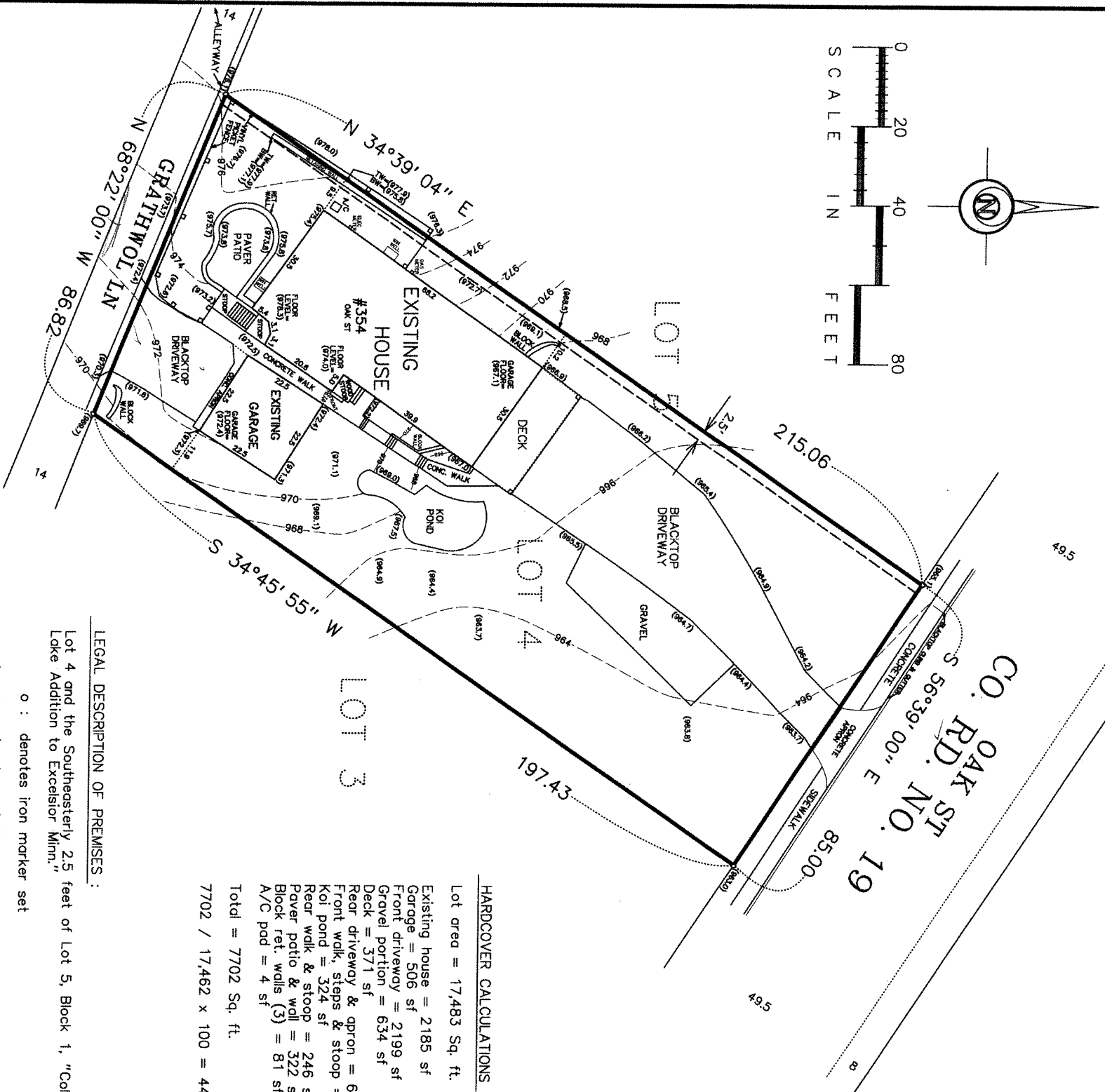
Lynne and Michael Rau

354 Oak Street

Excelsior, MN 55331

3/19/2026

CERTIFICATE OF SURVEY FOR
S.J. FISHER CONSTRUCTION
OF LOT 4 & PART OF LOT 5, BLOCK 1, "COLLEGE LAKE ADDITION TO EXCELSIOR MINN."
HENNEPIN COUNTY, MINNESOTA



HARDCOVER CALCULATIONS :

Lot area = 17,483 Sq. ft.
 Existing house = 2185 sf
 Garage = 506 sf
 Front driveway = 2199 sf
 Gravel portion = 634 sf
 Deck = 371 sf
 Rear driveway & apron = 620 sf
 Front walk, steps & stoop = 210 sf
 Kol Pond = 324 sf
 Rear walk & stoop = 246 sf
 Paver patio & wall = 322 sf
 Block ret. walls (3) = 81 sf
 A/C pad = 4 sf
 Total = 7702 Sq. ft.
 $7702 / 17,482 \times 100 = 44.11\%$

LEGAL DESCRIPTION OF PREMISES :

Lot 4 and the Southeasterly 2.5 feet of Lot 5, Block 1, "College Lake Addition to Excelsior Minn."

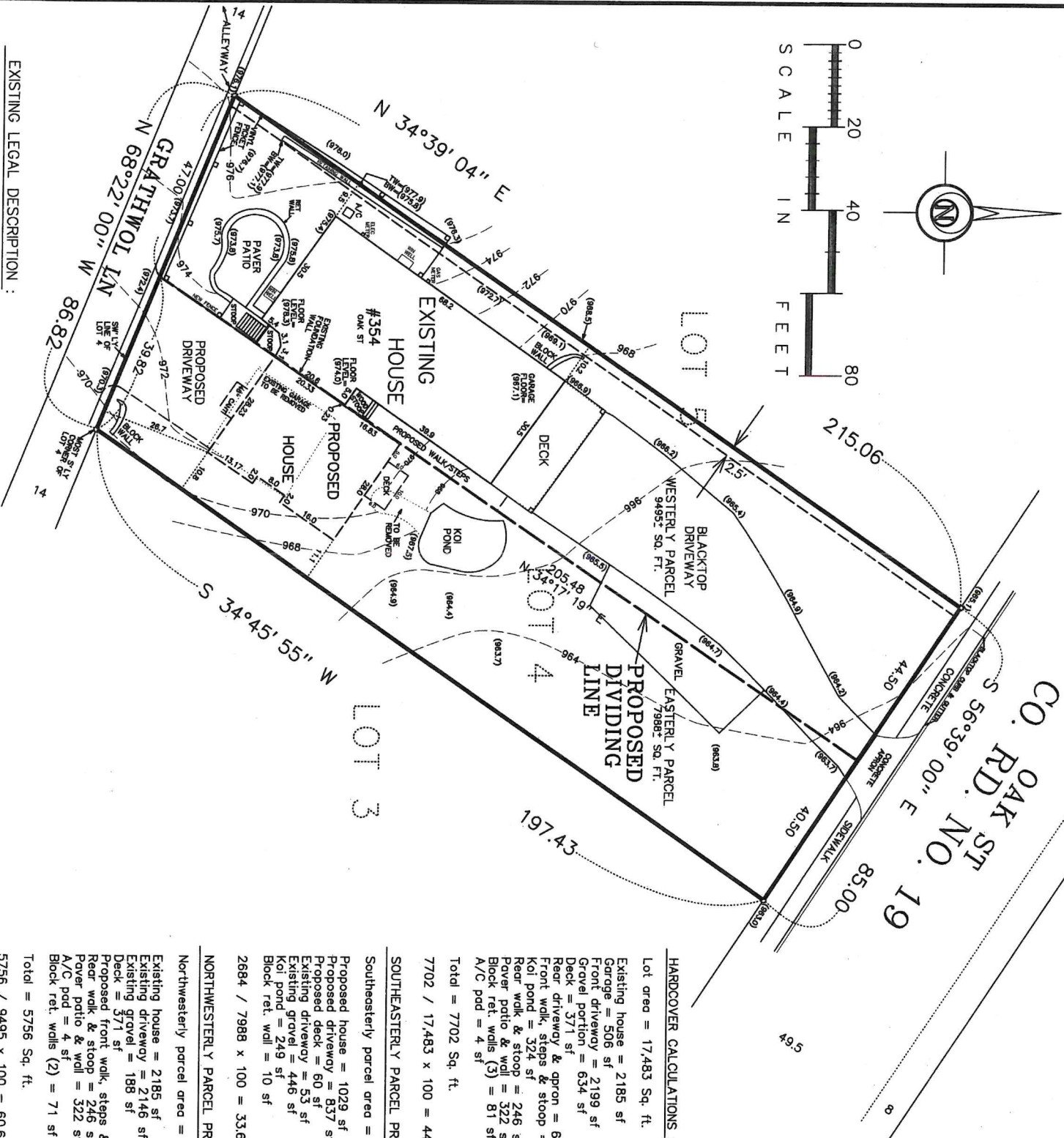
o : denotes iron marker set

---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, garage, spot elevations, topography, and all visible "hardcover" thereon. It does not purport to show any other improvements or encroachments.

DATE	REVISION	 GRONBERG AND ASSOCIATES, INC. CONSULTING ENGINEERS, LAND SURVEYORS & SITE PLANNERS 445 NORTH WILLOW DRIVE LONG LAKE, MN. 55356 852-473-1141	SCALE 1"=20'
			DATE
			2-27-26
			JOB NO.
			26-024



Lot 4 and the Southeasterly 2.5 feet of Lot 5, Block 1, "College Lake Addition to Excelsior Minn."

o : denotes iron marker set

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

910.8 : denotes proposed spot elevation

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

930 : denotes proposed contour line

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, garage, to be removed, spot elevations, topography and all visible "hardcover", and the proposed location of a proposed house, driveway, walk and grades thereon. It does not purport to show any other improvements or encroachments.

PROPOSED LEGAL DESCRIPTIONS :

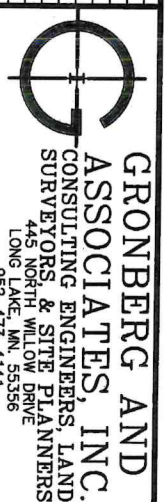
NORTHWESTERLY PARCEL.:

That part of lot 4 and the Southeastern 2.5 feet of lot 5, Block 1, "College Lake Addition to Excelsior, Minn., which lies northeast of said Lot 4; thence on an assumed bearing of North 68 degrees 22 seconds West along the southwesternly line of said Lot 4 a distance of 39.82 feet to the point of beginning of the line being described; thence North 37 degrees 17 minutes 19 seconds East, assumed bearing, a distance of 205.48 feet to the northeastern line of said lot 4, and said line there ending.

SOUTHEASTERLY PARCEL:

That part of Lot 4, Block 1, "College Gate Addition to Excelsior Mm.," which lies southeasterly of the following described line: Commencing at the most southerly corner of said Lot 4, thence on an assumed bearing of North 68 degrees 22 seconds West along the southeasterly line of said Lot 4 a distance of 39.82 feet to the point of beginning of the line being described, thence North 37 degrees 17 minutes 19 seconds East a distance of 205.48 feet to the northeasterly line of said lot 4, and said line there ending.

26024PROPOSED.SCJ	DATE
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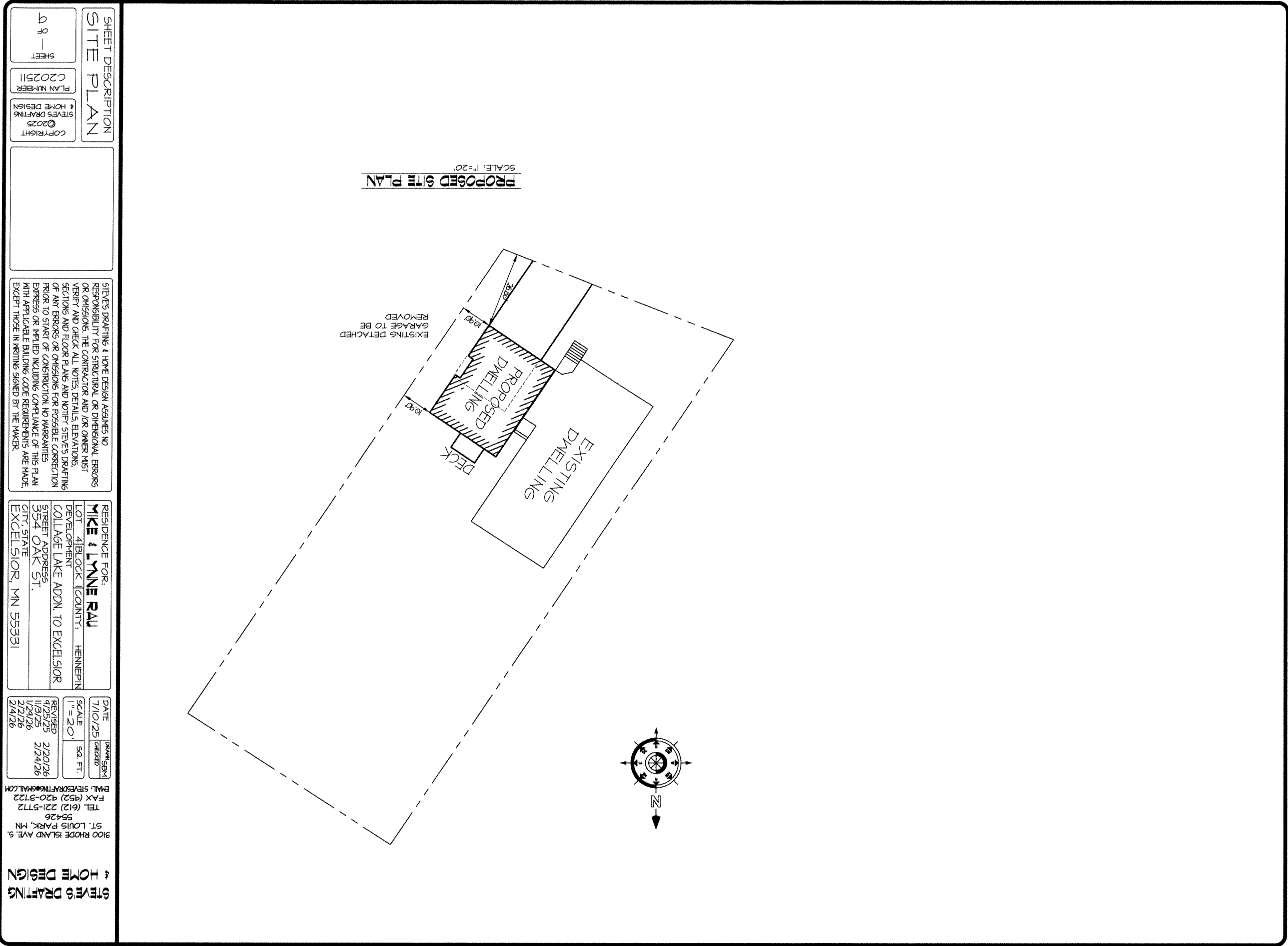
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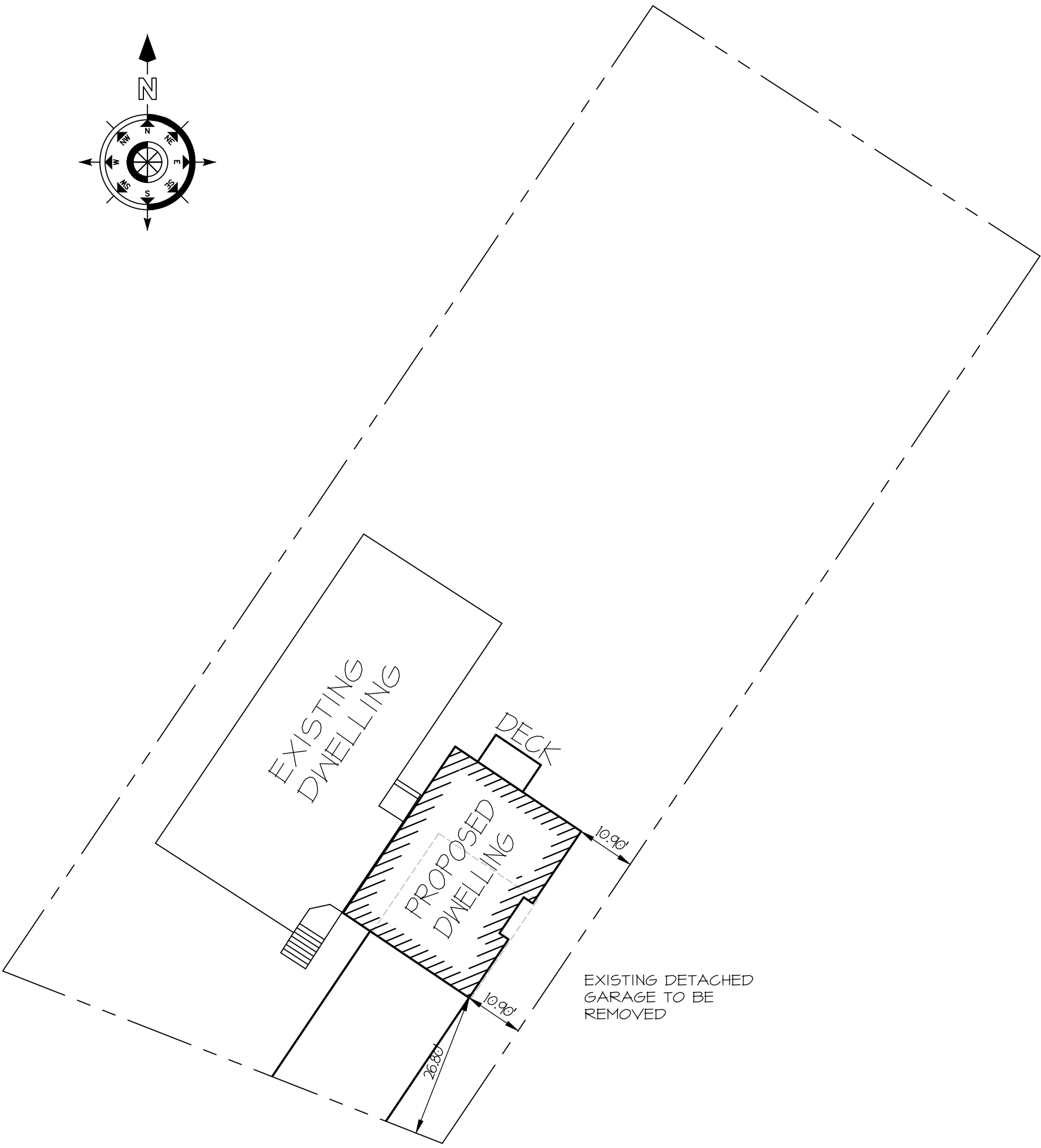
I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Mark J. Groenberg

Mark S. Groenberg Minnesota License Number 12755

SCALE	1"=20'
DATE	2-27-26
JOB NO.	26-024





PROPOSED SITE PLAN
SCALE: 1"=20'

STEVE'S DRAFTING
& HOME DESIGN

3100 RHODE ISLAND AVE. S.
ST. LOUIS PARK, MN
55426
TEL (612) 221-5772
FAX (952) 920-3722
EMAIL: STEVEDRAFTING@GMAIL.COM

DATE	DRAWN/SEM	CHECKED	SCALE	SQ. FT.	REVISED
7/10/25			1" = 20'		9/25/25
					11/3/25
					1/29/26
					2/2/26
					2/4/26

RESIDENCE FOR:	MIKE & LYNNE RAU
LOT:	41 BLOCK 11 COUNTY: HENNEPIN
DEVELOPMENT:	COLLAGE LAKE ADDN. TO EXCELSIOR
STREET ADDRESS:	354 OAK ST.
CITY, STATE:	EXCELSIOR, MN 55331

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SITE PLAN	©2025
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	PLAN NUMBER
	G202511
	SHEET
	1
	OF
	9



OAK ST. (NE) ELEVATION
SCALE: 1/8"=1'



SOUTHEAST ELEVATION
SCALE: 1/8"=1'



GRATHWOL LANE (SW) ELEVATION
SCALE: 1/4"=1'

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& HOME DESIGN**

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DATE	DRAWN/SEEN	CHECKED	SCALE	SQ. FT.	AS NOTED	REVISED
7/10/25						4/25/25
						1/3/25
						1/24/26
						2/2/26
						2/4/26

RESIDENCE FOR:	MIKE & LYNNE RAU
LOT:	41 BLOCK 11 COUNTY: HENNEPIN
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	STEVE'S DRAFTING & HOME DESIGN
	PLAN NUMBER
	G202511
	SHEET
	2
	OF
	9

STEVE'S DRAFTING
& HOME DESIGN

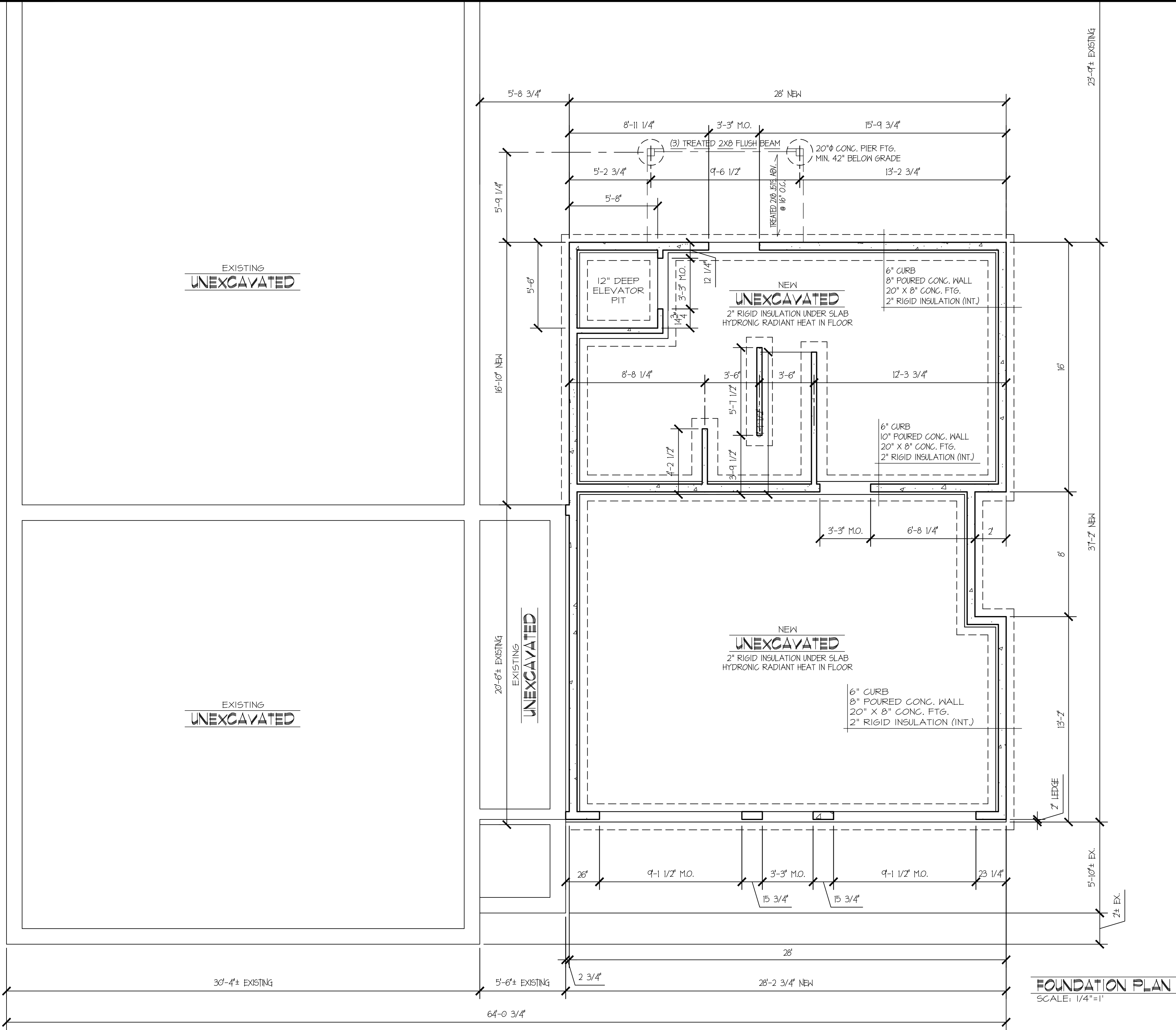
3100 RHODE ISLAND AVE. S.
ST. LOUIS PARK, MN
55426
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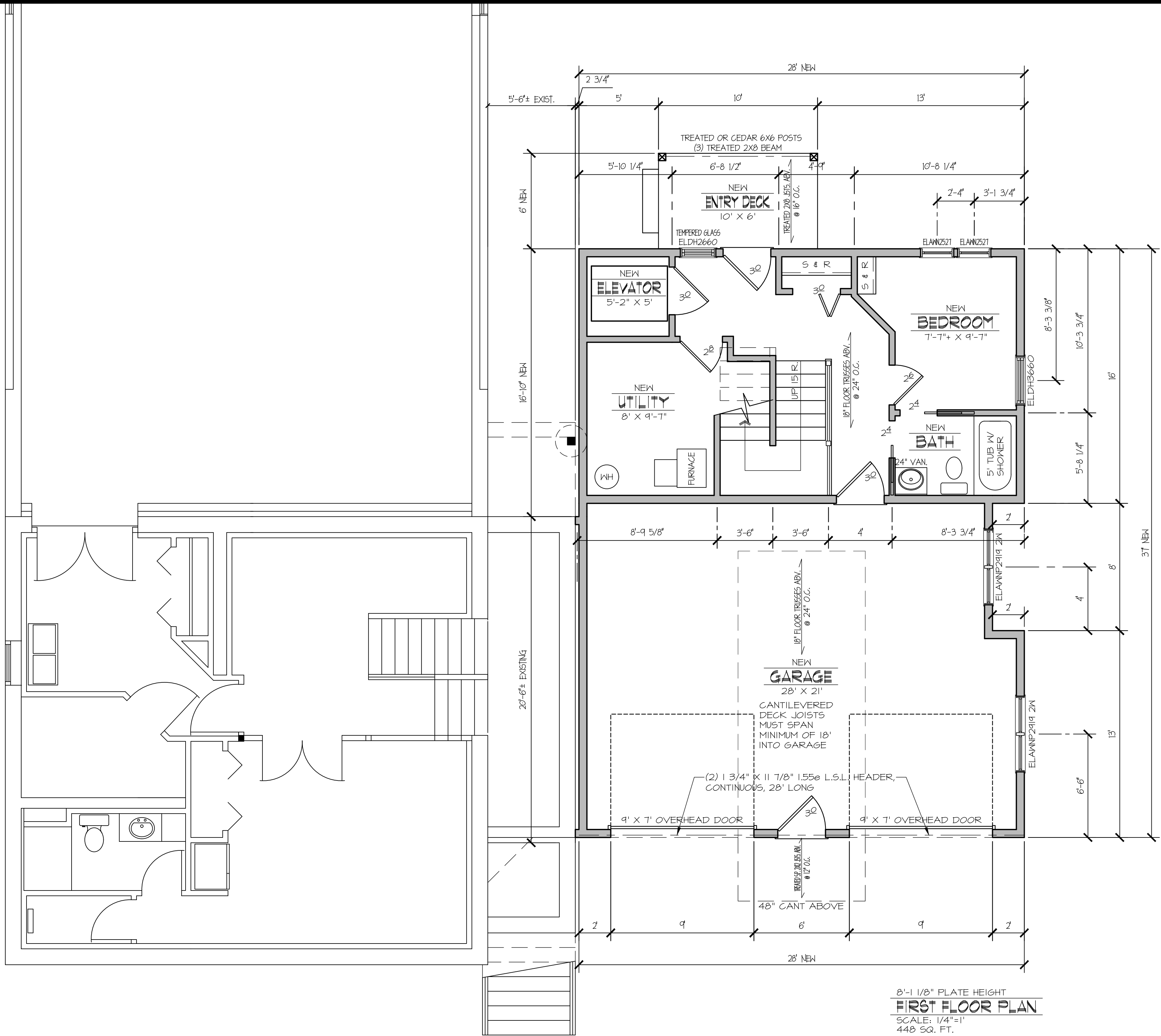
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7/10/25		1/4" = 1'	2/20/26
			4/25/25
			1/3/25
			1/24/26
			2/2/26
			2/4/26

RESIDENCE FOR:	MIKE & LYNNE RAU
LOT	41 BLOCK
COUNTY:	HENNEPIN
DEVELOPMENT	COLLAGE LAKE ADDN. TO EXCELSIOR
STREET ADDRESS	354 OAK ST.
CITY, STATE	EXCELSIOR, MN 55331

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SECTIONS AND FLOOR PLANS AND NOTIFY STEVE'S DRAFTING
OF ANY ERRORS OR OMISSIONS FOR POSSIBLE CORRECTION
PRIOR TO START OF CONSTRUCTION. NO WARRANTIES
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FOUNDATION PLAN	PLAN NUMBER C202511
	SHEET 3 OF 9





8'-1 1/8" PLATE HEIGHT
FIRST FLOOR PLAN
SCALE: 1/4"=1'
448 SQ. FT.

