CHASKA PLANNING COMMISSION
MINUTES
JUNE 8, 2022

1. Call to Order
Chairperson Dahlke called the meeting to order at 7 pm.

2. Roll Call
Roll call was taken. Members present: Commissioners Brass, Olson, Gaare, Urbanski, Baswa, and Chairperson Dahlke.

Members absent: Commissioners Lacey and Rylee

Also present: Nate Kabat, Community Development Director (video conference); and, Liz Hanson, City Planner.

3. Adopt the Agenda
Chair Dahlke noted that he would like to add an agenda item related to e-mail communication with staff under #8.

Motion by Commissioner Brass, second by Commissioner Urbanski to adopt the agenda, as amended.
Motion carried.

4. Visitor Presentation
No one appeared under Visitor Presentation.

5. Approve Previous Meeting Minutes
a.Approve the May 11, 2022 Planning Commission Meeting Minutes

Motion by Commissioner Olson, second by Commissioner Aasen, to approve the minutes of the May 11, 2022 Planning Commission meeting.
Motion carried.

6. Consent Agenda
Commissioner Olson noted that he would need to recuse himself from voting on item 6.c., but would like to ask staff a few questions related to traffic control. He asked at what point in time does the City designated where stop signs will go for these new developments, such as Oak Creek and both D.R. Horton developments.

City Planner Hanson stated that the City Engineer and Public Works crews would go out and evaluate those sections. She noted that they look to see if there are obvious signs that this is needed, but sometimes this evaluation takes place after the fact so they can see the traffic movements.

Commissioner Olson asked about sidewalks, specifically for Oak Creek, and how they would be maintained and controlled with the platting, for example, which side of the street. He gave the example of a City-owned lot right next to the sidewalk and questioned if that meant the City would be responsible for it and asked specifically about the long stretch that will have sidewalks on both sides of the street.

City Planner Hanson explained that typically the owner of the adjacent lot would maintain the sidewalk that is in front of them. She noted that there will be a portion that will be maintained by the homeowners along that stretch, but the remainder would fall on the Jonathan Association as the HOA of the developer.

Commissioner Olson commented on item 6.e., and explained that when this came through Planning and Concept, the traffic to the north was his big concern. He stated that at the Preliminary phase it was stated that the Commission could not make it a condition that they would have to work with the neighbors to the north to identify a solution to the problem and was only able to make this a recommendation. He noted that 6 months have passed and the City hasn't done anything and it wasn't until the neighbors were informed that this was coming for Consent that they were even notified of anything. He stated that he is disappointed in the City for not using this time in order to find a solution for resolution of the whole project so everyone can walk away knowing that they are being taken care of. He stated that to the Commission, 'Final' means that everything is final and all the T's have been crossed and the I's dotted, but this is one thing that still remains open and has since the Concept phase. He reiterated that he is disappointed in City staff for not addressing this over the last 6 months while Costco and the developers were coming through and addressing concerns within their property but not working with staff to address the issues with traffic with the neighbors to the north. He stated that he will be voting against that item because of staff's inability to take action in a timely manner.

Community Development Director Kabat stated that he does not feel it is accurate to say that staff has done nothing in this time period. He explained that while he would agree that it had not been resolved yet, staff has been working with MnDot. He stated that part of the challenge on this piece of property is that this is MnDot's road which means the City needs to work through their process in order to find a resolution. He stated that he would like it to be understood that staff has not been sitting on their hands and not doing anything but acknowledged that he understood Commissioner Olson's frustrations with the situation.

Chair Dahlke noted that the Commission would pull items c. and e. for separate votes.

Motion by Commissioner Brass, second by Commissioner Baswa, to approve the Consent Agenda items a, b, and d, as follows:

a. Recommend Approval of the Final Site & Building Plan and Final Plat for Cantissimo of Chaska/Anasazi Holdings/PC #2022-34
b. Recommend Approval of the Final Plat for Ensconced Woods/Johnson-Reiland Builders & Remodelers/PC #2022-37
c. Recommend Approval of the Final Plat for Oak Creek/DR Horton/PC #2022-39 - (Pulled for separate vote)
d. Recommend Approval of the Final Plat for Rivertown Heights/DR Horton/PC #2022-38

e. Recommend Approval of the Final Site & Building Plan and Final Plat for Oak Ridge/RCS-RCA Oak Ridge LLC/PC #2022-36 – (Pulled for separate vote)

Motion carried.

