

City of Excelsior
Special Planning Commission Meeting
Minutes

Tuesday, November 1, 2011

1. CALL TO ORDER

Vice Chair Craig called the meeting to order at 5:30 p.m.

2. ROLL CALL

Commissioners Present: Busch, Duyvejonck, Wallace, Wright, and Vice Chair Craig

Commissioners Absent: Jensen and Chair Gaylord

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

3. APPROVAL OF AGENDA

Commissioner Busch moved, Commissioner Wallace seconded, to approve the agenda. Motion carried 5/0.

4. CONTINUED PUBLIC HEARING - PROPOSED ORDINANCE TO AMEND ARTICLE 43, R-2, SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT PERTAINING TO IMPERVIOUS SURFACE COVERAGE FOR SCHOOLS

Richards reported that at the October 4, 2011 meeting, the Planning Commission reviewed the request by Minnetonka Public Schools for an amendment to the R-2, Single and Two Family Residential District to allow greater impervious surface coverage for school facilities. The Planning Commission was favorable to changing the impervious surface coverage allowances for public schools as long as there was a requirement that any new impervious surface coverage runoff be treated through Best Management Practices such as rain gardens, stormceptor systems, underground storage, or the use of open cell pavers, and that the storm water systems be used as an educational programming tool for students.

Vice Chair Craig said that with the proposed language, this allowance will basically only apply to the Excelsior Elementary School.

It was noted that the "School District" should be changed to reflect "educational institution", and the words "at Excelsior Elementary" should be removed from the amendment.

Commissioners were supportive of the amendment with these changes.

4. CONTINUED PUBLIC HEARING - PROPOSED ORDINANCE TO AMEND ARTICLE 43, R-2, SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT PERTAINING TO IMPERVIOUS SURFACE COVERAGE FOR SCHOOLS – (Continued)

Vice Chair Craig reopened the public hearing at 5:39 p.m. Hearing no comments, Vice Chair Craig closed the public portion of the meeting.

Duyvejonck asked the representatives from the Minnetonka School District if the language in the amendment addresses the School District's needs. Mike Condon, Supervisor of Building and Grounds of Minnetonka Public Schools, said yes.

Richards said that the School District wants to maintain as much green space as possible.

Vice Chair Craig asked if all the other standards would stay the same; Richards responded yes.

Wallace said that he has heard that the Minnetonka School District purchased some additional property. Richards said yes, this will be discussed under the next agenda item.

Wallace said he was concerned that if the School District purchased more land it would allow them to pave more area. Richards said that the School District recommended the 50% knowing that they would have additional property.

Commissioner Duyvejonck moved, Commissioner Busch seconded, to continue the public hearing to the City Council's November 7, 2011 meeting and forward the recommendation to the City Council that it adopt the amendment to Article 43, Sections 43-4 and 43-7, with the amendments submitted at this meeting. Motion carried 5/0.

5. PUBLIC HEARING - INTERIM USE PERMIT FOR TEMPORARY ACCESS ROAD FROM MORSE AVENUE TO EXCELSIOR ELEMENTARY, 441 OAK STREET, P.I.D. #34-117-23-14-0032 AND 34-117-23-14-0073

Richards reported that Mike Condon, on behalf of Minnetonka Public Schools, is requesting an Interim Use Permit for a temporary access road to Excelsior Elementary from Morse Avenue. He noted that an interim use permit allows a use with a date certain for the use to discontinue. The road would utilize the existing roadway that accesses Morse Avenue on property owned by Xcel Energy, through a portion of the former lumber yard parcel at 339 Water Street now owned by the School District to the north edge of the Elementary School yard. The roadway would be utilized on a temporary basis to relieve traffic congestion on Highway 19 in front of the Excelsior Elementary School. It is the long term intent of the School District to secure a permanent access from Morse Avenue into the Excelsior Elementary School property.

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Richards said that the existing buildings on the former lumber yard parcel and the Hennepin County site at 337 Water Street were demolished the week of October 24, 2011.

He noted that the roadway would be a gravel surface until it reaches the existing bituminous path within the Excelsior Elementary site and it would be a one way configuration toward the school and would enter the existing parking lot just north of the school building.

