AGENDA
CHASKA PARK & RECREATION COMMISSION
CHASKA CITY HALL - COUNCIL CHAMBERS & ZOOM
Tuesday, December 13, 2022
7:00 PM

1. Call to Order
2. Roll Call
3. Adopt Agenda
4. Visitor Presentation
5. Approve Previous Meeting Minutes
   - 5.A. Approve the September 13, 2022 Meeting Minutes
6. Receive Council and Planning Meeting Minutes
   - 6.A. City Council Meeting Minutes 8/15, 8/29, 9/12, 9/19, 10/3, 10/17, 11/7
   - 6.B. Planning Commission Meeting Minutes 8/10, 9/14,10/12
7. Action Items
   - 7.A. Recommendation for City Council Appointment of 2023 Parks and Recreation Commission Chair and Vice-Chair
8. Discussion Items
   - 8.A. Pedestrian and Bicycle Master Plan
   - 8.B. Community Center Master Plan
   - 8.C. Park Project Updates
   - 8.D. Chaska Pond Hockey 2023
   - 8.E. Department Happenings
9. Other Business
   - 9.A. Round Table

10. Adjourn

Chaska
Parks and Recreation Commission
Meeting Minutes
September 13, 2022

1. Call to Order

The September 13, 2022, meeting of the Chaska Parks and Recreation Commission was called to order by Chair David Downs at 7:00 pm.

2. Roll Call

Attendance: Chair David Downs, Vice Chair Jason Branch, Donelle Heieie, Georgiann Keyport, Zach Saueressig, Elizabeth Wynveen, Karli Cich, Michael Heuer, and Terrence Schwerm

Absent: Roda Hassan

Staff: Parks and Recreation Director Marshall Grange, Assistant to the Director, Mary Monteith and IS - Michelle Blasko

3. Adopt Agenda

The agenda was approved as submitted.

4. Visitor Presentation

None in attendance

5. Approve Previous Meeting Minutes

5A. Motion by Commissioner Heuer, second by Commissioner Saueressig, to approve the Chaska Parks Commission meeting minutes of July 12, 2022.

Roll Call for Approval

6. Receive Council and Planning Meeting Minutes

6A. Council Minutes June 20, 2022

6B. Council Minutes July 11, 2022

6C. Council Minutes July 18, 2022

6D. Council Minutes August 1, 2022

6E. Planning Minutes June 8, 2022

6F. Planning Minutes July 13, 2022

Chair Downs noted he saw the Fireman's Park ll property was approved for 4 lots. Grange shared it was and will go to Council for final approval.

Grange also noted the development at Clover Ridge will include a tot lot area of some variety. Cich questioned if the wetland issues were figured out. Grange noted yes. It was resolved through the Planning Commission and City Council giving the developer a variance.

Informational; no action required.

7. Action Items

7A. Carver County SW Regional Trail Master Plan

Grange introduced Marty Walsh, the Parks and Recreation Director for Carver County, who is here to review the SW Regional Trail Master Plan that is looking to get approved by Carver County. He also will speak on the Minnesota Bluffs Regional Trail. This master plan first started in 2006, working with cities to get a trail alignment. Over time there were efforts with others to acquire a three-mile trail corridor owned by the Hennepin County Reginal Rail Authority.

Walsh has been meeting with other individual cities in Carver County to present this master plan and seek approval. Tonight, he is here to do the same, ask for a resolution of recommendation from the City before it goes to the County Board for final approval.

Walsh provided a presentation detailing three parts: funding, acquisitions, and development. He briefly reviewed his past public engagements, connectivity to local, regional, state, and federal trail systems, and the benefits of the trail realignment. Cich inquired about keeping natural areas throughout the trails. Walsh stated some trails will be more “man-made” and some will maintain a more natural feel. Chair Downs questioned how the trails will align with the roadways. Walsh stated he wants the trails detached from the road and suggested possible built-in structures to help with this. He also shared the alignment change of the MN River Bluffs Trail in Chaska will help reduce flooding, improve safety along County Road 61, and maintain consistency with the City’s vision. Keyport inquired about the Creek Road trails. Walsh stated currently those trails do not exist.

Cich inquired about how they are planning to ecologically enhance the natural areas. Walsh stated Chaska has identified 2 areas of land preservation. Chair Downs questioned who would maintains those trails. Walsh stated Carver County will.

Cich inquired about flooding and how it is taken care of. Walsh stated the trail would likely be repaved and will stay on top of the levy. Keyport requested Walsh consider the use of native seeds. Walsh stated the budget allows for the resolution of some ecological resources and maintenance of native areas and added Carver County will maintain what is in the proposal.

Heieie mentioned her concern for safety along Highway 61 and questioned snow removal. Walsh stated not all cities have snow removal resources. However, Chaska does the snow removal in those corridors and is then reimbursed by the County.

Motion By Cich, Second By Heieie, to Recommend Chaska City Council Approval of Resolution to support Carver County’s Southwest Regional Trail Master Plan. Roll Call for Approval.

7B. Harvest West Neighborhood Park Recommendation

Grange shared that this park recommendation was put together by Public Works staff, Parks and Recreation staff, input based on area resident feedback, as well as assistance from HKGI the professional landscape architectural firm that we work with.