Motion by Commissioner Brass, second by Commissioner Urbanski, to approve Consent Agenda item:

c. Recommend Approval of the Final Plat for Oak Creek/DR Horton/PC #2022-39

Motion carried 6-0-1 (Commissioner Olson abstained)

Motion by Commissioner Urbanski, second by Commissioner Gaare, to approve Consent Agenda item:

e. Recommend Approval of the Final Site & Building Plan and Final Plat for Oak Ridge/RCS-RCA Oak Ridge LLC/PC #2022-36

Motion carried 6-1 (Commissioner Olson opposed)

7. Action Items

A. CONTINUED FROM MAY 11, 222 PLANNING COMMISSION MEETING: Recommend Approval of the Concept Plan for Block 42 in Downtown Chaska/Community Asset Development Group/PC #2022-30

City Planner Hanson presented the item to the Commission and noted that if recommended for approval, this item will be before the Council on June 20, 2022.

Commissioner Olson stated that this represents a significant change from the first presentation and the developer took some input from the parish on what direction they would like to go. He stated that he wanted to commend them for listening even though some of the decisions were not easy to make.

Dave Pokorney, Community Asset Development Group, explained that their three goals were to work with the church so they could continue to be viable, preserve the school buildings, and to come up with a project that supported the economic vitality of downtown while having the project remain economically viable. He noted that one thing that is a change in the plan that he does not want people to miss is that the alley will be shifting over about 20 feet in order to create space for parking.

Chair Dahlke stated that it is clear to him that there was a lot of compromise and work done in order to come up with this proposal. He stated that he understands it is not necessarily what Mr. Pokorney would prefer, but thanked for him for his work.

Commissioner Brass noted that this is a drastic change from what was presented at the last meeting which is not seen very often. He stated that it was nice to see that they listened to the voices of the people and the recommendations from staff and the Commission.

Commissioner Urbanski stated that this plan also saves the school which he is happy to see because once you start losing things like that, you lose the culture of the community.

Motion by Commissioner Urbanski, second by Commission Aasen, to recommend to City Council approval of the Concept Plan for Guardian Angels School & Convent Buildings and Block 42, subject to the following conditions:

1. Approvals shall be based on the following graphic exhibits:
    a. Concept Plan (pgs 1-14), submitted by Community Asset Development Group
2. Adherence with the City Engineer's Memo dated May 11, 2022.
3. Creation of a high-quality outdoor gathering space for the office use and to be shown at preliminary submittal.
4. Provision that the storage use is ancillary to the principal use in the convent building.
5. Provision that a definitive agreement, end user/owner, and defined uses occupying the gym space to be specifically defined at preliminary submittal.
6. Adherence to the City's Boulevard Tree Policy and local street section design.
7. Prior to final plat approval, developer shall enter into an agreement with the City for the provision of necessary infrastructure and associated development costs.
8. Provision of a storm water management plan meeting City and Carver County WMO standards.
9. Provision that Planting Islands Section 15.28.070.E4 will be met.
10. Provision that all multi-family uses meet Usable Open Space Section 15.28.120.F1. and be addressed at preliminary submittal.
11. Provision of a parking analysis be provided for the gym and office uses on where parking stalls will be accommodated, and to be submitted at preliminary submittal.
12. Provision that Section 15.28 Special Regulations of the zoning ordinance is complied with in full.
13. Provision to further explore 'paseo' concepts through the site and to be addressed at preliminary submittal.
14. Provision to further evaluate screening along the edges of the site and parking areas, and to be addressed at preliminary submittal.
15. Provision to provide a more detailed analysis of the 12 apartments parking stalls on the alleyway in terms of ownership/maintenance, snow removal, and designated signage, and to be addressed at preliminary submittal.
16. Provision to provide a more detailed analysis of the alleyway and who will be owning/maintaining it, and to be addressed at preliminary submittal.
17. Provision of a detailed analysis of the lot width and setback provisions for the site and the reasoning of such, and to be addressed at preliminary submittal.
18. Provision that the single-family homes meet R-2 zoning standards.

Motion carried.

B. <u>PUBLIC HEARING: Recommend Approval of the Final Site & Building Plan and Variance for Clover Ridge Apartments/AV Development/PC #2022-35</u>

City Planner Hanson presented the item to the Commission and noted that if recommended for approval would come before the City Council on June 20, 2022.

