

City of Excelsior
Planning Commission Meeting
Minutes

Wednesday, January 4, 2012

1. CALL TO ORDER

Chair Gaylord called the meeting to order at 7:03 p.m.

2. ROLL CALL

Commissioners Present: Busch, Duyvejonck, Jensen, Wallace, and Chair Gaylord

Commissioners Absent: Craig and Wright

Also Present: City Planner Richards, City Attorney Staunton, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. Planning Commission Meeting of December 6, 2011

Chair Gaylord asked if anyone had any additions or corrections to the Minutes.

Commissioner Busch moved, Commissioner Jensen seconded, to approve the Minutes of the December 6, 2011 Planning Commission meeting. Motion carried 4/0/1, with Wallace abstaining.

4. PENDING ISSUES/PROJECTS

a. Appoint Liaison to City Council (January 17, 2012)

Commissioner Jensen will serve as the Planning Commission liaison to the January 17, 2012 Council meeting.

5. PUBLIC HEARINGS - (Continued)

a. None

6. PUBLIC HEARINGS

a. Conditional Use Permit for Permanent Access Road, George Street to Excelsior Elementary, 441 Oak Street, P.I.D. #34-117-23-14-0032 and P.I.D. 34-117-23-14-0073 - Minnetonka Public Schools

Richards reported that Mike Condon, on behalf of Minnetonka Public Schools, is requesting a Conditional Use Permit for a permanent access road to Excelsior Elementary from George Street. He noted that the applicant has provided revised plans for the meeting tonight to address some issues that the City Engineer identified.

6. PUBLIC HEARINGS

- a. Conditional Use Permit for Permanent Access Road, George Street to Excelsior Elementary, 441 Oak Street, P.I.D. #34-117-23-14-0032 and P.I.D. 34-117-23-14-0073 - Minnetonka Public Schools - (Continued)

Richards said that the Excelsior Elementary site is zoned R-2 Single and Two Family Residential District, and 339 Water Street is zoned B-1, Central Business District. Schools in the R-2 District require a conditional use permit for changes to the site including an access drive. In the B-1 District, public and private parking facilities as a principal use require a conditional use permit. Conditional use permits are to be reviewed against the criteria listed in Section 4-3€ of the Zoning Ordinance. Staff has reviewed the proposal against the criteria and the proposal meets the criteria.

The roadway will extend from George Street, curve to the northeast and enter the property at 339 Water Street. An 80 stall parking lot is to be installed in the former lumber yard parcel. There will be a roadway connection from this parking lot that will continue south to enter the existing parking lot just north of the school building. The roadways will be 24 feet wide and provide two-way access. No access will be permitted from Water Street through Hennepin County's property at 337 Water Street or through the Xcel property to Morse.

The permanent road will be gated at the point in the new parking lot where the roadway continues south to the school. A six foot chain link fence is to be placed along the east side of the entire length of the roadway within the Excelsior Elementary property. A decorative iron fence will be placed between the new roadway from George and the play area.

The Comprehensive Plan guides the subject site for school and commercial uses. The proposal is consistent with the Comprehensive Plan.

The setback requirement for driveways and parking areas for interior side and rear yard parking is five feet in the commercial districts. The parking lot, on all side yards, will be set back at least 12 feet from the library and former lumber yard parcel and approximately eight feet from the north property line adjacent to the trail. The new driveways on the school properties are all internal to the site and well within setback requirements.

The zoning ordinance requires schools to have at least one parking space per classroom plus one additional parking space for each 400 student capacity. The subject site currently has 99 parking spaces and 11 bus parking spaces. With 47 classrooms and an enrollment of approximately 900 students, the parking requirement is 49 spaces. With the addition of the 80 stall parking lot, the overall site will have 175 parking spaces.

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Richards said that the Zoning Ordinance and Design Standards require parking areas that have more than 25 spaces to include landscaped parking islands at a rate of one island per 25 parking stalls. The plan indicates two islands in the center of the lot and landscaped corners and separations on the perimeter.

The School District has provided a traffic study for the permanent roadway, which will be presented by the School District's traffic engineer. The City's traffic engineer will also provide his comments on the traffic study.

The Design Standards indicate that plastic and chain link fencing shall not be permitted as a screening or fencing material in the commercial areas. The fencing for the new driveway and in the parking lot area will be a decorative metal fence. Chain link and decorative fencing will be used on the existing school property, which is zoned R-2 and is not subject to the regulation prohibiting chain link fences.