No access would be permitted from Water Street through Hennepin County's property at 337 Water Street. A fence will be placed at the joint property line. The temporary road will be gated at the point where the roadway enters into the School District property at 339 Water Street and at the entrance to the Excelsior Elementary property at 441 Oak Street. A six foot chain link fence is to be placed along the entire length of the roadway within the Excelsior Elementary property to separate the play area from the access road.

The plans show signs at the roadway entrance on Morse Avenue and at the point where the roadway leaves Xcel's property and enters the parcel at 339 Water Street. The signage will provide the hours in which the gates will be open and when access will be allowed for drop off and pick up of students.

In the long term, the School District intends to utilize the former lumber yard parcel at 339 Water as a parking lot and a permanent access roadway from Morse Avenue. A permanent easement through the Lyman parking lot to provide the necessary access from Morse is yet to be resolved. A conditional use permit will need to be considered by the City when the School District finalizes its plans for the permanent parking and roadway.

The Excelsior Elementary site at 441 Oak Street is zoned R-2, and temporary structures/roadways are permissible by interim use permit. No major issues were identified when staff reviewed the standards for issuance of the interim use permit. The former lumber yard site at 339 Water Street is zoned B-1, Central Business District. The roadway is allowed by administrative permit in that district. The Xcel Energy site at 352 Morse Avenue is zoned B-3, Office Residential District in which the roadway is also allowed by administrative permit.

The School District has provided an executed copy of the access agreement with Xcel Energy for the roadway access through their property. The School District has also provided a traffic study for the temporary roadway, which was reviewed by the City's consulting engineer, Chuck Rickart of WSB and Associates.

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Richards said that the R-2 District allows for up to 35 percent of the site as impervious surface coverage and the Excelsior Elementary site is currently at 38.1 percent. The access roadway will increase the impervious surface 1,046 square feet for a total coverage of 38.3 percent. The Planning Commission forwarded a recommendation to the City Council in the previous agenda item for an amendment to the R-2 District to allow impervious surface coverage up to 50 percent for school facilities. Approval of the interim use permit shall be made contingent on the City Council adopting the Ordinance amendment to increase the impervious surface coverage for schools.

The applicant has submitted plans for drainage, grading, and erosion control. The City Engineer has reviewed the plans and provided comments and conditions. It was noted that the School District is meeting the Best Management Practices (BMP's) even though the ordinance amendment is not in place.

Mike Condon, Supervisor of Building and Grounds of Minnetonka Public Schools, said that the School District is working with Xcel Energy on the signage listing the times the temporary road will be open for use. The School District has also secured an easement with Xcel Energy to use their property through June 2013. The School District is working with City staff and Hennepin County on a permanent ingress and egress plan. The School District has hired SRF Consulting Group, Inc. to study the traffic and circulation, and SRF and the School District are working closely with WSB. The intent is to get through the winter season while working with everyone on a permanent solution.

Carla Stueve, SRF Consulting Group, Inc. reviewed the traffic analysis that was completed which included a summary on the current conditions and existing traffic operations, and an analysis of specific intersections during the peak school period.

Duyvejonck asked what the length of cueing space would be from the proposed route versus the current route. Stueve said there will be a slight decrease in the cueing with the new plan.

Wallace asked if the north parking lot currently used by staff is large enough for a turnaround. Stueve said there would be adequate space for a turnaround.

Wallace asked why put in a temporary road if there is adequate space to do a turnaround? Condon said the School District wants to look at that in the long range plan, but now through the agreement with Xcel there is not enough space for a turnaround.

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Condon said that the School District met with the Minnehaha Creek Watershed District and they are in support of the project and agree with the BMP's. The School District has also put together short term BMP's to address dust control.

Wallace asked for Condon to provide more information on the School District's long term plans. Condon said the School District has had preliminary discussions with Hennepin County and the City. The traffic study that was completed is Phase I. The School District will be conducting a second phase, which incorporates a turnaround area and will look at a number of different options. He noted that there may be an opportunity to purchase more property or get an easement with Hennepin County.

Duyvejonck asked the SRF traffic engineer to address why there were more areas with a designation of "ds" in the proposed traffic pattern than with the current traffic pattern. Stueve said the biggest impact is on Water Street because more traffic will be directed onto that street, but overall the traffic pattern will operate at an acceptable level of service. The new library access proposed in the future looks worse than what it really is because there is no access there now. Traffic levels rated from a through d are actually good. The biggest change between the existing and future traffic patterns was with cueing.