Commissioner Olson stated that it looked like they were using the precedent of Pioneer Vista as justification for granting the variance to the setback and asked how much of Pioneer Vista actually encroaches on the 20 feet. He noted that staff had also mentioned the two apartment complexes that are by Clover Ridge Elementary, which he feels is a completely different dynamic because now it is more in the 'close-knit' dynamic of Clover Ridge and you cannot drive fast there. He stated that he did not think using the three examples given by staff are reasonable to be used as precedent for what is before the Commission, which is a four-story apartment building. He stated that he does not believe it is reasonable to grant the variance for the size of the building because they had the opportunity to make a change. He stated that the building has not changed much from the Concept Phase to the current proposal and the Commission was not informed that a variance would be needed until tonight's meeting. He stated that now the Planning Commission has been put in a very difficult position and is being asked to make a decision on something that could have been addressed earlier on in the process. He stated that the most important thing is how much usable space there is and he feels with this project as well as others, the buildings are just too big for the size of the lot they are on. He stated that he feels it all comes down to interpretation and staff has said it meets the 'intent' but, to him, looking at what is written in the Zoning Ordinance, he feels it does not match or fit. He stated that he feels showing the actual numbers tonight shows how deficient they actually are. He stated that he believes there is enough here to make him question how it got to this point. He stated that this is supposed to be dotting the I's and crossing the T's, but he feels there is still a lot of questions and concerns about this request for a variance when the developer had the ability to adjust the size of the building to simply meet the standards.

Chair Dahlke stated that he recalled the variance being discussed last time so he would disagree with Commission Olson on that point. He noted that Commissioner Olson was the one who made the motion to approve the Preliminary Plan and nothing has changed since that point.

Commissioner Olson agreed that he had made that motion but pointed out that one of conditions was in relation to size. He stated that the developer simply changed the optics of the building and did not change the size. He explained that he had felt a little bit coerced because of the comment made by Chair Dahlke questioning whether he should recuse himself from this topic even though he was not within the boundaries, nor did staff ask him to recuse himself. He explained that this was why he had felt a little bit of pressure based on that comment, but with the condition included that they were supposed to address the size, he felt a bit more comfortable because he thought the building size would be adjusted in order to meet the setback. He referenced the previous agenda item where the developer went back and listened to the concerns and recommendations and changed their proposal where this applicant has not and now they are just asking the City to provide a variance so they can just continue with what they want to do.

Commissioner Brass asked what the actual deficiency is on the open space.

City Planner Hanson stated that it is closed to 33,000 square feet.

Commissioner Brass confirmed that this is being addressed because of the wetlands to the west as truncating the usable portion of the site. He stated that it should also be known that the Commission has all seen the correspondence from Wade Sorenson He noted that with regard to the setback, he asked if he was seeing this correctly, that with the way he is reading through this information is that if they just arbitrarily chopped off 22 feet of the building, everything would be fine because it meets the ordinance.

Commissioner Olson agreed because it would meet the ordinance.

Commissioner Brass asked if the major discussion point was safety or just meeting the ordinance.

Chair Dahlke noted that he drove the site and thinks that the safety issue is non-existent.

Commissioner Brass noted that, to him, the amount of setback feels arbitrary in nature and wanted to understand what the argument would be for why the Commission would not approve the variance. He stated that he would like to be convinced on why he should not vote in favor of this.

Chairperson Dahlke opened the public hearing at 8:05 p.m.

Wade Sorenson, 1456 Sofia Drive, noted that there are two variances being discussed, but believes only one is on the table for tonight.

Chair Dahlke confirmed that this was correct.

Mr. Sorenson stated that the variance being discussed tonight is the setback and noted that the open space variance is being proposed as a 'future discussion point'. He stated that he thinks it is the opposite situation from what Commissioner Brass spoke about because it should not be his job to convince the Commission to vote 'against' it, but rather it should be the developers job to convince the Commission to vote 'for' it. He stated that he feels that they have not provided a sufficient enough argument to be granted a variance. He stated that having a very tall building abutting a road is causing the need for a variance and not because of the wetlands. He questioned the point of having the Code if the City was not going to follow it. He reiterated that he did not feel the applicant had provided an argument that would justify bypassing the code. He stated that with the example giving of lopping off a portion of the building in order to meet the setback requirements, that would still leave them with 35 to 36 units/acre which still gives them a very reasonable use out of the property. He noted that an economic consideration, per City Code, is not a sufficient reason for granting this variance. He stated that this building will be located on a substantial curve and noted that there are about 500 units being put into the area, which equates to about 4,000/day according to the traffic study. He stated that currently this is a pretty quiet street, but in three years, it will be bustling and very busy and this building is going to completely block the drivers' view around the corner and the closer it is to the street, the more the view will be blocked. He stated that he feels the safety improves the farther that building is setback. He noted that the townhomes mentioned by Commissioner Olson do not impact driver visibility at all because they are up on the hill and not in the site lines so he does not think that comparison matters at all. He explained that his key point, as a resident and parent in this neighborhood with all the new traffic that will be coming down this road, is that from a safety perspective it is very important that it not be allowed to be pushed forward and does not believe any reason has been given that the City should not follow its code.

Commissioner Brass asked if Mr. Sorenson was saying his number one issue was related to safety.