This is a 12-acre parkland site, north of Big Woods Boulevard and east of Highway 212. The active park area is along the bottom third of this section and then there is the awesome nature area to the north, that contains a wetland area, and an Oak Savanna throughout. Grange shared the developers preliminary plat plan; this is what staff started with in developing a concept plan with HKGI. This also is what the homeowners should have received from the developer as well. A couple years ago work was done on the site with grant money, there was wetland and upland land area restoration done.

Grange stated mailings were sent to approximately 425 households notifying them of this park project, these homes were within a ½ mile radius of the park area. The first meeting on June 14th provided a brief overview and timeline, a site walk was done as well. Grange also noted this park will have great connectivity to other trails. This information has also been put on the project webpage along with the on-line survey that contained approximately 112 household responses. Their responses addressed a variety of amenities with the top choices being paved trails, signage, vegetation, and an open play field. Picnic areas and a park shelter were also mentioned. Chair Downs questioned who brought up the idea of a bike rack, Grange stated that was staff.

City staff also suggested two playgrounds: one for 2–5-year-old children and one for 5–12-year-old children. Heieie inquired about a physical barrier between the playground for younger kids and the storm water run-off, safety concerns. Grange noted he will make note of this. Staff also recommended Wisconsin and Minnesota Playground Manufacturing and Game Time for the playground equipment. Chair Downs questioned the placement of a merry-go-round at either of the two playgrounds, Grange stated this was not the case. Keyport inquired about surface area material; Grange stated it would be engineered wood fiber.

Grange noted the primary park entrance will be off Vista View Rd. Public Works is looking into creating a buffer between the paved trail and the homeowner's lot line. Cich suggested making residents aware that it takes 3-5 years for certain plants and trees to fully mature and grow. Schwerm noted the main entrance seems too formal and doesn't seem to blend in with the natural style of the park. Cich suggested tall grass or pollinators would fit in better. Heieie suggested using some of the same plantings as there are at Firemen's Park. Grange stated the decisions on privacy type areas would be discussed in the spring with Public Works.

Cich provided her thoughts on the removal of the ash trees. She believes it will create a lush habitat without the ash trees there. The ash trees are not helping the ecological environment. Saueressig asked if it was the residents who wanted the trees to stay for privacy purposes. Schwerm stated he thought the residents were concerned about tree loss, there was a big group that wanted to have the area remain natural. This was sort of a compromise. Grange stated

details can be put into the motion regarding removal of trees if necessary. Chair Downs stated specific details likely will not be in the recommendation that goes to City Council. Schwerm thanked Grange and staff for the hard work and the effort to receive and use public input. He also stated he trusts the staff to take the message on the ash trees back to public works for consideration.

Motion by Schwerm, second by Saueressig, to recommend City Council approval of the preferred plan for the Harvest West Neighborhood Park with comments noted from meeting.

Roll Call for Approval

7C. Harvest West Neighborhood Park Naming Recommendation

At the first neighborhood park meeting in June, staff mentioned to the residents the opportunity to propose naming the park. At the second park meeting, residents were made aware of the information placed on our project website specific to our naming policy and a proposal form. Grange stated there were 2 proposals submitted, along with one from a staff perspective as well. The Park Board discussed the names and decided on Savanna Oaks.

Motion by Cich, second by Saueressig, to recommend to City Council naming the Harvest West Park, Savanna Oaks.

Roll Call for Approval

8. Discussion Items

8A. Introduction of Chris Lindahl – Marketing Manager

Grange recognized Susan Marek, our software systems supervisor, who recently retired from the city of Chaska. Big thanks to Susan for her 30 years with the city. She had many roles over the years and has done a lot of great things for us at Park and Recreation as well as at the Curling and Event Center.

Grange introduced the new marketing manager, Chris Lindahl and noted he is a resident of Chaska and has been in the Navy for the last 10 years. He is currently pursuing his MBA through Notre Dame. Lindahl stated he is excited about this position and is looking forward to working with the staff. He reviewed his priorities since starting a couple months ago, he stated his highest priority is social media. His plan is to establish the Parks and Recreation website and social media page as one complete resource. This will help create better communication, navigation ability and will be an easier, more concise way to get information out about Parks and Recreation, and things being under one roof. Lindahl anticipates the Curling and Event Centers to remain a separate market and social media page as well. Lindahl is looking forward to fun.

8B. Community Center Master Plan

Saueressig shared that the next Task Force meeting is October 5th. There will be lots of data to review.

Grange also provided a review and noted the timeline and process has slowed down. He shared that the next step was a statistical evaluation out to the community to get a better idea of programming and people's interests. However, this was going to take another 3-4 additional months, and we felt comfortable with the feedback we already had gotten, and the consistency of it, so it was decided to wait more towards the end to do that evaluation, so we could keep the momentum going. This will also allow the architects additional time to put together concept designs along with cost estimates and financing strategies. The next meeting is set for October 5th with the task force. There was discussion among the Commissioners regarding the entrances to the building, and security as well.