Chuck Rickart, the City's consulting traffic engineer with WSB & Associates, said that SRF did a good job with the traffic study. An area of concern he has is the cue on Water Street and how that will impact Water Street and the driveways along that street. With this being an Interim Use Permit, the City and School District will be able to see how this will really work. If the cue starts to back up too far and gets too close to Oak Street/County Road 19, the School District might need to have a police officer direct traffic at George Street. This could be a condition of approval with City staff making the determination. The cue in the morning will have the largest impact. In general, he thinks everything was good and that internal circulation will improve drastically.

Vice Chair Craig asked how this will affect the new office building on Morse Avenue. Rickart said that the traffic would occur early in the morning so the office complex probably won't be busy at that time of the day.

Duyvejonck said that it will impact the bakery, the Pump, and others trying to get out of Excelsior to get to work. The congestion will move to new areas and surprise everyone, especially that first week when the traffic pattern

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changes. Rickart said the traffic will be opposite the commuter traffic, so they really shouldn't be impacted. He noted that the traffic circulation at Highway 7 and County Road 19 may actually improve.

Busch said that she has seen the Second Street exit get backed up. Rickart said he did not look at that, but it's not a huge number of cars so it probably won't be an issue.

Wallace asked about the cars going west on Highway 7 and exiting onto Morse Avenue. Rickart said that the traffic shouldn't create any issues.

Duyvejonck asked about the vehicles coming west into Excelsior. Stueve said there are approximately 75 extra vehicles and it doesn't appear that it will be an issue.

Paul Bourgeois, Executive Director of Finance and Operations, Minnetonka School District, said that a lot of the traffic is coming from Mill Street to Third Street. This traffic will be directed from Third Street onto Morse Avenue, versus backing up on Highway 7.

Vice Chair Craig opened the public hearing at 6:21 p.m. Hearing no comments, Vice Chair Craig closed the public comment portion of the meeting.

Wallace asked what the plan was with regards to restriping Water Street. Stueve said the recommendation would be to stripe Water Street at George Street so it is two lanes wide to Third Street and then limit the parking on Third Street.

Duyvejonck asked what would be the reasoning for having two lanes on Water Street from George Street. Stueve said the idea is to move the cars through that area quicker. It's also possible to have two lanes at George Street and then taper the lane into one by Third Street.

Richards said there are very few parking spaces on Water Street closer to Third Street, so those parking spaces could be eliminated.

Wallace said he would be concerned with having two lanes along Water Street with the trail and the crosswalk there. It will be more difficult to see the kids if the cars are two wide. Stueve said this will need to be looked at.

Richards said the nice thing with doing this as an interim use is that they can study this and do more reviews on the traffic before it is allowed on a

permanent basis.

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Vice Chair Craig asked if there can be a condition that requires the School District to come back if there are issues. Richards said that the Commission can discuss this when they review the conditions. Maybe condition #5 can be rewritten to address this.

Vice Chair Craig asked if it is possible to say that an interim use ceases if it's not working. Staunton said that an interim use permit terminates upon the specific date that is established or if there is a violation of the conditions. He noted that the conditions would need to be crafted so everyone understands the expectations.

Wallace asked if there are issues on Oak Street with traffic on how it's currently set up. Stueve said that currently Oak Street is not the main problem. Parents enter off Oak Street, drop off, and exit back on Oak Street. She said that there are some backups from Highway 7 to Oak Street, but it is not significant. There are some cueing issues though from Oak Street to Water Street. The internal circulation is more of a problem for the school with the buses and making the turnaround in the back parking lot. It is much safer if the buses can be separated from the drop off and pick up points.

Wallace said if the turnaround is the issue, why not make a turnaround on the new site.

Bourgeois said that the School District is working on a final solution and hope to have it in place before the next school year. There are several options being studied. The ingress will help alleviate some concerns and backups with the cueing on Highway 7. This temporary access is not the School District's first choice, but they haven't been able to get an easement from Hennepin County or Lyman Lumber Company. There are also multiple turnaround sites being considered in the long range plan.

Duyvejonck said that she can see why another solution is desired, but she's not sure this solution is better than what is currently done. She is nervous because the new route will distribute traffic to other areas of the City where traffic may be more problematic. She has some concerns with the proposed ingress.