Mr. Sorenson explained that the safety issue is his number one reason that the Commission should say no and reiterated that he did not think the applicant had provided any reason that the Commission should say yes to their request, other than economics.

Commissioner Brass explained that he was not familiar with the developers economics, but wanted to make sure that he understands Mr. Sorenson's concerns.

Mr. Sorenson outlined his concerns related to the visibility of the road because of the tall building and also noted that there will be a lot of kids in the neighborhood out exploring because there is not a tot lot. He noted that the need for a variance was first brought up as part of the City Council discussion and was not brought up at the Planning Commission level. He stated that more and more things are being crammed in, such as the additional trees between the building and the walking trail, that will limit visibility in the area.

Commissioner Aasen stated that he does not see the building being as much of an issue as all of the landscaping that is being proposed. He stated that he thinks the landscaping is going to cause more of a site visibility issue than the building.

Mr. Sorenson explained that he feels the further back the building is from the road, the safer it is because there is less chance that it will be impeding the site lines. He reiterated that he did not think it should be his job to convince the Commission to vote against this proposal.

Commissioner Brass stated that he understands Mr. Sorenson's concern and would be interested to see if the developer had any site line studies or what their feedback would be regarding this issue.

Mr. Sorenson referenced the last few paragraphs in the e-mail he had sent to the Commission that asked why this variance was coming at the 'final' stage and had not come earlier in the process. He asked the Commission to really think about this and not simply 'rubber stamp' it because he feels that this is a meaningful variance request and is probably much more important than they even realize.

Josh McKinney, Measure Group, 1130 Vagabond Lane, Plymouth, explained that he was assisting the developer. He noted that health, safety, and welfare is certainly something they are concerned about and would take into account as their proceed with their design. He explained that how the right-of-way is set is based on the speed of the road and they also take into account the site distances along with the width of the right-of-way in mind. He stated that they would defer to the City Engineer on whether or not this building would impact those site distances, but noted that they are pretty confident based on their past projects and work with their engineers that this building would not present any hazards over and above any other building close to the right-of-way would be.

Commissioner Brass stated that he thinks that height in this scenario is irrelevant.

Mr. McKinney stated that with regard to site triangles and distances that engineers would use to design roadways doesn't take into account any site distances either so he would agree that the setback is irrelevant with regard to site distances. He stated that he feels it is also important to recognize scale and the distance would be from the right-of-way line to the building and not from the street to the building. He stated that there will be a trail and a boulevard between their building and the curb line of the road. He explained that this is a 12 acre site that is essentially reduced to a 3.2 acre site and when they were siting the building, they tried to take as much of it off of Clover Ridge as possible. He reviewed an aerial photograph of the area and noted that they would have preferred to hide the parking behind the building but it did not work out that way. He stated that they feel the variance request is reasonable because it is so far back from other homes. He stated that they are basically forced by the wetland setback but also the need to provide further setback off of an existing City pond. He noted that they felt there were a lot of site constraints that pushed them in this direction which is why they felt comfortable proceeding with a building that was closer than the setback in that location. He explained that even though the Commission isn't specifically talking about the open space tonight, he noted that there are several constraints on this site in terms of what is developable. He stated that they felt really good about a 3.2 acre site providing over an acre as usable green space. He noted that City staff had worked very hard alongside them to try to add amenity to the site, given their constraints. He stated that contrary to Commissioner Olson's earlier statement, he feels they have taken feedback and have tried to enhance what they have to work with.

Commissioner Olson asked about the location for a tot lot.

Mr. McKinney explained that they had a tot lot located on the southern portion of the site near the public trail however, when they took those plans to their insurance company, they said no because it would end up being a de facto public space. He stated that they are still working with them to try and get them comfortable with something and explained that was why they were not currently showing a tot lot on their plans.

Commissioner Olson stated that was a discussion point from the Commission and he would assume also the City Council. He stated that even if this application was coming through without the variance, the fact that they have not addressed the specific items that should have been able to check the box is, in his opinion, reckless. He noted that Mr. McKinney just assured the Commission that they had listened to their feedback, but they have submitted a plan that did not address something that they were asked to take care of. He referenced the open space exhibit that was put in earlier this week and stated that he would really like the applicant to read the description for open space 3. He read aloud the description from the exhibit he had referenced which stated that the open space can be used for summer activities like open ball field and frisbee, however, there is no actual open space here because it is just a hill, plantings, and walking path.

Mr. McKinney stated that he would disagree because there is open space just south of the driveway that would for open for ball-type activities. He stated that Commissioner Olson is referring to its current condition and not the graded condition.

Commissioner Olson stated that he was referencing the landscape plan that was provided by the applicant that shows trees all through this area and is not open space.