A lighting plan and photo metric plan has been provided. Eight freestanding fixtures will be installed, all fixtures are the King Luminaire style as specified in the Design Standards. The fixtures will be installed on a 14-foot, six inch pole, which complies with the City's height requirements. The City will require the globes of the three northerly fixtures to be designed with a full cut off lens on the side facing the trail and the townhomes.

The R-2 District allows for up to 50 percent impervious surface coverage. The Excelsior Elementary site currently has 38.1 percent impervious surface coverage. The access roadway will increase the impervious surface coverage to 40.8 percent in the area of the property zoned R-2. The 339 Water Street parcel is in the B-1 District, which allows 100 percent impervious surface coverage. The impervious surface coverage on the 339 Water Street parcel will be 71.5 percent.

The applicant provided updated plans to address drainage, grading, and erosion control identified by the City Engineer. The City Engineer will provide comments on the updated plans.

Gaylord asked if the roadway into the parking lot would be bidirectional. Richards said yes, the width of the roadway is 24 feet and it will be two way.

Gaylord asked about the stone retaining wall. Richards said that the Design Standards require a boulder type wall, but the architect is proposing limestone.

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Jensen asked how tall the retaining wall is at its highest point. Cliff Buhman, the engineer for the School District, said the highest point is 8 feet tall.

Gaylord asked if a dog rail will be required for the retaining wall. Buhman said there will be a fence on the retaining wall.

Paul Bourgeois, Executive Director of Finance and Operations for Minnetonka Public Schools, said that the School Board and the District are eager to move ahead with this project so that everything is completed by fall when school starts again. He said there are approximately 185 cars that currently come to the front of the building. By splitting the cars between the two driveways it will help ease the congestion around the school. The School Board has invested significant dollars into the Excelsior Elementary site. The School District wants to be good community partners with the City. The School District has spent approximately a million dollars to put this plan in place. When it is completed, it will be one of the nicest landscaped parking areas in the City. The School District is looking forward to partnering with the City in future opportunities. The new access road will provide better access for the parents and the students. The School District has incorporated a "safe route to school" for the students, which is tied into the bike trail. Approximately 50% of the students come from one area, and the School District can assign parents to access from a specific location to segregate the traffic flows.

Gaylord asked where the trail access to the parking lot is shown on the plans. Bourgeois said that there is an 8-foot trail connection shown on the preliminary layout plan identified as concrete sidewalk.

Jensen asked that in tight budget times, is spending approximately \$1 million to do this project the best way for the School District to spend their money? Bourgeois said that the School District has separate dollars for facility and appropriations, and funding from the facility budget is what is being used to do this project. The School District has also spent \$5 to \$6 million to do maintenance on other facilities and there is an addition proposed to the middle school. The School District would not have moved forward with this project if it wasn't considered the best use of the School District's funds.

Wallace asked if the School District would continue to allow cars to access the school along Oak Street. Bourgeois said yes. Wallace asked if the students will be entering the school from two different entrances. Bourgeois said the students coming from Oak Street will access the building from the front, and the cars that access from George Street will access from the back part of the building.

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Busch asked if students will be assigned to a specific drop off location. Bourgeois said yes.

Duyvejonck asked if the School District has looked at the turning radius to make sure there won't be any issues. Bourgeois said the turning radius are about the size of a cul-de-sac, so there is adequate room for turning.

Gaylord asked where the turnaround is on the plans. Buhman identified on the plans where the turnaround is located. He noted that there is about a 30-foot radius and that can be expanded if needed.

Buhman noted that information regarding the sanitary sewer force main was adjusted on the plans to address that issue raised by the City Engineer. He noted that the School District is willing to make further changes if there are any needed.

Richards asked if the one filtration system within the island will be a rain garden. Buhman said yes.

Gaylord asked if the parking area will be gated off. Buhman said there is the capability to have two sets of gates to segregate the parking lot from the play area.

Bourgeois said the School District does not have an issue if the parking lot gets used by the public during off hours. The intent would be to have the parking lot open and available for the public to use.

Gaylord asked if there will signage to say it is available to the public during off hours. Bourgeois said the School District does not sign other locations where it allows public parking. When there are activities going on at the school, there probably won't be parking available. The East Middle School is located adjacent to the regional trail and people park there all the time to use the trail.

