

**CALL TO ORDER:** Chairman Werneiwski called the meeting to order at 7:00 p.m.

**PRESENT:** Chairman Bob Werneiwski, Commissioners Kent Carlson, Scott Hemink, Walter Linder, John McGary and Pete Onstad

**ABSENT:** Commissioner Barbarajean Brandt

**OTHERS PRESENT:** Council Liaison Josh Hackney, Zoning Coordinator Gus Karpas and Doug Carter, Bolton and Menk

**MINUTES OF December 21, 2010**

Motion by Commissioner Carlson, seconded by Commissioner Werneiwski, to approve the minutes of December 21, 2010 as presented. Motion carried 6-0.

**PUBLIC HEARINGS**

**Variance/Special Use** – Variance request of Minnetonka Public Schools to exceed the maximum permitted impervious surface area and a Special Use request to alter the grade by more than one foot for the construction of a new driveway along the north side of the Deephaven Elementary School at 4452 Vinehill Road.

Zoning Coordinator Karpas presented his staff report.

Mike Condon, Minnetonka Public Schools, said the process to develop the plan has taken over a year and has included city staff and public safety officials. He said they discussed a number of different options including a turn lane on the west side of Vinehill Road, using the existing driveway across the LRT and trying to use the existing configuration. He said the potential turn lane was unfeasible due to the location of the existing building and the Railroad Authority would not grant an easement to use their property.

He said the proposed plan would create a way to remove traffic off of Vinehill Road and allow the “stacking” of over 70 vehicles. He said it would also control the flow of traffic by controlling how vehicle enter and exit the property.

Commissioner Carlson asked about the approximate number of vehicles the school has each day. Mr. Condon said he’s unclear exactly how many come through in the afternoon, but counts show about 60 in the morning. Commissioner Linder asked how accurate that count was. Mr. Condon said it’s based on three days of counts. Carlson asked how many students were enrolled in the school. Mr. Condon said about 600. Commission Hemink asked if the number of drop offs are due to open enrollment. Mr. Condon said Deephaven has the lowest open enrollment numbers in the District. Commissioner Carlson asked if there would be an anticipated increase in the number of drop offs with the proposed improvements. Mr. Condon said he couldn’t answer that for sure, but there has been a noticeable drop in traffic disruptions on the other sites where improvements have been made.

Commissioner Linder asked if traffic could turn into the proposed turnaround from both directions. Mr. Condon said yes and that there will be a center median that keeps the traffic moving. The Commission discussed the proposed plan, concerned that it appeared the

proposed one way concept could be circumvented by using the center entrance off Vinehill Road and questioned how that could be stopped. Mr. Condon said he understood the confusion since the plan submitted to the Commission appeared to be in error and that the proposal was to have a two lane one way going from north to south.

Commissioner Linder said he was concerned about the proposed level of impervious surface and the design which lends itself to being circumvented by people in a hurry. Commissioner Onstad agreed, noting people will want to get in and out in a hurry in the morning. He surmises the loop would be more widely used in the afternoon, during pick up.

Commissioner Linder asked what would prevent people from using the north entrance and taking an immediate left, avoiding the loop all together. Cliff Buhman, Inspec Engineering, said there's always going to be an opportunity to circumvent the process unless there is strict enforcement.

Commissioner Hemink said there appeared to be a loss of parking along the north side of the building. Mr. Condon said there would be a total loss of nine parking spaces. He said that during normal usage those spaces would be made up elsewhere on the property. He said the proposal would also provide additional parking for special events. Hemink noted that it would appear a number of vehicles would be "trapped" on the road. Mr. Condon said parking would be restricted to one side.

Commissioner Carlson asked about how the buses would enter in the proposed scenario. Mr. Condon said the buses would be stacked on the east side of the property and stated the goal was to have 100% separation between cars and buses. Chairman Werneiwski said he's trying to understand exactly what is being proposed since the discussion doesn't follow the plan submitted to the Commission.

Commissioner Linder asked for clarification on the proposed topography. Mr. Buhman discussed the proposed topography and drainage. Linder asked about the proposed location of the road in relation to the existing fence. Mr. Buhman said the road would end basically where the existing fence is located.