Busch said maybe the City can allow a shorter time period to see how it works. She asked if the interim use permit is approved, how soon the temporary access will open. Condon said the School District hopes to begin working on the temporary road as soon as possible.

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Busch asked how long the work will take. Condon said about two weeks. The hope is to have the access road open around Thanksgiving.

Wright said the School District has done a great job looking at all the angles. This will be a good test to see how this works and get feedback.

Vice Chair Craig said she has some of the same concerns raised by Duyvejonck.

Richards reviewed the conditions outlined in the staff memo.

Wallace asked why the City should allow the interim use permit until June 16, 2013 when the School District wants to have the permanent road in place sooner. Bourgeois said that the School District wants to have a solution in place by September 2012, but if something happens and they can't meet that timeline they would need to come back to the City for an extension.

Vice Chair Craig said the School District doesn't expect any growth, so the conditions shouldn't get any worse. Condon said that is correct; there shouldn't be much change in enrollment from what exists now.

Duyvejonck asked why the rush this year when the School District knows that there may be a better improvement next spring. Bourgeois said the School District has had complaints from parents regarding the traffic issues. Initially the School District had started this endeavor last March, but the process slowed down with the Lyman Lumber bankruptcy. He said that the School Superintendent, Dennis Peterson, promised the parents that the School District would try to get something done at least temporarily.

Busch said there are other alternatives but they all take time to accomplish. Bourgeois said that is correct. When Lyman Lumber sold the site to Hennepin County for a new library there was a condition that an easement is incorporated for the parcel that the School District purchased, but the County has refused to record the easement.

Duyvejonck said she feels like this is being rushed and forced and things are not in place to know that this will improve the current traffic issue. She suggested that maybe the Commission should not cancel their regular meeting for Wednesday, November 9, 2011 to continue the discussions.

Commissioner Busch moved, Commissioner Wright seconded, to continue the public hearing to the City Council's November 7, 2011 meeting, and forward the recommendation to the City Council that it approve the interim use permit for the School District with the following conditions:

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1. The use of the temporary road shall cease on June 15, 2012 unless an extension is granted by the City Council. If the City Council determines that the temporary roadway access causes traffic or safety issues, and traffic control measure are deemed ineffective, the City Council may set a date prior to June 15, 2012 for the use of temporary road to cease.
 2. No access shall be permitted from Water Street through the property at 337 Water Street. A fence shall be placed and maintained at the property line between 337 and 339 Water Street.
 3. All directional signage and gating systems shall be subject to review and approval of the City Engineer.
 4. The City Attorney shall review and comment on the executed copy of the access agreement between the School District and Xcel Energy.
 5. The findings and the recommendations of the Excelsior Elementary School Traffic and Circulation Study shall be subject to the review and approval of the City Engineer. Once the temporary road has been placed into operation, traffic control measures including crossing guards, traffic control personnel, and/or roadway stripping 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 temporary road access shall be paid for by the Minnetonka School District.
 6. Grading, drainage and erosion control plans are subject to the review and written approval of the City Engineer and the Minnehaha Creek Watershed District.
 7. Approval of the interim use permit shall be contingent on adoption of an Appendix E amendment allowing an increase in impervious surface coverage for educational institutions in the R-2 Single and Two Family District.
 8. All applicable permits are applied for by the applicant with all supporting documentation and issued prior to the start of construction.
 9. The structure and site improvements shall be considered in accordance with plans approved by the City Council.

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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.

Vice Chair Craig said she is not sure that this plan will ease the traffic congestion. Busch said at least this will give the School District an opportunity to try this to see how it works.

Motion carried 3/2, with Commissioners Duyvejonck and Vice Chair Craig voting nay.

Commissioner Duyvejonck moved, Commissioner Busch seconded, to appoint Dan Wallace to be the Planning Commission liaison for the November 7, 2011 Council meeting. Motion carried 5/0.

Commissioner Duyvejonck moved, Commissioner Busch seconded, to cancel the Planning Commission's November 9, 2011 meeting. Motion carried 5/0.

6. Adjournment

Commissioner Duyvejonck moved, Commissioner Wallace seconded, to adjourn the meeting at 6:55 p.m. Motion carried 5/0.

Respectfully submitted,

Cheri Johnson
City Clerk