8C. Pedestrian Bicycle Master Plan

Grange continues to work on this plan internally. He is working with other departments, and the consultant, who is finalizing changes to the draft plan after additional feedback from staff. There also is a review being done by WSB. Grange noted Nate Kabat, Chaska Community Development Director, is also working with HKGI to conduct an audit of city ordinances and will continue to compare and update changes to the draft. Some of the work listed in the plan has already been done. Wynveen inquired about the bicycle friendly designation that was discussed at an earlier meeting. Grange stated this will be discussed again once the master plan is approved by City Council and then we can look at the next available timeframe to submit plans for the designation.

8D. Miracle Field and Universal Design Playground

Grange shared that the Chaska Rotary is taking the lead on the fundraising efforts for this project. We recently applied to become an official member of the Miracle League. The Miracle League National Association and their exclusive vendor for the Miracle Field are working with Flagship Recreation, which is an exclusive playground manufacturer for this type of playground. Community members were given an opportunity to attend a visioning meeting, and then were asked who would be interested in serving on the design team. Those interested visited the Landscape Structures manufacturing site in Delano. A week later, the design team was brought together again to meet with Flagship Recreation and two playground designers from Landscape Structures who took notes on ideas and themes and asked questions on what Chaska is. Chair Downs inquired about a date for preliminary designs. Grange stated it will likely be approximately 6 weeks. Chaska Rotary has suggested putting on a pond hockey event at Firemen's Park this winter to start fundraising for this project. Parks and Recreation would be a part of that event as well.

8E. Sponsorship and Naming Rights

Grange reminded everyone that there is a joint work session with city council on October 3rd to meet for about an hour with the Superlative Group to go over the evaluation report and ask questions. Grange recommended sending questions/thoughts his way via email before the meeting. Chair Downs clarified this is only a working session and the topic will come back to Parks and Recreation again in October for more discussion.

8F. East Creek Canyon Park

Grange shared photos of the site and noted the area has been reseeded, irrigation is complete and now we are waiting on the installers to come in and put the play area all together. They have not provided an exact timeline, but things should be done this fall.

8G. Department Happenings

Grange mentioned the shelter at Lions Park has been torn down as part of the capital assessment management plan. Work will continue until as weather allows. Thanks to the Chaska Lion's for their contributions to this re-do.

The Latin Music Festival is this Friday at Firemen's Park with food trucks, music, and fireworks. This is the 2nd year of this event. Grange also noted the Courthouse Lake Parkrun on Saturday. He mentioned it is for all ages and abilities and is free! He thanked all the volunteers and Missy Goff who help to put this event on every Saturday.

9. Other Business

9A. Round Table

Cich stated she spoke at a national conference in Duluth recently and took a tour of the city and their City Parks. They have put together a natural resource management plan, she inquired if this was something Chaska could do. The plan is not out yet, however, she has requested one for us.

Chair Downs had nothing to report.

Vice Chair Branch had nothing to report

Heieie implored city staff to increase safety on the City trails and in the ravines.

Keyport had nothing to report.

Saueressig commented on other city's complexes and comparing them to our community centers. He will provide more via the master plan process.

Wynveen discussed league play at Chaska's Town Course and suggested Chaska residents get first right to sign up for league play and then open it up to non-residents. Grange noted the golf course is not under his review but will give feedback to the golf director.

Heuer had nothing to report.

Schwerm had nothing to report.

10. Adjourn Meeting

Motion to Adjourn the September 13, 2022, meeting by Saueressig, second by Keyport.

Roll Call to Adjourn at 9:16 p.m.

Next meeting: October 11, 2022

- MINUTES -
CHASKA CITY COUNCIL
AUGUST 15, 2022

1. Call to Order
The meeting was called to order by Mayor Windschitl at 7:02 pm.

2. Roll Call
Roll call was taken. Present: Councilmembers Grau, Hatfield, Hubbard, Huang, and Mayor Windschitl.

Absent: None.

Also Present: Matt Podhradsky, City Administrator; Noel Graczyk, Administrative Services Director; Kevin Wright, Communication Director; Elise Durbin, Assistant Administrator; Parks and Recreation Director Marshall Grange; Nate Kabat, Community Development Director; Liz Hanson, City Planner; City Attorney Jake Saufley; City Engineer Matt Clark; and Water and Sewer Director Matt Haefner.

3. Pledge of Allegiance

4. Adopt the Agenda
Motion by Councilmember Grau, second by Councilmember Hubbard to adopt the agenda as presented.
Motion carried.

5. Visitor Presentation
5.A. Brian Dahlke - Certificate of thanks for his years of service on the Planning Commission

Mayor Windschitl presented a plaque to Mr. Dahlke for his many years of service and thanked him for all his help on the Planning Commission.

Mr. Dahlke addressed the Council and thanked everyone for the wisdom they instilled upon him during his time on the Commission and support.

5.B. Growth Through Opportunity Program Recap
Officer Janke addressed the Council and provided an overview of the program.

Alex Oladoyin with Empower Inclusion addressed the Council and noted how exciting it was to see the great work the kids did with the program.

Mitchell Scott and Jordan Moore, participants of the program, provided an overview of their favorite events and activities they got to partake in during the program. They also provided a video presentation of their time in the program for the Council to review.