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& HOME DESIGN**

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DATE	DRAWN/SEEN	CHECKED	SCALE	SQ. FT.	AS NOTED	REVISED
7/10/25						2/20/26
						4/25/25
						1/3/25
						1/24/26
						2/2/26
						2/4/26

RESIDENCE FOR:	MIKE & LYNNE RAU
LOT	41 BLOCK
COUNTY:	HENNEPIN
DEVELOPMENT	COLLAGE LAKE ADDN. TO EXCELSIOR
STREET ADDRESS	354 OAK ST.
CITY, STATE	EXCELSIOR, MN 55331

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**SHEET DESCRIPTION
FIRST FLOOR PLAN**

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PLAN NUMBER
C202511

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4
OF
9

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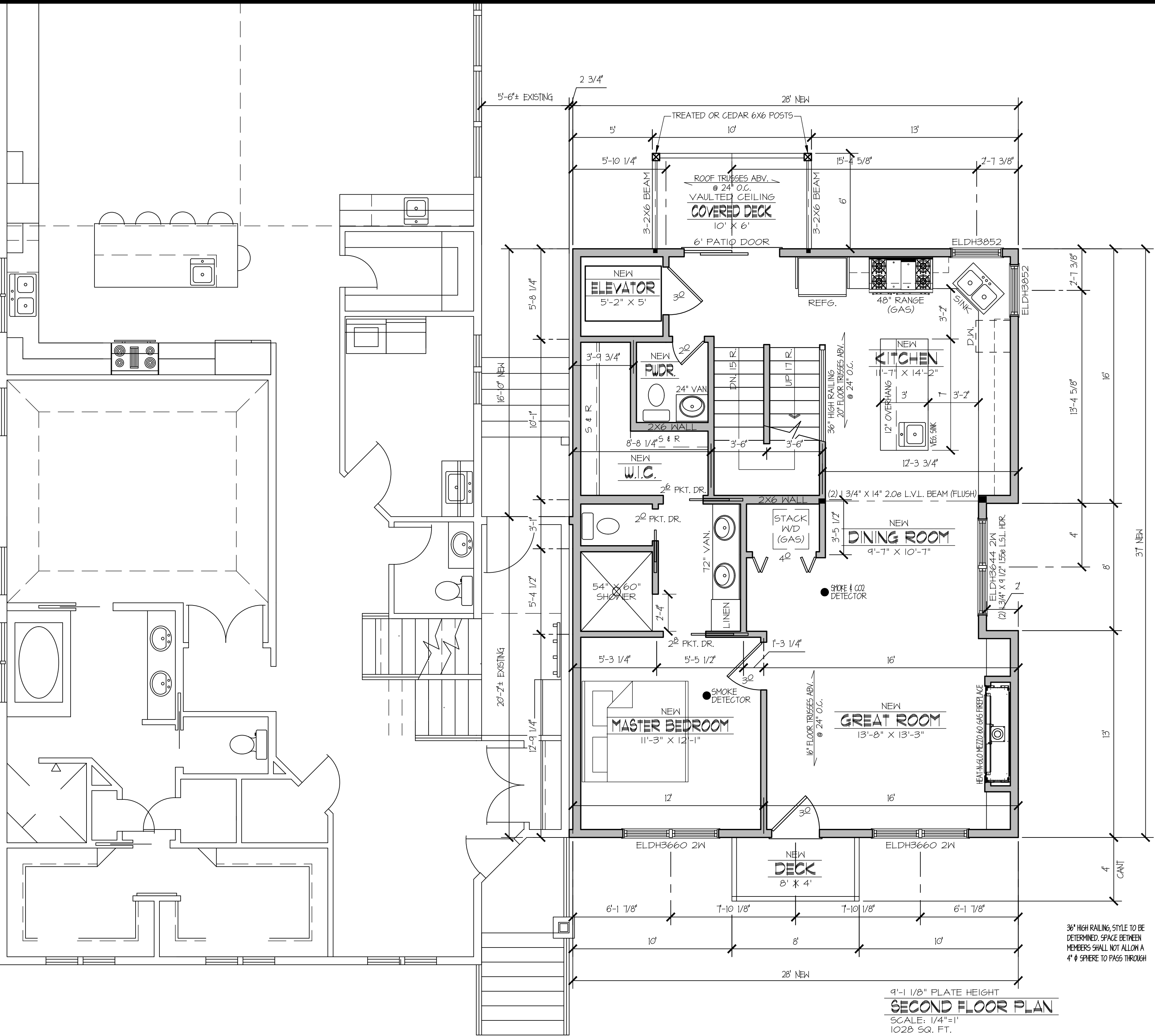
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DATE	DRAWN/SEEN	CHECKED	SCALE	SQ. FT.	AS NOTED	REVISED
7/10/25						4/25/25
						1/3/25
						1/24/26
						2/2/26
						2/4/26

RESIDENCE FOR:	MIKE & LYNNE RAU
LOT:	41 BLOCK 1 COUNTY: HENNEPIN
DEVELOPMENT:	COLLAGE LAKE ADDN. TO EXCELSIOR
STREET ADDRESS:	354 OAK ST.
CITY, STATE:	EXCELSIOR, MN 55331

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SECOND FLOOR PLAN	PLAN NUMBER C202511
	SHEET 1 OF 9



36" HIGH RAILING, STYLE TO BE DETERMINED. SPACE BETWEEN MEMBERS SHALL NOT ALLOW A 4" Ø SPHERE TO PASS THROUGH

9'-1 1/8" PLATE HEIGHT
SECOND FLOOR PLAN
SCALE: 1/4"=1'
1028 SQ. FT.

STEVE'S DRAFTING
& HOME DESIGN

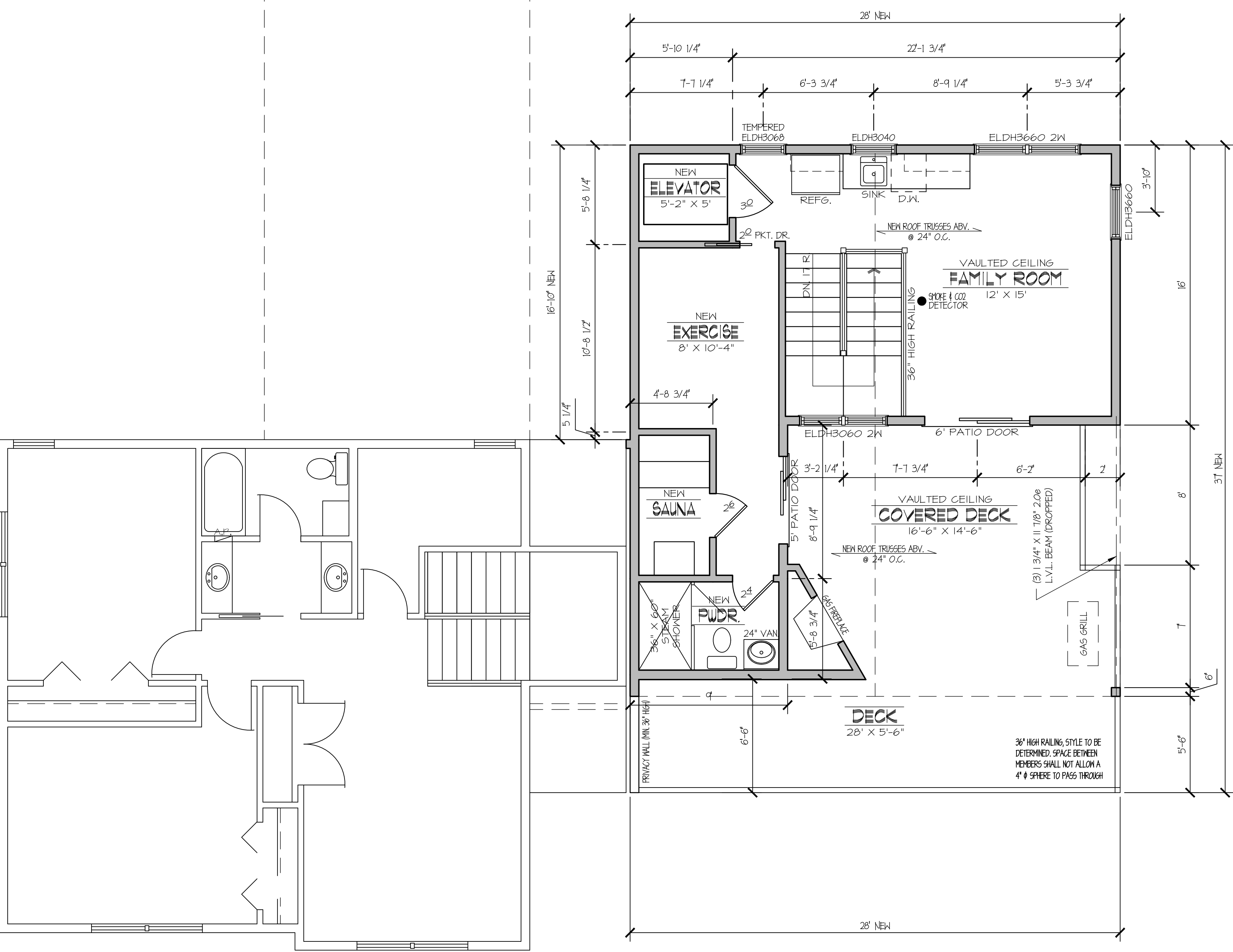
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55426
TEL (612) 221-5772
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EMAIL: STEVEDRAFTING@GMAIL.COM

DATE	DRAWN/SEEN	CHECKED	SQ. FT.	REVISIONS
7/10/25			1/4" = 1'	2/20/26 4/25/25 1/3/25 1/24/26 2/2/26 2/4/26

RESIDENCE FOR:	MIKE & LYNNE RAU
LOT	41B BLOCK
COUNTY:	HENNEPIN
DEVELOPMENT	COLLAGE LAKE ADDN. TO EXCELSIOR
STREET ADDRESS	354 OAK ST.
CITY, STATE	EXCELSIOR, MN 55331

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THIRD FLOOR PLAN	PLAN NUMBER C202511
	SHEET 6 OF 9



8'-1 1/8" PLATE HEIGHT
THIRD FLOOR PLAN
SCALE: 1/4"=1'
565 SQ. FT.

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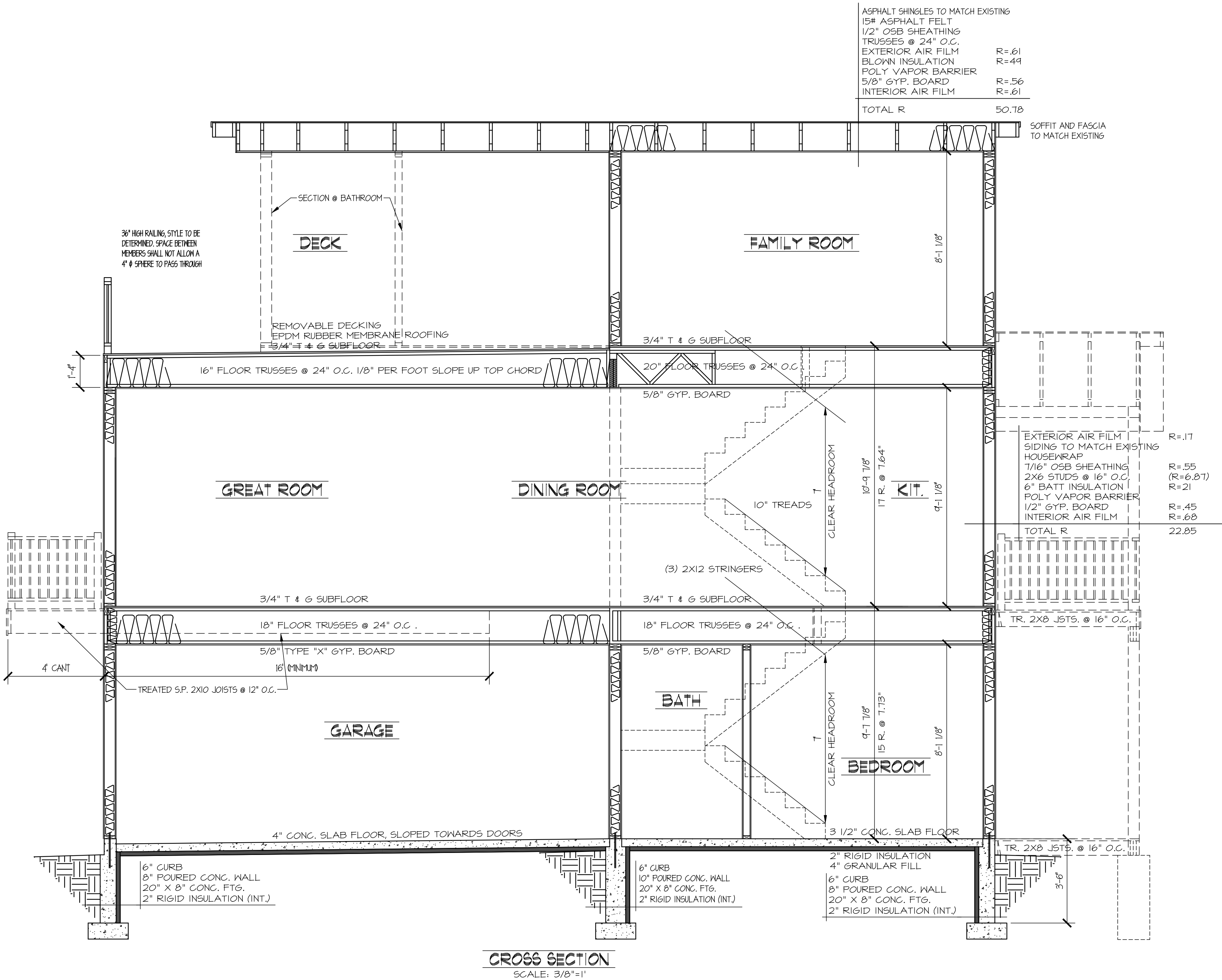
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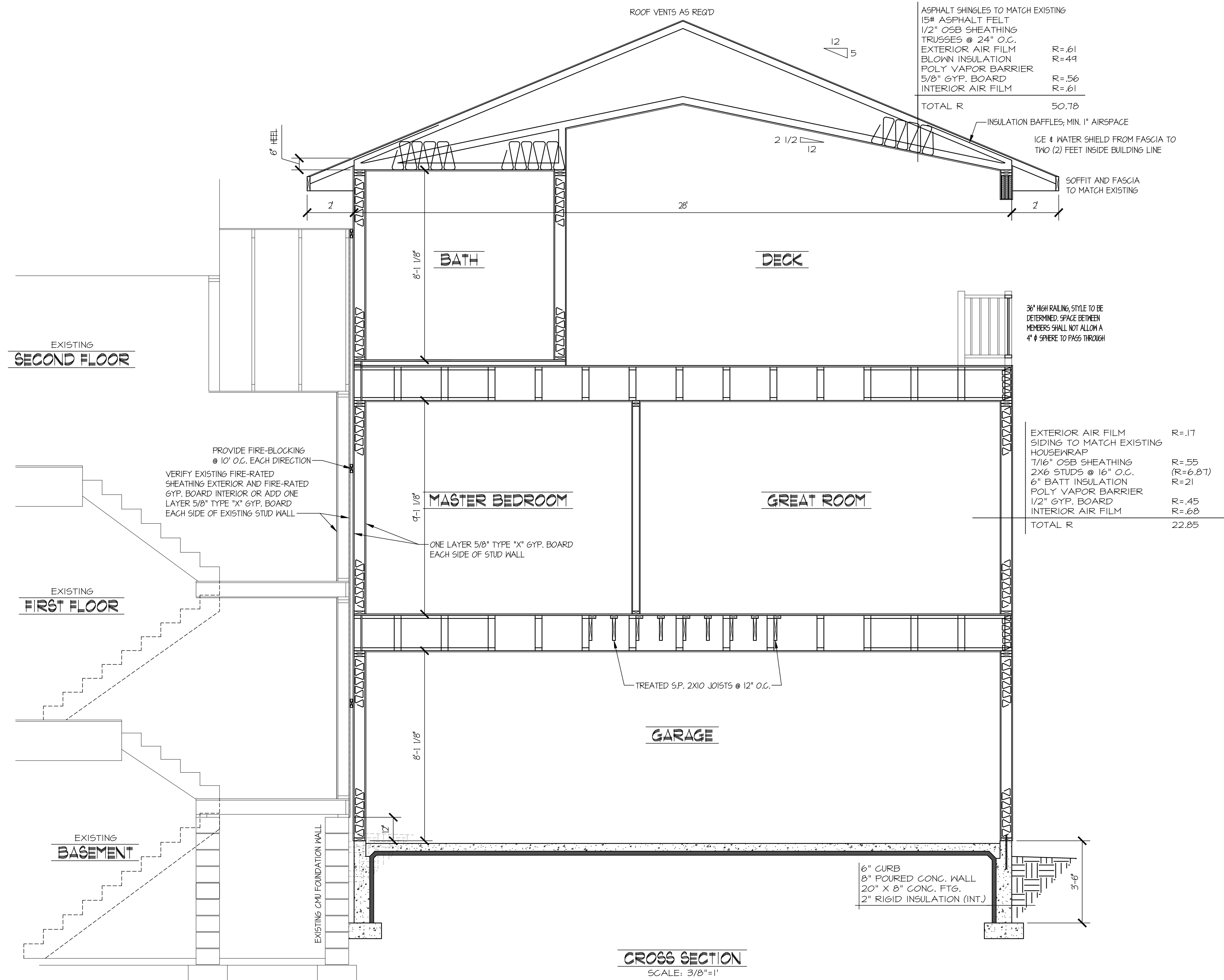
DATE	DRAWN/CHKD	SCALE	SQ. FT.	REVISED
7/10/25		AS NOTED		2/20/26 4/25/25 1/3/25 1/24/26 2/2/26 2/4/26

RESIDENCE FOR:	MIKE & LYNNE RAU
LOT	41 BLOCK 1 COUNTY: HENNEPIN
DEVELOPMENT	COLLAGE LAKE ADDN. TO EXCELSIOR
STREET ADDRESS	354 OAK ST.
CITY, STATE	EXCELSIOR, MN 55331

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SHEET DESCRIPTION	CROSS SECTION
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SHEET 7 OF 9	





CROSS SECTION
SCALE: 3/8"=1'

**STEVE'S DRAFTING
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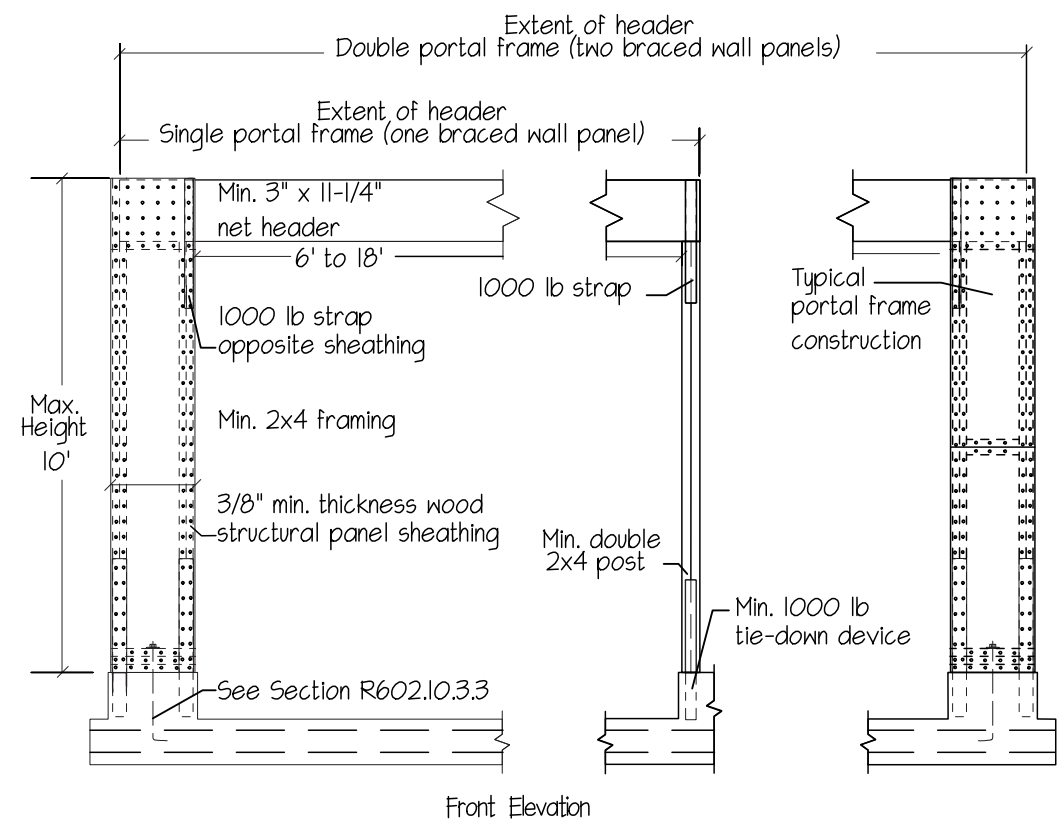
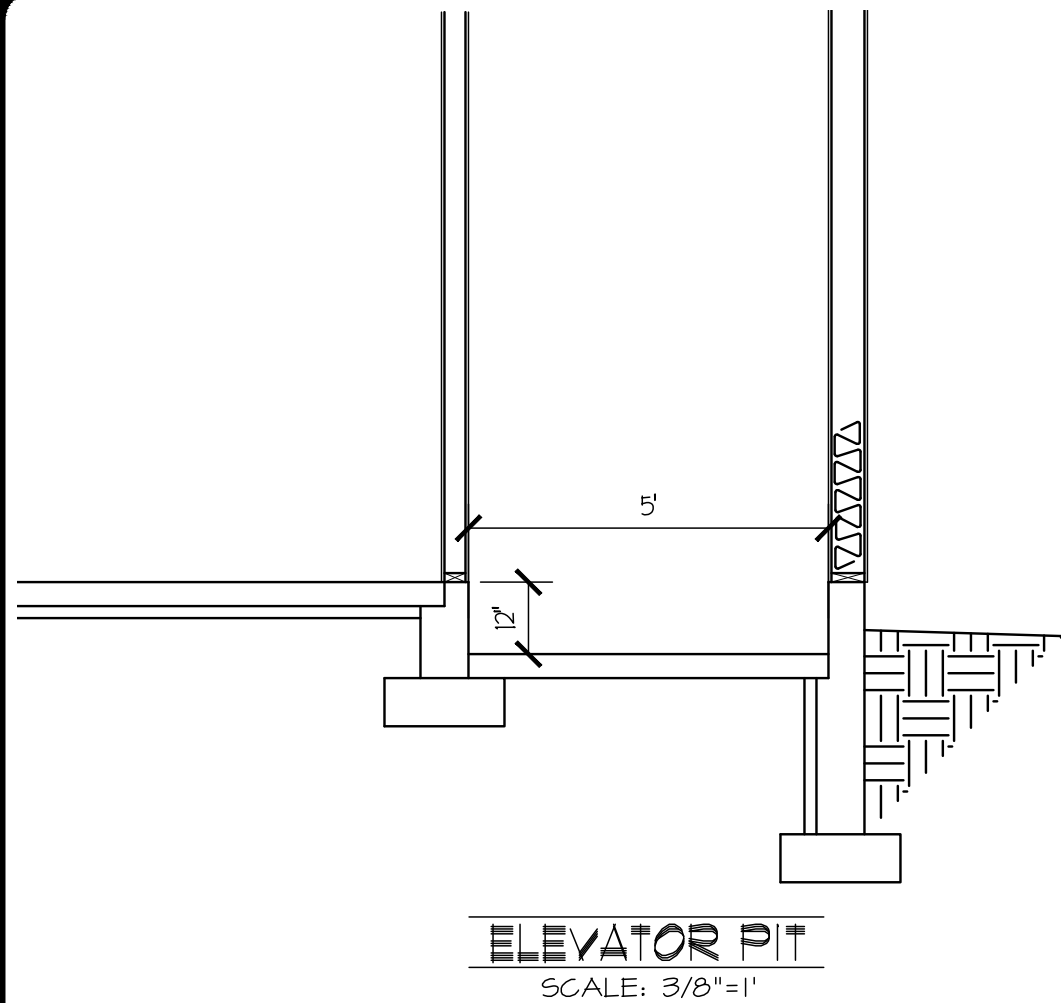
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EMAIL: STEVEDRAFTING@GMAIL.COM

DATE	DRAWN/CHKD	SCALE	SQ. FT.	REVISED
7/10/25	7/10/25	3/8"=1'		4/25/25
				1/3/25
				1/24/26
				2/2/26
				2/4/26

RESIDENCE FOR:	MIKE & LYNNE RAU
LOT	41 BLOCK 1 COUNTY: HENNEPIN
DEVELOPMENT	COLLAGE LAKE ADDN. TO EXCELSIOR
STREET ADDRESS	354 OAK ST.
CITY, STATE	EXCELSIOR, MN 55331

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	PLAN NUMBER C202511
	SHEET 8 OF 9



Fasten top plate to header with two rows of 16d sinker. Nails at 3 in. o.c. top.

Fasten sheathing to header with 8d common or galvanized box nails in 3 in. grid pattern as shown and 3 in. o.c. in all framing (studs, blocking, and sills) top.

Min. length = 16 in. for one story, min. length = 24 in. for use in the first of two story structures.

Min. 4200 lb tie-down device (embedded into concrete and nailed into framing).

For a panel splice (if needed), panel edges shall occur over and be nailed to common blocking, and occur within middle 24 in. of wall height. One row of 3 in. o.c. nailing is required in each panel edge.

STEVE'S DRAFTING & HOME DESIGN

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ST. LOUIS PARK, MN
55426
TEL (612) 221-5772
FAX (952) 420-3722
EMAIL: STEVEDRAFTING@GMAIL.COM

DATE	DRAWN/GBM CHECKED	SCALE	SQ. FT.	REVISED
7/10/25		3/8" = 1'		2/20/26 4/25/25 1/3/25 1/24/26 2/2/26 2/4/26

RESIDENCE FOR:	MIKE & LYNNE RAU
LOT	41 BLOCK 11 COUNTY: HENNEPIN
DEVELOPMENT	COLLAGE LAKE ADDN. TO EXCELSIOR
STREET ADDRESS	354 OAK ST.
CITY, STATE	EXCELSIOR, MN 55331

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SHEET DESCRIPTION SECTIONS & DETAILS

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PLAN NUMBER
C202511

SHEET
9
OF
9



MEMORANDUM

Re: Item 4(b) – Conditional Use Permit for a new Pool

Date: May 19, 2026]

To: Planning Commission

From: Julia Mullin, Community Development Director
Jess Long, City Planner

APPLICANT: Steve Poindexter, Brookside Pool
APPLICANT ADDRESS: 4860 Biscayne Ave, MN 55123
PROPERTY OWNER: Mike Liessi
LOCATION: 221 Monroe Ave
CASE NO.: PC No. 2026-07
60/120-DAY REVIEW 6/7/2026 and 8/6/2026
DEADLINE:

BACKGROUND

The applicant, Steve Poindexter, has submitted an application for a Conditional Use Permit for the construction of a new pool on a parcel with an existing single family home at 221 Monroe Ave, P.I.D. 34.117.23.31.0045. The parcel is zoning R-1 and pools are conditional use within the district.

DETAILS/ANALYSIS

A conditional use permit is required for all swimming pools that have a depth of 24 inches at any point and a surface area exceeding 150 square feet. The proposed pool will be 448 sf and have a maximum depth of 8 feet. The pool addition will include 252 sf of new hardcover to the lot. The applicant has submitted information on the mechanical equipment that will be used and installed with the pool.

Safeguarding

The City requires safeguards to prevent children and vulnerable adults from gaining uncontrolled access to pools, and this can be accomplished with fencing, screening or other enclosures, or any combination thereof. The pool addition will include fencing which will be placed along the property lines and will include self-closing/latching gate. The City will review the separate fencing permit application for compliance when the applicant submits a building permit for the pool.

Zoning Review

The proposed pool meets zoning requirements which include setbacks and lot coverage requirements.

Standard	Required – R2 District	Existing	Proposed
Lot Area	10,000 sf	12,360	12,360
Lot Coverage*	12% (lot area) + 2100= 3,583	3,291 sf	3,543 sf
Side yard setback west	10 ft	na	25'6"
Side yard setback east	10 ft	na	17'5"

* Per Sec 14-1(f), lot coverage/impervious surface coverage shall not include swimming pools.

Conditional Use Permit Review Criteria

The Conditional Use Permit should be reviewed based on the criteria set forth in article 4 (Section 4-3), governing conditional use permits. The Planning Commission should consider possible effects of the proposed conditional use permit, and its judgement should be based upon, but not limited to, the following factors:

1. **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 proposed use is allowed within the R-1 district and the addition of a pool on a parcel with a single family home is in alignment with the City's comprehensive plan.

2. **The proposed use is or will be compatible with present and future land uses of the area.**

The area is made up of single family residential homes. The proposed pool is compatible with the present and future land uses of the neighborhood.

3. **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 proposed pool is compatible in appearance and character of the neighborhood and will not change the essential character of the area.

4. **The use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.**

The pool is located in the rear yard and will not impact natural or scenic features. The property is not a historic or landmark property.

5. **The proposed use conforms with the general performance standards contained in the conditional use performance standards found in section 4-5 of Appendix E of the Zoning Code.**

The proposed pool meets general performance standards and conditional use performance standards.

6. The proposed use can be accommodated with existing public services and will not overburden the city's service capacity.

The proposed pool will not overburden the city's service capacity.

7. Traffic generation by the proposed use is within capabilities of streets serving the property.

Not applicable.