City Planner Hanson clarified that 'open space' is not open, but is usable space.

Commissioner Olson referenced the description that he had read aloud from and reiterated that it says, ' such as a ball field, playing frisbee and for sledding.' He asked if someone would be able to sled down these hills with the trees and landscaping. He stated that he appreciates the fact that the applicant has put together the landscaping plans in order to check that box for the City, but when this is what has been submitted for approval and there are statements like what he has referenced, in his opinion, it doesn't fit. He stated that the Commission needs to be very clear about what they are approving because these little details come into play because these are the documents that will last a lifetime because the decisions they make will affect what will be standing here a lot longer than anyone on the Commission. He stated that he wants to make sure that the details are clear on every decision that the Commission makes. He stated that the items he has mentioned are little things, but they are important, and they seem to have been overlooked. He stated that it brings him back to the question of the variance and what impact it would have on the applicant to actually fit into the requirements of the ordinance.

Commissioner Brass asked if the plan was for the developer to pay park dedication fees.

City Planner Hanson stated that the applicant will be required to pay park dedication fees.

Mr. McKinney noted that they can continue working on their tot lot issue and explained that he did not want to put one on the plan and then not be able to commit to it and follow through with the plans. He stated that their insurance company would entertain the idea of the tot lot on the western portion of their building but they are constrained with hard cover and wetland setback on that side.

Commissioner Baswa asked about the open space plans and the landscaping plan that they had already created. He asked whether this would come back to the Planning Commission with various trees removed and noted that he just wanted to understand that situation.

Mr. McKinney stated that they would not want to go beneath the landscape requirement and would plan to shift trees in order to be able to be consistent with the City's requirement for tree placement and replacement. He stated that when they come forward with the variance for the open space, they can clarify exactly where the uses that are identified within the statement will be, but noted that they do have the flexibility to shift the trees around and adjust their species in order to make this fit. He explained that he was confident that they can make the placement of the tot lot work somehow.

Commissioner Brass stated that he is a huge fan of tot lots and asked if he was correct that the applicant had the right to forego putting one in and just pay fees to the City.

City Planner Hanson explained that even if the applicant provides a tot lot, they would not get park credit for it because it would be considered a private amenity.

Community Development Director Kabat stated that the Commission could add a new condition of approval that they include a tot lot.

Commissioner Brass asked if that should be done tonight since they are officially talking about the setback. He questioned whether the Commission should wait until this comes back before them regarding the open space.

Community Development Director Kabat noted that tonight's approval is for Final Site and Building Plan, so now would be the time to include that condition.

Commissioner Olson asked why this had not been tabled for a month in order for both variance requests to come before the Commission at one time.

Commissioner Brass noted that it does feel fragmented.

Commissioner Olson explained that his fear is that the Commission is going to make a decision on the setback, but then there will be another issue with the open space. He reiterated that he does not understand why this wasn't tabled in order to give the applicant time to address all the issues and come back with an actual final plan rather than moving it forward in a piecemeal fashion.

Community Development Director Kabat stated that the public hearing notice did not include the open space piece which was an administrative error. He stated that as staff was evaluating this project, the feedback that they had heard at Preliminary was that the site plan has remained the same with relation to the open space. He stated that at the Council level, there was some support expressed for the amenity being provided of the trail and the interaction with the wetland. He clarified that from staff's perspective, since nothing had really changed on that front, it seemed that they could move forward with this and try to provide the developer with as much progress as possible and give them assurances that they need in order to move forward with their project. He stated that the Commission could decide to table this item, but staff's interpretation is that the developer has made changes sufficient to meet those conditions.

There being no additional comment, Chairperson Dahlke closed the public hearing at 8:45 p.m.

Commissioner Baswa stated that basically the Commission is seeing similar issues with asking for a tot lot. He stated that it was asked for at the Concept Phase and again at the Preliminary phase and suggested that, in the future, staff bring this up with applicants so there is not this same kind of discussion with other applicants at the last minute, in their Final phase.

Commissioner Brass stated that rather than tabling the whole item, he would like the Commission to vote on what is before them tonight. He stated that this project is going to come back before the Commission regardless of what they do so he does not see a reason to table this

Chairperson Dahlke stated that he agreed that the Commission should act on this item tonight and reminded the Commission that they are just being asked to make a recommendation to the Council.

Commissioner Brass noted that he is in favor of adding some sort of requirement of either a tot lot or a basketball hoop that is for recreational use. He stated that it would also be nice to hear from the developer about what had been brought up by Commissioner Olson regarding open space ball field and frisbee use, because it would be nice to see where it actually is. He noted that he would agree that the plans make it seems like it will not be there, despite the narrative. He noted that related to the setback issue, he feels it is more arbitrary than it is anything else and does not feel it is a strong argument against granting the variance.