Officer Janke presented both Mitchell Scott and Jordan Moore with a Police Department Challenge Coin for their participation and hard work in the program.

6. Minutes

6.A. Approve the August 1, 2022 City Council Meeting Minutes

Motion by Councilmember Hubbard, second by Councilmember Hatfield to approve the minutes of July 18, 2022 City Council meeting.
Motion carried.

7. Consent Agenda

Motion by Councilmember Hubbard, second by Councilmember Grau to approve the Consent Agenda Items A through D:

A. Agreements related to a Metropolitan Council LHIA award for West Creek Apartments

Motion approving and executing Agreements related to a Metropolitan Council LHIA award for West Creek Apartments.

B. City Administrator Annual Review

Motion to approve administrator goals for 2022 and adjust the City Administrator's annual salary with a 1.1% Cost of Living Adjustment and 3.5% performance increase retroactive to January 1, 2022, and a $2000 performance incentive.

C. Bond Sale Reimbursement

Motion to adopt Resolution 2022-101 relating to financing certain proposed projects and establishing compliance with reimbursement bond regulations under the Internal Revenue Code.

D. Adopt Resolution No. 2022-106 Approving the Alternate Urban Areawide Review (AUAR) Order and Scoping Document for CloudHQ/City of Chaska/PC #2022-52

Motion to adopt Resolution 2022-106, approving the AUAR Order and Scoping Document for CloudHQ (PC #2022-52).
Motion carried.

8. Action Items

8.A. Adopt Resolution No. 2022-99 Approving the Drainage & Utility Easement Vacation on Outlot B of Pioneer Vista/AV Development/PC #2022-50

City Administrator Podhradsky introduced this item.

City Planner Hanson provided background on this item.

Mayor Windschitl opened the public hearing at 7:29 p.m.

No one wished to address the Council.

Mayor Windschitl closed the public hearing at 7:30 p.m.

Motion by Councilmember Hatfield, second by Councilmember Hubbard to Adopt Resolution No. 2022-99 Approving the Drainage & Utility Easement Vacation on Outlot B of Pioneer Vista/AV Development/PC #2022-50.
Motion carried.

8.B. Adopt Resolution No. 2022-105 Approving the Concept Plan for CloudHQ/CloudHQ/PC #2022-41
City Administrator Podhradsky introduced this item.

City Planner Hanson provided background and a presentation on this item.

Councilmember Huang asked what the cooling technology for this building will be.

Brett Burnett, developer, addressed the Council and stated the equipment seen on the roof in the diagram are the air-cooled chillers used instead of water-based cooling, noting that due to the size of the building it would be a massive amount of water used.

Mr. Burnett provided an overview of the company and purpose of the requested concept plan.

Motion by Councilmember Huang, second by Councilmember Grau to Adopt Resolution No. 2022-105 Approving the Concept Plan for CloudHQ/CloudHQ/PC #2022-41.
Motion carried.

8.C. Adopt Resolution No. 2022-100 and Ordinance No. 1020 Approving the Preliminary Site & Building Plan and Zoning Ordinance Amendment (ZOA) for Hazeltine Plaza Apartments/Trident Development/PC #2022-48

8.C.i. Adopt Ordinance No. 1020 Approving the Zoning Ordinance Amendment (ZOA) to PCD-15
City Planner Hanson introduced and provided a presentation on the background and overview of this item.

Councilmember Hubbard stated she thinks the building is beautiful and likes the dog run they included. She noted she is wondering if they intend to restrict the use of apartments as Airbnb's or anything similar.

Roger Fink, representing the applicant, addressed the Council. He stated to his knowledge no units have been used for Airbnb purposes but noted it would be a better question for the property manager depending on the lease terms, which usually include prohibited language around sub-leasing and other terms like that so he doesn't foresee it being an issue.

Councilmember Hatfield stated she thinks the developer could have added more units to the building but instead they used the space in a better manner to provide amenities for the residents and she appreciates that.

Mayor Windschitl invited any residents up to speak on this item, noting it is not a public hearing but wanted to allow anyone who wished to speak the opportunity to do so briefly.

Jane McKenzie, Birdie Lane, addressed the Council. She stated she has seen all the iterations of the properties over the years, having lived there for 40 years. She is happy to see something positive happening but she does wish the retail was a little smaller and more upscale.

Motion by Councilmember Huang, seconded by Councilmember Grau to Adopt Resolution No. 2022-100 and Ordinance No. 1020 Approving the Preliminary Site & Building Plan and Zoning Ordinance Amendment (ZOA) for Hazeltine Plaza Apartments/Trident Development/PC #2022-48.
Motion carried.

Motion by Councilmember Hubbard, second by Councilmember Huang to Adopt Ordinance No. 1020 Approving the Zoning Ordinance Amendment (ZOA) to PCD-15.
Motion carried.

8.D. Adopt Ordinance No. 1019 Approving the Zoning Ordinance Amendment (ZOA) to Section 15.16 Planned Development Districts/City of Chaska/PC #2022-51

City Planner Hanson introduced and provided a presentation on this item.

Councilmember Grau asked if the issues being discussed tonight are related to the audit.