8. The use will not be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare of the neighborhood or the city.

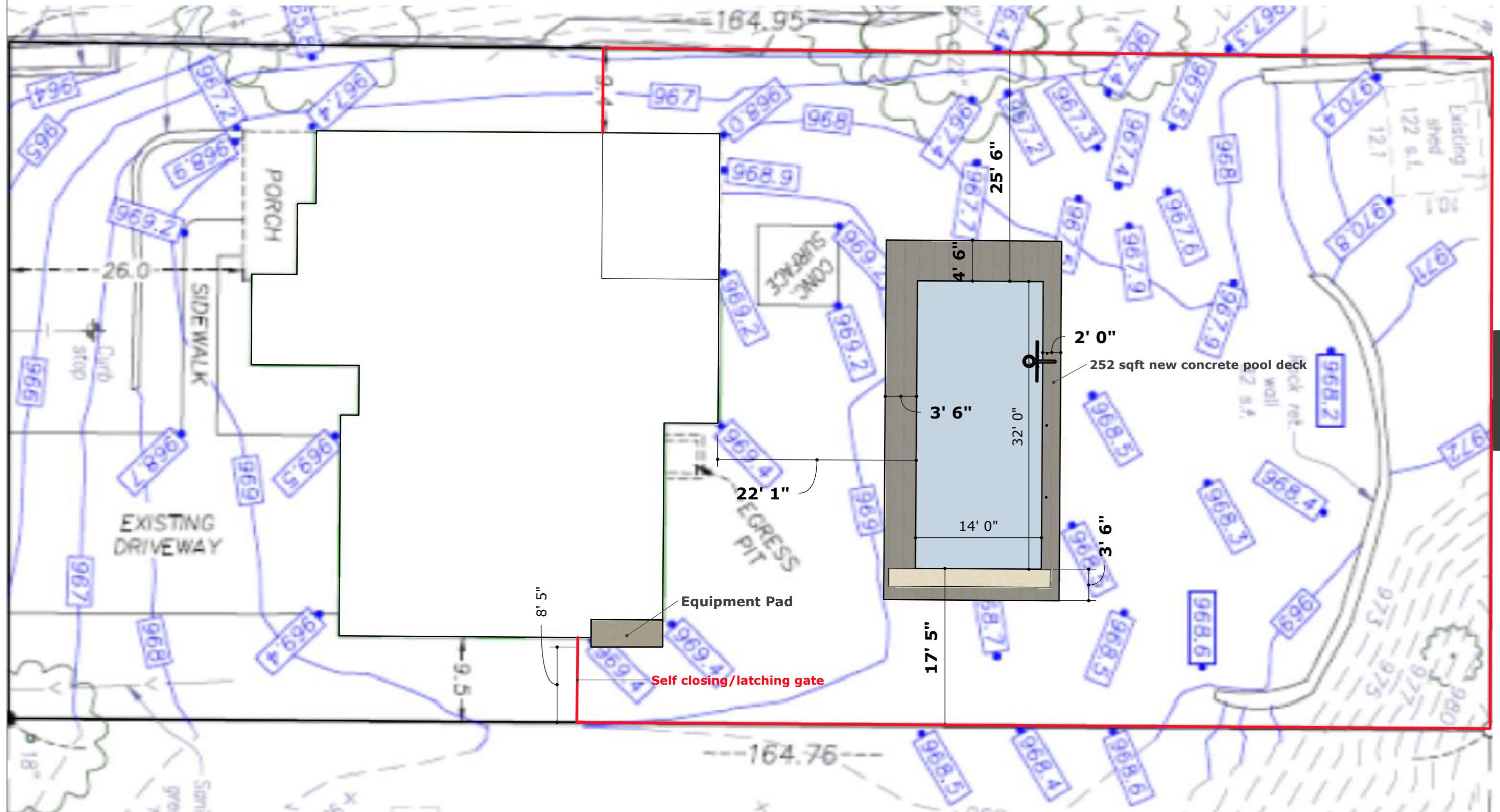
The proposed pool will not be detrimental to the public health, safety, comfort, convenience, or general welfare of the neighborhood or the city

Conditions of Approval

Staff recommends that the Planning Commission recommend approval of the Conditional Use Permit with the following conditions:

1. The site drainage system shall be subject to the review and approval of the city engineer.
2. Prior to filling the pool, the approved fence must be completely in place and inspected and approved by the city building official.

14x32 option





City of Excelsior
339 Third St. • Excelsior, MN 55331
(952) 653-3674

Land Use Review Application

APPLICANT INFORMATION

Name: Steve Pindexter Business Name: Brookside Pools
Address: 4860 Biscayne Ave
City: Bagu State: MN Zip Code: 55123
Telephone: 612 868 3344 E-Mail: _____

OWNER INFORMATION (if different)

Name: Mike Luessi Business Name: _____
Address: 271 Monroe Ave
City: Excelsior State: MN Zip Code: 55331
Telephone: 952 261 7082 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: 271 Monroe Ave Zoning District: _____
Property Identification Number(s) (PIN #s): 3411723310045
Legal Description (attach if necessary): _____
Description of Proposal (attach additional information if needed):
In ground swimming pool
Reason(s) to Approve Request (attach additional information if needed):
Enjoyment of personal property and family gatherings

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: 4-7-26

OWNER'S STATEMENT

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

Signature: Authentisign Mike Luessi

Date: 04/08/26

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.

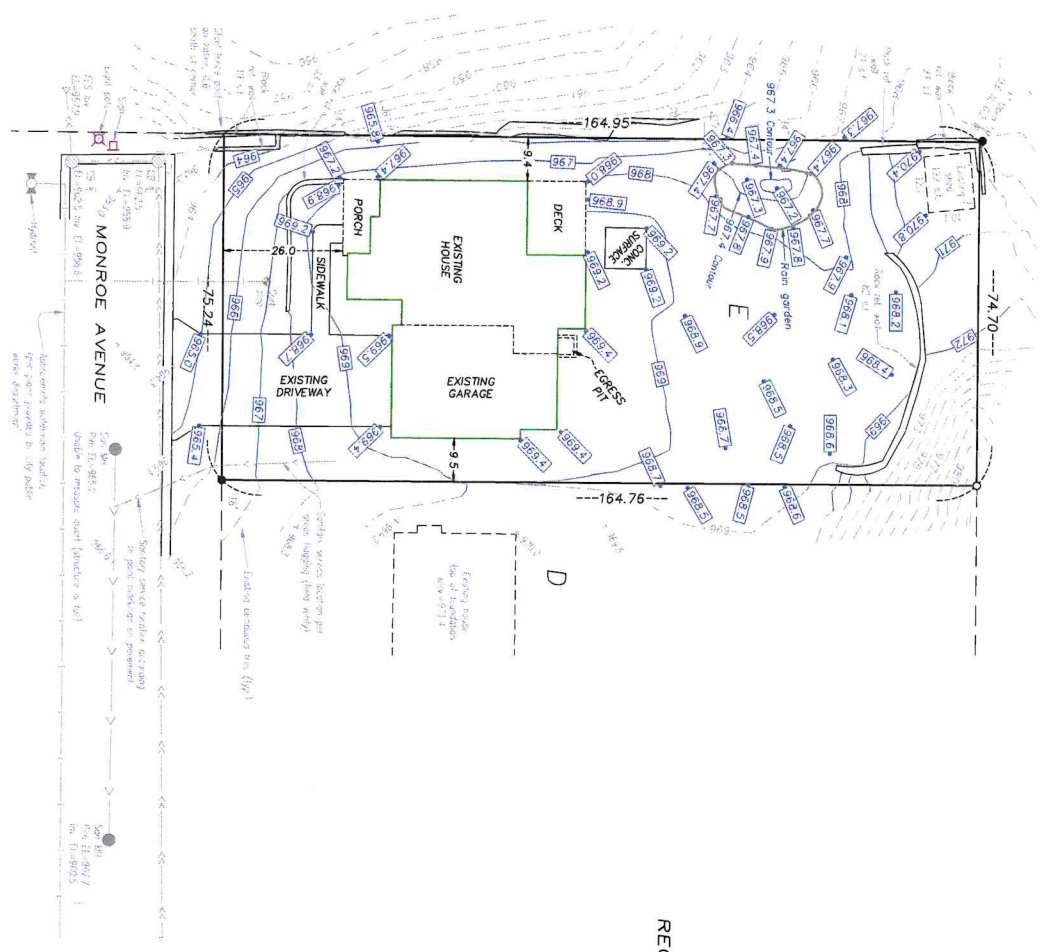
Existing Conditions

REVIEWED
MDawley 10/17/2024 5:16:00 PM

AS-BUILT ELEVATIONS & LOCATIONS
FOR
NOBERG HOMES

TRACT E
REGISTERED LAND SURVEY NO. 447
HENNEPIN COUNTY, MN
Address: 221 Monroe Avenue, Excelsior, MN

- PROPOSED ELEVATIONS**
TOP OF FOUNDATION = 970.0
GARAGE FLOOR ELEV. = 969.6
LOWEST FLOOR ELEV. = 962.0
- AS-BUILT ELEVATIONS**
TOP OF FOUNDATION = 970.0
GARAGE FLOOR ELEV. = 969.6
- LEGEND**
- - - - - EXISTING GROUND ELEVATION
- - - - - EXISTING GROUND CONTOUR
- - - - - AS-BUILT GROUND ELEVATION
- - - - - AS-BUILT GROUND CONTOUR



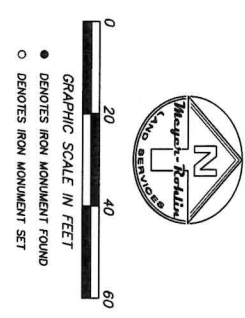
- SURVEYOR'S NOTES:**
- THIS SURVEY IS PROVIDED ONLY FOR USE BY THE CLIENT NAMED HEREON.
 - TITLE INFORMATION IS SHOWN ONLY ACCORDING TO CERTIFICATE OF TITLE #1569908
 - BENCHMARK: MINNESOTA DEPARTMENT OF TRANSPORTATION MONUMENT 762N
MINOSY ELEVATION = 969.34 (NAD 83)

LOT AREA: 12,360 s.f. +/-

INTERVIEWS SURFACE AREAS

HOUSE	1,329 s.f.	2,372 s.f. (19%)
PORCH	113 s.f.	
DECK	122 s.f.	
SIDEWALK/DRIVEWAY	839 s.f.	(7%)
ROCK RET. WALLS	43 s.f.	
CONC. PAD	208 s.f.	331 s.f. (3%)
TOTAL	3,542 s.f. (29%)	

ROCK RET. WALLS 136 s.f.



REMOVED 10/14/2024 - RE-APPROVED PARKING ELEVATIONS, UPDATED AS-BUILT ELEVATIONS

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

Date 09/12/2024
Trace C. McCoy
License No. 44531

PH: 763.682.1781 WWW.MAPTECH-RELIABLE.COM

DRAWN BY: AMN DATE: 09/12/2024 FILE NO: 24101-B

REVISIONS

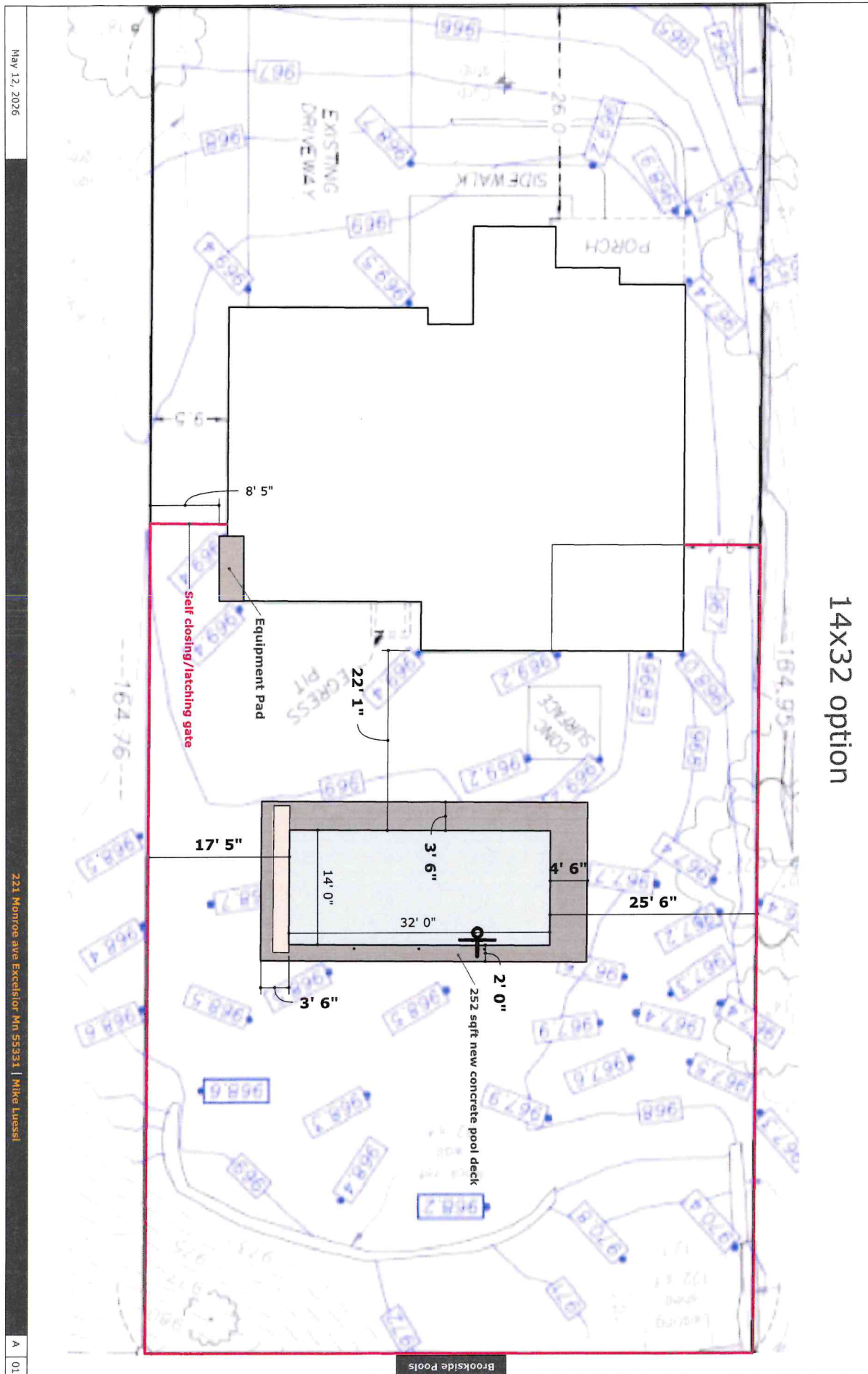
10/14/2024	
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SHEET 1 OF 1 SHEETS

Revised Plan

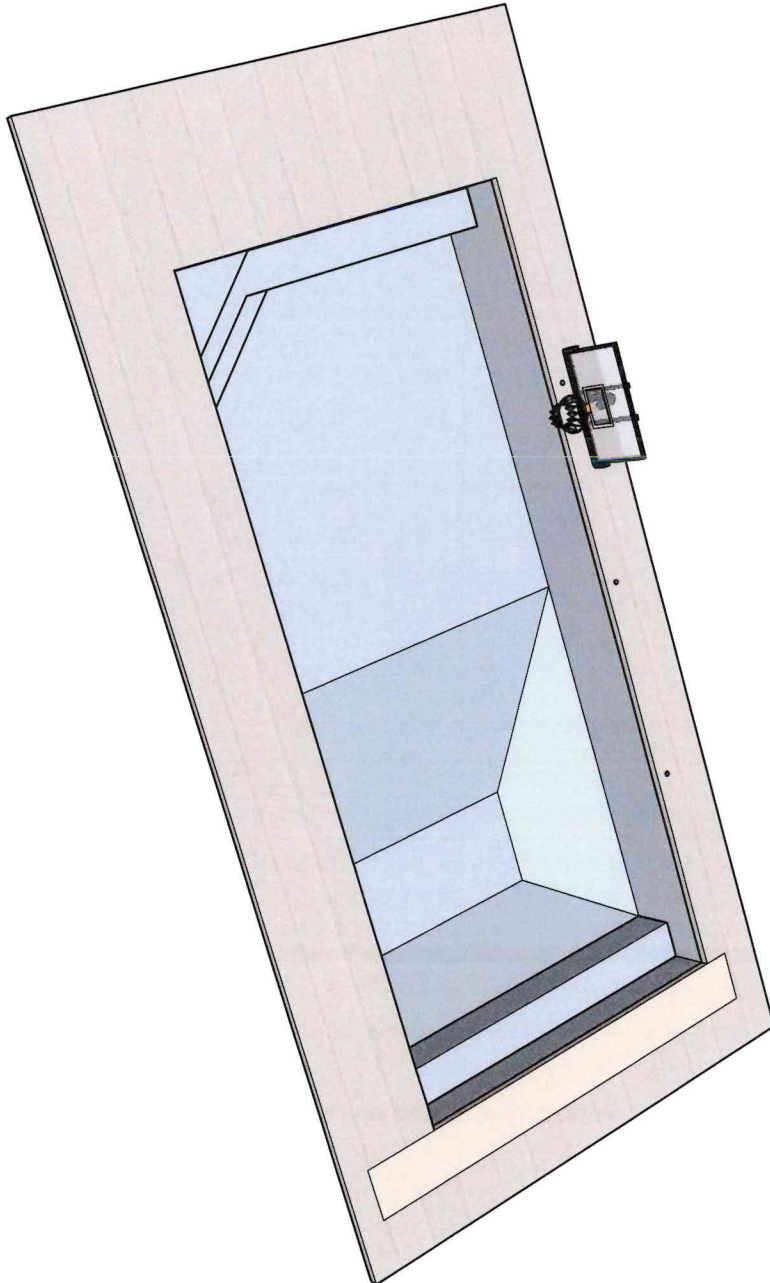


14x32 option



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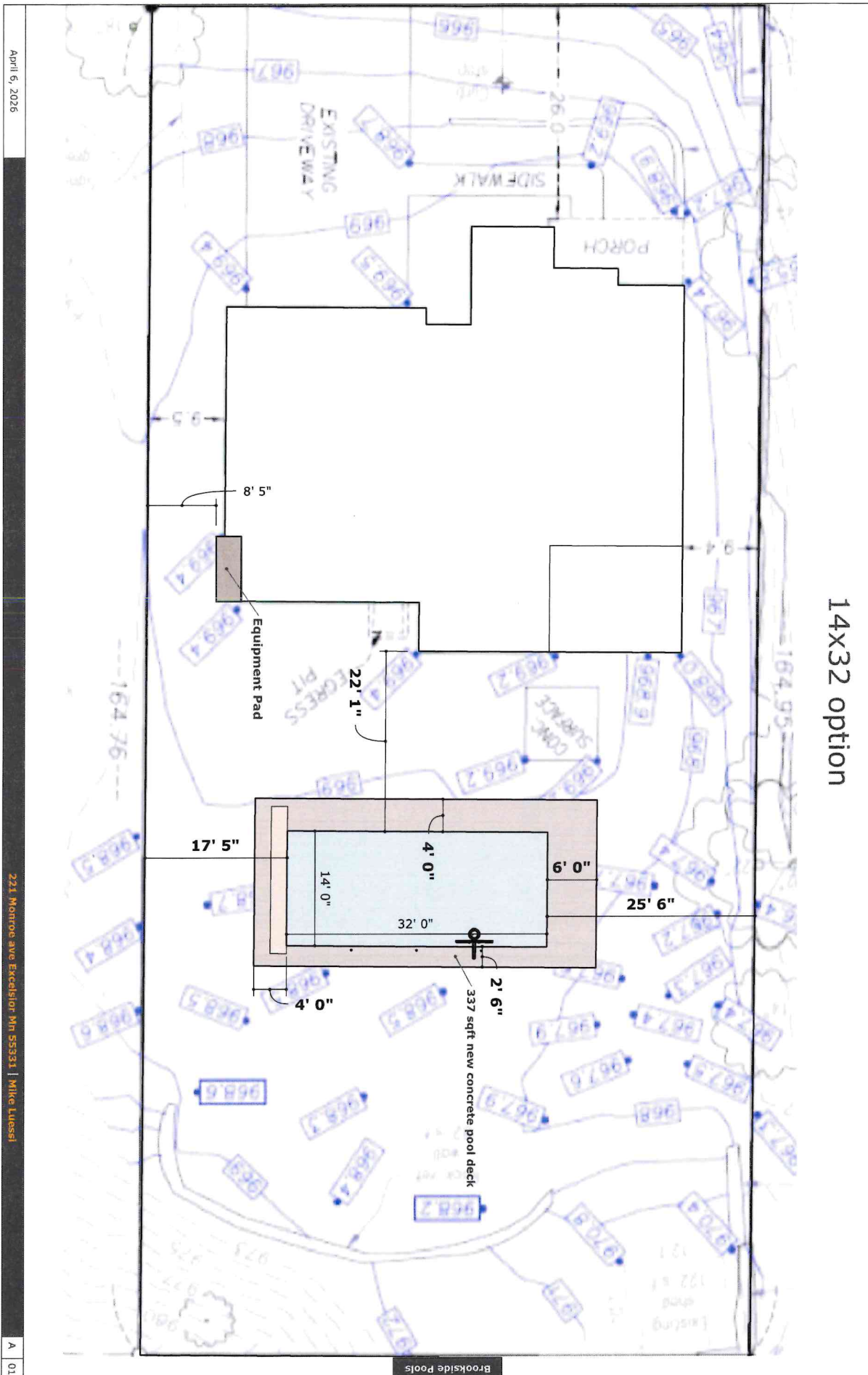
4-8-26 Plans



Brookside Pools
4860 Biscayne Ave
Ft. Lauderdale, FL 33312
612-868-3344
Steve@Brookside-Pools.com

Mike & Alia Luessi
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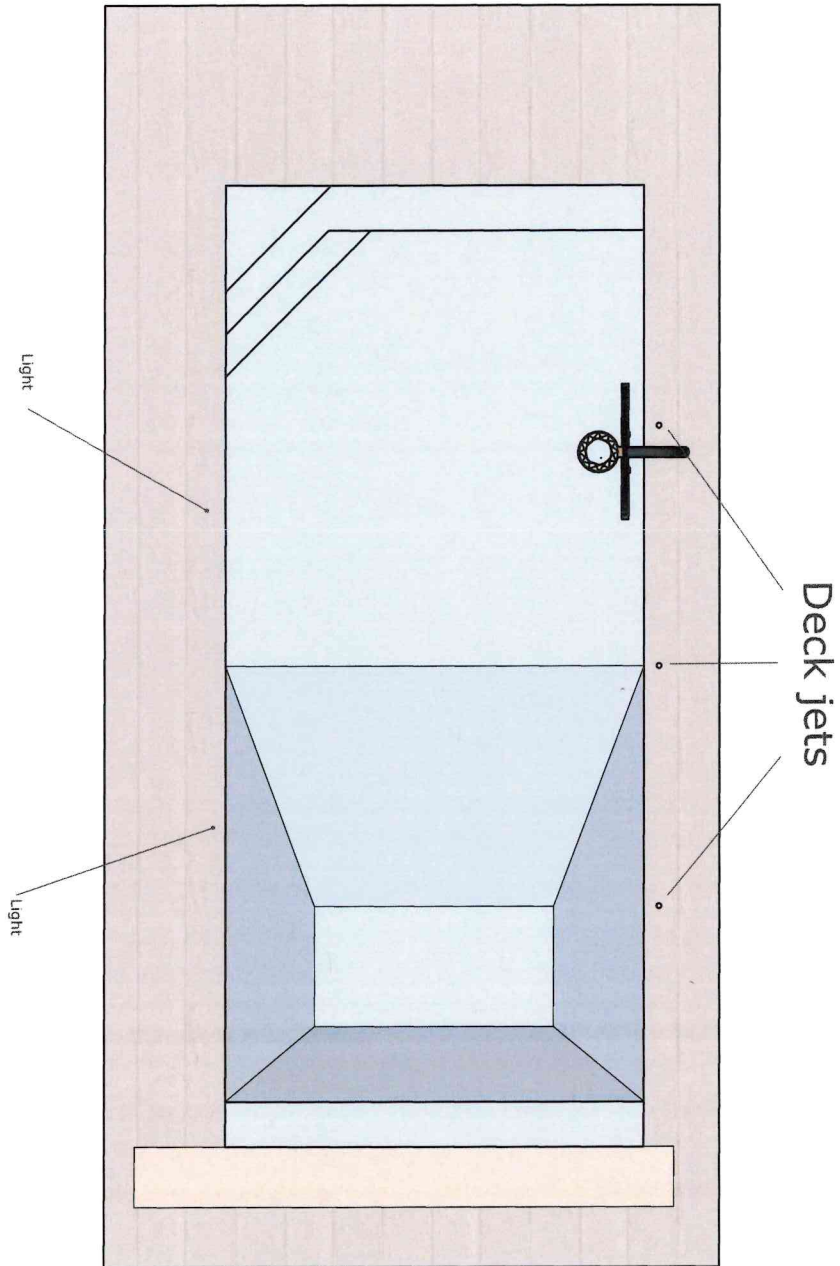
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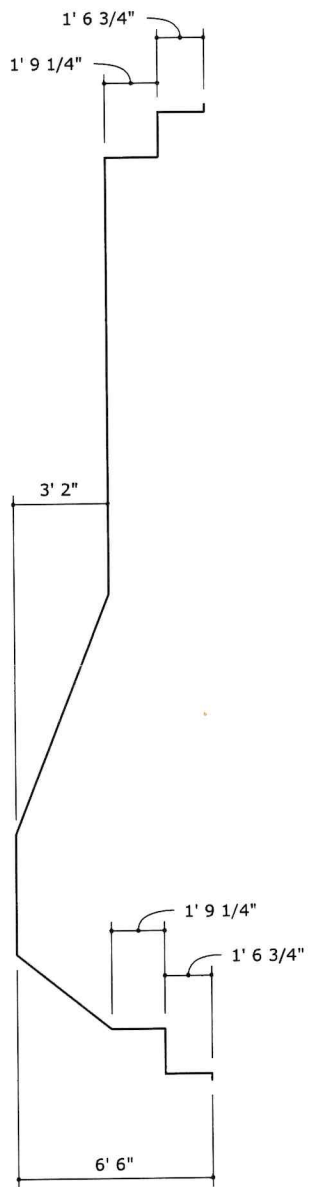
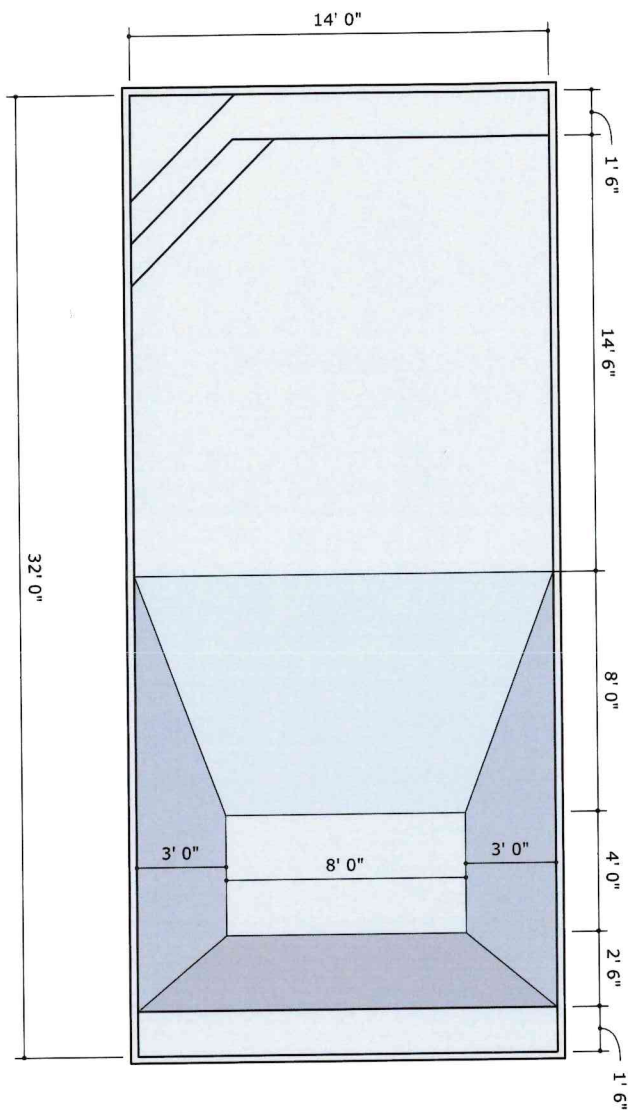