Morgan Dawley, City Engineer, said he reviewed the initial plans and provided comments for the applicant and Planning Commission. He said that one comment he had made on the initial plans was to provide a 5-foot buffer along the fencing and guardrail. The revised plans have just been received, so he hasn't had time to review them. He will provide a new memo on the updated plans for the Council. He noted that the School District is making a diligent effort to address all of the engineering comments, so he does not expect any real issues. The stormwater and erosion control problems appear to have been addressed in the revised plans. He noted that Chuck Rickart, WSB's traffic engineer, will address the traffic report.

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Gaylord said that in the original engineering memo there were a substantial number of requests for the applicant. He asked Dawley if there is any reason from an engineering standpoint to continue this item to the next Planning Commission meeting. Dawley said that the applicant has made efforts to address the items that have been identified, so he does not see any reason for continuing this item.

Gaylord said the lighting plan shows a light up on the hill by George Street. He asked whether the luminosity of that light would affect the structure to the left. Richards said he had looked at the fixtures in the parking lot, but not this particular light. Past experience has shown that putting shield elements within the globes can tone down the luminosity. Staff was recommending that shields be placed on several of the lights and this light could be added to the list along with the light closest to the Bird House Inn.

Carla Stueve, SRF Consulting Group, Inc., traffic consultant for the School District, stated that a number of scenarios were analyzed for accessing the site. The new access to George Street will distribute the traffic to two access points, which allows for about a 50/50 split. The traffic patterns show that all intersections will operate at an acceptable service level. During the 15 minute morning peak, there will be about a 325 foot cue. This scenario has significant benefits for accessing and dropping off students.

Gaylord said there are a lot of parents who use the Wells Fargo and TCF parking lots when they drop off or pick up their kids, which makes access difficult for bank patrons during certain times of the day. What impact will the new access route have with regard to this? Stueve said people were observed using the bank parking lots and this was contributed to the poor traffic circulation for dropping off and picking up students. The assumption is that with two internal driveways, the bank parking lots will not be used anymore.

Jensen said what happens if the new access points do not change the use of the bank parking lots. Stueve said it should improve with the two access points; it won't make it worse.

Gaylord said it seems that the bank access could be worse with the addition of the George Street access. Stueve said that it should improve, but SRF could revisit this after the access is in place.

Gaylord said he's noticed that the temporary access has not been used. Bourgeois said that the driveway was finished right before winter break, so it wasn't ready to be used until recently.

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Wallace asked if there will still be a backup on Water Street toward George Street. Stueve said yes. Wallace asked why. Stueve said the difference is that there will be vehicles turning into the site rather than going straight through and cars will have to wait to make the turn.

Wallace asked if the School District has had any discussions with Hennepin County regarding access to the site. Bourgeois said the School District has met with the County. The School District is willing to work with the County, but the County has not expressed any willingness to give the School District a temporary or permanent access. The School District has no idea when a resolution will come forward. The access to George Street from their site is across property that the School District legally owns and is available to them.

Chuck Rickart, WSB Traffic Engineer, said that SRF provided an extensive study that looked at a number of different options. He reviewed the other options, but he only provided comments on the George Street option because that is the only option the School District was looking at. The primary difference he saw in the analysis was the movements at the intersection of George and Water Street. He noted there will be more traffic coming out, which will impact the all way stop and increase the cue. He said that the median also sticks out into the road in the bank parking lot and that will need to be looked at. The times when there is school traffic in the morning should not conflict with the bank. There will be some conflicts in the afternoon, but it should not be any worse than it is today. He outlined several conditions that the City may want to impose on the Conditional Use Permit to help enhance the safety at all of the intersections.

Jensen asked if there is a backup plan if there is an issue at the George and Water Street intersection. Rickart said there are things that could be looked at, such as having off-peak parking restrictions on Water Street or having a police officer directing traffic.

Jensen asked if the School District would be open to doing these things if there is an issue. Bourgeois said yes. He noted that the Minnetonka Police Department helps the School District at three of their sites now.

Rickart said providing more signage would also help.

Jensen asked if the neighboring properties received notice of the public hearing. Staff said all properties within 350 feet of the School District's property were mailed a public hearing notice.

Richards reviewed the conditions outlined in the staff report. He said that the light at George Street and the light next to the Bird House Inn will be added to Condition #7.