Community Development Director Kabat stated the specific issues being discussed tonight are not related to the audit but noted it is something that could have came out of the audit process.

Councilmember Huang stated he doesn't want to have to go through more variances but if this is the choice, he would rather go through more variances instead of putting the City at risk of being exposed to people who may have more aggressive motives. He added an example is recently, someone proposed to add a high bay industrial in a space originally zoned as office.

Mayor Windschitl stated it doesn't appear to matter what we decide because someone could decide to challenge us or sue us at any time.

City Attorney Saufley stated all of their decisions need to be reasonable and rational so precedence plays into that decision and if they were to approve a certain type of building once, and someone on a neighboring property wanted the same type of building under the same circumstances as the prior property owners, it could be deemed irrational of the Council to deny that request. In following through with this request, the Council may be limiting the possibility of different interpretations of the code from becoming an issue.

Motion by Councilmember Hatfield, second by Councilmember Hubbard to table Ordinance No. 1019 Approving the Zoning Ordinance Amendment (ZOA) to Section 15.16 Planned Development Districts/City of Chaska/PC #2022-51 until the audit is complete. Motion carried as amended.

8.E. Adopt Resolutions for Items Related to the Downtown Chaska Highway 41/Highway 61 Project

8.E.i. Adopt Resolution 2022-102 Awarding the Bid for the Downtown Chaska TH 41/CSAH 61 Project and Execute Contract Documents

8.E.ii. Adopt Resolution 2022-103 Approving a Cooperative Agreement with the Minnesota Department of Transportation for the Downtown Chaska TH 41/CSAH 61 Project

8.E.iii. Adopt Resolution 2022-104 Approving a Joint Powers Agreement with Carver County
Assistant City Administrator Durbin introduced and provided background on this item.

City Engineer Clark addressed the Council and stated they will know in the next two weeks possibly when they will start on CSAH 61. He noted mass coordination efforts are beginning to push the majority of what they can get done on CSAH 61 still this summer.

Motion by Councilmember Huang, second by Councilmember Hatfield to Adopt Resolution 2022-102 Awarding the Bid for the Downtown Chaska TH 41/CSAH 61 Project and Execute Contract Documents.
Motion carried.

Motion by Councilmember Hubbard, second by Councilmember Grau Adopt Resolution 2022-103 Approving a Cooperative Agreement with the Minnesota Department of Transportation for the Downtown Chaska TH 41/CSAH 61 Project.
Motion carried.

Motion by Councilmember Hubbard, second by Councilmember Huang Adopt Resolution 2022-104 Approving a Joint Powers Agreement with Carver County.
Motion carried.

9. Bills
9.A. Accounts Payable Council Roster 8-15-2022

Motion by Councilmember Huang, second by Councilmember Hatfield, to approve the bills as presented. Roll call was taken. Voting aye: Councilmembers Grau, Hatfield, Hubbard, Huang, and Mayor Windschitl. Voting nay: None.

10. Other Business
10.A. City Administrator's Report
10.A.i. Biweekly 8-15-2022

Councilmember Huang:

- Stated Night to Unite was a great event
- Stated the Park Facilities Party for Ward 4 is on August 17th from 6-8pm at McKnight Park
- Noted Touch-a-Truck is on August 18th from 5:00-7:30pm at the Community Center

- Stated Art in the Park is coming up on August 28th from 11am-5pm at Fireman's Park
- Southwest Transit CEO update is coming soon and noted Thursdays – Sunday will be offered for the State Fair weekends

Councilmember Grau:
- Stated Night to Unite was nice and reminded everyone to pick up after their dogs
- the Park Facilities Party for his Ward is August 11th from 5:30-7:00pm at Veterans Park

Councilmember Hatfield:
- Stated Ward 3 has the Park Facilities Party on August 16th
- Thanked staff for all their hard work with all the summer events going on

Councilmember Hubbard:
- Reminded everyone to slow down on the roads to keep the community safe
- Noted the Ward 2 Park Facilities Party went really well and thanked staff for all their help
- Stated Saturday was National left-handers day

Assistant City Administrator Durbin:
- Stated the League of MN Cities voted Senator Coleman was one of eighteen to be awarded Legislator of Distinction for 2022

Community Development Director Kabat:
- Stated staff is working on proposed changes to ordinance codes that would require neighborhood meetings being held by developers ahead of time and site signage to be posted

Mayor Windschitl:
- Stated Night to Unite was great
- Noted today Congressman Phillips had the Vietnams Pinning Ceremony
- Stated Fishing with friends was a great event and thanked everyone for their help

11. Adjourn

Motion by Councilmember Hubbard, second by Councilmember Huang to adjourn the meeting at 11:16 pm.
Motion carried.

- MINUTES -
CHASKA CITY COUNCIL
AUGUST 29, 2022

1. Call to Order
The meeting was called to order by Mayor Windschitl at 7:00 pm.

2. Pledge of Allegiance

3. Roll Call
Roll call was taken. Present: Councilmembers Grau, Hatfield, Hubbard, Huang, and Mayor Windschitl

Absent: None.