April 6, 2026

221 Monroe Ave Excelsior, MN 55331 | Mike Luessi

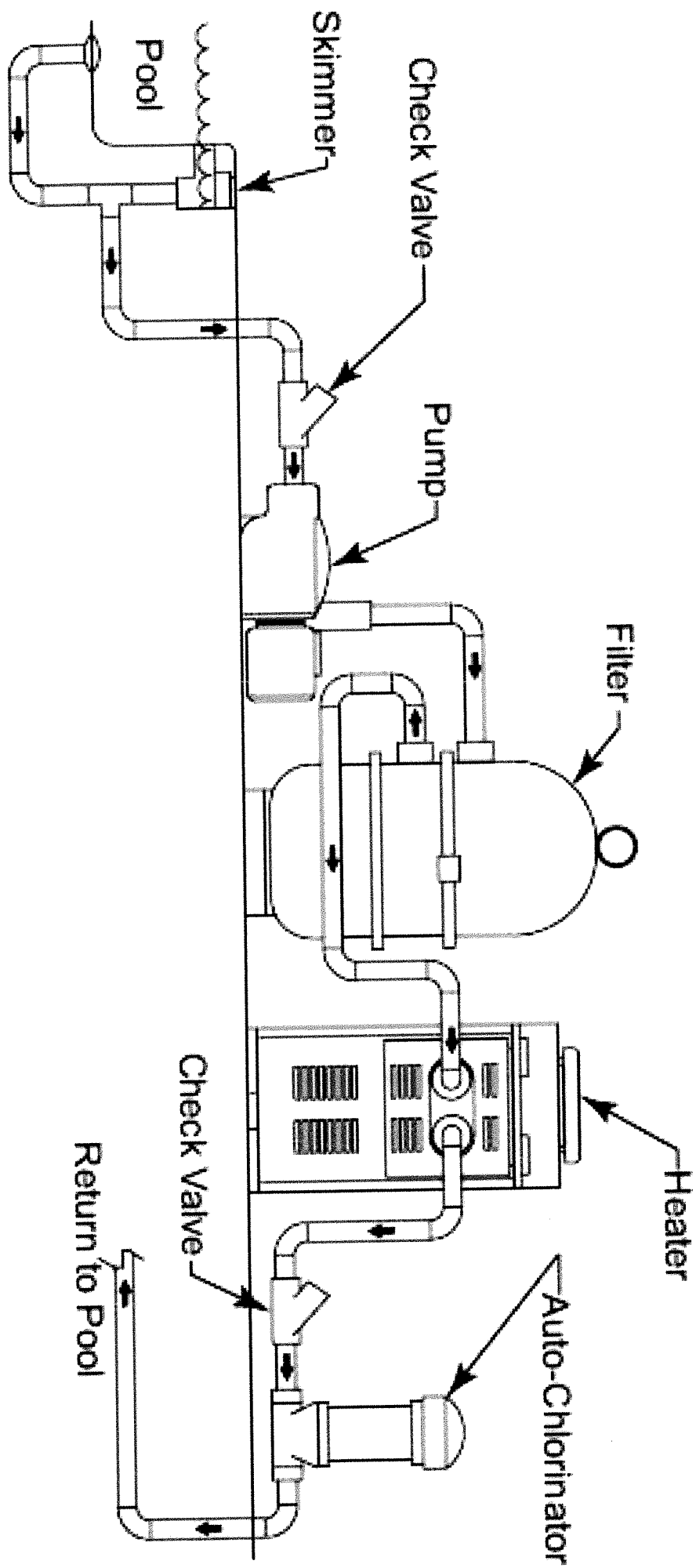
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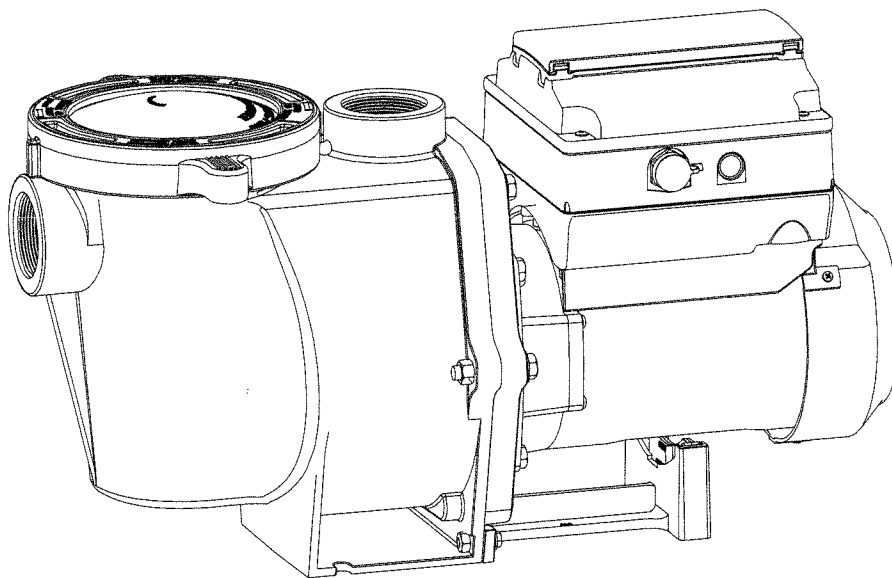
6in Radius Corners
Bead Receiver at
Back of each stair
Back of swimout
Along side of sundeck
Pattern: Merlin - Blue Quartz
Scale 1/4" = 1'

**Non-conforming
Pool does not meet
ANSI or APSP Standards**





INTELLIFLO® 2 VST VARIABLE SPEED PUMP



INSTALLATION AND USER'S GUIDE



IMPORTANT SAFETY INSTRUCTIONS
READ AND FOLLOW ALL INSTRUCTIONS
SAVE THESE INSTRUCTIONS



PUMP OVERVIEW

The IntelliFlo® 2 VST Variable Speed Pump can be programmed to run at specific speeds and time intervals for maximum operating efficiency and energy conservation for a variety of inground pools.

- The pump can operate from 450 RPM to 3450 RPM with four preset speeds of 750, 1500, 2350 and 3110 RPM
- The pump can be adjusted from the control panel to run at any speed between 450 RPM to 3450 RPM for different applications
- Up to 8 programmable speeds
- Pump control panel alarm LED and error messages warn the user against under and over voltage, high temperature, over current and freezing
- Communicates with EasyTouch, IntelliTouch or SunTouch control systems or an IntelliComm communication center via a two-wire RS-485 cable connection
- Programmable priming mode with automatic detection of prime for easy start-up
- Compatible with most cleaning systems, filters, and jet action spas
- UL/CUL/NSF

Drive Assembly and Control Panel

The IntelliFlo 2 VST pump drive is designed to produce maximum motor operational efficiency. The drive controls the motor's rotational speed by controlling the frequency of the supplied current. It also protects the motor and pump from operating outside of their intended operating parameters.

The control panel can be mounted on the pump in four different directions in order to provide the user the best access. The control panel can also be mounted in a more convenient location with the help of the keypad relocation kit (P/N 356904Z).

External Control

IntelliTouch®, EasyTouch®, SunTouch® Control Systems and IntelliComm® Communication Centers can remotely control the IntelliFlo 2 VST pump. The pump's communications address and other functions are accessible from the pump's control panel.

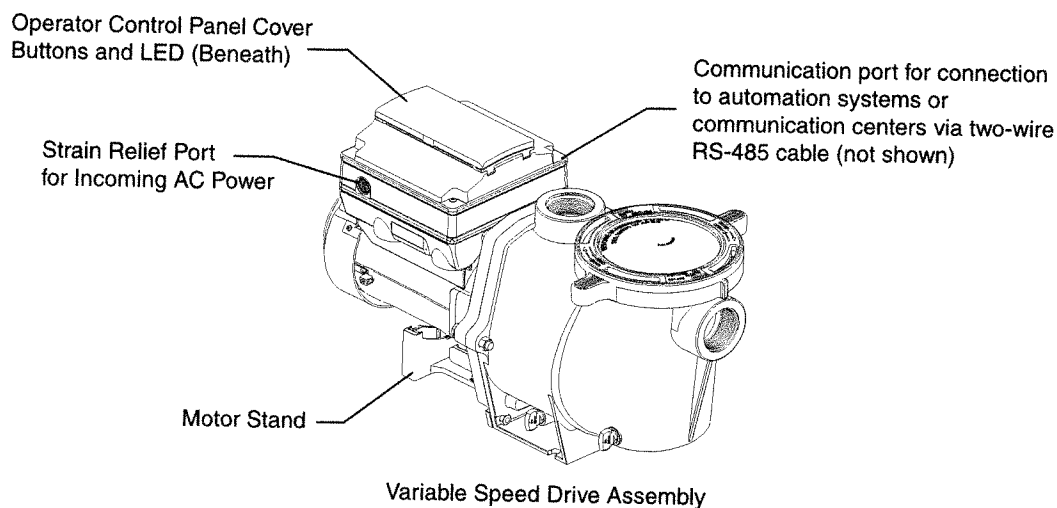
- RS-485 communication cable included
- IntelliTouch systems control 8 IntelliFlo pumps using 8 speeds per pump.
- EasyTouch systems control 2 IntelliFlo pumps using 8 speeds per pump.
- SunTouch systems control one IntelliFlo pump using 8 speeds.
- IntelliComm systems control one IntelliFlo pump using the 4 External Control programs.

Motor Features

- High Efficiency Permanent Magnet Synchronous Motor (PMSM)
- Superior speed control
- Operates at lower temperatures due to high efficiency
- Designed to withstand outdoor environment
- Totally Enclosed Fan Cooled (TEFC) Motor
- 56 Square Flange
- Low noise

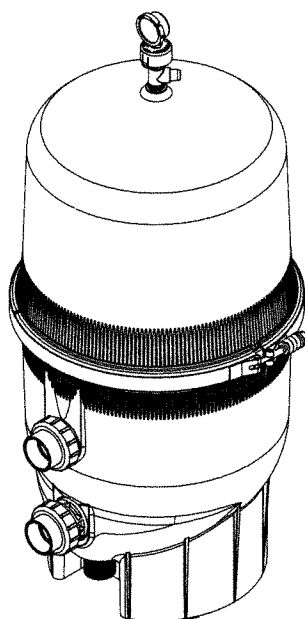
Drive Features

- Active Power Factor Correction
- UL 60730 Compliant
- Rotatable Keypad
- Easy Overhead Wiring
- High Drive Operational Efficiency





CLEAN AND CLEAR® PLUS CARTRIDGE FILTER



INSTALLATION AND USER'S GUIDE

IMPORTANT SAFETY INSTRUCTIONS
READ AND FOLLOW ALL INSTRUCTIONS
SAVE THESE INSTRUCTIONS



SECTION I. FILTER INSTALLATION

A. GENERAL INFORMATION

1. The Clean and Clear® Plus Cartridge Filter should be mounted on a level concrete slab. Position the filter so that instructions, warnings and the pressure gauge are visible to the operator. It also should be positioned so that the piping connections, control valve and drain port are convenient and accessible for servicing and winterizing.
2. Be certain to install electrical controls (e.g., on/off switches, timers, control systems, etc.) at least five (5) feet from the filter. This permits one to stand clear of the filter during system start up.
3. Allow sufficient clearance around the filter to permit visual verification that the clamp is properly installed around the tank flanges, see Figure 1.
 - a. Tap the clamp with a mallet or similar tool to ensure uniform loading during clamp tightening.
4. Allow sufficient space above the filter to remove the filter lid for cleaning and servicing. This distance will vary with the model of filter you are using. See Table 1 for the required vertical clearance.
5. Position the filter to safely direct water drainage. Rotate the High Flow™ Manual Air Relief Valve to safely direct purged air or water. Water discharged from an improperly positioned filter or valve can create an electrical hazard as well as damage property.

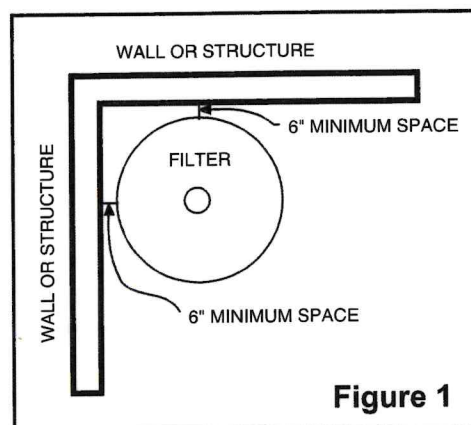


Table 1

Model No.	P/N	Size	Vert. Clearance Req.
CCP240	160310	240 sq. ft.	56 in.
CCP320	160340	320 sq. ft.	62 in.
CCP420	160301	420 sq. ft.	68 in.
CCP520	160332	520 sq. ft.	74 in.



WARNING Risk of electrical shock or electrocution. Position the filter and manual air relief valve to safely direct water drainage and purged air or water. Water discharged from an improperly positioned filter or valve can create an electrical hazard that can cause severe personal injury as well as damage property.

6. Make all plumbing connections in accordance with local plumbing and building codes. Filter plumbing connections are provided with an O-ring seal. If needed, use only a silicone base lubricant on the O-rings. Do not use pipe joint compound, glue or solvent on the bulkhead connections.

Note: To seal the valve connections, use thread seal tape, thread sealant or plumbing paste (non-petroleum base).
7. Remove the plug from the top of the filter lid and install the pressure gauge before use.
8. The maximum working pressure of this filter is 50 p.s.i. Never subject this filter to pressure in excess of this amount, even when conducting hydrostatic pressure tests.

When performing hydrostatic pressure tests or when testing for external leaks of the completed filtration and plumbing system, insure that the **MAXIMUM PRESSURE** that the filtration system will be subjected to **DOES NOT EXCEED THE MAXIMUM WORKING PRESSURE OF ANY OF THE COMPONENTS CONTAINED WITHIN THE SYSTEM**. In most cases, the maximum pressure will be stated on each component of the system.



Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs¹

This standard is issued under the fixed designation F1346; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ϵ) indicates an editorial change since the last revision or reapproval.

1. Scope

1.1 This specification establishes requirements for safety covers for swimming pools, spas, hot tubs, and wading pools (hereinafter referred to as pools, unless otherwise specified). When correctly installed and used in accordance with the manufacturer's instructions, this specification is intended to reduce the risk of drowning by inhibiting the access of children under five years of age to the water.

1.2 This specification includes performance tests to demonstrate the compliance or noncompliance to requirements herein stated for safety covers. It also includes marking requirements for all covers.

1.3 The values stated in inch-pound units are to be regarded as the standard. The values in parentheses are given for information only.

1.4 The following safety hazards caveat pertains only to the test methods section, Section 9, of this specification: *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

2. Referenced Documents

2.1 NFPA Document:

National Electrical Code, Article 680-26 ²

3. Terminology

3.1 Definitions of Terms Specific to This Standard:

3.1.1 *appurtenances*—subordinate parts or adjunct accessory components to the cover such as hardware including buckles, straps, ties, springs, anchors, tracks, rollers, lifting arms, and the like.

3.1.2 *automatic cover*—a cover which can be placed over the water area and removed with a motorized mechanism actuated by a suitable control mechanism. See also *power safety cover (PSC)*, *other cover (OC)*.

3.1.3 *barrier*—something that restrains or obstructs access to the body of water.

3.1.4 *blanket*—a material used for thermal insulation. See also *solar energy blanket*.

3.1.5 *cover*—something that covers, protects or shelters, or a combination thereof, a swimming pool, spa, or hot tub.

3.1.6 *debris cover*—a cover with attendant appurtenances positioned over the pool area which permits the cover to prevent debris, such as foliage, dirt, windblown trash, and the like from entering the pool. It is intended to be completely removed before the entry of bathers. See also *other covers (OC)*.

3.1.7 *decks*—those areas abutting a pool, spa, or hot tub that are specifically constructed or installed (for example, of wood, concrete, brick, stone, and the like) for use by bathers for sitting, standing or walking and may also act as a base for supports for covers.

3.1.8 *dome*—a semipermanent enclosure supported by trusses, or positive air pressure erected over the pool area to provide temperature and atmospheric control over the pool environment.

3.1.9 *energy conservation*—the reduction of heat loss from pool water through air convection or evaporative cooling, or both.

3.1.10 *hot tub*—a spa constructed of wood with sides and bottoms formed separately; and the whole shape joined together by pressure from surrounding hoops, bands or rods; as distinct from spa units formed of plastic, concrete, metal, or other materials.

3.1.11 *inaccessible locations*—a location at least 5 ft (1.5 m) above the ground with no other access such as hand or footholds which would permit a child to reach the location.

3.1.12 *manual cover*—a cover which requires it to be placed over the water area by hand. See also *manual safety cover (MSC)*, and *other covers (OC)*.

¹ This specification is under the jurisdiction of ASTM Committee F15 on Consumer Products and is the direct responsibility of Subcommittee F15.28 on Covers for Pools, Spas and Hot Tubs.

Current edition approved Sept. 1, 2010. Published December 2010. Originally approved in 1991. Last previous edition approved in 2003 as F1346 – 91 (Reapproved 2003). DOI: 10.1520/F1346-91R10.

² Available from National Fire Protection Assoc., Batterymarch Park, Quincy, MA 02269.

3.1.13 *markings*—the application of numbers, letters, labels, tags, symbols or colors to provide identification and safety information and to expedite handling during shipment and storage.

3.1.14 *manual safety cover (MSC)*—a barrier which requires it to be placed over the water manually. Provides a high level of safety for children under the age of five by inhibiting their access to the water.

3.1.15 *other covers (OC)*—includes any cover type not incorporated in the other two classifications; PSC, MSC. They are not intended to serve as a barrier for children under the age of five.

3.1.16 *power safety cover (PSC)*—a barrier which can be placed over the water area and removed with a motorized mechanism actuated by a suitable control mechanism. Provides a high level of safety for children under the age of five by inhibiting their access to the water.

3.1.17 *safety cover*—a barrier (intended to be completely removed before entry of bathers), for swimming pools, spas, hot tubs or wading pools, attendant appurtenances and/or anchoring mechanisms which reduces—when properly labeled, installed, used and maintained in accordance with the manufacturers' published instructions—the risk of drowning of children under five years of age, by inhibiting their access to the contained body of water, and by providing for the removal of any substantially hazardous level of collected surface water. See also *power safety cover (PSC)*, and *manual safety cover (MSC)*.

3.1.18 *solar energy blankets*—a cover which is a floating translucent (not transparent) heat insulating sheet incorporating, for example, encapsulated air bubbles or similar low heat transfer (floating) sheet material whose purpose is to inhibit heat dissipation from the pool water surface through air convection or evaporative cooling. The sheet material, customarily translucent (not transparent) to permit the transfer of solar radiation energy directly to the pool water at all depths and intended for day and night use, is cut to the shape of the pool and is not affixed to the pool structure. It is intended to be completely removed before the entry of bathers.

3.1.19 *energy conservation blanket*—a cover which is a floating heat insulating sheet material incorporating, for example, a cellular foam or similar low-heat transfer material whose purpose is to inhibit heat loss from the covered water, through air convection or evaporative cooling, or both. Such materials are customarily cut to the shape of the pool and are intended for a night covering. The blanket is not affixed to the pool structure. It is intended to be completely removed before the entry of bathers.

3.1.20 *wading pool*—a shallow pool intended for wading, not swimming.

3.1.21 *waterline*—the waterline shall be defined in one of the following ways:

3.1.22 *skimmer system*—the water line shall be at the mid-point of the operating range of the skimmers.

3.1.23 *overflow system*—the waterline shall be at the top of the overflow outlet.

4. Cover Classifications and Minimum Qualification Criteria

4.1 *Power Safety Cover (PSC)*—Provides a high level of safety for children under the age of five by inhibiting their access to the water.

4.1.1 Must satisfy 5.1-5.3, 6.1-6.5, 7.1-7.4, 8.1, 8.2, 8.4-8.12, 9.1-9.4, 10.1-10.4, and all subsections.

4.2 *Manual Safety Cover (MSC)*—Provides a high level of safety for children under the age of five by inhibiting their access to the water. May require a longer period of time to be fully secured.

4.2.1 Must satisfy 5.1-5.3, 6.1-6.5, 7.1-7.4, 8.1, 8.2, 8.4-8.12, 9.1-9.4, and all subsections.

4.3 *Other Covers (OC)*—Includes any cover type not incorporated in the other two categories MSC, PSC. They are not intended to serve as a barrier for children under the age of five. Design characteristics may be hazardous when used in the presence of children under the age of five.

4.3.1 Shall satisfy 5.1-5.3, 8.1-8.3, 8.5-8.12, and all subsections.

5. Materials and Manufacture

5.1 Only materials not known to be harmful to health, within the intended application, shall be used.

5.2 All materials and components shall be durable and satisfactory for the intended purpose under the conditions normally prevailing at the site.

5.3 The cover shall be manufactured or fabricated, or both, in accordance with generally accepted, good manufacturing practices.

6. General Requirements for Safety Covers General Requirements for Safety Covers

6.1 *Installation/Use of safety covers*—Unless installed by the manufacturer, or responsible parties, or both, detailed instructions for installation shall be given in a form included in the packaging or a label, or both, attached to the cover.

6.2 Labels attached to the cover shall meet the general requirements described in 8.5.1 and 8.8-8.8.2.

6.3 *Markings for safety covers shall include:*

6.3.1 the manufacturer's name,

6.3.2 date manufactured or installed, and

6.3.3 instructions to consumers to inspect the cover for premature wear or deterioration.

6.3.4 Labels attached to covers shall meet the general requirements described in 8.4.1, 8.7-8.8.1, and 8.9.

6.4 *Fastening mechanisms or devices*—Ties, attachment points, anchors, anchorage, and controls for automatic covers or other means of fastening a cover shall include provisions such as keys, combination locks, special tools, devices, or inaccessible locations, and the like, to inhibit children under five years of age from removing or operating the cover. When subjected to the load and perimeter deflection tests described in 9.1 and 9.2, all fastening devices shall remain in their intended, secured or closed, or both, position. After the test, the intended performance of the device should not be impaired.

6.5 *Openings*—The cover shall be designed in such a way that, when it is tested by the test method described in 9.4, any

opening in the major component or between the edge of the cover and the deck surface or coping wall, or both, and the top surface of the spa or pool does not allow the test object to pass through. The test object shall not gain access to the water, or be subject to entrapment.

6.6 Seams, ties or welds in the cover shall show no signs of damage, which will impair intended performance of the device when the cover is tested by the methods described in 9.1-9.4.

7. Performance Requirements for Safety Covers

7.1 *Static Load*—In the case of a pool with a width or diameter greater than 8 ft (2.4 m) from the periphery, the cover shall be able to hold a weight of 485 lb (220.0 kg) (2 adults and 1 child) to permit a rescue operation.

7.1.1 In the case of a pool with a width or diameter not greater than 8 ft (2.4 m) the cover shall withstand the weight of 275 lb (125 kg) (weight of a child and an adult). Compliance shall be determined by the test method described in 9.1.

7.2 *Perimeter Deflection*—The cover shall be designed in such a way that, when it is tested by the test method described in 9.2, deflection of the cover does not allow the test object to pass between the cover and the side of the pool, or to gain access to the water.

7.3 *Surface Drainage*—The cover shall be so constructed, or incorporate a system, or have an auxiliary system provided, that when used in accordance with the manufacturer's instructions, shall drain substantially all standing water from the cover within a period of 30 min after cessation of normal rainfall. Compliance shall be determined by the test in 9.3.

7.4 *Opening Tests*—The tests shall be conducted by the test method described in 9.4 to demonstrate that any opening in the major component or between the edge of the cover and the deck surface or coping wall, or both, and the top surface of the pool or the top surface of the spa is sufficiently small and strong to prevent the opening from being forced to a size that will allow the test object to pass through.

8. Minimum Label Requirements for All Covers for Swimming Pools, Spas, and Hot Tubs

8.1 *Product Label*—All covers shall be labeled/marked to identify manufacturers or other responsible parties (such as

private label distributors), or both. Labels attached to covers shall meet the general requirements described in 8.5.1 and 8.8-8.8.2.

8.2 *Warning Labels*—All covers shall be required to have attached the following warning label:

8.2.1 *Signal Word*—**WARNING**.

8.2.2 *Safety Alert Symbol*—Preceding the signal word there shall be triangle with an exclamation point inside the triangle.

8.2.2.1 *Word Message*—The standard word message shall be **AVOID DROWNING RISK** which shall be the first message to appear directly under the signal word.

8.2.2.2 *Additional Word Message Statement*—Covers with any of the outlined hazards in Fig. 1 shall list all applicable warning statements on the label.

8.3 *Color*—Non-safety cover warning label.

8.3.1 *Signal Word*—Black letters with orange background.

8.3.2 *Safety Alert Symbol*—Black triangle with orange exclamation point.

8.3.3 *Word Message*—Black lettering on white background or white letters on black background.

8.4 *Color*—Safety cover warning label.

8.4.1 Colors assigned to the signal word panel may also be used for the message word panel provided the panel colors contrast with the lettering of the label. This is applicable to covers conforming with the PSC and MSC classifications only.

8.5 *Warning Label*—Letter size.

8.5.1 Lettering shall be of a size that enables a person with normal vision, including corrected vision, to read the safety sign or label at a safe viewing distance from the hazard. Considerations should be given to environmental variables that will affect readability.

8.5.2 *Signal Word*—Letter height shall be at least 50 % greater than the selected height of the message panel wording.

8.5.3 *Safety Alert Symbol*—Safety alert symbol, when used with the signal word shall precede the signal word. The base of the safety alert symbol shall be on the same horizontal line as the base of the letters of the signal word. The height of the safety alert symbol shall equal or exceed the signal word letter height.

8.5.4 Word message letter height shall be as defined in Table 1.

"HAZARD/WARNING STATEMENT CHART"	
If This Hazard Exists:	Add This Warning Statement:
*Will not support weight (as defined in this specification) Nonsecured or improperly secured covers	*Stay off cover—will not support weight.
*Concealment by slipping under cover	*Keep children away. Children or objects cannot be seen under cover.
*Drowning on top of cover in accumulated surface water (as defined in this specification)	*Remove Standing Water—child can drown on top of cover.
*Concealment, Entrapment—Drowning under cover	*Remove cover(s) completely before entry of bathers—entrapment possible.
*General requirement for all covers	*Non-secured or improperly secured covers are a hazard.
*Option to above for Safety Covers	*Failure to follow all instructions may result in injury or drowning.
*Cover does not meet all requirements of this specification for PSC, MSC.	*This is not a Safety Cover.

FIG. 1 Hazard/Warning Statement Chart

TABLE 1 Word Message Letter Height Sizes

Safe Viewing Distance	Minimum Letter Height for FAVORABLE Reading Conditions	Minimum Letter Height for UNFAVORABLE Reading Conditions
less than 24 in.	Height (in.) = $\frac{\text{View Distance}}{150}$	Height (in.) = $\frac{\text{View Dist.}}{75}$
24 to 96 in.	Height (in.) = $\frac{\text{View Distance}}{300}$	Height (in.) = $\frac{\text{View Dist.}}{150}$
greater than 96 in.	Height (in.) = $\frac{\text{View Distance}}{400}$	Height (in.) = $\frac{\text{View Dist.}}{300}$

8.6 Letter style:

8.6.1 Signal Word shall be in sans serif letters in upper case only.

8.6.2 Message Panel shall be in sans serif letters. Letters may be in upper case only.

8.6.3 Examples of acceptable lettering styles are: medium or bold helvetica, or news gothic bold.

8.7 *Placement*—Location shall be such that the message will:

8.7.1 Be readily visible to the intended viewer, taking into consideration all possible viewing angles, and

8.7.2 Alert the viewer to the potential hazard in time to take appropriate action.

8.7.3 Label must be located so as not to be removed in the fitting process.

8.8 *Life Expectancy*—The label shall have a reasonable expected life with good color stability and word message legibility when viewed as stated in 8.5.1. Reasonable expectancy shall be taken into consideration in accordance with the expected life of the product.

8.8.1 *Protection*—When possible, placement of label should provide protection from foreseeable damage, fading, or visual obstruction caused by abrasion, ultraviolet light or substances such as chemicals or dirt.

8.8.2 *Attachment*—The label shall be attached permanently to the product or so that it cannot be easily removed.

8.9 *Replacement*—Product/Warning labels should be replaced by the product user when they no longer meet legibility requirements for safe viewing distance described in 8.5.1 and 8.7.1. In cases where products have an extensive expected life or where exposed to extreme conditions, the product user should be able to obtain replacement labels from the manufacturer or responsible party.

8.10 *Instruction/Use Label*—Any product instructions or use label not attached to the product, intended to be viewed by the consumer/user shall contain in its contents the same applicable warning label as set forth in 8.2-8.6.3.

8.10.1 When special circumstances limit use of label colors to two colors, the colors assigned to the message word panel may also be used for the signal word panel provided that the panel colors contrast with background color of instruction/use label.

8.11 *Packaging Label*—If packaging is intended for product display to the consumer/user, applicable warning label as described in 8.2-8.6.3 shall be placed on the printed side of the

package intended for display and/or consumer information. The label shall be printed on or affixed to the package and not easily removable.

8.11.1 When special circumstances limit use of label colors to two colors, the colors assigned to the signal word panel may also be used for the message word panel provided that the panel colors contrast with background color of packaging.

8.12 *Compliance Labeling*—All labels shall note the specific cover classification.

9. Test Methods For Safety Covers

9.1 Static Load Test:

9.1.1 This test shall be conducted to demonstrate that the cover is capable of supporting a weight of (a) 485 lbs (composed of one 210-lb, one 225-lb or one 50-lb weight) for pools or spas within a width or diameter greater than 8 ft or (b) 275 lbs (composed of one 225-lb and one 50-lb weight) for a pool or a spa with a width or diameter equal to or less than 8 ft distributed over 1 ft² each, all of which are within a 3-ft radius without the test objects causing damage which would allow any of the test objects to pass through the cover. During this test there shall be no requirement for the absence of water appearing on the surface of the cover.

9.1.2 *Procedure*—The pool shall be filled to its waterline and the cover fitted in accordance with the cover manufacturer's instructions. The test objects shall be placed on the surface of the cover at the following critical points:

9.1.2.1 The center point of the cover.

9.1.2.2 Between attachment points and a distance of at least 4 ft (1.2 m) but not to exceed 6 ft from the side of the pool.