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Wallace asked if people will be walking along the driveway, or would the parking lot be used mainly for overflow. Paul said yes, the parking lot will be used for overflow parking. He noted that if the gate is closed it would be alright to walk along the driveway; this would be the quickest route to a door for after hour activities.

Wallace asked if the path on the west side will be maintained. Bourgeois said yes, that path is part of the safe route to schools. It will be cleaned and plowed and students will use this as a running track.

Chair Gaylord opened the public hearing at 7:58 p.m. Hearing no comments, Chair Gaylord closed the public portion of the meeting.

Commissioner Wallace moved, Commissioner Duyvejonck seconded, to continue the public hearing to the City Council's February 6, 2012 meeting and forward the recommendation to the City Council that it approve the Conditional Use Permit subject to the following:

CONDITIONS

1. The applicant shall work with the City in utilization of the lot for community events and use of the parking during off-hours.
2. Traffic control measures including crossing guards, traffic control personnel, and/or roadway striping or parking limitations may be required by the City Council upon recommendation of the City Engineer. All traffic control measures required as a result of the permanent road access shall be paid for by the Minnetonka School District.
3. All directional signage and gating systems shall be subject to review and approval of the City Engineer.
4. The City shall require the landscape island with the filtration pond be designed with appropriate rain garden plantings subject approval of the City Engineer.
5. The applicant shall provide a tree preservation plan with a list of and map of the significant trees to be removed. If required, the applicant shall pay a tree replacement fee as provided for in Article 22 of Appendix E.

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6. The applicant shall review the plans for the filtration pond and determine if the 40 inch oak tree can be preserved, subject to review and approval of the City Forester.
7. The lighting plan shall be subject to review and approval of the City Engineer. The City shall require the globes of the three northerly fixtures, the light fixture at George Street, and the light fixture adjacent to the Bird House Inn to be designed with a full cut off lens on the side facing the trail and the townhomes.
8. Grading, drainage, and erosion control plans are subject to the review and written approval of the City Engineer and the Minnehaha Creek Watershed District.
9. All applicable permits are applied for by the applicant with all supporting documentation and issued prior to the start of construction.
10. Should any issues and costs arise with existing and proposed improvements, they shall be resolved by the applicant/owner and reviewed by the City.
11. All indirect costs with the final review and final plans shall be paid by the applicant/owner.
12. All final plans shall be submitted to the City in an electronic format acceptable to City staff.
13. The structure shall be built in accordance with the plans approved by the City Council on February 6, 2012.

Motion carried 5/0.

7. UNFINISHED BUSINESS

a. Design Standards Amendment for 404 Second Street – Brandow

Richards reported that Tim Brandow has made application for an amendment to the Design Standards review for 404 Second Street. In 2008, the applicant received approval to make improvements to the rear plaza area that included landscaping, seating areas, and parking stalls for six cars. The applicant has added a rolling gate/fence structure designed to close off the parking area in the rear of the buildings. The gate/fence is installed along

7. UNFINISHED BUSINESS

a. Design Standards Amendment for 404 Second Street – Brandow – (Continued)

the wall of M and M Auto Body at 420 Second Street and can be rolled into place to close off the plaza. The gate/fence was not approved as part of the original plan; the approval specified that the rear plaza area was to remain open. An amendment to the Design Standards is required to approve the gate/fence and allow the applicant to close the rear plaza from the East Parking Lot.

The applicant stated that when the new plaza with landscaping was created behind the buildings, a sculptural backdrop was added at the entrance to the private parking area to add charm to the rear of the lot. This functions as part of the showroom, as well as providing closure of the patio during specific times. The tenants at 205-207 and 211-213 Water Street like the addition and prefer it to be closed as it shuts out the large “unsightly” parking lot in back, as well as allowing dogs to get exercise. Occasionally, there will be events in the plaza, at which time they’d prefer the gate be closed for security and privacy. The entire gate opens easily, and within the gate there are easy ways to access doors for entry and exit.

The Fire Marshal agrees that the gate/fence could be closed and locked as long as there is a Knox Box mounted next to the gate lock to allow for access. It is further recommended that the gate/fence remain open at night after the businesses have closed.

The Design Standards indicate that the site fencing needs to be constructed of materials which are consistent with the principal structures and site furnishings and that the dominant materials be brick and wrought iron or a compatible substitute. The gate/fence is a custom design of high quality steel with wood inserts, which is consistent with the principal building.