Vishal Dutt, 200 Oak Hill Drive, explained that he is the developer for this site and noted that he appreciated Commissioner Brass's comment about possible different iterations of 'tot lots'. He stated that they would like to get direction from the City on what they are actually looking for.

Commissioner Brass stated that he would personally give staff discretion on that item. He stated that he is not developing this lot, but knows that there will be children there. He explained that he used to live in this neighborhood and there is not a park very close, so he feels there needs to be a little something for a teenager or a kid, which could be a swing set and a basketball hoop.

Commissioner Baswa explained that the idea is to provide something so the kids don't go on the road.

Mr. Dutt stated that they will work with City staff on this issue.

Commissioner Olson stated that to address the setback issue, Commissioner Brass has expressed his opinion, but from the Commissions seat, their job is to take what is being presented and apply it to what the rules are, such as the ordinance. He referenced the Gallery apartment building which is quite large, but has met all the setback requirements and this is a design on the other side of the tracks that infringes on the setback requirements. He explained that, to him, it gets back to the consistency side of things and the idea of a 'reasonable variance'. He stated that more than 50% of what is expected, is probably not a reasonable variance. He stated that if they had come in asking for a 5 foot variance, he doesn't think there would be much pushback from anyone, but in this case, they are asking for over 50% of what is expected based on the size of their building. He stated that he feels that the developer has not done anything or made any changes to at least try to meet the setback. He explained that his fear is that if the Commission says yes to the variance, then this 'gives them' 20-23 feet to be able to go try to find some open space in order to meet the other requirement. He stated that this brings him back to his point about the reason for handling these separately, because to him, they should be combined together. He stated that the developer could meet the setback requirement by simply adjusting the size of the building by 5% which would equate to 6 units. He stated that it raises the question of why the City would grant a variance when the applicant can make a minor adjustment to their plan and meet the requirements. He stated that he also has concerns about future developments in the area coming in and asking for similar variances.

Chairperson Dahlke noted that the Commission has no clue about the finances for this project so to say an adjustment is 'minimal' is simply an opinion. He noted that the 5% referred to by Commissioner Olson may, in fact, be the profit margin for the entire project.

Commissioner Olson noted that economics is not a justification for a variance because they are still able to build a sizable building but still meet the setback requirements.

Commissioner Brass stated that he is trying to keep the economics out of his head and reiterated his earlier comment about the height of a building arbitrarily determining the setback but noted that Commissioner Olson has a point that they could just make the building smaller and meet the requirements.

Commissioner Olson referenced other examples where the Commission had granted variances when the ordinance didn't necessarily fit the intent but did not give them, for example, 50%. He stated that there have been situations where things have been close, so it was easier to give a variance because they were trying to make it work and in this case, they have not tried to make it work. He noted that this was also a request for a variance on setback not on something like landscaping.

Ashish Aggarwal, 16135- 55th Avenue N, explained that he is one of the partners in this development. He explained that if they push the building back 20 feet, they will lose 8 units which is financially significant in order to make the development work. He asked the Commission to think about what would happen if they pushed a u-shaped building 20 feet closer together and how things like the sun and air would be effected and noted that the courtyard area needs enough space to look nice and have sun shining and the air flowing.

Commissioner Olson asked about the statement that meeting the setback requirements would reduce the size of the building by 8 units and asked for an explanation of the math because he did not see how he came to 8 units.

Mr. Aggarwal stated that it could be more than 8 units because if they do what he is asking them and redesign the building with their architect, they could lose 12 or 15 units. He stated that these types of projects have a very tight budget, especially with construction costs as they are currently and losing even only 2-5 units could make or break the project.

Commissioner Olson stated that to agree with Commissioner Brass's point, the Commission needs to keep economics out of it, because, for example, they could have built 2 years ago. He stated that he understands that timing is everything, but this is at the 'final' stage. He stated that he was asking them to meet the setback and from what they had submitted, that would mean losing 6 units, but now Mr. Aggarwal is talking about changing the entire design which is not what they are asking for.

Mr. Aggarwal stated that they would have to change the design in order to meet the setback. He stated that they went with the direction they had gotten from the City Council and the Planning Commission and as the staff has said, there have been no changes. He stated that he is not able to dig down in the weeds and do all the math right now, but he thinks having 119 units on a 12 acre site will be beautiful for Chaska. He stated that he would ask the Commission to understand that there are constraints with this site and noted that they have been working for 6 months to make sure the building is designed nicely which is all a developer can do.

Commissioner Olson stated that they could also follow the ordinances.