9.1.2.3 The test objects shall remain in each test position for a period of 5 min.

9.2 Perimeter Deflection Test:

9.2.1 This test shall be conducted to demonstrate the following: if a child under the age of five were to fall onto the cover neither that child nor another child could slip through any openings that may occur between the cover and the side of the pool.

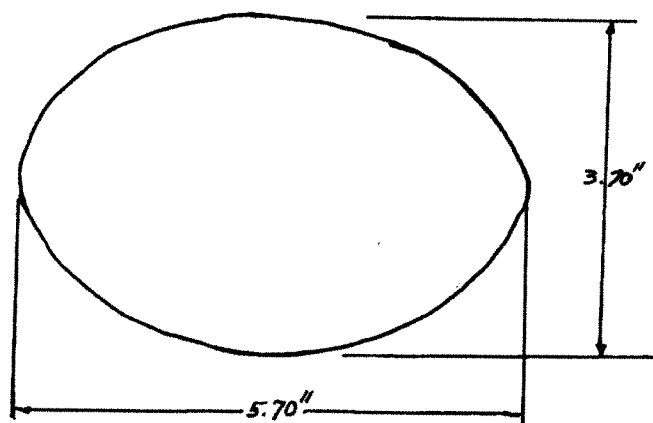
9.2.2 *Perimeter Deflection Test Object*—Test object shall be 3.7 in. (0.09 m) by 5.7 in. (0.14 m) by a minimum 12 in. length and a weight of 36.6 lbs in an ellipsoidal shape. See Fig. 2.

9.2.3 *Procedure*—With 50 lbs (22.7 kg) on the cover at a distance of at least 4 ft, but not exceeding 6 ft from the side of the pool, the same cover shall not deflect to allow a perimeter test object to pass through, gain access to the water or be subject to entrapment between the cover and the side of the pool.

9.3 Surface Drainage Test:

9.3.1 *Surface Drainage Test Object*—Timmy³ or equivalent (32 in. length by 9 in. width by 5 in. deep by 36.6 lbs torso-shaped object) shall be placed on the pool cover in a supine position, faceup, within two to three feet of and parallel with the pool's edge. Three minutes later there shall not be an unsafe amount of water. An unsafe amount of water is defined as any quantity of water which completely covers the torso of the surface drainage test object.

³ "Timmy" is a CPR mannequin, three year old boy; available from Simulaids Inc., P.O. Box 807, Dixon Avenue, Woodstock, NY 12489.



NOTE 1—Area = 16.6 in.²

NOTE 2—Perimeter = 15.0 in.

FIG. 2 Template for Swimming Pool Cover Standard

9.3.2 *Procedure*—Test the cover by spraying water evenly over the area at an application rate of 10 gal/min per 1000 ft² (9.29 m²) of pool area for a period of 30 min. During this test, all equipment shall operate in accordance with cover manufacturer's instructions. Thirty minutes after completion of this procedure, the cover shall pass the test method in 9.3. At all times during the procedure, maintain the pool level at the waterline.

9.4 *Openings Test:*

9.4.1 These tests shall be conducted to demonstrate that any openings remain small enough to prevent a small child's head from gaining access to the water.

9.4.2 *Openings test object*—A solid faced sphere test object with a maximum breadth of 4.5 in.

9.4.3 *Procedure*—The cover shall be fitted in accordance with the cover manufacturer's instructions. The test object shall be placed at or into any existing opening and apply a force of 40 lbs (plus or minus 1 pound) steadily to ensure the test object cannot pass through at the following critical openings:

9.4.3.1 Any opening between the edge of the cover and the deck surface and coping wall, or both, or the top surface of the spa or pool.

9.4.3.2 Any opening in the major component of the cover.

10. Operating Controls, Safety Covers

10.1 The open-close switch shall be spring-loaded or of the momentary contact type, so that when released, the cover stops operation immediately at any point in the open or closed cycle period.

10.2 The cover shall be reversible in direction from a full stop at any point in its travel without having to complete the full open or closed cycle.

10.3 Electrically operated control switches and motors shall be installed in accordance with the National Electrical Code Article 680-26.

10.4 The type of pool covering operating controls shall be such that:

10.4.1 Its fixed location is in the line of sight of the complete pool cover, or by its operating process. This ensures that the operator shall be in complete view of the cover at all times during the closing or pool covering process.

10.4.2 Switching devices shall be key-operated or locked away or able to be de-activated or otherwise located in an inaccessible location. An inaccessible location shall be at a height of at least five feet above the deck.

ANNEX

(Mandatory Information)

A1. RATIONALE

A1.1 Scope

A1.1.1 Although the majority of child-drowning and near-drowning which were reported did not involve safety covers, those who purport to provide a level of safety should be held to a higher level of reliability. Injury reports made available from CPSC indicate that male children, one and two years of age, living in a home with an in-ground pool are at the highest risk of being involved in a submersion incident that requires medical care.

A1.2 Referenced Documents

A1.2.1 Allows document reviewers the necessary information to validate the text of the standard.

A1.3 Terminology

A1.3.1 Consumers and new manufacturers may not be familiar with the technological language used within the text. This section also provides definitions for new terms created for this standard.

A1.4 Cover Classifications and Minimum Qualification Criteria

A1.4.1 By defining both the level of safety afforded and standard requirements to be satisfied, manufacturer and consumer will be able to define their needs and properly interpret the standard. This section also allows manufacturers to research and develop new technology which when applied could change their designation.

A1.5 Materials and Manufacture

A1.5.1 Varying lead times for material availability restrict or delay immediate compliance with this standard.

A1.6 Performance Requirements For Safety Covers

A1.6.1 Specified load factors represent the 95th percentile for a child under the age of five as well as one male adult and one female adult.

A1.6.2 If one child should gain access to the surface of the cover, another child in the area of the pool should not face increased risk.

A1.6.3 Recognizing that some residual water will remain after the surface water is removed, the test has been devised to ensure that the level can be maintained below that deemed substantially hazardous to a child of three based on data received from the Consumer Product Safety Commission.

A1.6.4 Openings in the major component or horizontal openings between the cover and solid structure of the pool area should remain small enough to prevent the head of a small child from gaining entrance. The head breadth for a 5th percentile of a 7 month old is about 4.5 in. The smallest mobile child would be about 7 months old since at this age 50 % of children can creep on hands and knees.

A1.7 Minimum Label Requirements For All Covers For Swimming Pools, Spas, and Hot Tubs

A1.7.1 Labeling on the product allows for transfer of the information to second owners and temporary users.

A1.7.2 The combination of Signal Word, Safety Alert Symbol and Word Message provides a higher level of warning than any single effort.

A1.7.3 An effort is being made nationally to make consistent the colors used to alert consumers to potential hazards.

A1.7.4 Contrast of colors between letter colors and labels are necessary in order to attract users' attention to label and enable readability.

A1.7.5 Letter size is an important factor in warning legibility so the consumer can recognize and avoid the hazard.

A1.7.6 Style of lettering affects the readability of the warning message.

A1.7.7 Warning labels can be more effective if they allow for reaction time on the part of the consumer.

A1.7.8 Damaged labels would not provide as strong a message as necessary.

A1.7.9 Due to extended life expectancy of cover products, labels cannot be expected to maintain their original appearance.

A1.7.10 Labeling messages and format should be consistent from point of purchase to use and/or application of cover.

A1.7.11 Packaging is, at times, the consumers first exposure to product information. Information contained on the warning label is necessary for making informed choices.

A1.7.12 All labels shall note that the product meets the requirements described in Specification F1346.

A1.8 General Requirements For Safety Covers

A1.8.1 Installation can be a key factor in the effectiveness of a safety cover whether it is manually or power installed.

A1.8.2 Manufacturer's markings are necessary to allow a continuity for second owners and consumer/manufacturer contact.

A1.8.3 The mechanisms which secure the cover are an integral component that help to defeat a child's entry to the water.

A1.8.4 Openings shall not be so large that the purpose of the cover is defeated.

A1.8.5 Structural integrity is necessary to provide safety.

A1.9 Test Methods For Safety Covers

A1.9.1 The rescue operation may require two adults and the cover shall support the total combined weight to avoid possible injury to those in the rescue attempt. The 95th percentile is represented by the 225-lb male, 210-lb female and 50-lb child.

A1.9.2 This test was devised to avoid an opening large enough for one child or another child to fall between the edge of the cover and the edge of the pool when one child of 50 lb is already on the cover.

A1.9.3 Recognizing that some residual water remains after the surface water is removed, this test is devised to ensure that the level is maintained below a level deemed substantially hazardous to a child under three years of age.

A1.9.4 No opening shall exist in the cover or at any point that the cover joins the surface of the pool structure or deck area (which would allow a small child's head to gain access to the water or become entrapped). The head breadth for a 5th percentile 7 month old is about 4.5 in.

A1.10 Operating Control, Safety Covers

A1.10.1 Operator controlled momentary contact type switches afford greater control in the event of an emergency.

A1.10.2 Should a child enter the water during the closure process, the cover shall be able to reverse without total closure.

A1.10.3 It is important in the case of an electrical installation to protect children and all swimmers from the possibility of electrocution, which is the purpose of Article 680-26 of the National Electrical Code.

A1.10.4 Operator observation of the pool during the closing process is necessary to ensure that another person does not enter the water during the process. Additionally, the location of the activating device or the ability to render it inactive is necessary to avoid unauthorized opening of the cover.



F1346 – 91 (2010)

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AUTOMATIC POOL COVERS INC

E236584

17397 OAK RIDGE RD
WESTFIELD, IN 46074 USA

Power safety cover, Model AutoGuard, Classified in Accordance with ASTM F 1346-91.

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MEMORANDUM

Item 4(b) – Residential Review Permit and Variance
Application for construction of new single family home

Re: _____

Date: May 19, 2026]

To: Planning Commission

From: Julia Mullin, Community Development Director
Jess Long, City Planner

APPLICANT: Eric Zehnder
APPLICANT ADDRESS: 10300 10th Ave N, Plymouth, MN 55441
PROPERTY OWNER: Eric Zehnder
LOCATION: 138 Second Street
CASE NO.: PC No. 2026-08
60/120-DAY REVIEW DEADLINE: 6/20/2026 and 8/19/2026

BACKGROUND

The applicant, Eric Zehnder, has submitted applications for a Residential Review Permit for the demolition of an existing single family home and the construction of a new single family home and a height variance at 138 Second Street, P.I.D. 34-117-23-12-0095. The existing home is located on an 8,756 sf parcel and zoned R-2 Single and Two Family Residential. The applicant proposes removing the existing single family home and building a new single family home. It is two stories from the street view, includes a street-facing three car garage, and is three stories at the rear. There is a natural slope to the parcel, a 14-foot decrease in elevation from the front of the parcel to the rear. The applicant is requesting a height variance of 8.67 ft.



DETAILS/ANALYSIS

Standard	Required – R2 District	Existing	Proposed
Minimum Lot Area	10,000 sf	8,756 sf	8,756 sf
Minimum Lot Width	60'	87.76'	87.76'
Front Yard Setback*	20-30 feet Front porch may encroach up to 6' into front setback	20'	20'
Rear Yard Setback	35'	50'	35'
Minimum Side Setback	Lots 70' wide and greater - 10% of the lot width + 2' = 10' 8"	East 13.7' West 17.5'	East 11.2' West 12.3'
Maximum Building Coverage	25% of lot area = (2,189 sf)	1,203 sf (13.7%)	2,038 sf (23.2%)
Maximum Lot Coverage	12% of lot area + 2,100 = (3,150.7 sf) (35.9%)	1,981 sf (22.6%)	3,006 sf (34.3%)
Maximum Height	29' (lot width greater than 70')		37.67'
Front Wall Plane	16' max without a 2'x 8' offset	22.4'	12.7'
Side and Rear Wall Plane	32' max without a 2'x8' offset	East side: 20.4' West side: 13.4' Rear: 31.9'	East side: 20' West side: 21.5' Rear: 28.4'

Neighborhood Notification and Opportunity to be Heard

As required by Ordinance *Section 42-7 (c) Neighbor Notification and Opportunity to be Heard*, property owners within 500 feet of the property have been mailed notice of the meeting and the opportunity to provide feedback at the regularly scheduled Planning Commission meeting on May 19, 2026.

RRP Criteria

The City Architect's review is attached. The following, in italics, is Planning Review.

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

The proposed new structure is larger than the existing one-story home; however, the new two-story home is compatible with other one and a half and two story homes on the block.

The slope of the parcel will result in the basement level being partially visible when viewing the home from the side or rear, creating a three story elevation. The elevation

from the public right of way will be of a two story home. The natural slope of Second Street will make the home appear larger than the neighbor to the right. The slope of the street results in the one and half story home at 162 Second Street appearing taller than the proposed two story home. The proposed home will appear larger than the one and a half story home 136 Second Street, due to the two story design and slope of Second Street. The street facing three car garage is a unique feature when compared to the immediate surrounding homes. Due to the width of the home and lot, the garage will be a dominant feature when viewed from the public right of way. However, the side yard setback standard and the standard requiring a 10' setback of the garage from the front wall plane of the home are met.

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

The lot is smaller than the 10,000 square foot minimum required for properties in the R2 District, however, the lot is wider than the 70 foot minimum width. The proposed home meets all setbacks and does not maximize all zoning standards including building coverage, lot coverage, or side yard setbacks. The size and mass of the structure is compatible with the size of the parcel.

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

The proposed home meets front yard setback requirements. The home will share a similar alignment to the surrounding homes. The width of the parcel at 138 Second is 88' which is larger than surrounding parcels and it allows for a home that meets side yard setback requirements, in fact does not maximize them, and includes a three car garage. The garage will add additional pavement into the front yard area.

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

The existing home is built on a slope; there is a 13 foot decrease in elevation from front to back on the parcel. The applicant plans to build in a way that respects and makes use of the natural slope of the parcel. The City Engineer will review and approve the grading plan and erosion control plan prior to issuance of a building permit. There are retaining walls included in the design of the home. The proposed retaining walls appear to vary between the proposed survey and building elevations. The applicant will need to clarify the proposed retaining walls and work with the City Engineer to ensure that the walls meet building and drainage requirements for the site.

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

The proposed home includes a porch. The porch breaks up the front wall plane and enhances the appearance of a primary entrance.

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

The applicant submitted architectural elevations which show the home has been designed to be viewed from multiple angles. It is well detailed on all four sides. The final submitted elevations includes offsets, dormers, and windows to break up wall planes and create a complete four-sided design.

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

The proposed home is larger than the existing single story home and will have some impact on the views, privacy, and sunlight of immediate neighbors, however, meeting required setbacks will help limit the impact.

Variance Review Criteria

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?

A single family home with an attached garage is a reasonable and permitted use within the R-2 zoning district.

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

The applicant is requesting a height variance. The natural slope of the parcel creates the need for a variance from height standards because Excelsior ordinance requires that building height be measured from the lowest elevation in the area 7' from the structure. The elevation of the parcel at the front of the home is 959.4' the elevation near the rear of the home is approximately 949'. The approximately 10' change in elevation.

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

The immediate area is made up of one and a half and two story homes. This is a two story home aligned with most homes on the block. The adjacent home to the left is taller than the proposed home. The character of the area is not impacted by the proposed height of the home.

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 proposal meets the following Goal of the Comprehensive Plan for Residential Areas. City policy supports the enhancement of housing and residential neighborhoods. Goal: Maintain the Community's image and desirability as a great place to live and raise a family by preserving and enhancing the quality, character, safety and appeal of residential neighborhoods and developments, and providing diversity in its housing stock and unit types.

The intent of the ordinance is to ensure homes or additions built in Excelsior are compatible with existing homes, many of which were built in the early to mid part of the 20th century and have modest height. The city does not want new homes to loom over existing homes. When measured from the lowest elevation within seven feet of the structure the home is 37.67' tall. The home will appear to be 29 feet when viewed from the public right of way. The massing at the front of the home is two stories and the intent of the height standard is met.

Recommended Conditions of Approval.

Staff recommends the following conditions with any approval of this Residential Review Permit and Variances:

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 plans and ensure conformance with Ordinance requirements.
3. Use of retaining walls in the rear yard shall be confirmed and presented accurately on the proposed survey prior to issuance of building permit.
4. The plans shall be consistent with the survey and plans included in the May 19, 2026, Planning Commission packet.
5. The RRP and Variance shall expire one year from the date of adoption of the resolutions if not acted upon.

RECOMMENDED PLANNING COMMISSION ACTION

The Planning Commission shall hold a public hearing for the Variance application. Staff recommends that the Planning Commission approve the Residential Review Permit and recommend to the City Council approval of the building height variance request.

Excelsior Good Neighbor Guidelines PLAN Review

138 2nd Street

Guidelines (7)	Review Criteria
1. Massing and scale of a new structure should be compatible with neighboring structures	• 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. • Consider incorporating the following mass mitigation techniques to align with neighborhood patterns: ▪ Street facing gable ▪ One story open front porch ▪ Step-downs ▪ Upper level components that are 1/2 story rather than full story ▪ Roof planes that are broken up (no large unarticulated planes) ▪ Offset structure components to break up bulk and large flat planes (gable and wing) ▪ Separate components by breezeway or one story element ▪ Garage located 60' back from front street ▪ Highly creative design that reduces the perception of bulk ▪ A "tunnel effect," which results from tall walls placed close together, should be avoided through one-story additions or step-backs • Maintain consistency with the street wall on all sides (including corner lots) and design façade width to reflect the established range of neighboring structure widths. • 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. • 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.

The site's context along 2nd Street is varied; though most of the houses on the block adjacent and 2nd street are one or 1-1/2 story, there are examples of two-story houses in the neighborhood, as shown in the application. The proposed new house at 138 2nd Street replaces an existing one-story rambler (two stories at the rear due to grade slope and elevation change). The footprint of the new house relative to existing is shown in the submission documents, slightly wider and considerably deeper than the existing footprint.

The mostly two-story design is designed to reduce its massing appearance at the front street façade, bringing the main roof line eave to the first story level, and punctuating the roof with second story dormers. The side and rear elevations present a more two-story appearance, though well-articulated and broken up with roof elements and setbacks. The front-facing three stall garage is a dominant feature on the front elevation, and is not typical along 2nd Street.

The height, massing and scale of the proposed house can be seen as more compatible with larger houses to its south/east along 2nd street, and less compatible with smaller houses to the north/west along 2nd.

2. The size and mass of a new structure should be compatible with the size of the property	• Ensure that the structure's visible building envelope (bulk) is compatible with the property size and with neighboring structures. • Locate the garage to respect existing neighborhood patterns and minimize the garage's impact on structure massing and street face.
--	--

The mass of the house extends nearly the full width of the allowable side yard setbacks. The three-stall garage is not seen in existing neighborhood patterns, though the driveway has been necked down to a two-stall width meeting the sidewalk & street. At the rear, the second level becomes a full third level for about half of the rear elevation where the basement level is exposed; but some nearby houses with similar rear-yard topography (including adjacent 136 2nd) also expose three levels at their rear elevation. The grading, main level rear porch, roofline, and upper level gables and massing setbacks serve to break up this rear façade somewhat.

3. A new structure should follow alignments that are predominant on the street and compatible with neighboring properties	• Respect the established structure location, alignments and open space patterns between neighboring structures when locating a new structure. • 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. • Design the site footprint of a structure to be compatible with the existing lot coverage pattern of neighboring structures.
---	--

The proposed house generally follows the front yard setback alignments of adjacent houses and the streetscape. The wider house results in diminished open space between houses from existing conditions, but is within setback allowances and similar to others on the block, especially to the south/east. The three stall garage creates a larger front-yard paved space than typically seen in existing lot patterns.

4. A new structure's design should respect the site's natural slope and features, minimizing cut, fill and retaining walls	• Ensure that grade changes do not change the character of the street face or the relationship of the structure to neighboring structures. • Respect the site's natural slope and minimize cut, fill and retaining walls. • Use structure stepbacks and stepdowns at the slope to break up massing and continuous walls.
--	--

On the site plans, an existing +/- 2-0 high rear yard retaining wall is indicated about 18-0 from the rear wall of the existing house. The new design site plan shows the rear face of the house directly up against this retaining wall, with the wall intact, or rebuilt. A different retaining wall appears in plans, elevations and renderings. Applicant should explain & clarify the proposed retaining wall at the rear yard.

Front elevation indicates a step down of massing to the right (north/west) responding somewhat to the natural slope of the street and the smaller massing of the house adjacent (136 2nd).

5. Consider front porch element in design of new structures	• Use an unenclosed single story front porch to break up a structure's massing on the street face.
---	--

The proposed new 6-6 deep x 12-7 wide entrance porch frames the entrance facing 2nd Street. It is partial single story, with a second story gabled dormer above half of it. Garage shows columns supporting a roof overhang in plans and drawing elevations but not in renderings; applicant should clarify which version is proposed.

6. A new structure should be detailed as four-sided architecture	• Use an unenclosed single story front porch to break up a structure's massing on the street face. • Arrange openings to reflect the traditional alignment of openings in neighboring structures to avoid large, unbalanced wall expanses.
--	---

The design detailing, windows and siding materials are consistently developed on all sides, as is the articulation of massing.

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.
---	---

The proposed design appears to have some inevitable impact on neighbor views, privacy and sunlight due to its extended depth and mass, but overall design & decks, balconies and window placement generally appear to consider neighbors.

PARCEL LEGAL DESCRIPTION

Lot 4, SHELDONS ADDITION TO EXCELSIOR, according to the recorded plat thereof, Hennepin County, Minnesota.

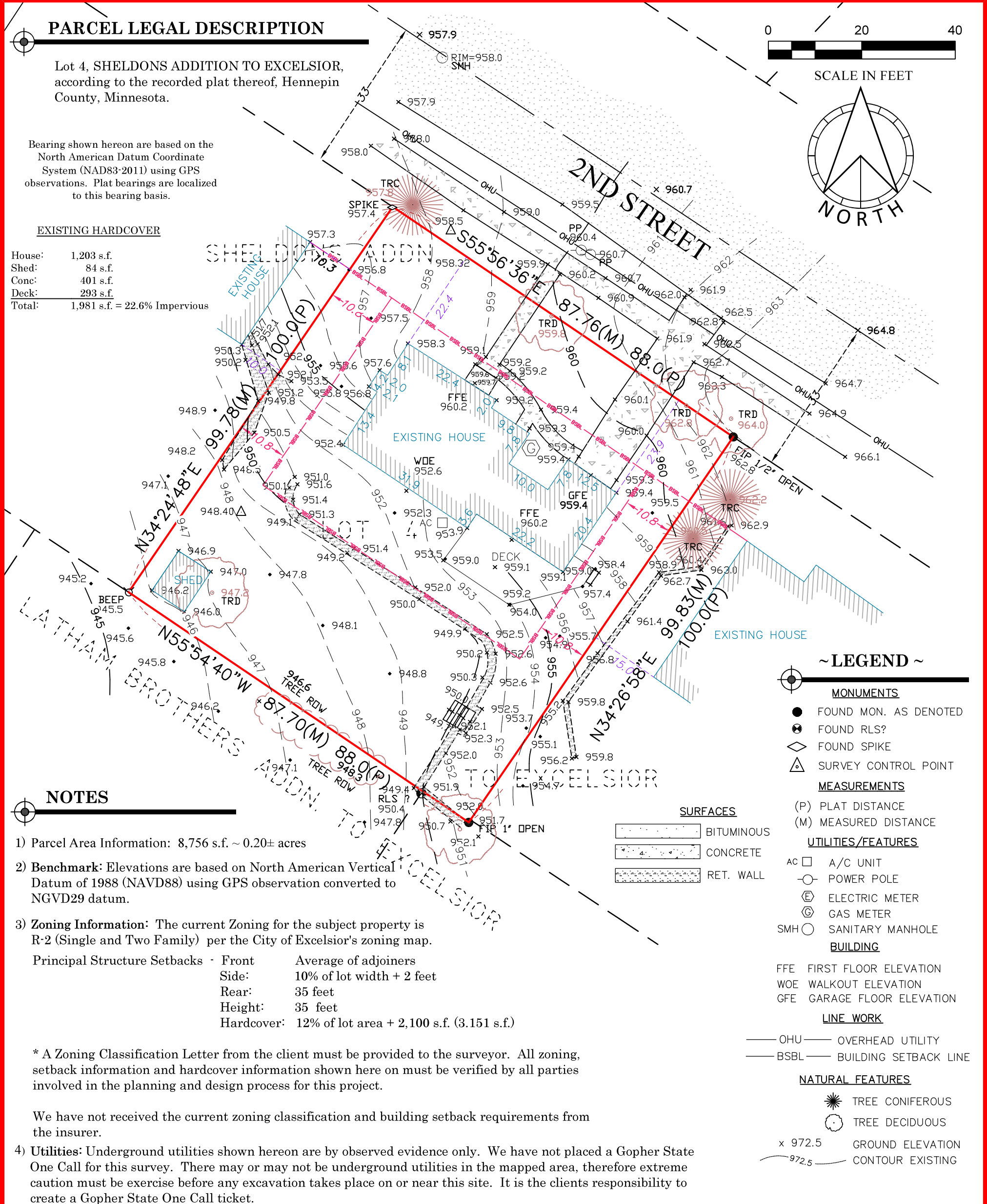
Bearing shown hereon are based on the North American Datum Coordinate System (NAD83-2011) using GPS observations. Plat bearings are localized to this bearing basis.

EXISTING HARDCOVER

House:	1,203 s.f.
Shed:	84 s.f.
Conc:	401 s.f.
Deck:	293 s.f.
Total:	1,981 s.f. = 22.6% Impervious



SCALE IN FEET



NOTES

- 1) Parcel Area Information: 8,756 s.f. ~ 0.20± acres
- 2) **Benchmark:** Elevations are based on North American Vertical Datum of 1988 (NAVD88) using GPS observation converted to NGVD29 datum.
- 3) **Zoning Information:** The current Zoning for the subject property is R-2 (Single and Two Family) per the City of Excelsior's zoning map.

Principal Structure Setbacks - FrontAverage of adjoiners
Side:10% of lot width + 2 feet
Rear:35 feet
Height:35 feet
Hardcover:12% of lot area + 2,100 s.f. (3.151 s.f.)

* A Zoning Classification Letter from the client must be provided to the surveyor. All zoning, setback information and hardcover information shown here on must be verified by all parties involved in the planning and design process for this project.

We have not received the current zoning classification and building setback requirements from the insurer.

- 4) **Utilities:** Underground utilities shown hereon are by observed evidence only. We have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercise before any excavation takes place on or near this site. It is the clients responsibility to create a Gopher State One Call ticket.
- 5) **Title Commitment:** No title commitment or title opinion was provided as part of this survey. Easements dedicated on the plat are shown hereon. Other easements may exist that we are unaware of without documentation provided by the client.
- 6) **Seasonal Conditions:** Seasonal conditions may inhibit the visibility of site features due to snow or ice cover and may not be shown hereon.
- 7) **Tree Identification:** Trees shown hereon are identified as deciduous and/or coniferous only. No tree inventory by an Arborist was performed.
- 8) **Building Information:** Building shown here on are located to the exterior siding unless otherwise noted.

I hereby certify that this survey, plan 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 dated this 3rd day of February, 2026.

David B. Pemberton Minnesota License No. 40344



ORIGINAL SURVEY DATED:	

CERTIFICATE OF SURVEY
PREPARED FOR:
ZEHNDER HOMES, INC.
138 2nd Street, Excelsior, MN 55331

PARCEL LEGAL DESCRIPTION

Lot 4, SHELDONS ADDITION TO EXCELSIOR, according to the recorded plat thereof, Hennepin County, Minnesota.