Commissioner Hemink asked about the bluff on the north side of the project and the existing gravel road on the backside of the project. Mr. Buhman said the bluff would be restored and that the road would dead end at the proposed retaining wall.

Commissioner Onstad asked what safety precautions would be taken due to the height of the proposed walls. Mr. Buhman said there would be a six foot fence on top of the wall.

Commissioner McGary asked if there had been a tree inventory done of the project and how the project would impact trees on the adjacent property to the north. Mr. Buhman said there was and discussed the potential loss of trees on the school property and said there was no anticipated loss of trees on adjacent properties. McGary feels there would be some loss of trees on adjacent properties based on the nature of the property. Mr. Condon said the tree survey was done based on the construction limits of the property.

Commissioner Linder asked about the proposed retaining walls. Mr. Buhman said they would be just over fifteen feet at their highest point in the middle of the proposed project. Linder asked

what types of additional barriers there would be to prevent vehicles from falling over. Mr. Buhman said there would be curb and gutter and fencing. Commissioner Carlson asked if it would be chain link fencing. Mr. Buhman said it would be heavy duty fencing.

Mr. Buhman discussed the proposed lighting, noted its impact would be muted since it would be located in a heavily wooded area. He said the light would not spread outside of the property. Commissioner Linder asked if the lights would be left on all night. Mr. Condon said they would be turned off between ten and eleven p.m.

Commissioner Hemink expressed concern about the height of the retaining walls and the potential hazard it presented to kids trying to climb them.

Commissioner Linder asked about the proposed cost of the project. Mr. Buhman said the District has budgeted about \$500,000 for the project, though it may be lower due to the economy.

Commissioner McGary asked how fast the vehicles would move through the process. Mr. Condon said based on history, the drop off and pick up times have been reduced by more than half. Commissioner Carlson asked if there had been any study on the time impact an improvement like this has. Mr. Buhman said not officially. Mr. Condon said the other schools with similar projects initially had additional staff out directing traffic, but found they were unnecessary after about a week. Mr. Buhman said they were surprised on how quickly people adapt.

Commissioner Hemink asked about snow removal. Mr. Condon said there was a large swale at the end of the cul-de-sac which was at grade with the road.

Commissioner McGary asked about the capacity of the school. Mr. Condon said between 630 and 660 students.

Chairman Werneiwski opened the public hearing.

Molly Anderson, 19725 Cottagewood Road, would love to see the traffic issue rectified, but commented that about five years ago the District spent a lot of money to deal with the parking issue and it still hasn't improved. She said the proposal seems to be monumental overkill. She would like to see the existing asphalt used in the solution instead of adding more hardcover to the site. She sees the issue as one of circulation, not a lack of hard surface. Ms. Anderson commented on the number of buses that serve the school, only ten, and not all there at the same time. She feels there could be some coordination between the buses and private vehicles.

She said she has never noticed school staff out directing traffic and thought that could help the situation. Mr. Condon said he didn't know the procedure at the school, but believes staff is helping. Ms. Anderson asked if there were other alternatives discussed, such as adding another entrance. Mr. Condon said another entrance was discussed along with creating a bus loop on the south side of the property. He said those options led to more loss of parking on the site.

Ms. Anderson doesn't see a reason why the existing the existing stretch of asphalt that runs the whole distance of the school can't be used to get vehicles off of Vinehill Road and feels the cost of the proposal is too high.

Hearing no further public comment, the public hearing was closed.

Commissioner Hemink sees a need to solve the traffic problem and he can appreciate the challenges the school faces in addressing it. Though he prefers using the access across the LRT, he understands that is out of the schools control. He's concerned with the amount of proposed impervious surface and the loss of mature trees. He's also believes the height of the proposed walls creates a safety issue, especially during the weekends. He doesn't want a situation where one problem is solved, just creating another one.

Commissioner McGary agrees with the comments of Commissioner Hemink. He feels there is an opportunity to find a different way around the problem. He's opposed to the loss of mature trees and the project as presented.