Also Present: Matt Podhradsky, City Administrator; Noel Graczyk, Administrative Services Director; Kevin Wright, Communication Director; Elise Durbin, Assistant Administrator; Parks and Recreation Director Marshall Grange; Nate Kabat, Community Development Director; Liz Hanson, City Planner; City Attorney; City Engineer Matt Clark; and Water and Sewer Director Matt Haefner.

4. Adopt the Agenda
Mayor Windschitl stated he would like to have agenda item 6. Minutes, removed from the agenda.

Motion by Councilmember Grau, second by Councilmember Hubbard to adopt the agenda as amended.
Motion carried.

5. Visitor Presentation
No one was present to address the Council.

~~6. Minutes~~
~~6.A. Approve the August 15, 2022 City Council Meeting Minutes~~

7. Consent Agenda
Motion by Councilmember Huang, second by Councilmember Hatfield to approve the Consent Agenda Items A through G:

A. Adopt Resolution 2022- 107 Amending the 2022 Downtown Street and Utility Reconstruction Project Assessment Roll

Motion to adopt Resolution 2022-107 Adopting the Amended 2022 Downtown Street and Utility Reconstruction Project Assessment Roll.

B. Adopt Resolution 2022-108 approving a Lot Split of a City Parcel, Consent to Joint Representation to a Quiet Title Action, and Execution of Purchase and Exchange Agreement for West Creek Apartments

Motion to adopt Resolution No. 2022-108 approving a Lot Split of a City Parcel, Consent to Joint Representation to a Quiet Title Action, and Execution of Purchase and Exchange Agreement.

C. Property Easement Agreement Acceptance for the Creek Road Trunk Sewer Extension Street and Utility Improvements

Motion to approve Easement Agreement and Authorize Payment to Acquire Fee Title of Various Easements for Roadway, Sidewalk, Trail, Drainage and Utility Purposes Over Certain Property.

D. Rivertown Heights Notice of Decision

Motion to approve the notice of decision.

E. Establish a Public Hearing to Consider Approval of the Proposed 2023 Operating Plan and Budget and Imposition of Service Charges for the Chaska Downtown Special Services District

Motion to set the public hearing for October 3, 2022, to review and approve the proposed SSD 2023 operating plan, budget, and service charges and direct staff to give notice of the public hearing.

F. Adopt Resolution 2022-109 Relating to Financing of Certain Proposed Projects; and, Establishing Compliance with Reimbursement Bond Regulations Under the Internal Revenue Code

Motion to adopt Resolution 2022-109 relating to financing certain proposed projects and establishing compliance with reimbursement bond regulations under the Internal Revenue Code.

G. Approve Renewal of Alphabet Junction's Lease

Motion to approve the renewal of Alphabet Junction's lease for another five-year term.
Motion carried.

8. Action Items

8.A. Adopt Resolution 2022-110 Authorizing Issuance, Awarding Sale, Prescribing The Form And Details And Providing For The Payment of $25,300,000 General Obligation Temporary State Aid Street Bonds, Series 2022A

City Administrator Podhradsky introduced this item and provided some background on this item.

Administrative Services Director Graczyk addressed the Council and provided some information on this item.

Paul Steinman, Baker Tilly, addressed the Council and reviewed the recommendation for the Council's consideration this evening.

Motion by Councilmember Hubbard, second by Councilmember Huang, to adopt Resolution 2022-110 Authorizing Issuance, Awarding Sale, Prescribing The Form And Details And Providing For The Payment of $25,300,000 General Obligation Temporary State Aid Street Bonds, Series 2022A.
Motion carried.

9. Bills

9.A. Accounts Payable Council Roster 8-29-2022

Motion by Councilmember Huang, second by Councilmember Grau, to approve the bills as presented. Roll call was taken. Voting aye: Councilmembers Grau, Hubbard, Huang, and Mayor Windschitl. Voting nay: None.

10. Other Business
10.A. City Administrator's Report

10.A.i. Biweekly 8/29/22

Councilmember Grau:
- Wished good luck to kids going back to school and to be mindful of traffic patterns changing
- Reminded everyone about 988-Minnesota and the resource for everyone

Councilmember Huang:
- Stated the Facilities Park Party went well
- Noted on September 16th is Latin Fest and fireworks at Fireman's Park
- Stated SouthWest Transit was a recipient of electric vehicles very exciting big news

Councilmember Hubbard:
- Stated she attended the Highway 41 open house and noted the website to sign up for the project updates

Councilmember Hatfield:
- Stated the Facilities park party was great
- Announced Coffee with a Cop is at Caribou at 9am on August 30th
- Noted the Community Center has events posted already online so people can plan ahead

Mayor Windschitl:
- Stated Chaska Golf Club is on September 16th
- Next meeting is September 12th

11. Adjourn
Motion by Councilmember Huang second by Councilmember Hatfield to adjourn the meeting at 8:06 pm.
Motion carried.

- MINUTES -
CHASKA CITY COUNCIL
SEPTEMBER 12, 2022

1. Call to Order
The meeting was called to order by Mayor ProTem Hubbard at 7:01 pm.

2. Pledge of Allegiance

3. Roll Call
Roll call was taken. Present: Councilmembers Grau, Hatfield, Hubbard, Huang, and Mayor Windschitl (arrived at 7:40 p.m.)