EXISTING HARDCOVER

House: 1,203 s.f.
Shed: 84 s.f.
Conc: 401 s.f.
Deck: 293 s.f.
Total: 1,981 s.f. = 22.6% Impervious

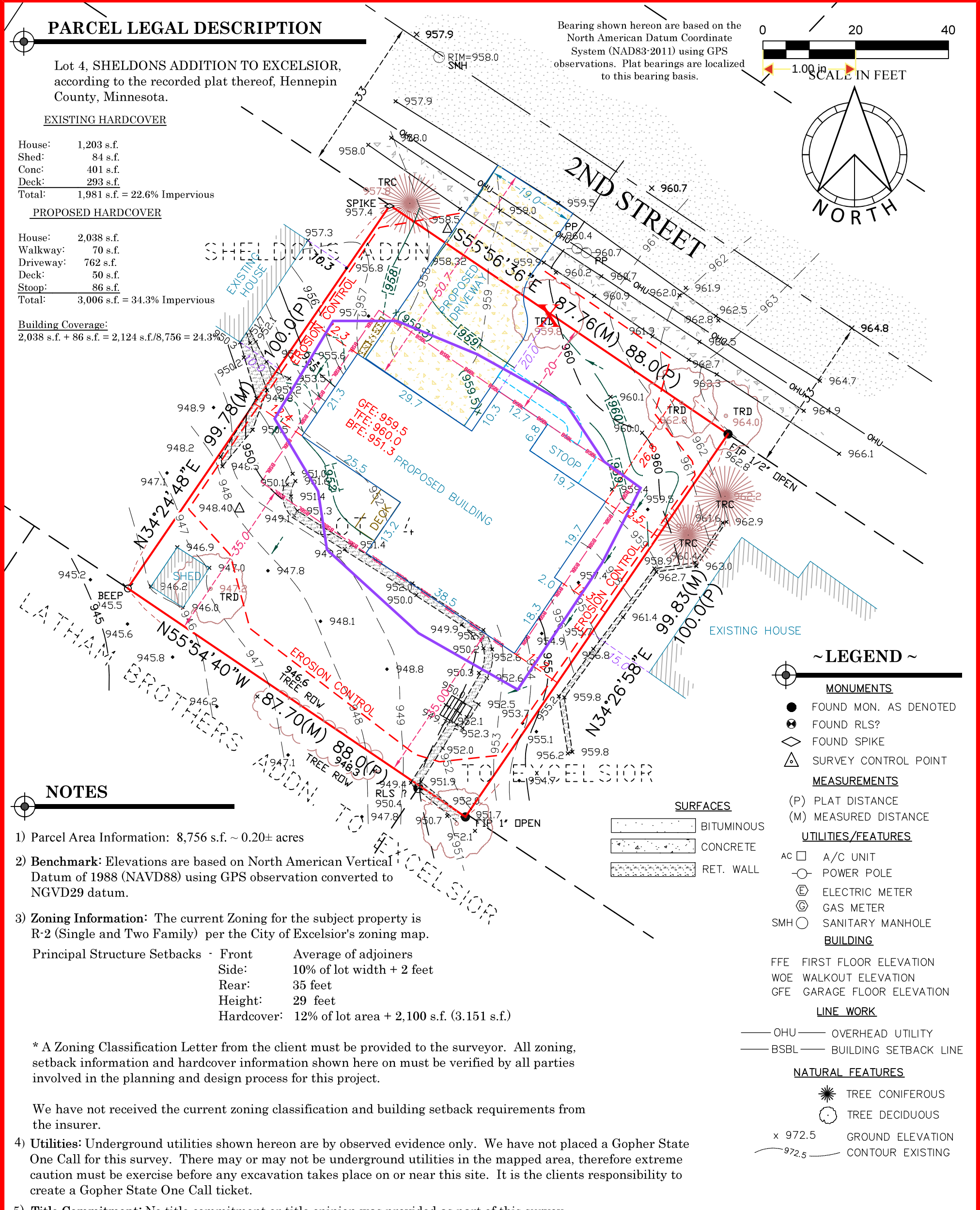
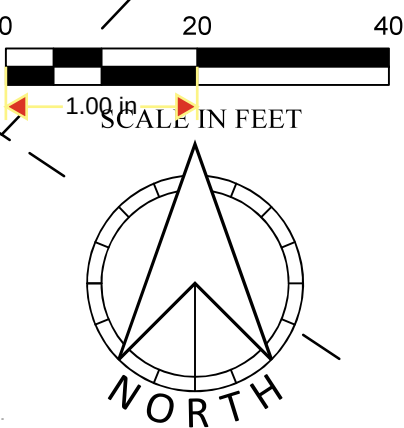
PROPOSED HARDCOVER

House: 2,038 s.f.
Walkway: 70 s.f.
Driveway: 762 s.f.
Deck: 50 s.f.
Stoop: 86 s.f.
Total: 3,006 s.f. = 34.3% Impervious

Building Coverage:

2,038 s.f. + 86 s.f. = 2,124 s.f./8,756 = 24.3%

Bearing shown hereon are based on the North American Datum Coordinate System (NAD83-2011) using GPS observations. Plat bearings are localized to this bearing basis.



NOTES

- 1) Parcel Area Information: 8,756 s.f. ~ 0.20± acres
- 2) **Benchmark:** Elevations are based on North American Vertical Datum of 1988 (NAVD88) using GPS observation converted to NGVD29 datum.
- 3) **Zoning Information:** The current Zoning for the subject property is R-2 (Single and Two Family) per the City of Excelsior's zoning map.
- Principal Structure Setbacks - Front Average of adjoiners
Side: 10% of lot width + 2 feet
Rear: 35 feet
Height: 29 feet
Hardcover: 12% of lot area + 2,100 s.f. (3.151 s.f.)

* A Zoning Classification Letter from the client must be provided to the surveyor. All zoning, setback information and hardcover information shown here on must be verified by all parties involved in the planning and design process for this project.

We have not received the current zoning classification and building setback requirements from the insurer.

- 4) **Utilities:** Underground utilities shown hereon are by observed evidence only. We have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercise before any excavation takes place on or near this site. It is the clients responsibility to create a Gopher State One Call ticket.
- 5) **Title Commitment:** No title commitment or title opinion was provided as part of this survey. Easements dedicated on the plat are shown hereon. Other easements may exist that we are unaware of without documentation provided by the client.
- 6) **Seasonal Conditions:** Seasonal conditions may inhibit the visibility of site features due to snow or ice cover and may not be shown hereon.
- 7) **Tree Identification:** Trees shown hereon are identified as deciduous and/or coniferous only. No tree inventory by an Arborist was performed.
- 8) **Building Information:** Building shown here on are located to the exterior siding unless otherwise noted.

I hereby certify that this survey, plan 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 dated this 3rd day of February, 2026.

David B. Pemberton Minnesota License No. 40344

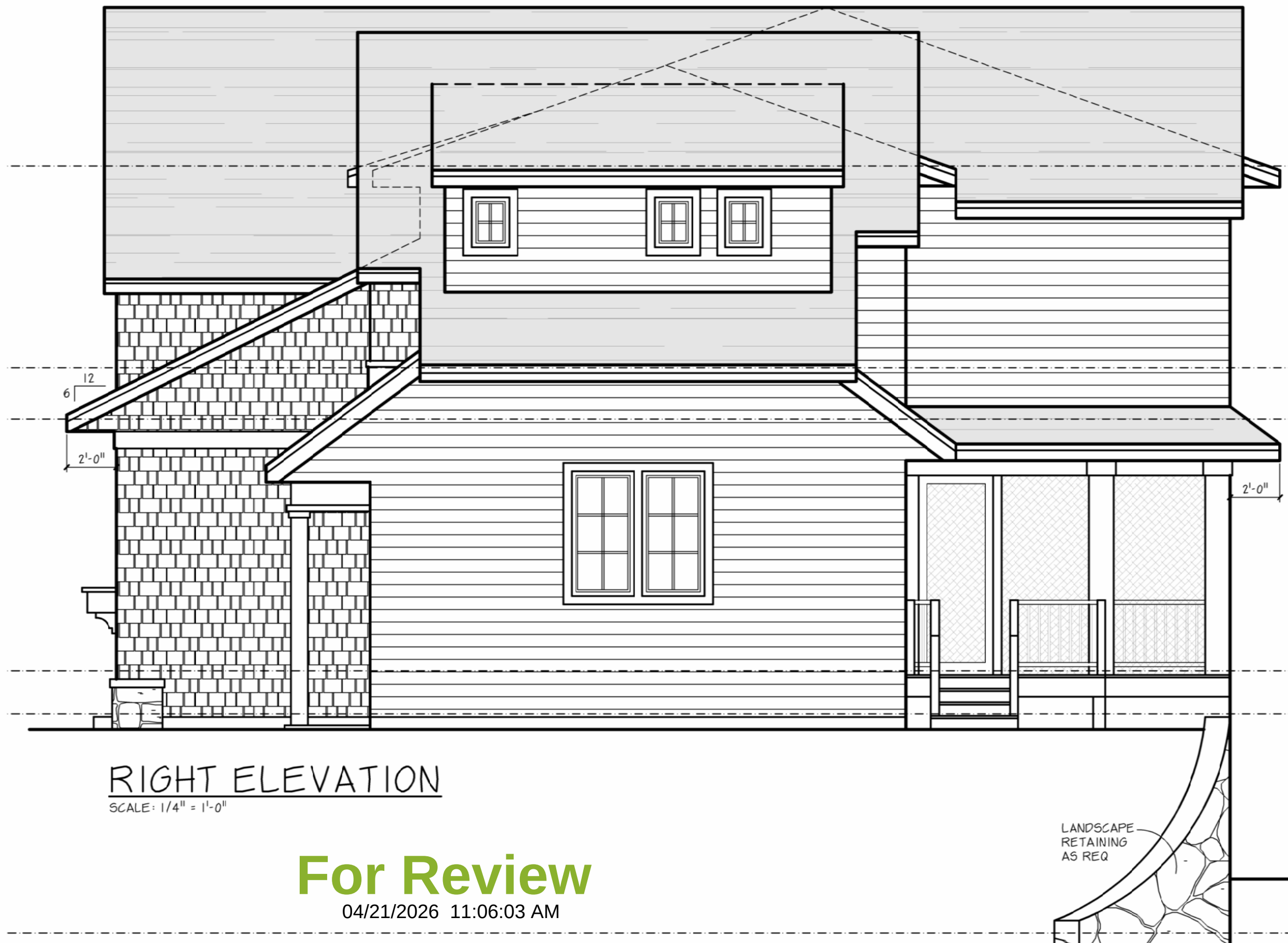


REVISIONS:	
03/27/26 - Proposed House/Site/Grading	
04/17/26 - House Rev./Impervious	
04/20/26 - Bldg Hgt/Bldg Coverage	
04/22/26 - Revisions	

CERTIFICATE OF SURVEY - PROPOSED

PREPARED FOR:

ZEHNDER HOMES, INC.
138 2nd Street, Excelsior, MN 55331



EXTERIOR NOTES

- ## **FLASHING NOTES**
- * KICKOUT FLASHING TO BE INSTALLED AS NEEDED BY ROOFING
 - * EXTERIOR WALL FINISHER TO VERIFY THAT KICKOUT FLASHING IS INSTALLED PRIOR TO FINISHING
 - * CARPENTER TO FLASH ALL EXTERIOR WINDOWS & DOORS PER MN & IRC CODE REQUIREMENTS
- ## **WINDOW NOTES**
- * XXXX WINDOWS
 - * CODE MAX U VALUE = 0.32 MAX SHGC = 0.35
 - * BULDER TO PROVIDE WINDOW ORDER LIST WITH FACTOR
 - * MINIMUM U-VALUE RATING FOR EACH WINDOW & EXTERIOR DOOR
 - * BULDER TO VERIFY ALL WINDOW DOOR & OPERING HURTS
 - * WINDOW BELLS WITH A MINIMUM DEPTH OF MORE THAN 4"
 - * MUST BE EQUIPPED WITH AN APPROVED LATCH
- ## **EXT. FINISHING NOTES**
- * XX SIDING / SHAKES
 - * XX FIRST FASCIA UNLESS NOTED OTHERWISE
 - * XX SOFFIT W/ VENTS
 - * XX TRIM
 - * XX SHINGLES

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Diagram 1: PSL ABOVE PER PLAN OMIT PLATE. OMIT RIBBON. 7/8" PLS BLOCKING. PLS TO SUBFLOOR. OMIT PLATE W/ MEMBRANE BELOW.

Diagram 2: PSL OR STUDS PER PLAN. OMIT RIBBON. 5 1/4" PSL BLOCKING. PLS TO SUBFLOOR. OMIT PLATE W/ MEMBRANE BELOW.

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

EXTERIOR DIMENSION ARE FROM EXTERIOR OF FOUNDATION WALLS
AT FULL BASEMENT AREAS AND AS NOTED AT FRAMED WALLS AT
LOOKOUT AND WALKOUT AREAS

WINDOW & DOOR NOTES

- ANDERSEN 100 SERIES WINDOWS
- CODE MAX. U VALUE = 0.32 MAX. SHGC = 0.35
- ALL WINDOWS SET AT SILL UNLESS NOTED OTHERWISE
- BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STC RATING FOR EACH WINDOW & EXTERIOR DOOR
- BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HDR. HTS.
- WINDOW WELLS WITH A VERTICAL DEPTH OF MORE THAN 44" MUST BE EQUIPPED WITH AN APPROVED LADDER

- GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR
- ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS

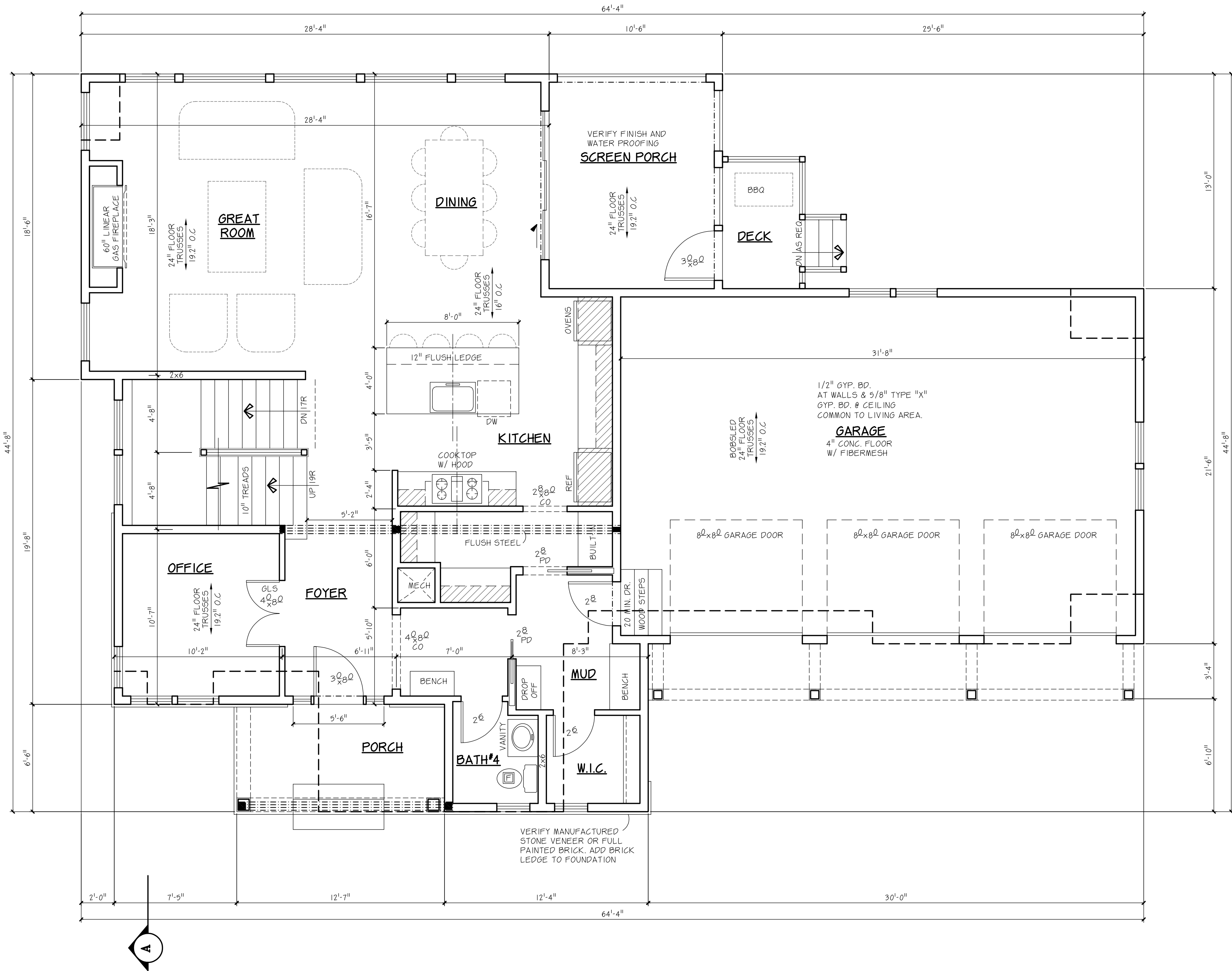
- ALL FLOORS TO BE L/480
- FLOOR TRUSS MANUFACTURER TO VERIFY FRAMING BELOW GRANITE TOPS, TUBS & TILE AREAS ABOVE
- FLOOR TRUSS MANUFACTURER TO PROVIDE HEAT SUPPLY & RETURN CHASE IN TRUSSES
- BUILDER TO PROVIDE CITY WITH TRUSS LAYOUT PLANS

- 9'-0" POURED FOUNDATION WALLS W/ SINGLE PLATE BASEMENT FLOOR RAISED TO TOP OF WALKOUT STEM WALL ASSUMED SOIL BEARING CAPACITY 1500 PSF
- MAINTAIN 42" MIN. GRADE ABOVE FOOTING
- BOTTOM OF DECK & PORCH FOOTINGS TO BE 42" BELOW GRADE
- MASONRY CONTRACTOR TO VERIFY WALL & FOOTING REQUIREMENTS WITH SITE CONDITIONS
- MASONRY CONTRACTOR TO VERIFY WALL & FOOTING REQUIREMENTS AT ALL UNBALANCED BACKFILL LOCATIONS
- (F) X INDICATES FOUNDATION WALL DETAIL ON PAGE D1
- (N) X INDICATES DISTANCE FOUNDATION IS HELD IN FROM SHEATHING
- FOUNDATION WALLS HELD IN FROM SHEATHING ABOVE AS INDICATED BY FOUNDATION WALL DETAIL
- SILL PLATE OVERLAPS FOUNDATION 1" MAXIMUM SEE FOUNDATION WALL DETAILS FOR SILL PLATE (SILL PLATE IS USED)
- SEE FOUNDATION WALL DETAILS FOR FOUNDATION WALL INSULATION (R-10 EXTERIOR/ R-5 INTERIOR)

- GYP. BD. REQUIRED AT ENTIRE CEILING (EXCEPT 80 SQ.FT. MAXIMUM AT MECHANICAL)
- $\frac{1}{2}$ " GYP. BD. AT WALLS & CEILING BELOW STAIRS
- ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. $\frac{1}{2}$ " GYP. BD. AT HABITABLE AREAS

- * 8"x 1 1/2" PLATE HEIGHT UNLESS NOTED OTHERWISE
- * 2x6 TIMBERSTRAND STUDS @ POCKET DOOR WALLS UNLESS NOTED OTHERWISE
- * DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE
- * PROVIDE LVL/LSL SOLID BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, MICROLAMs, & GIRDER TRUSSES TO FOUNDATION
- * PROVIDE FIRE BLOCKING VERTICALLY @ CEILINGS & FLOORS & HORIZONTALLY @ INTERVALS NOT EXCEEDING 10'-0" (CONCEALED SPACES & SOFTLY DROPPED CEILINGS, BETWEEN STUD SPRINGERS & BETWEEN STORIES)
- * PROVIDE DRAFT STOPPING BETWEEN STORIES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 1,000 SQ.FT.

- PROVIDE SMOKE ALARM IN EVERY BEDROOM & THE CORRIDOR GIVING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT, & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 24" HIGHER THAN A CORRIDOR GIVING ACCESS TO THE BEDROOMS.
- PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS



For Review
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FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"
EXTERIOR DIMENSIONS ARE SHEATHING TO SHEATHING

FIRST FLOOR FINISHED	1,238 SQ. FT.
SCREEN PORCH	137 SQ. FT.
GARAGE	680 SQ. FT.

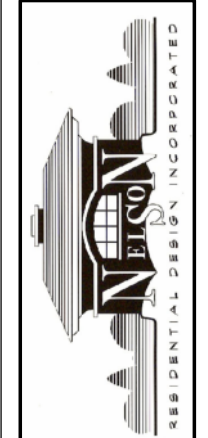
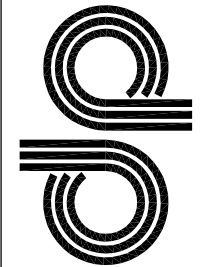
- WINDOW & DOOR NOTES**
- ANDERSEN 100 SERIES WINDOWS
 - CODE MAX. U VALUE = 0.32 MAX. SHGC = 0.35
 - ALL WINDOWS SET 8'-0" UNLESS NOTED OTHERWISE
 - BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STC RATING FOR EACH WINDOW & EXTERIOR DOOR
 - BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HDR, HTS.
 - FP = PROVIDE FALL PROTECTION @ OPERATING WINDOWS

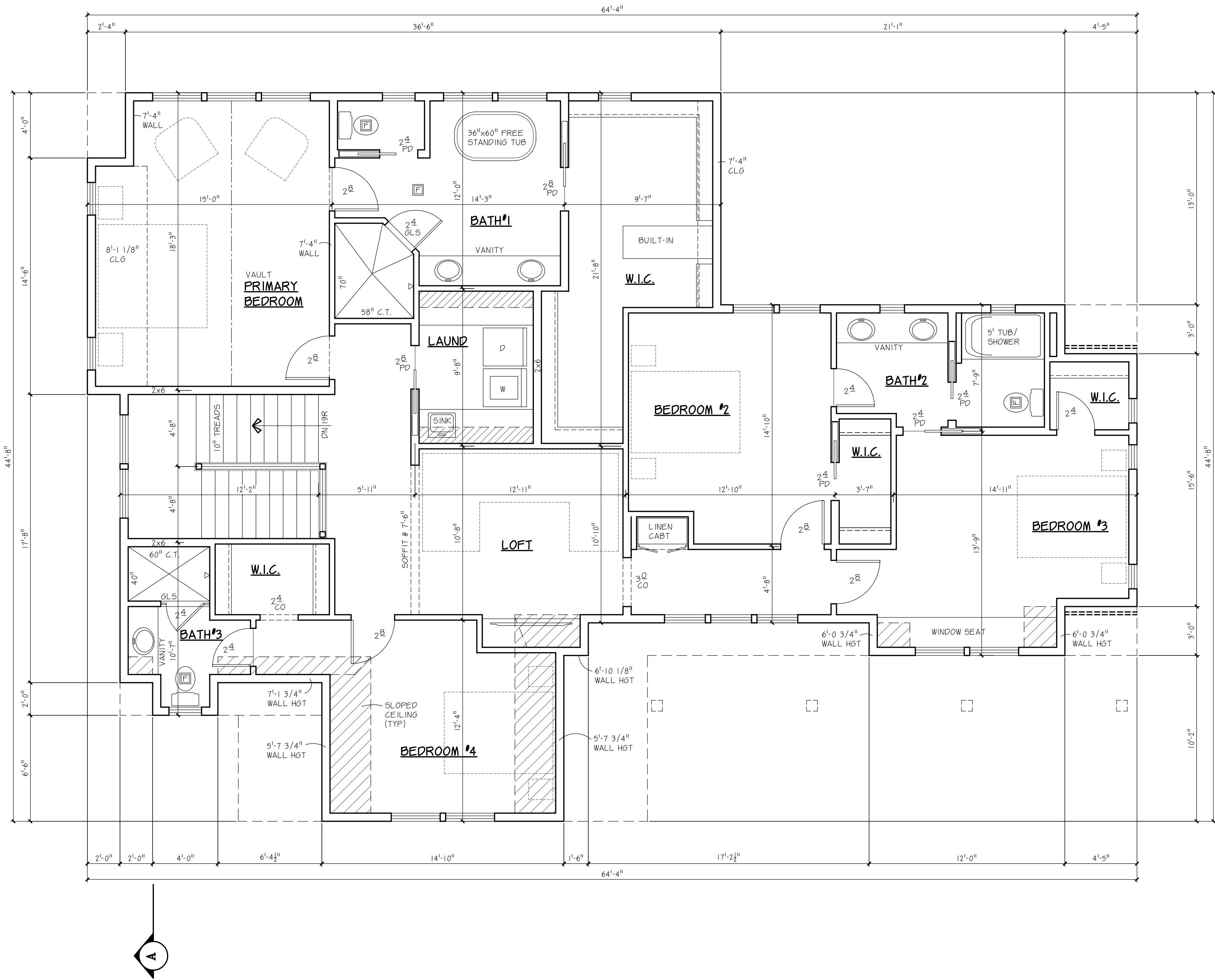
- GUARDRAIL NOTES**
- GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR
 - ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS

- FLOOR SYSTEM NOTES**
- ALL FLOORS TO BE U/480
 - FLOOR TRUSS MANUFACTURER TO VERIFY FRAMING BELOW GRANITE TOPS, TUBS & TILE AREAS ABOVE
 - FLOOR TRUSS MANUFACTURER TO PROVIDE HEAT SUPPLY & RETURN CHASE IN TRUSSES
 - BUILDER TO PROVIDE CITY WITH TRUSS LAYOUT PLANS

- FRAMING NOTES**
- 9'-1 1/8" PLATE HEIGHT UNLESS NOTED OTHERWISE
 - 2X6 TIMBERSTRAND STUDS @ POCKET DOOR WALLS UNLESS NOTED OTHERWISE
 - DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE
 - PROVIDE LVL/LSL SOLID BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, MICROLAMS, AND GIRDER TRUSSES TO FOUNDATION
 - PROVIDE FIREBLOCKING VERTICALLY @ CEILINGS & FLOORS & HORIZONTALLY @ INTERVALS NOT EXCEEDING 10'-0" (CONCEALED SPACES @ SOFFITS, DROPPED CEILINGS, BETWEEN STAIR STRINGERS & BETWEEN STORIES)
 - PROVIDE DRAFT STOPPING BETWEEN STORIES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 1,000 SQ.FT.
 - ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1" GYP. BD AT HABITABLE AREAS
 - HANG UPPIERS FROM SOFFIT DUE TO POCKET DOOR FRAME

- SMOKE AND CARBON MONOXIDE ALARMS**
- PROVIDE SMOKE ALARM IN EVERY BEDROOM & THE CORRIDOR GIVING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT, & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 24" HIGHER THAN A CORRIDOR GIVING ACCESS TO THE BEDROOMS.
 - PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS





For Review
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SECOND FLOOR PLAN

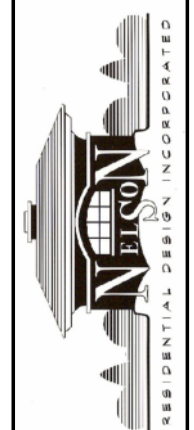
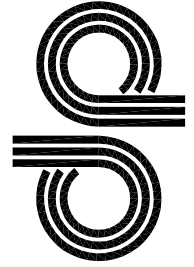
SCALE: 1/4"=1'-0"
EXTERIOR DIMENSIONS ARE SHEATHING TO SHEATHING
SECOND FLOOR FINISHED 1,969 SQ. FT.

- WINDOW & DOOR NOTES**
- ANDERSEN 100 SERIES WINDOWS
 - CODE MAX. U VALUE = 0.32 MAX. SHGC = 0.35
 - ALL WINDOWS SET 6'-10" UNLESS NOTED OTHERWISE
 - BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STC RATING FOR EACH WINDOW & EXTERIOR DOOR
 - BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HDR. HTS.
 - FP = PROVIDE FALL PROTECTION @ OPERATING WINDOWS

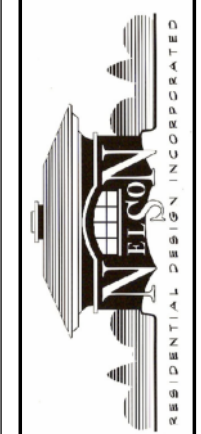
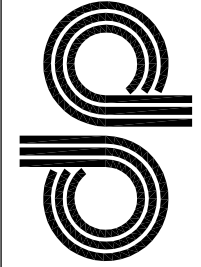
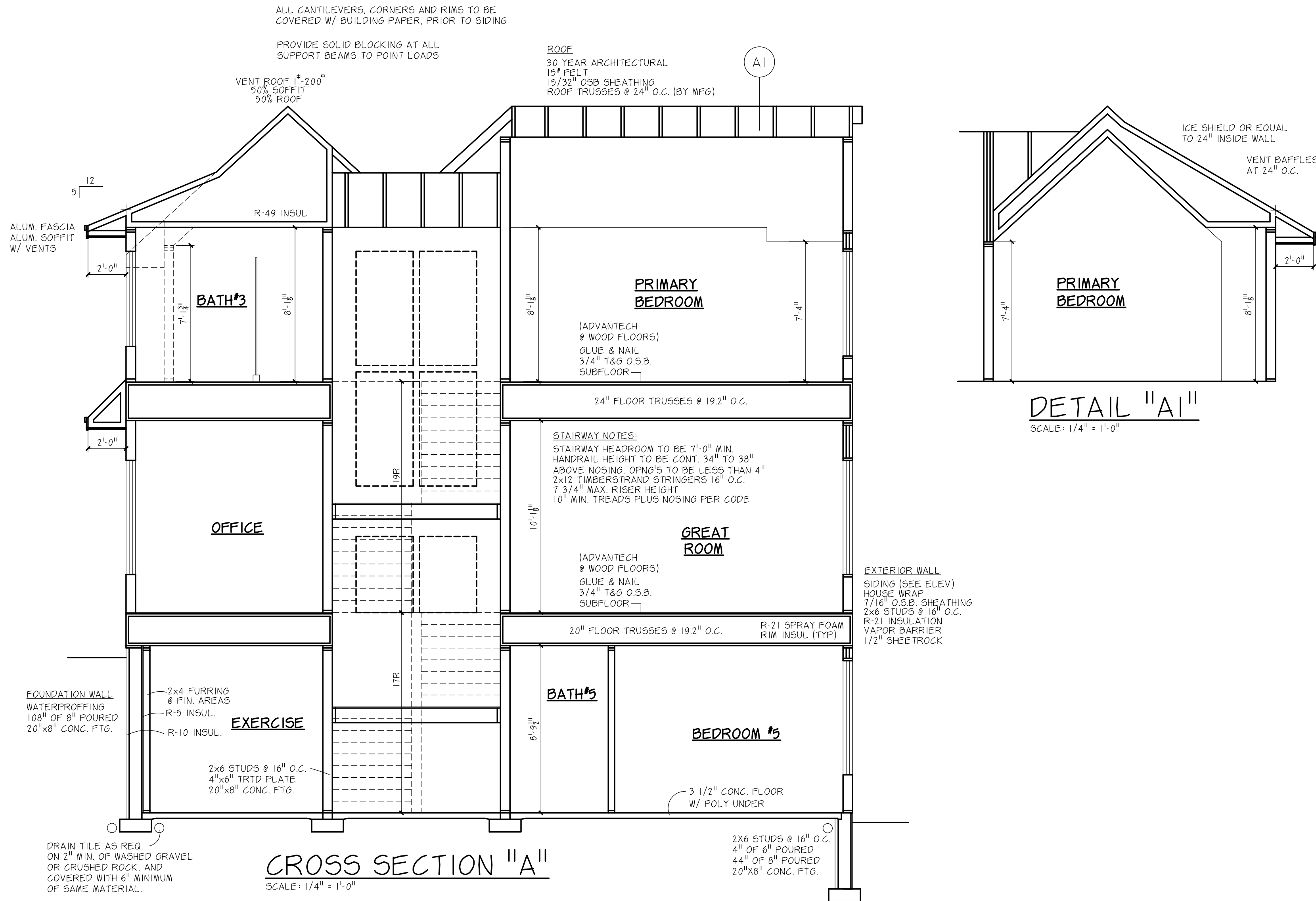
- GUARDRAIL NOTES**
- GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR
 - ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS

- FRAMING NOTES**
- 8'-1 1/8" PLATE HEIGHT UNLESS NOTED OTHERWISE
 - 2X6 TIMBERSTRAND STUDS @ POCKET DOOR WALLS UNLESS NOTED OTHERWISE
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 - PROVIDE LVL/LSL SOLID BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, MICROLAMS, AND GIRDER TRUSSES TO FOUNDATION
 - PROVIDE FIREBLOCKING VERTICALLY @ CEILINGS & FLOORS & HORIZONTALLY @ INTERVALS NOT EXCEEDING 10'-0" (CONCEALED SPACES @ SOFFITS, DROPPED CEILINGS, BETWEEN STAIR STRINGERS & BETWEEN STORIES
 - PROVIDE DRAFT STOPPING BETWEEN STORIES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 1,000 SQ.FT.
 - ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1/2" GYP. BD AT HABITABLE AREAS
 - VERIFY ANCHORING OF LINEN CABINET W/ POCKET DOOR FRAME

- SMOKE AND CARBON MONOXIDE ALARMS**
- PROVIDE SMOKE ALARM IN EVERY BEDROOM & THE CORRIDOR GIVING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT, & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 24" HIGHER THAN A CORRIDOR GIVING ACCESS TO THE BEDROOMS.
 - PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS



For Review
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138 2nd Street

GOOD NEIGHBOR GUIDELINES

Information Packet & Architectural Responses

PROPOSED RESIDENTIAL CONSTRUCTION

City of Excelsior

Prepared by Zehnder Homes



138 2ND STREET- Existing Home w/Proposed Study



Broken Up roof planes

Street Facing Gables. Rooflines are designed with a softer pitch to reduce visual prominence.