Tim Brandow, 404 Second Street, the applicant, said that he would like permission to keep the fence in place.

Duyvejonck asked if it’s possible someone shopping elsewhere could get their vehicle trapped inside the gated area. Brandow said that the parking area is not easy to access and there typically aren’t any parking spaces available because the tenants and employees park there.

Busch asked if there is signage there now that it is reserved parking. Brandow said no, but they can put up signage.

Busch said the parking area is tucked in back there and she hadn’t really noticed it prior to doing parking counts this past summer.

7. UNFINISHED BUSINESS

a. Design Standards Amendment for 404 Second Street – Brandow – (Continued)

Gaylord asked if when the improvements were approved in 2008 the fence was not included, it was added later. Brandow said that is correct. The previous improvements focused on the front of the building, concrete pavers, and the trees.

Gaylord asked if there were different tenants at that time. Brandow said that he bought the property in 2005. He hadn't thought about installing a gate when the design was presented and he had added it later not realizing it would be an issue with the City.

Gaylord said the fence was installed without a building permit. Brandow said one of his artists came up with the idea about adding the fence and he hadn't given a thought that approval would be needed.

Staunton said the reason this came up is because of a condition that was put into the previous approval requiring that the access be left open. At that time, it was discussed that the applicant should get an easement from the neighboring property to provide access to the back area. The applicant was uncomfortable with the easement, so the condition was added. This is why it was necessary to bring this forward.

Busch said so the access into that area belongs to the neighboring property owner. Staunton said the only way to access the parking area is to cross the neighboring property. He stated that there is nothing in the City Code that prevents the property owner from fencing off the area.

Gaylord asked the applicant if he maintains the plaza area. Brandow said yes.

Jensen asked if the neighboring property has an issue with the fence. Brandow said the neighboring property owners like the fence and are happy that the area is cleaned up.

Richards asked Brandow if he is in agreement with the proposed conditions. Brandow said yes.

Commissioner Busch moved, Commissioner Duyvejonck seconded, to forward the recommendation to the City Council that it give Design Standards approval for the gate/fence at 404 Second Street subject to the following:

CONDITIONS

1. The gate/fence may be closed for special events and during the daytime when the plaza is being used for client meetings. When the gate/fence is closed it shall be kept unlocked for easy access for employees, tenants and customers.

7. UNFINISHED BUSINESS

a. Design Standards Amendment for 404 Second Street – Brandow – (Continued)

2. The gate/fence shall be left open after the close of all tenant and owner businesses.
3. In the event the gate/fence is equipped with a locking system, a fire and police emergency Knox Box with the keys to the gate/fence shall be required to be mounted by the gate door.
4. The applicant shall apply for a fence and or building permit as required by the City.

Motion carried 5/0.

b. Discuss Amendment to Article 15, Non-Conforming Buildings, Structures, and Uses

Commissioner Jensen moved, Commissioner Busch seconded, to continue this agenda item to the February 8, 2012 Planning Commission meeting. Motion carried 5/0.

c. Parking Update – Implementation

Richards said that the Council needs to establish the number of parking spaces that will be available through the payment of a parking impact fee for the upcoming year and the parking impact fee amount. The Council discussed these items at last night's Council meeting. The Council found the parking counts to be very useful. He noted that overall; the average occupancy was at 50%. He is not sure if that is a true picture; other scenarios may need to be looked at. The Council is also considering making some changes to the ordinance to shorten the time period for taking the parking counts and removing the need for Heritage Preservation Commission approval.

8. NEW BUSINESS

a. Dates for Additional Work Session(s)

The Planning Commission decided not to schedule any work sessions at this time.

9. COMMUNICATIONS & REPORTS

a. Update on Residential Design Guidelines Subcommittee

Richards said there is nothing to report; the Residential Design Guidelines Subcommittee has not met.

9. COMMUNICATIONS & REPORTS

b. Update on Green Technology Subcommittee

Richards said there is nothing to report; the Green Technology Subcommittee has not met.

c. Next Planning Commission Meeting – Wednesday – February 8, 2012

Information only.

10. MISCELLANEOUS

a. Recent City Council Actions

City Clerk Johnson provided an update on recent City Council actions.

11. ADJOURNMENT

Commissioner Jensen moved, Commissioner Busch seconded, to adjourn the meeting at 8:29 p.m. Motion carried 5/0.

Respectfully submitted,

Cheri Johnson
City Clerk