Commissioner Urbanski stated that he feels this project is the perfect fit for this property and allows 119 more families to move into the City. He stated that while they still need to figure out the tot lot issue, he feels they have done a good job shoe-horning this project onto this piece of land considering all the constraints.

Motion by Commissioner Brass, second by Commissioner Urbanski, to recommend to City Council approval of the Clover Ridge Apartment Final Site & Building Plan and Final Plat for 119 units, subject to the following conditions:

1. Approvals shall be based on the following graphic exhibits:
    a. Project Narrative (pgs 1-4), prepared by AV Development, LLC, dated May 25, 2022
    b. Final Plat (pgs 1-2), prepared by Sambatek, undated
    c. Existing Conditions Survey, prepared by Sambatek, dated January 5, 2021
    d. Construction Access Plan, undated
    e. Photometric Site Plan, prepared by Mlazgar Associates, dated March 7, 2022
    f. Title Sheet (pg C1.01), prepared by Sambatek, dated May 3, 2022
    g. Demolition Plan (pg C2.01), prepared by Sambatek, dated May 3, 2022
    h. Site Plan (pg C3.01), prepared by Sambatek, dated March 31, 2022
    i. Grading Plan (pg C4.01), prepared by Sambatek, dated May 3, 2022
    j. Grading Notes (pg C4.02), prepared by Sambatek, dated May 3, 2022
    k. Phase 1 Erosion Control (pg C5.01), prepared by Sambatek, dated May 3, 2022
    l. Phase 2 Erosion Control (pg C5.02), prepared by Sambatek, dated May 3, 2022
    m. Erosion Notes (pg C5.03), prepared by Sambatek, dated May 3, 2022
    n. SWPP (pgs C5.04-C5.05), prepared by Sambatek, dated May 3, 2022
    o. Utility Plan (pg C6.01), prepared by Sambatek dated May 3, 2022
    p. Details (pgs C9.01-C9.03), prepared by Sambatek, dated May 3, 2022
    q. Landscape Plan (pg L1.01), prepared by Sambatek, dated May 3, 2022
    r. Landscape Details and Notes (pg L1.02), prepared by Sambatek, dated May 3, 2022
    s. Fire Truck Turning Exhibit, prepared by Sambatek, dated March 7, 2022
    t. Open Space Exhibit, prepared by Sambatek, dated March 31, 2022
    u. Clover Ridge Apartments (pgs A101-A105), prepared by J Corp, dated January 28, 2022
    v. Clover Ridge Apartments (pgs A201-A202), prepared by J Corp, dated March 7, 2022
    w. Clover Ridge Apartments (pg A203), prepared by J Corp, dated March 31, 2022
2. Adherence to the following setbacks for Clover Field Apartments:
    a. Front: 20 feet
    b. Rear: 20 feet
    c. Side: 10 feet
    d. Side (corner): 20 feet
3. Provision of 360 degree architecture be used on all facades.
4. Prior to final plat approval, developer shall enter into an agreement with the City for the provision of necessary infrastructure and associated development costs.
5. Provision of a storm water management plan meeting City and Carver County WMO standards.
6. Provision of a construction traffic plan to be coordinated and approved by the City Engineer.
7. Provision that if masonry is used that they are natural stone and/or full face modular brick in order to be considered Class I materials.
8. Provision that mechanical equipment will be completely screened from view.
9. Provision that section 15.28 Special Regulations are complied with.
10. Provision that light poles do not exceed 25 feet in height and comply with zoning section

15.28.250.

11. Provision of a tot lot, or something similar, be incorporated into the plans and approved by the Planning Department.
12. Provision that the applicant obtain a variance for the Usable Open Space deviation (zoning section 15.28.120.F.1)

Motion carried 6-1 (Commissioner Olson opposed)

Motion by Commissioner Brass, second by Commission Gaare, to recommend approval of the Variance from Section 15.16.020.F.1.

Commissioner Olson stated that according to the information provide by staff, the applicant is lacking 33,000 square feet of required open space. He stated that by allowing this variance, the Commission would be allowing them to create space to be able to meet another requirement that they have. He stated that he does not believe that is correct, proper, or just. He stated that the City is allowing them to find space on their land by moving it forward. He stated that the only way to create open space is by reducing the size of the building and asked why the Commission would consider granting the variance setback and not require them to stay within the ordinances for the open space expectations for the property. He stated that he feels there is no reason why the Commission needs to give approval today for the setback variance. He stated that they can deny it because it will need to come back through and be addressed in their next version anyway when they have to change the size of their building to meet the conditions for the open space.

Commissioner Brass stated that they are not going to find 33,000 square feet for their open space which is why they will be coming back with a variance request.