Lowered roof lines at second level to reduce visual height. Lowe

Traditional style grids in window adds to character

Open front porch adds charm and softens the overall massing.

Smaller, Individual Garage Doors reflect traditional carriage-style proportions and align with city requirements.

138 2ND STREET- Massing & Scale #1 & #5 GNG

Garage Steps Back 10'ft
From Front of House



A four-sided architectural approach has been applied to the design, with careful attention given to each elevation. Window placement, material changes, elevated James Hardie shakes as siding and roofline articulation are used to break down wall mass and eliminate large, unbalanced surfaces. This results in a home that presents consistent character and visual interest from all sides, contributing positively to the surrounding neighborhood.

138 2ND STREET- Massing & Scale #1 GNG



Proposed Home:

- ☑ Within Building Setbacks
- ☑ Under allowable hardcover (at 3,009 sf)

Principal Structure Setbacks - Front	Average of adjoiners
Side:	10% of lot width + 2 feet
Rear:	35 feet
Height:	35 feet
Hardcover:	12% of lot area + 2,100 s.f. (3.151 s.f.)



Proposed Home-138 2nd

The proposed home is consistent with the neighborhood's character and fits comfortably within the existing context, as seen in the following nearby examples



278 W Lake St



31 3rd St



122 2nd St



192 2nd St



274 2nd St



162 2nd St.



161 Bell St.-Rear Neighbor



1 3rd St

IMAGES FROM GOOGLE MAPS

138 2ND STREET- Neighboring Properties-Characterists #3 GNG

Compatibility with Adjacent Neighbors on Left



IMAGES FROM GOOGLE MAPS

Key Similarities in Scale, Form, and Character

Story-and-a-half / 1.5–2 story massing

All 3 homes share upper levels integrated into the roof line (dormers or partial second story)

Prominent front-facing gables

Each home features multiple gables oriented toward the street, breaking up the mass and creating a consistent architectural rhythm.

Covered front entry / porch elements

Each home incorporates a defined entry condition (porch or covered entry), reinforcing pedestrian scale and neighborhood character.

Streetside orientation and articulated architecture on all facades

None of the homes present as a flat wall streetside—each elevation is broken into smaller components through offsets, rooflines, and material changes. The proposed home has thoughtfully crafted architecture on all sides.

Consistent roof pitches and proportions

Roof forms across these homes are similar in pitch and scale, contributing to a cohesive streetscape.

Cottage / traditional residential character

The overall style—lap siding, shingles, trim detailing, and window proportions—aligns with the established architectural language of the neighborhood.

Garage

The proposed three-car garage complies with zoning requirements and is carefully designed with individual carriage-style doors to minimize visual impact. The setback (10'ft) garage design reduces perceived mass and avoids the appearance of a dominant garage presence along the street.

Compatibility with Adjacent Neighbors on Right



IMAGES FROM GOOGLE MAPS

Key Similarities in Scale, Form, and Character

Story-and-a-half / 1.5–2 story massing

All 3 homes share upper levels integrated into the roofline (dormers or partial second story)

Prominent front-facing gables

Each home features multiple gables breaking up the rooflines.

Covered front entry / porch elements

The proposed home, along with the home two doors down, incorporates a front porch element that aligns with the City's preference for enhanced street presence and pedestrian-oriented design.

Streetside orientation and articulated architecture on all facades

The horizontal orientation and articulated side facades reduce perceived mass and provide a more cohesive transition along the streetscape, enhancing compatibility with the surrounding context.

Consistent roof pitches and proportions

Roof forms across these homes are similar in pitch and scale, contributing to a cohesive streetscape.

Cottage / traditional residential character

The overall style—lap siding, shingles, trim detailing, and window proportions—aligns with the established architectural language of the neighborhood.

Garage

The proposed garage configuration, articulated with three smaller carriage-style doors, enhances both functionality and visual scale, contributing to a more complete and desirable residential streetscape condition.



IMAGES FROM GOOGLE MAPS



138 2ND STREET- Structure's Slope/Features #4 GNG



AI Generated Proposed House Image

Neighboring views, privacy, and access to sunlight are preserved through the existing mature tree canopy and natural site topography. The proposed home responds to these conditions, minimizing visual and environmental impacts on adjacent properties



Backyard had a tree line for privacy already. This will remain.

IMAGES FROM GOOGLE MAPS



AI Generated Proposed House Image



Proposed house behind this mature treeline

Backyard Neighbor. Bell Street.

138 2ND STREET- Neighbor Privacy/Sunshade #7 GNG



10300 10TH AVE N • PLYMOUTH, MN 55441 • 763-204-8114 • LICENSE #: BC582356

Variance Narrative – Height

138 2nd Street, Excelsior, MN | R-2

1. Practical Difficulty

The property contains a rear yard slope creating a walkout condition, unusual for Excelsior. Because the City measures height from the lowest grade to the highest point, the home exceeds the limit despite being designed as a typical two-story structure with standard ceiling heights. This variance is a result of natural landscape slope and standardize city restrictions.

2. Unique Circumstances

The practical difficulty is a result of the natural topography of the lot. The walkout condition is inherent to the property and not created by the owner. Because walkout lots are uncommon in the city, the current code does not fully account for this condition, resulting in a height variance situation.

3. Alternatives Considered

Alternatives were explored, including lowering the structure and modifying the layout. These options would compromise standard ceiling heights, functionality, and proper site drainage. Due to the slope, a compliant design is not practical without a variance.

4. Not Created by the Applicant

The need for the variance is not the result of any action by the applicant/owner. It is solely due to the existing natural grade change across the lot and standardize city code not accounting for walkout lots.

5. Neighborhood Character

The home is consistent with the scale and character of the surrounding neighborhood and represents an overall enhancement to the existing conditions. From the street, it aligns with neighboring properties. Any additional height occurs at the rear and is not visible from the streetside. This change thoughtfully updates the home to better reflect the character and expectations of today's residential design while remaining in harmony with the neighborhood.

6. Comprehensive Plan Consistency

The request supports reasonable residential use while maintaining neighborhood character. The design is compatible with surrounding homes and respects the intent of the zoning ordinance.

Window and Door Opening Tabulations for Proposed Home at 138 2nd St.



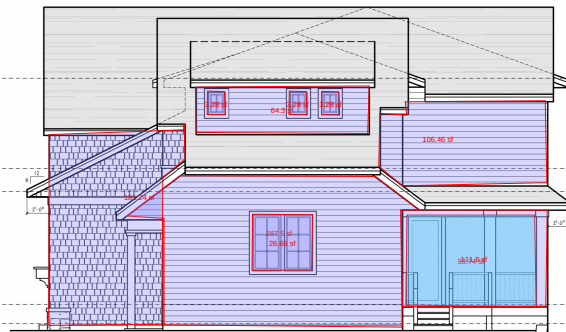
FRONT Window and Door Opening Tabulation

All walls = 720 sf
 Openings = 213sf
 Percentage of Openings = 30% / Min Req. 15%
 *excluding garage doors



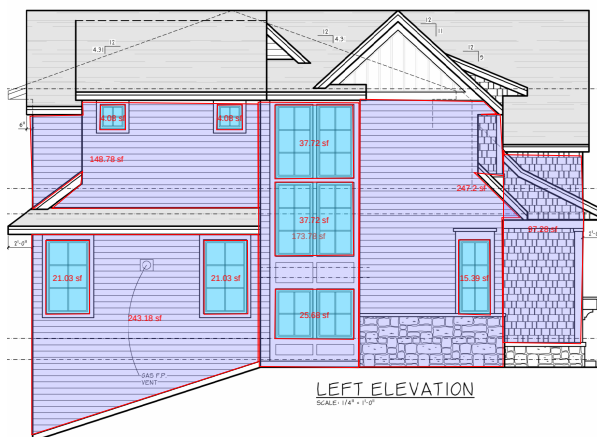
REAR Window and Door Opening Tabulation

All walls = 1,491 sf
 Openings = 418 sf
 Percentage of Openings = 28% / Min Req. 10%



RIGHT Window and Door Opening Tabulation

All walls = 751 sf
 Openings = 130 sf
 Percentage of Openings = 17% /Min Req. 10%



LEFT Window and Door Opening Tabulation

All walls = 910 sf
 Openings = 167sf
 Percentage of Openings = 18% / Min Req. 10%

138 2nd Street Window/Door Openings Calculations

	Walls	Windows/Doors	Percentate Openings
Rear	201.78	2.25	
	259.57	2.25	
	321.99	30.76	
	707.47	27.81	
		6.86	
		13.57	
		13.57	
		9.08	
		16.86	
		16.86	
		16.86	
		17.84	
		30.45	
		30.45	
		30.45	
		17.84	
		49.86	
		18.01	
		18.01	
		18.01	
		15.48	
		14.58	
	1490.81	417.71	28.02%
RIGHT	287.5	26.68	
	64.3	93.74	
	106.46	3.3	
	111.8	3.3	
	181.24	3.3	
	751.3	130.32	17.35%
LEFT	148.78	4.08	
	243.18	4.08	
	173.78	21.03	
	247.2	21.03	
	97.28	37.72	
		37.72	
		25.68	
		15.39	
	910.22	166.73	18.32%
FRONT	37.17	9.93	
	7.6	38.2	
	24.6	36.54	
	6.56	33.41	
	316.82	8.11	
	124.18	8.11	
	83.31	46.71	
	100.38	31.64	
	19.01		
	719.63	212.65	29.55%
Overall	3871.96	927.41	23.95%

1. Prevailing neighborhood streetfront setback: (Guidelines #3 and #7)

Prevailing setback on block (est.) 30'

Average setback on block (est.) 30'

Proposed new house setback 30.6'

2. Is the pattern of homes on in your neighborhood 1, 1 ½, or 2 stories high? (Guidelines #1 and #7)

Stories	1	1-1/2	2
House on right	☐	X	☐
House on left	☐	X	☐
House to rear	☐	☐	X
Prevailing on block	☐	X	☐
Proposed new house	☐	X	☐

3. Prevailing front porch pattern in your neighborhood: (Guidelines #1 and #5)

	Front Porch	None
House on right	☐	X
House on left	X	☐
House to rear	☐	X
Prevailing on block	X	☐
Proposed new house	X	☐

4. Prevailing garage location pattern in your neighborhood: (Guidelines #1 and #2)

	1 stall garage	2 stall garage	3 stall garage
House on right	None ☐	☐	☐
House on left	☐	X	☐
House to rear	None ☐	☐	☐
Prevailing on block	☐	X	☐
Proposed new house	☐	☐	X

5. Is the proposed addition or structure compatible in form and detail with the

design character of the main house? (Guideline #2)

Yes, all architectural characteristics well thought through.

See Good Neighbor Guidelines Packet submitted

6. If the proposed addition or structure location, setbacks, size or general design character does not fit prevailing neighborhood patterns, how do you propose to reduce its impact on the neighborhood and streetscape?:

The setbacks, building envelope, and hardcover meet or exceed.

7. Does the proposed addition or structure work with natural slopes and contours of the property? (Guideline #4)

☒ Structure sited parallel to slope

☒ Building designed to reduce cut and fill (minimize retaining walls)

☒ Landscaping incorporated into grading changes

Notes: Streetside meets height. Only due to slope of lot does the backyard require a variance due to existing conditions.

8. Will the proposed addition or structure significantly affect your neighbor's access to sunlight in adjacent yards, patios or rooms? (Guideline #7)

House to right: No

House to left: No

House to rear: No

Notes: There are many mature trees already shading properties

9. **How will you mitigate any negative sunlight impacts on neighbors? (Guideline #7)**

- ☒ Locate structure on lot to minimize impact
- ☒ Adjust building height, or portions of building, to minimize impact
- ☐ Other: _____

10. **Will the proposed addition or structure significantly affect your neighbor's privacy? (Guideline #7)**

- ☒ House to right: Garage Side - Minimal Windows
- ☒ House to left: Sits lower (due to grade)
- ☒ House to rear: Trees already planted hides/protects privacy

11. **How will you mitigate impacts on neighbors' privacy? (Guideline #7)**

- ☒ Offset/locate windows to reduce impact
 - ☒ Decks, balconies, and pools, as applicable, positioned away from windows of neighboring properties - Tucked in/small
 - ☒ Use landscaping elements for screening
 - ☐ Other: Large mature trees
- _____

12. **How is the structure detailed as four-sided architecture?**

- ☒ Solid to void ratio is related, and there is consistent detailing on all sides to those of neighboring structures.
- ☒ Openings are arranged to reflect traditional alignment of openings in

neighboring structures to avoid unbalanced solid wall expanses.

13. **Have you spoken to your neighbors about the proposed addition or structure?**

- ☒ Yes
- ☐ No



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



BY: _____
**Land Use Review
Application**

APPLICANT INFORMATION

Name: Eric Zehnder	Business Name: Zehnder Homes, Inc.	
Address: 10300 10th Ave N		
City: Plymouth	State: MN	Zip Code: 55441
Telephone: 651-303-5747	E-Mail	

OWNER INFORMATION (if different)

Name: Eric Zehnder	Business Name: Zehnder Homes, Inc.	
Address: 10300 10th Ave N		
City: Plymouth	State: MN	Zip Code: 55441
Telephone: 651-303-5747	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 <u>escrow:</u>

PROJECT INFORMATION

Street Address: 138 2nd St	Zoning District: R-2
Property Identification Number(s) (PIN #s): 34-117-23-12-0095	
Legal Description (attach if necessary): Lot 4, Sheldons Addition To Excelsior	
Description of Proposal (attach additional information if needed): Variance is for height of new home due to the walkout condition of the property - see narrative	
Reason(s) to Approve Request (attach additional information if needed): The walkout condition of the inherent property - see narrative	

PAID \$500.00
DATE 4/21/24
CHECK# 7563
RECEIPT
review + variance:
PAID \$1200.00
DATE 4/21/24
CHECK# 7562
RECEIPT 17481

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: 4/17/24

OWNER'S STATEMENT

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

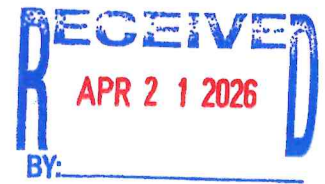
Signature: _____

Date: 4/17/24

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.



Residential Review Permit Application
350 Highway 7, Ste. 230, Excelsior, MN 55331
952-653-3674
Email permit to: permits@excelsiormn.org



APPLICANT INFORMATION		
Name: Eric Zehnder	Business Name: Zehnder Homes, Inc.	
Address: 10300 10th Ave N		
City: Plymouth	State: MN	Zip Code: 55441
Telephone: 651-303-5747	E-Mail: _____	
OWNER INFORMATION (if different)		
Name: Eric Zehnder	Business Name: Zehnder Homes, Inc.	
Address: 10300 10th Ave N		
City: Plymouth	State: MN	Zip Code: 55441
Telephone: 651-303-5747	E-Mail: _____	
TYPE OF APPLICATION (check all that apply)		
☐ Sketch Plan	☒ Residential Review Permit	
PROJECT INFORMATION		
Street Address: 138 2nd St	Zoning District (R-1 or R-2): R-2	
Property Identification Number(s) (PIN #s): 34-117-23-12-0095		
Legal Description (attach if necessary): Lot 4, Sheldons Addition To Excelsior		
Description of Proposal (attach additional information if needed): New construction of a residential single family home		
Reason(s) to Approve Request (attach additional information if needed): See submitted presentation which adheres to the "Good Neighbor Guidelines" for reasons to approve		
FEES & ESCROW		
Residential Review Permit	\$500 Escrow	
Residential Sketch Plan	\$ 50 fee	

ESCROW:
PAID \$800.00
DATE 4/21/26
CHECK# 7563
RECEIPT
review+variance:
PAID \$1200.00
DATE 4/21/26
CHECK# 7562
RECEIPT 17481

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: 4/17/25

OWNER'S STATEMENT

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

Signature: _____

Date: 4/17/25

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.

Re: 138 Second Street

From Olson Gregory <gaolson61@gmail.com>
Date Tue 5/12/2026 11:01 AM
To Jess Long <jlong@excelsiormn.org>

Hi Jess and thanks for your response. We understand that there is a setback requirement, and ours, as well as many others, meet that setback requirement for a two-car garage. If the city starts allowing one new builder to start building 3-car garages facing the street, setting that precedent, which has not been allowed in Excelsior village (even the 3-car garages on the lake are NOT **street** facing, we are very concerned that any other new builds on our street (which is inevitable and probably not far off) will also have that 3-car garage street facing look and it will most definitely affect the value and character of this area. We hope Mr. Zehnder will reconsider his design and build the 3-car garage as a side-entry design to fit in with rest of the village homes (new and old).

Thanks,
Greg & Kris Olson

P.S. Yes, we would like our comment to be submitted for review by the Planning Commission. Thanks

On May 11, 2026, at 8:50 AM, Jess Long <jlong@excelsiormn.org> wrote:

Hello Greg,

I was forwarded your message and wanted to follow up with you. The City does require an additional setback for garages that are street facing. The intent of that setback is to minimize the impact of the garage from the public right of way. The home does meet that setback. The Planning Commission is interested in hearing from residents. Would you like me to include your original message in their packet for review? Or would you like to write a new comment that details your thoughts? I am also including a link to our website that has the Planning Commission's emails, you are welcome to contact them directly with concerns as well.

[Planning Commission | Excelsior, MN - Official Website](#)

Best,

Jess Long

City Planner

Phone 952.225.8300 | jlong@excelsiormn.org

www.excelsiormn.org

Excelsior business hours are 7:30-5:30, Monday through Thursday. Closed Fridays.

<Outlook-322cogrq.png>

Variance

From Denis and Cathy Burand <dcburand@msn.com>

Date Mon 5/11/2026 10:11 AM

To Jess Long <jlong@excelsiormn.org>

You don't often get email from dcburand@msn.com. [Learn why this is important](#)

Hello Jeff,

I am writing in response to the variance at 138 Second Street, PID #34.117.23.12.0095

I do not support a variance. We have enough oversized homes in the village, and I think we should push back on these big builds whenever possible.

Thank you,

Cathy Burand

200 2nd Street

Permit and variance request 138 2nd Street, PID #34.117.23.12.0095

From Olson Gregory <gaolson61@gmail.com>

Date Mon 5/11/2026 11:02 AM

To Jess Long <jlong@excelsiormn.org>

Hello City of Excelsior,

As a homeowner on 2nd St, two doors down from the proposed home site, I have a couple of concerns regarding the building permit and variance request for the 138 2nd Street project.

The developer has stated in the proposal that the design of the new house is similar to other houses on the block and the village of Excelsior. That is absolutely not true on 2nd Street. I do not see any pre-existing street three stall garages on 2nd Street or other streets in Excelsior. In recent years, it appears the City of Excelsior has made a conscious effort to place the garage entrance on the side of the houses to reduce the street view of garage doors and improve the curb appeal, which I applaud. The current proposal totally disregards any recent gains the City of Excelsior has made in this area and will set a new precedent for other developers to create more three car garage houses that will diminish the appeal of the Excelsior village houses. In addition, the large hard cover driveway that a 3-car garage would require would cause runoff problems for the adjacent neighbors and the City of Excelsior. Please keep in mind the effort that has been made to retain the Excelsior Village environment and respect the residents who have made this effort.

Sincerely,

Greg Olson

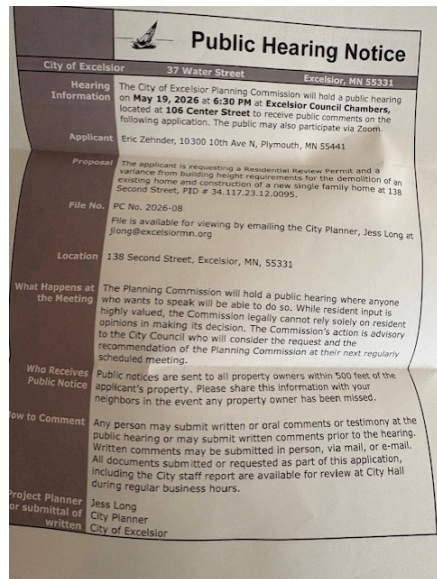
138 second street variance public comment

From Catherine Judd <catherinerjudd@gmail.com>
 Date Sat 5/9/2026 6:09 PM
 To Jess Long <jlong@excelsiormn.org>
 Cc Andrew Judd <ajudd2001@yahoo.com>

[You don't often get email from catherinerjudd@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

For applicant seeking variance on building height, I encourage the planning commission to use good judgment when reviewing the scale respective to neighboring properties and highly encourage the commission to request accurate profile renderings to scale with the adjacent residence to the north and south included, for a minimum, a conceptual massing diagram so that you can accurately judge if the variance is appropriate relative to the scale of the streetscape and cohesive with a character Excelsior, is trying to preserve through planning regulation.

Catherine Judd
 Notified resident



Sent from my iPhone

Voicemail message from "WIRELESS CALLER (+19523533031)" [00:00:24]

From Cloud PBX Voicemail <voicemail@serverdata.net>
Date Mon 5/11/2026 11:01 AM
To Jess Long <jlong@excelsiormn.org>

1 attachment (70 KB)
vm_05112026_10_59_02_AM_(CDT).mp3;

Voicemail Message Received

Dear **Ali Cameron**,

A new voicemail message from **WIRELESS CALLER (+19523533031)** was received in your voicemail box.

Date/Time Received: 05/11/2026, 10:59:02 AM (CDT)
Duration: 00:00:24

Voicemail transcript:

This is Bob hendrix, in 162 2nd Street next door to the 138 proposal. And I just want to go and record that I'm all for it and I'm a next door neighbor. And so it looks beautiful to me. I would just want to go on record that I'm for it. Okay, thank you.

The attached voicemail message can be listened to on your computer, or forwarded to another email address.

To delete the message from your voicemail box, please access it from your phone, or mobile application, and delete it from there.



Make calls via a single click, receive calls anywhere, listen to your voicemail messages and access many other features of your Elevate Unified Communications service. Download the free [Windows](#), [MAC](#), [iOS](#) or [Android](#) Elevate app for your environment and boost your productivity! Please contact your system administrator for more details.

Thank you for being a valued customer!



MEMORANDUM

Item 4 (d)– Application for Amendment to Zoning Ordinance, Sec. 12 Signs

Date: May 19, 2026

From: Jess Long, Planner and Julia Mullin, Community Development Director

Background

Staff presented an amended Sign Ordinance (Chapter 24 of the city’s zoning ordinance) to the Planning Commission at the April Commission meeting. The Commission had initial discussion and continued the ordinance review to the May Planning Commission meeting. Pursuant to our city code, the Planning Commission shall provide the City Council with a recommendation on proposed amendments to the zoning ordinance.

As previously noted, the goal of revising the Sign Ordinance is to:

1. Make the ordinance easier to use (for businesses and staff) by reorganizing it and adding tables and graphics to display information.
2. Ensure that maximum sign sizes are appropriate for the scale of our commercial properties.
3. Review policy on illuminating signs.
4. Increase clarity about signs that are prohibited.
5. Increase clarity about temporary signs and how they are administered.
6. Update definitions and standards to reflect today’s sign technology.

Staff recommends that we repeal the existing sign ordinance and replace it with this proposed draft. (The existing sign ordinance was provided with the April Planning Commission packet; this is a link to the online ordinance: [Excelsior Sign Ordinance](#)).

Please note, staff is still finalizing the flow and order of the sections of the ordinance and some of the numbering remains to be corrected.

Role of the Planning Commission

The Planning Commission does not review sign applications and therefore, the details of the ordinance, will likely be unfamiliar. The sign ordinance is a section of the zoning ordinance and therefore, any amendment requires Planning Commission review and recommendation to the City Council.

It is helpful to approach the ordinance with high-level questions such as what is the maximum sign size; how does the ordinance address lighting; how many signs can a property have; what restrictions are there on materials; and any other question or concern you may have. The overall question is will the proposed ordinance result in a city environment that is aesthetically pleasing, safe, supportive of businesses and their customers, allows freedom of choice, and is easy to navigate in and through.

Questions for Planning Commission to discuss:

1. What is your experience with signs as a resident of Excelsior? Do you notice them? Too many, too big, just right, problematic signs?
2. Does the proposed “intent” of the sign ordinance make sense to you? Does it express the city’s goals with regard to signs in a clear way?
3. Do the proposed time limits for temporary signs make sense to you? (Current ordinance: a temporary sign may be posted up to 30 days, twice per year. Proposed ordinance: a temporary sign may be posted up to 10 days, three times per year – shorter duration, more often.)
4. Should the city regulate lawn signs and how? Ordinance proposes limiting lawn signs to three per property.
5. We’re adding detail about temporary signs, decals and graphics posted in/on windows in commercial districts. Current ordinance allows up to 25% of window area to be covered, and signs under 6 sf are exempt from sign ordinance. New Ordinance proposes to limit the coverage of windows with decals and temporary signs posted inside the window in commercial districts to 50% of window area.
6. Try using the code. If you were a business owner on Water Street and wanted to put up a sign, can you follow the code? (Note: businesses contract with sign companies to create and produce signs and usually the sign company manages the application process as they are familiar with code requirements.)

RECOMMENDATION

Staff recommends that the Planning Commission discuss the proposed sign ordinance amendment and recommend approval to the City Council of Ordinance 696.

Attachments

Ordinance 696

ARTICLE 2. RULES AND DEFINITIONS

Sign related.

Awning: A structure made of fabric, metal, or other material, affixed to a building in such a manner that the structure serves as a protective cover over a door, entrance, walkway, or window.

Awning Sign: A sign with copy painted or affixed flat to the surface of an awning which does not extend vertically or horizontally beyond the limits of such awning.

Blade Sign: See Projecting Sign.

Commercial Sign: Any sign which serves to advertise and/or identify a product, service, or activity conducted on or off the premises on which the sign is located.

Conduit for Illuminated Signs: A protective piping system that houses and safeguards electrical wiring to attach to a power supply, ensuring a safe and organized installation, typically made of metal or plastic to shield wiring from moisture, dust, UV exposure, and physical damage. Conduit conceals wiring for a clean and professional appearance.

Interpretive Panel: A signage that provides information that interprets, via photographs or text, a natural historical, or cultural resource, event, or site. Panels shall be located only on sites directly related to the information contained in the sign.

Feather sign: A freestanding temporary sign consisting of a piece of flexible cloth, plastic or other similar material that is attached lengthwise to a single pole and designed to flutter/wave in the wind.

Lawn Sign: A freestanding temporary sign consisting of a piece of corrugated, plastic or other similar material that is attached to a wire "H-shaped" stake and inserted into the ground.