Absent: None.

Also Present: Matt Podhradsky, City Administrator; Noel Graczyk, Administrative Services Director; Kevin Wright, Communication Director; Elise Durbin, Assistant Administrator; Parks and Recreation Director Marshall Grange; Nate Kabat, Community Development Director; Liz Hanson, City Planner; City Attorney; City Engineer Matt Clark; and Water and Sewer Director Matt Haefner.

4. Adopt the Agenda
Motion by Councilmember Hatfield, second by Councilmember Huang, to adopt the agenda as amended.
Motion carried.

5. Visitor Presentation
Libby Fairchild, 2678 Shadow Wood Court, addressed the Council regarding Beyond the Yellow Ribbon. She provided an overview of the program and noted they are looking for someone with the City to serve on the Committee. She stated they are having their Golf Tournament next Saturday and is pleased to announce they have no vacant spots. She noted the proceeds go to the Veterans housing. She explained they have an auction with a lot of items for everyone available which is open now for people to view.

6. Minutes
6.A. Approve the August 15, 2022 City Council Meeting Minutes
Motion by Councilmember Hatfield, second by Councilmember Hubbard, to approve the August 15, 2022 City Council Meeting Minutes.
Motion carried.

7. Consent Agenda
Motion by Councilmember Grau, second by Councilmember Hatfield, to approve the Consent Agenda Items A through D:

A. On-Sale Liquor at a Community Event – Patron's Mexican Restaurant Chaska's Latin Music and Food Festival

Motion to approve On-Sale Intoxicating License at a Community Event OSCF22-04 for Patron's Mexican Restaurant, 702 Chestnut St. #110, Chaska MN for Chaska's Latin Music and Food Festival, effective Friday, September 16th, 2022.

B. On-Sale Liquor at a Community Event - Crooked Pint at Chaska's Latin Music and Food Festival Chaska's Latin Music and Food Festival

Motion to approve On-Sale Intoxicating License at a Community Event OSCF22.05 for Crooked Pint Ale House, 3210 Chaska Blvd, Chaska MN for Chaska's Latin Music & Food Festival, effective September 16th, 2022.

C. On-Sale Liquor at a Community Event - La Hermoas at Chaska's Latin Music & Food Festival

Motion to approve On-Sale Intoxicating License at a Community Event OSCF22.06 for La Hermoas Mexican Restaurant, 222 N. Chestnut St, Chaska MN for Chaska's Latin Music & Food Festival, effective September 16th, 2022.

D. Legislative Services Agreement 2022-2023

Motion to approve a Legislative Service Agreement with Lockridge Grindal Nauen P.L.L.P. for lobbying services from September 1, 2022 to December 31, 2023.
Motion carried.

8. Action Items

8.A. Adopt Resolution No. 2022-111, Authorizing the Chief of Police to act as the signing authority for the "Master Subscriber Agreement"

City Administrator Podhradsky introduced this item.

Chief Seibert addressed the Council and provided an overview and background on this item.

Motion by Councilmember Huang, second by Councilmember Grau, to approve Resolution 2022-11 authorizing the Chief of Police to act as the signing authority to the "Master Subscriber Agreement."
Motion carried.

8.B. Negotiation of a Tax Abatement Agreement with RCS-RCA Oak Ridge, LLC

City Administrator Podhradsky introduced this item and provided some background on this item.

Assistant Administrator Durbin provided an overview of this item.

Motion by Councilmember Huang, second by Councilmember Hatfield, to authorize staff to negotiate a Tax Abatement Agreement with RCS-RCA Oak Ridge, LLC and for the Mayor and City Administrator to execute such agreement. If the terms significantly deviate from the terms outlined above, then the agreement will be brought back for approval first before execution.
Motion carried.

8.C. Adopt Resolution No. 2022-112 Establishing a Preliminary Maximum City Tax Levy for Taxes Payable in 2023

City Administrator Podhradsky introduced this item and provided some background on this item.

Councilmember Grau stated there is also the cost of hiring staff which is hard to put a number on those exactly but are important and they matter.

Councilmember Hubbard noted making sure the staff has what they need to do their jobs efficiently is important.

Councilmember Hatfield stated they want to have the facilities to reflect the work the City staff does.

Councilmember Huang noted they also want to make sure they are putting in quality facilities that will last for the next generations as well.

Motion by Councilmember Hubbard, second by Councilmember Huang, to adopt Resolution No. 2022-112 adopting the proposed assessed 2022 payable 2023 maximum property tax levy. Motion carried.

9. Bills
9.A. Accounts Payable Council Roster 9-12-2022

Council requested further information on pages 13 and 19.

City Administrator Podhradsky provided further information on those bills.

Motion by Councilmember Huang, second by Councilmember Hatfield, to approve the bills as presented. Roll call was taken. Voting aye: Councilmembers Grau, Hubbard, Huang, and Mayor Windschitl. Voting nay: None.