Motion carried 6-1 (Commissioner Olson opposed)

C. PUBLIC HEARING: Recommend Approval of the Conditional Use Permit (CUP) for 415 Walnut Street North/Chaska Moravian Church/PC #2022-33)

City Planner Hanson presented to the Commission.

Commissioner Brass asked if there was a legal order of how things appear on the agenda and noted that he would like to see something like this, which is more trivial and not controversial, to be placed earlier on the agenda, so they don't have to sit through other lengthy agenda items while they wait.

City Planner Hanson stated that she understands the concern and can consider this for future agenda items.

Chairperson Dahlke opened the public hearing at 9:20 p.m., there being no comment, he closed the public hearing.

Chairperson Dahlke noted that he has worked with His House in his role with the Chaska Lions Club and thinks they do fantastic work for the community.

Motion by Commissioner Urbanski, second by Commissioner Olson, to recommend to City Council approval of the Conditional Use Permit for a professional services/offices use on the 415 Walnut Street North property, subject to the following conditions:

1. Approvals shall be based on the following exhibits:
    a. Written Statement Describing the Intended Use of the Property;
    b. Floor/Site Plan for 415 Walnut St N, including the house's square footage.
2. Any signs are required to submit a separate Sign Permit application and are regulated by Zoning Ordinance section 15.32.
3. As a locally designated historic property, any exterior alterations to the house will require submittal of a Site Alteration Permit subject to approval by the Chaska Heritage Preservation Commission.

Motion carried.

<u>8. Other Business</u>

A. <u>Receive Other Meeting Minutes</u>
    a. Receive the April 18, 2022 City Council Meeting Minutes
    b. Receive the April 4, 2022 EDA Meeting Minutes
    c. Receive the March 8, 2022 Park Board Meeting Minutes

B. Chair Dahlke – Email Discussion

Chair Dahlke explained that they had built a home outside of Chaska which means he will be leaving the Commission 6 months earlier than the length of his term. He stated that he had submitted a letter of resignation from his position addressed to staff but wanted to express his appreciation for the last 8.5 years serving on the Commission and the last 4 years serving as Chair. He thanked his fellow Commissioners and stated that he thinks this may be the most knowledgeable and talented group that has been put together to serve the City. He also expressed his thanks to all the past Commissioners including Mike Hahn who moved onto the City Council which is when he stepped into the role of Chair. He thanked City staff for all their work and made note of help he has received from Kevin Wright and Kevin Ringwald.

Chair Dahlke noted that because he is leaving there are some housekeeping duties that need to take place, such as making the Vice-Chair officially the Chair. He noted that he would like to suggest that Commissioner Lacey assume the role of Vice-Chair as Commissioner Brass steps into the role of Chair.

Motion by Commissioner Olson, second by Commissioner Urbanski, to recommend the City Council appoint Commissioner Brass to serve as Chair and Commissioner Lacey to serve as Vice-Chair of the Planning Commission.

Motion carried.

The Commission and City staff expressed their appreciation for Chair Dahlke's service to the City.

Commissioner Urbanski

- Noted that he sits on the Chaska Community Center Task Force and they are hosting an open house on June 15, 2022 from 6:00 p.m. to 8:00 p.m. to try to get feedback from the community about what they would like to see in the future.
- Asked about landscaping plans for various projects and noted that in a previous role on the Council in another city, they created a 'bank' type program that could be used in various parts of the neighborhood, to avoid a situation where they are overcrowding trees in order to get the required number in. He suggested that the City look at a similar program so they can avoid a situation where they are requiring someone to put in 4 trees within 4 feet of each other when they know that 3 of the trees are going to die.

There was consensus of the Commission that they would like to see something like a tree/landscaping bank program explored for the City.

City Planner Hanson stated that should be ways to look at making that work in the City and noted that it would just require some research by staff. She suggested that it may be a good discussion for a future work session.

Commissioner Aasen
- Stated that he took the tour of the City buildings and thinks there is a definite need for some improvements

Commissioner Brass
- Expressed his hope that people will not walk away from tonight's meeting where some of the Commissioners had differing opinions on some of the agenda items, because he thinks that kind of discussion is healthy

Community Development Director Kabat
- Noted that with the resignation of Chair Dahlke, that will move Commissioner Baswa into a role as a 'regular' Commissioner and Commissioner Aasen into the Alternate #1 position which means there will be a vacancy for the Alternate #2.
- Noted the intent to hold a joint work session with the City Council on July 18, 2022 and asked the Commission to let him know if they are able to attend

<u>10. Adjourn</u>
Motion by Commissioner Urbanski, second by Commissioner Aasen, to adjourn the meeting at 9:46 pm.
Motion carried.