LED Sign Lighting: Lighting that uses light-emitting diodes (LEDs) to produce illumination.

Monument Sign: A freestanding sign that contains a solid or enclosed base and where the sign support post(s) is/are not visible. Base shall be constructed of materials that are consistent with and complementary to the building on the parcel.



Mural: A mural is a painting, mosaic, fresco or other artwork attached or applied directly to the exterior of a structure by or on behalf of the building owner. A mural does not include commercial signage, graffiti, billboards, campaign signs or ghost signs. Murals (like ghost signs) are considered public art, rather than signs.

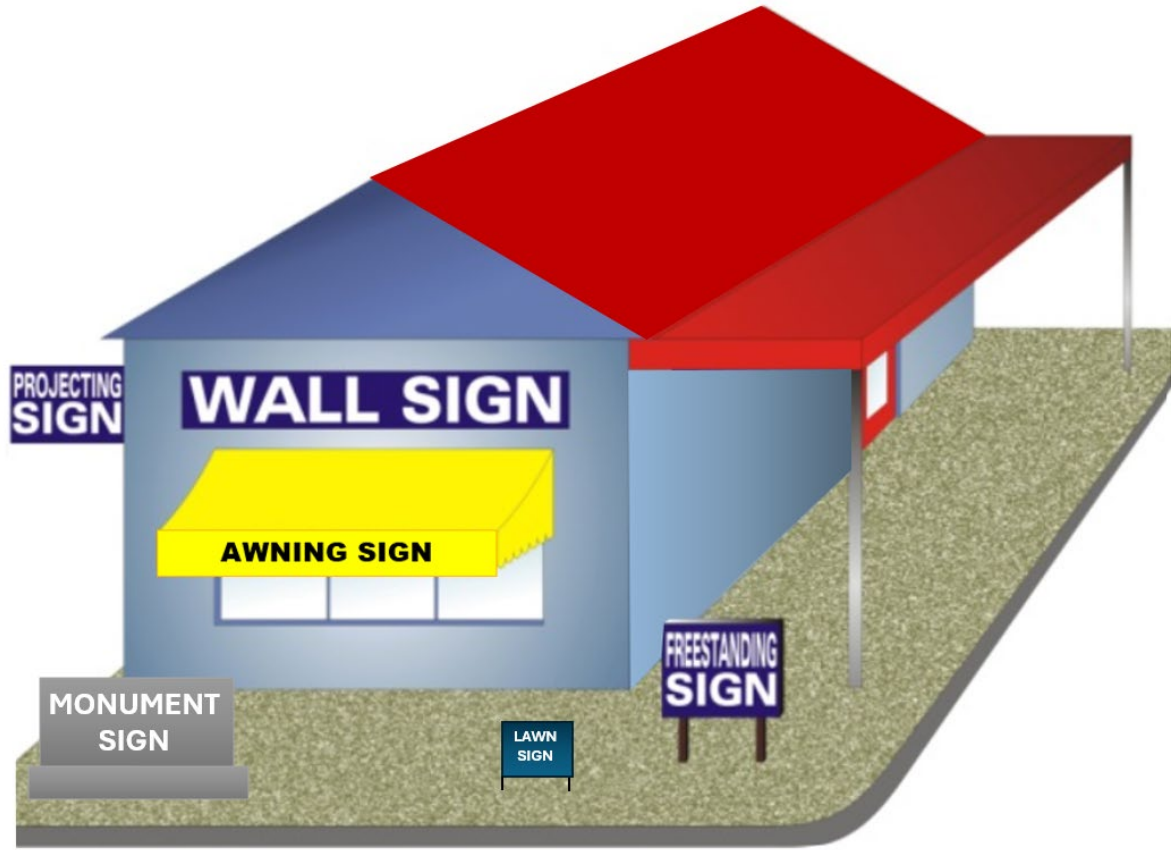
Noncommercial Sign: Any sign that is not a commercial sign.

Projecting Sign: A type of sign that extends outward from a building or structure, typically mounted at an angle to the façade building, making it visible from a distance to pedestrians or drivers, and containing a business's graphics, text, or logo.

Sign. Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

Valance: A type of decorative fabric placed at the bottom and horizontally of an awning or canopy.

Wall Sign: A sign affixed, attached, posted, printed, or painted directly to the exterior wall of a building, and which is parallel to the building wall.



ARTICLE 24. SIGNS

Sec. 24-1. Intent.

The purpose of this section is to protect and promote the public health, safety, and general welfare of the citizens of the City of Excelsior through the establishment of a comprehensive and impartial set of regulations governing the installation, display, and use of signs serving as a visual media to persons on public or private properties within the City of Excelsior.

These regulations are intended to:

- (a) Preserve and protect property values and civic beauty, and not allow signs which detract from this objective due to excess size, height, number, visual impact, undesirable location, maintenance (or lack thereof), spacing, or illumination.

-
- (b) Provide for signs which are compatible with their surroundings and appropriate to the type of activity to which they pertain.
 - (c) Control signs which invade privacy, constitute a public nuisance, or increase the likelihood of accidents by distracting attention or obstructing vision.
 - (d) Establish standards which will permit businesses a reasonable and equitable opportunity for effective communication but will avoid excessive and unreasonable visual competition among sign displays.
 - (e) Allow a reasonable freedom of choice, while promoting a concern for the visual amenities for those persons designing, displaying, erecting, or utilizing signs in the City of Excelsior.
 - (f) Assure that the public health, safety, and general welfare of the citizens of the City of Excelsior is preserved.

Sec. 24-2. Signs - prohibited

- (a) Feather signs.



- (b) Sign or sign structures that obstruct any window, door, fire escape, stairway or opening intended to provide ingress or egress for any building structure.
- (c) Balloons, and stringers.
- (d) Signs that are tacked, painted, or posted on trees, fences, bridges, towers, similar public structures, utility posts, or other such supports.
- (h) Roof signs.
- (i) Billboards.
- (j) Signs which have become rotted, unsafe or unsightly.
- (k) Signs with rotating, moving parts, or changeable copy.
- (l) Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.
- (m) Content classified as “obscene” as defined by Minn. Stats. § 617.241.
- (n) Pylon signs.



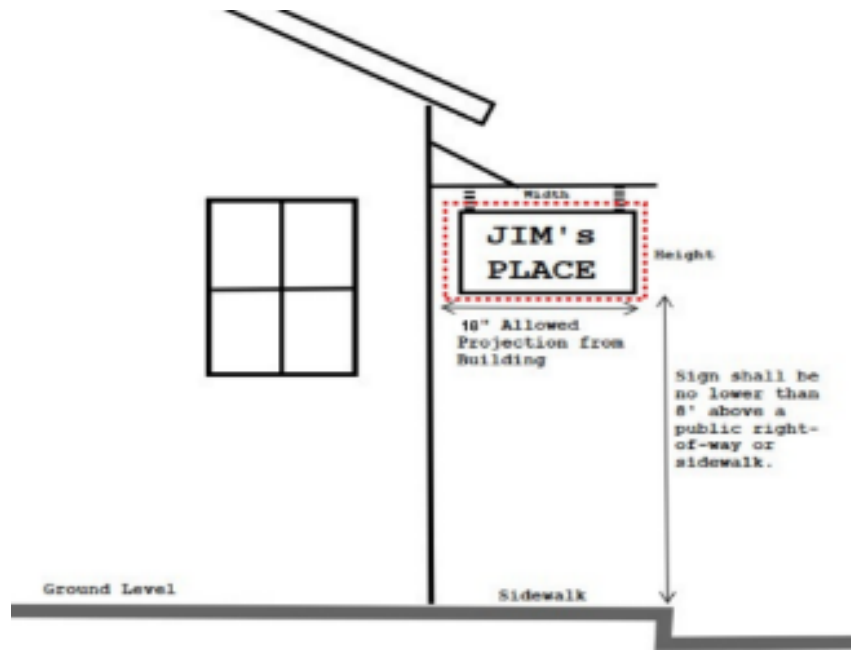
- (o) Multivision signs.
- (p) Video display signs.

-
- (q) Electronic graphic display signs.
 - (r) Illuminated signs which change in color or intensity of light, flash, scroll, or are animated other than electronic reader boards for time and temperature or official signs and non-electronic reader boards and barber poles as permitted under Commercial zoning allowances of this article.
 - (s) Artificially lit roofs or walls or portions thereof, except for security or to highlight architectural building features in accordance with Section 16-5.
 - (t) Exterior neon signs.
 - (u) Inflatable signs.
 - (v) Temporary or permanent window signs or business graphics, whether printed or attached, exceeding more than 50% of window space in which they are displayed.
 - (w) A mural that does not have permission of the owner of the property on which it is located..
 - (x) Monument signs in the DC historic district.
 - (u) Any sign, signal, marking or device which purports to be, is an imitation of, or resembles any official traffic control device, railroad sign or signal, emergency vehicle signs, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal shall be prohibited.
 - (v) Signs within an easement, except for signs installed by authorized governmental agencies or approved by the holder of the easement.
 - (w) Signs that resemble any official marker erected by a governmental agency or that displays such words as "Stop" or "Danger", which are not erected by legal authority.
 - (x) All other signs not expressly permitted by this ordinance.

Sec. 24-3. Signs - general requirements and standards

- (a) Signs and sign structures shall be properly maintained and kept in a safe condition. Sign or sign structures which are rotted, unsafe, deteriorated, or defaced shall be reprinted, repaired, or replaced by the owner or agent of the building upon which the sign stands. The ground around any sign shall be kept free of weeds and litter in conformance with Chapter 16 of the Code.
- (b) The construction of all permitted signs shall be in conformance with the provisions of the Minnesota Building Code.
- (d) No sign shall be attached or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the city building official.
- (e) No signs, guys, stays or attachments shall be erected, placed or maintained on rocks, fences or trees nor interfere with any electric light, power, telephone, or telegraph wires or the supports thereof.
- (f) A sign and/or its structural components shall not move as a result of wind pressure.
- (i) The sign height shall be measured from the normal grade of the lot as approved by the Zoning Administrator.
- (r) An awning sign shall be printed on the awning valance only.
- (l) A freestanding sign or sign structure (excluding sandwich boards) shall be constructed so that the faces shall not have an angle separating the faces exceeding twenty (20) degrees unless the total area of both sides added together does not exceed the maximum allowable sign area for that district.

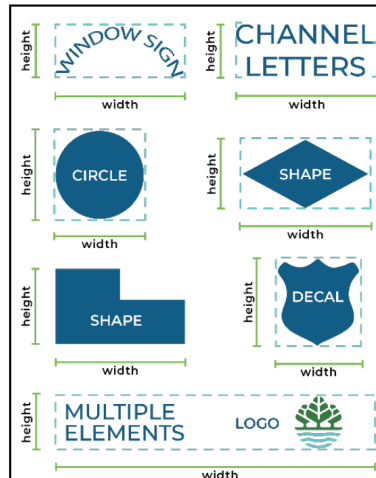
- (m) No sign or sign structure shall be placed on or protrude over the public right-of-way except projecting signs (maximum protrusion five (5) feet), wall (maximum protrusion six (6) inches), awning or canopy (maximum protrusion five (5) feet), marquee signs, and sandwich boards not to exceed eight (8) square feet per side. All signs located over public right-of-way or over any public or private access route (sidewalk, etc.) shall be located a minimum of eight (8) feet above surface grade.



- (n) Sandwich board signs:
- may only have two sign faces
 - shall be displayed only during business hours.
 - shall not impede pedestrian traffic or access to other public improvements.
 - shall be located on the ground in front of and within five (5) feet of the main entrance of the business it is advertising.
 - shall be a maximum of three and a half (3.5) feet in height and shall be no greater than seven (7) square feet in size.
 - shall be made of wood or metal material.
 - if related to special events, such as event parking, shall be reviewed the Zoning Administrator
 - number of sandwich boards allowed:
 - one (1) sandwich board per business, per street frontage.
 - one (1) additional sandwich board if for valet parking, only during hours of valet service operation.

- (o) Sign Size Calculation

The area of a sign or area within a sign frame shall be used to calculate the square footage of the sign area. Should letters or graphics be mounted directly on a wall or fascia or in such a way as to be without a frame, the dimensions for calculating the square footage shall be as in the definition of sign area, as found in Article 2 of this Appendix E. Any symbols, flags, pictures, working figures or other forms of graphics printed on or attached to windows, walks, awnings, freestanding structures, suspended by balloons or kites or on persons, animals or vehicles shall be considered as a sign.



(p) Obsolete Signs

The owner or agent of the building and property shall remove any sign that has become obsolete including by reason of termination of the business or vacation of the premises within thirty (30) days.

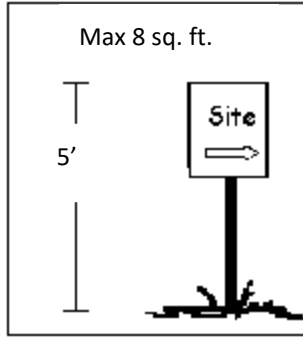
(q) All signage shall comply with the design standards and the requirements of the Heritage Preservation Commission, where applicable, as found in Chapter 20 of the Code.

(r) Signs for motor fuel facilities

a. Signs for motor fuel facilities shall be regulated by the sign provisions for the zoning district in which the facility is located, except that within a sign, with an area not to exceed ten (10) square feet shall be allowed for non-electric changeable copy identifying current fuel process in accordance with Minn. Stats. 239.751

Sec. 24-4. Signs—no permit required.

- (a) Identification signs for one- and two-family dwellings, provided that such signs are less than two (2) square feet in area, address numbers exempted.
- (b) Pedestrian, vehicular-traffic, and parking directional signs in parking lots, provided such signs are less than eight (8) square feet in area and less than five (5) feet in height, unless located on the building, provided such sign does not constitute traffic hazard.



- (c) Traffic control signs, non-commercial governmental signs, local notices, railroad crossing signs, and temporary non-advertising safety or emergency signs.
- (e) Signs denoting the architect, engineer, contractor, or owner as follows:

One non illuminated sign when placed upon a work site, which does not exceed an aggregate of ten (10) square feet for residential property and thirty-two (32) square feet in area and eight (8) feet in height for non-residential property. Such signs must be removed within one (1) year of the date of issuance of a building permit or when the project is completed, whichever is sooner.
- (f) Non-commercial speech signs of any size and number may be posted on private property with the permission of the property owner beginning 46 days before the state primary in a state general election year until ten (10) days following the state general election, and thirteen (13) weeks prior to any special election until ten (10) days following the special election. Sign installation shall comply with the Fair Campaign Practices Act contained in Minn. Stats., Chapter 211B.
- (h) Real estate signs as follows:
 - (1) Temporary signs for the purpose of selling or leasing individual lots or buildings provided that such signs are less than ten (10) square feet for residential property and thirty-two (32) square feet for other property, have a maximum height of ten (10) feet, unless located on the building, and provided that only one (1) sign is permitted for each property. The signs must be removed within seven (7) days following the lease or sale.
- (i) Flags or insignia of any government or governmental agency.
- (j) Three signs, not exceeding four square feet each. Including lawn signs.
- (k) Existing historic signs as allowed by the Heritage Preservation Commission.
- (l) Maintenance of signs including repainting without changing the wording, composition, size, or colors; or minor nonstructural repairs, (except electrical repairs) shall not require a permit.

Sec. 24-5. Signs—permit required.

- (a) The following signs are allowed with the issuance of a sign permit.

Table A. WALL SIGNS		
Zoning District	Number Allowed	Max Area
DC & CC (Single Tenant)	One (1) or Two (2) if located on street corner with double frontage	27 sf per sign
DC & CC (Multi-Tenant)	One per tenant located on first floor	27 sf per sign
MU (Single Tenant)	One (1) or Two (2) if located on street corner with double frontage	50 sf per sign
MU (Multi-Tenant)	One (1) per tenant located on first floor	50 sf per sign
GC (Single Tenant)	One (1) or Two (2) if located on street corner with double frontage	75 sf per sign
GC (Multi-Tenant)	One (1) per tenant located on first floor	75 sf per sign
Sacred community, other public places [1]	One (1) or Two (2) if located on street corner with double frontage	32 sf per sign
[1] Exemptions to height and area requirements may be reviewed under a Conditional Use Permit as provided for in Article 4 of this Appendix E.		

Table B. FREESTANDING SIGNS AND MONUMENT SIGNS				
Zoning District	Number Allowed	Max Height	Max Area	Collaborative sign outside of Historic District
DC	One (1) free standing sign (no monument signs allowed)	Free standing 4.5 ft or 6 ft in front yard of residential structure used for commercial purpose	27 sf maximum	
CC	One (1) free standing sign Or One (1) monument sign	4.5 ft maximum	27 sf maximum	
MU	One (1) free standing post sign			

	Or One (1) monument sign			
GC	One (1) free standing sign Or One (1) monument sign	8 ft maximum	75 sf maximum	May substitute for a collaborative monument sign between multiple lots. Max area of 75 sf and max height 15 ft.
Sacred communities, or other public places [1]	One (1) free standing Or One (1) monument sign	8 ft maximum	32 sf maximum	
[1] Double frontage lots may have two signs, one for each frontage. Exemptions to height and area requirements may be reviewed under a Conditional Use Permit				

Table C. PROJECTING SIGNS			
Zoning District	Number Allowed	Max Area	Additional General Requirements
DC & CC	One (1)	Eight (8) sf	Must be a minimum of eight (8) ft above the ground. Sign and bracket shall extend no more than five (5) ft from building façade.
MU & GC	One (1)	Ten (10) sf	
R-1 & R-2 (Home Occupation)	One (1)	Eight (8) sf	

Table D. AWNINGS SIGNS				
Zoning District	Number Allowed Single frontage	Number Allowed Corner lot with double frontage	Additional General Requirements	maximum dimensions
All Districts	One (1)	Two (2)	Must be a minimum of eight (8) ft above the ground. Maximum extension of five (5) ft from building façade	seven (7) square feet and eight (8) inches in height.

Sec. 24-6 Signs – Additional District Requirements

(a) Downtown Commercial (DC) and Cottage Commercial (CC) Districts.

- (1) Businesses shall not display more than three (3) permanent signs, whether such signs be projecting, wall, freestanding, window, or awning, including signs for rear entrances. In addition, businesses may display one (1) sign on the rear elevation of the building at a business entrance.
- (2) Window lettering signs of less than six (6) feet shall be excluded from this regulation.

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- (3) More than three signs shall be allowed for multi-tenant buildings, provided that the aggregate square footage of sign space as outlined above is complied with and an administrative permit is approved by the zoning administrator in accordance with article 8 of this Appendix E.
 - (4) No individual sign shall exceed 27 square feet in area, nor shall two or more signs be so arranged and integrated as to create a sign area of over 40 square feet.
 - (5) *Wall Signs.*
 - a. Multi-tenant buildings shall have wall signs of similar design. Each tenant is allowed one (1) wall sign in accordance with Table A except that a tenant space which has its only entrance on the side of the building not abutting a public street shall be allowed one (1) sign meeting the size requirements of Table A and located on the same wall as the tenant's only entrance. No signage is permitted for tenant entrances immediately adjacent to residentially zoned property.
 - b. Wall signs, if painted, shall not be applied directly onto unpainted brick or stone masonry. Exceptions may be made for concrete block. A backdrop shall be applied for painted wall signs and attached to brick or stone masonry
 - (6) *Awning Signs.*
 - a. Awnings installed on buildings in the DC District shall not obstruct significant architectural features.
- (b) Mixed Use Commercial (MU) and General Commercial (GC) Districts.
- (1) Businesses shall not display more than three permanent signs, whether such signs be projecting, wall, freestanding, window, or awning, including signs for rear entrances.
 - (2) Window lettering signs of less than six feet shall be excluded from this regulation.
 - (3) More than three signs shall be allowed for multi-tenant buildings, provided that the aggregate square footage of sign space as outlined above is complied with and an administrative permit is approved by the zoning administrator in accordance with article 8 of this Appendix E.
 - (4) No individual sign surface shall exceed 27 square feet in area (75 square feet in area in the GC district), nor shall two or more signs be so arranged and integrated as to create a sign area of over 40 square feet (100 square feet in area in the GC district).
 - (5) *Wall Signs.*
 - a. Multi-tenant buildings shall have wall signs of similar design. Each tenant is allowed one (1) wall sign in accordance with Table B except that a tenant space which has its only entrance on a side of the building not abutting a public street shall be allowed one (1) sign meeting the size requirements of Table B and located on the same wall as the tenant's only entrance. No signage is permitted for tenant entrances immediately adjacent to residentially zoned property.
 - (6) *Awning Signs.*
 - a. Awnings installed on buildings in the DC District shall not obstruct significant architectural features.
- (c) Residential Districts (R-1, R-2, R-3, R-4).
- (1) The following zoning districts are allowed one (1) wall sign per household for a home occupation:
 - a. R-1, R-2, one (1) wall sign not to exceed two (2) square feet, with a distance of six (6) inches from the back of the sign to the wall face.
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(2) Sacred communities and other public places may have one (1) monument sign up to six (6) feet in height and one (1) wall sign. Total signage area must be no greater than thirty-two (32) square feet.

(3) Residential subdivisions or multi-family complexes, four (4) units or more, may have one (1) wall or one (1) monument sign. Total signage area must be no greater than thirty-two (32) sf and height no greater than four (4) feet.

Sec. 24-7. Temporary Signs – Administrative temporary permit required.

- (a) The following signs shall require an administrative permit in compliance with Article 8 of this Appendix E. Banners, flags, posters, pennants, ribbons, displays, streamers or spinners used as a sign on private property.
- (b) Where an administrative permit is required by this ordinance, application shall be made on forms furnished by the City. The applicant shall set forth their name, address, location of the proposed use and shall submit a drawing of the proposed use and any other information required by the Zoning Administrator, which will enable them to determine whether the proposed use meets the standards of this ordinance. An administrative permit, as described in this ordinance, is distinct from the sign permit required herein.
- (c) Administrative permits, for temporary signage, may be issued for a period not to exceed ten (10) consecutive days. Three (3) such permits may be allowed for each premises per calendar year, with the exception that each new commercial or industrial business, may be allowed one (1) additional ten (10) day permit, to announce the opening of the new business, provided such business has been issued a current Certificate of Occupancy for that business space. Permits may be issued for consecutive ten (10) day periods.
- (d) For all uses in the Public Institutional district and Sacred Communities in all districts temporary signage shall be limited to a period not to exceed thirty (30) days annually. There shall be no more than three such signs on any parcel and the total signage shall not exceed thirty (30) square feet.
- (e) Temporary on-premises signs shall not be placed in the public right of way.
- (f) Temporary signs, off-premises. Off-premises temporary signs shall be limited to noncommercial Excelsior entities, displayed no more than ten (10) business days, and located on private, city property or in the public right of way.
- (g) The Zoning Administrator shall be authorized to issue a temporary conditional administrative permit to alleviate hardships associated with public road construction projects.
- (h) The use of searchlights is allowed as permitted in Section 16-5 of this Appendix E and an administrative permit is required.

Sec. 24-8. Sign Setbacks.

The following minimum requirements shall be observed in Residential Districts:

Sign Setbacks (Excluding Monument Signs) in Residential Districts				
	R1	R2	R3	R4
Front Yard Setback (feet)	3 feet	3 feet	3 feet	3 feet
Side Yard Setback (feet)	6 feet	5 feet	5 feet	5 feet
Rear Yard Setback (feet)	3 feet	3 feet	3 feet	3 feet

No part of any monument sign shall be closer than ten (10) feet from any lot line, or from the public right-of-way.

The following minimum requirements shall be observed in Commercial Districts:

Sign Setbacks (Excluding Monument Signs) in Commercial Districts				
	DC	CC	GC	MU
Front Yard Setback (feet)	0 feet	0 feet	3 feet	3 feet
Side Yard Setback (feet)	0 feet	0 feet	3 feet	3 feet
Rear Yard Setback (feet)	0 feet	0 feet	3 feet	3 feet

No part of any monument sign shall be closer than ten (10) feet from any lot line, or from the public right-of-way.

Sec. 24-9. Permits Required.

- (a) *Sign Permits.* No sign shall hereafter be erected, re-erected or altered, including the replacement of the business message, unless a permit for each sign has been obtained, unless no permit is required pursuant to Section 24-5. In addition, electrical permits from the State of Minnesota shall be obtained for all electric signs. Applications for a sign permit shall be made in writing on forms furnished by the Planning Department. Such application shall contain the location by street and number of the proposed sign structure, the erector, a scale drawing of the sign indicating material copy, and color location. Maintenance of signs including repainting without changing the wording, composition, size, or colors; or minor nonstructural repairs, (except electrical repairs) shall not require a permit.
- (b) *Sign Permit Fees.* Permit fees shall be in accordance with the City fee schedule as adopted by City Council. A double fee shall be charged if a sign is erected without first obtaining a permit for such sign. Permit fees shall be reduced by 50% for properties designated as historic.
- (c) *Revocation of Permit.* The Planning Department is hereby authorized to revoke a sign permit upon failure of the holder thereof to comply with any provision of this Chapter.
- (d) *Expiration of Permit.*
 - (1) A permit shall expire if the sign is not installed within one hundred eighty (180) days after issuance.
 - (2) A permit shall expire if the use of a sign has been discontinued for a period of one hundred eighty (180) days.

Sec. 24-10. Noncommercial speech.

Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

Sec. 24-11. General provisions regulating use of artificial light sources for illuminated signs.

- (a) No internal lighting or back lighting of signs shall be allowed, regardless of the light source. Signage shall utilize illuminating devices mounted on top and facing downward of the display structure or illuminating signage from the back side. Artificial light sources shall not be placed at any height taller than is essential to accomplish the intended purpose.
- (b) Lighting underneath awnings, and up- and down-lighting of building facades, is prohibited

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- (c) All signage shall comply with the outdoor lighting standards found in Section 16-5 of this Appendix E.
 - (d) The light source shall not be directly visible and shall be arranged to reflect away from adjoining premises.
 - (e) The illumination source shall not be placed so to cause confusion or hazard to traffic, or to conflict with official or traffic signs, signals, or lights. This includes indoor signs which are visible from public streets.
 - (f) All artificial illumination of signs shall be turned off at the close of business or at 11:00 p.m., whichever occurs later.
 - (g) Electrical wiring for sign illumination shall be concealed with conduit. The conduit and electrical wiring for the light source shall be installed and arranged inconspicuously utilizing low-profile conduit, paint or cover, running conduit behind structures such as walls, furniture, or architectural features, raceway channels, or undergrounding.
 - (h) Sign conduit shall be installed in a way that minimizes damage to the building. Conduit that is drilled through exterior walls to the interior of a building shall be drilled through the mortar joints, not masonry, and shall be weatherproofed and sealed to prevent moisture intrusion. The mortar joint shall be wide enough to accommodate the conduit without compromising stability. If the conduit is larger than the mortar joint, drilling through the wall shall be prohibited.

Sec. 24-12. Enforcement.

- (a) It shall be the responsibility of the Zoning Administrator to administer and enforce the provisions of this section.
- (b) If any provision of this ordinance shall be adjudged void or of no effect, for any reason whatsoever, such decision shall not affect the validity of any of the other provisions of this ordinance.
- (c) It shall be unlawful for any person, firm, or corporation, to erect, alter, repair, move, equip, or maintain any sign or sign structure or cause or permit the same to be done in violation of any of the provisions of this ordinance.
- (d) Nonconforming signs shall be regulated as provided in Article 15 of this Appendix E.

Sec. 24-13. Removal.

- (a) The Zoning Administrator shall remove any sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the City shall be assessed to the owner of the property on which such sign is located or may be collected in appropriate legal proceedings.
- (b) Signs in violation of this Ordinance placed on public property or in the public right-of-way are subject to immediate removal.
- (c) The owner, lessee, or manager of the property where a sign is located shall remove or correct a sign within thirty (30) days of the receipt of written notice from the Zoning Administrator that the sign is in violation or prohibited by this Appendix E.

Sec. 24-14. Variance.

The City Council may approve a variance, in conformance with article 6 of this Appendix E.

ARTICLE 15. NONCONFORMING, USES, STRUCTURES, LOTS AND SIGNS

Sec. 15-6. Nonconforming signs.

Any sign that existed lawfully on the effective date of the sign regulations of this Article that remains or becomes nonconforming by reason of adoption of these sign regulations or because of subsequent amendments to these sign regulations are considered nonconforming signs and their continuance is allowed in accordance with the following regulations:

- (a) Ordinary repairs and maintenance, including the removing and replacing of outer panels is permitted, provided that the panels are replaced with identical panels and then no structural alterations or other work that extends the normal life of the nonconforming sign is permitted.
- (b) Single panels on nonconforming multi-panel signs for multi-tenant buildings may be changed to reflect tenant changes.
- (c) Besides (a) and (b) of this section, nonconforming signs may not be changed unless they are brought into compliance with the sign ordinance.
- (d) No repair or alteration that increases the size of a nonconforming sign is permitted.
- (e) No nonconforming sign may be moved in whole or in part to any other location on the same or any other premises unless every portion of such sign is made to conform to all regulations of these sign regulations.
- (f) If a nonconforming sign is abandoned or the described business discontinued for a continuous period of thirty (30) days or more, it must be discontinued, and any subsequent sign must conform to all of the sign regulations in this article.
- (g) If a nonconforming sign must be removed temporarily or is misplaced, the responsible party for that sign may receive administrative approval to continue the sign upon written request within the thirty (30) day period of allowance of (f).