Commissioner Onstad has some real concerns about the visual impact of the retaining walls from Minnetonka Boulevard. He believes the cut back in funding has forced more parents to drop their kids and he's not totally convinced that all the traffic will abide by the one way design. He noted the comments submitted by the Engineer have not been discussed. Mr. Buhman said he has sent the additional information requested by the Engineer in for his review.

Commissioner Carlson said he was a little confused since the presentation did not match the plans submitted. He said he supports the idea of fixing the problem, but feels the plan before the Commission is not accurate. He would like to fully understand the capacity issues and feels the applicant should submit information from a traffic engineer. He said he would like to see an accurate plan and more renderings showing what the proposed walls would look like from trail and the playground area. He would also like to understand the impact of the trees and stormwater runoff. He commented there is a difference between drainage in the middle of the summer and drainage during the beginning of spring. He is supportive of the idea, but not sure the proposed plan is the right solution.

Commissioner Linder appreciates the need for a fix to the problem but hasn't heard anything presented tonight that would indicate that the proposal is a viable and effective solution. He is also very concerned about the additional hardcover.

Chairman Werneiwski agrees that the proposed solution to the problem may be overkill. He's not as concerned as others about tree removal or visual impact, but would like clarification of traffic flow. He feels a more detailed plan could be defended versus what was presented tonight which did not match the plan submitted to the city. He's generally supportive of the request, but would like to see a final plan which is accurate.

Chairman Werneiwski commented that it did not appear the proposal had the support of the Commission and discussed the options available to the applicant. Mr. Condon said he would like to continue the plan until the next meeting and agreed to waive the 60 day requirement.

## **OLD BUSINESS**

**Ordinance Amendment** – Discuss Liquor Ordinance, including the proposed definitions (470.01), Provisions of State Law Adopted (470.02) and Application for License (470.04).

Zoning Coordinator Karpas discussed the previous changes to the ordinance and asked if there were any additional changes the Commission would like to make before proceeding onto the definitions portion of the ordinance.

Commissioner Carlson noted that the maximum permitted alcohol percentage for On-Sale Wine Licenses was 14%. Anything above that percentage would require an Intoxicating Liquor License. Karpas said he would make the change. Karpas also noted that the Commission needed to determine the number of Off-Sale licenses they were willing to permit, since it was not clear at the last meeting how many the city could issue. The Commission agreed to permit three such licenses.

The Commission discussed the definitions in the ordinance. Commissioner Linder said he was unclear if the term Applicant included corporations and other commercial entities. The Commissioner discussed whether person meant a qualified person who is a member of a corporation. Commissioner Carlson noted that a license needs to be transferred in the event a business is sold. Commissioner Onstad noted that the City of Excelsior's ordinance requires that the license be issued to a manager of a corporate entity. The Commission agreed to use the language from Section 470.04(i) as the definition of Applicant.

The Commission had no changes to the definitions of Application, Display, Financial Interest or Intoxicating Liquor.

The Commission has a slight change for the definition of License, flipping the words applicant and permitting and removing the term him.

There were no changes to the definitions License Fee and Licensee, though there was some discussion on whether the applicant could be a corporation.

The Commission changed the term "alcoholic beverages" to "intoxicating liquor" in the definitions of Off-Sale, On-Sale and Package.

The Commission changed the minimum number of guests required to qualify for a license as a restaurant from 30 to 10.

There were no changes to the definitions of "State Established Legal Drinking Age or Wine."

The Commission asked staff to research what exactly the state regulations were for issuing an application to a corporation and whether it could issued directly to a corporation or whether it had to be issued to a specific person within that corporation.

## **LIAISON REPORT**

Council Liaison Hackney said the Council unanimously approved the variance request by Mark and Gina Wheaton to replace the roof on a non-conforming structure.

## **ADJOURNMENT**

DEEPHAVEN PLANNING COMMISSION

TUESDAY JANUARY 18, 2011

7:00 P.M.

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Motion by Commissioner Werneiwski to adjourn the meeting. Commissioner Onstad seconded. The motion carried 6-0. The meeting adjourned at 9:00 p.m.

Respectfully submitted,  
Gus Karpas  
Zoning Coordinator