10. Other Business
10.A. City Administrator's Report

10.A.i. Biweekly 9/12/22

Councilmember Hatfield:
- Stated there is a Food Distribution Thursday at 12 pm
- Noted the Fire Department and Police Department are having a car seat clinic on the 27th
- Stated the Latin Food Festival is on Friday from 6-10pm and will have a lot of great food

Councilmember Grau:
- Stated he attended the Open House at the Fire Department tonight and it was really nice
- Noted thanks to East Carver County Schools for getting the school year off to a good start
- Reminded everyone about 988-Minnesota and the resource for everyone

Councilmember Huang:
- Stated the Fire Department Open House was great

- Welcomed kids back to school
- Noted there is a roof top movie night Saturday Night hosted by Parks and Recreation and will have free snacks
- Stated SouthWest Transit did a great job moving people from the State Fair

Mayor Windschitl:

- Stated he attended the Black Helmet Fire Department event tonight congratulated the newest members
- Stated there was 4600 people at the Chaska Football game recently
- Stated he wanted to send out prayers to the young man paralyzed from Bloomington
- Next meeting is September 19th

11. Adjourn

Motion by Councilmember Grau second by Councilmember Hatfield to adjourn the meeting at 9:38 pm.
Motion carried.

- MINUTES -
CHASKA CITY COUNCIL
SEPTEMBER 19, 2022

1. Call to Order
The meeting was called to order by Mayor Windschitl at 7:00 pm.

2. Pledge of Allegiance

3. Roll Call
Roll call was taken. Present: Mayor Windschitl and Councilmembers Grau, Hatfield, Hubbard, and Huang.

Absent: None.

Also Present: Noel Graczyk, Administrative Services Director; Kevin Wright, Communication Director; Elise Durbin, Assistant Administrator; Parks and Recreation Director Marshall Grange; Nate Kabat, Community Development Director; Liz Hanson, City Planner; City Attorney; City Engineer Matt Clark; and Water and Sewer Director Matt Haefner.

4. Adopt the Agenda
Motion by Councilmember Hatfield, second by Councilmember Hubbard, to adopt the agenda as amended.
Motion carried.

5. Visitor Presentation
No one wished to present to the Council.

6. Minutes
6.A. Approve the August 29, 2022 City Council Meeting Minutes
Motion by Councilmember Hatfield, second by Councilmember Grau to approve the August 29, 2022 City Council Meeting Minutes.
Motion carried.

7. Consent Agenda
Motion by Councilmember Hatfield, second by Councilmember Hubbard, to approve the Consent Agenda Items A through B:

A. Public Improvements – Sagewood 2nd Addition

Motion to accept public improvements in Sagewood 2nd Addition as municipal facilities and adjust letter of credit accordingly.

B. Adopt Resolution No. 2022-113 Approving the proposed Carver County Southwest Regional Trail Master Plan Chaska to Victoria Trail and the MN River Bluffs Regional Trail alignment is consistent with the Chaska Comprehensive Plan/Res. 2020-66.

Motion to approve Resolution 2022-113 regarding the proposed Carver County Southwest Regional Trail Master Plan Chaska to Victoria Trail and the Minnesota River Bluffs Regional Trail alignment is consistent with the Chaska Comprehensive Plan/Res. 2020-66.
Motion carried.

8. Action Items
8.A. Harvest West Neighborhood Park - Plan Recommendation
Parks and Recreation Director Grange introduced and provided a presentation on this item.

Councilmember Grau stated having all the trails paved would be ideal instead of having lose gravel and rock.

Councilmember Hubbard stated she thinks the amenities are all great and the park is reminiscent of one she played at as a child. She noted she likes the connections with the trail systems.

Councilmember Hatfield stated she likes the features that make their parks unique such as the spider climbing net and thinks it would be great if they put something like that in this park.

Mayor Windschitl noted his only concern is that the park will end up being so nice that it will draw in people from outside of the neighborhood.

Motion by Councilmember Huang, second by Councilmember Grau, to recommend approval of Harvest West Neighborhood Park Plan.
Motion carried.

8.B. Harvest West Neighborhood Park – Name Recommendation
Parks and Recreation Director Grange introduced and provided a background on this item.

Motion by Councilmember Hatfield, second by Councilmember Huang, to recommend approval of the Harvest West Neighborhood Park Name, Savanna Oaks Park.
Motion carried.

8.C. Zoning Ordinance #1021 Amendment (ZOA) to Chapter 15.08 to include language that will require developers to hold neighborhood meetings and require posting of notice on properties subject to planning applications
Community Development Director Kabat introduced and provided some background on this item.

Motion by Councilmember Huang, second by Councilmember Hubbard, to adopt Ordinance No. 1021 approving the Zoning Ordinance Amendment (ZOA) to Chapter 15.08.
Motion carried.

9. Bills
9.A. Accounts Payable Council Roster 9-19-2022

Council requested further information on page 9.

City Administrator Podhradsky provided further information on those bills.

Motion by Councilmember Huang, second by Councilmember Hubbard, to approve the bills as presented. Roll call was taken. Voting aye: Councilmembers Grau, Hubbard, Huang, and Mayor Windschitl. Voting nay: None.

10. Other Business
10.A. City Administrator's Report

10.A.i. Biweekly 9/19/22

Councilmember Hubbard:
- Stated she attended the Latin Food Festival on Friday and noted it was really great and well attended

Councilmember Hatfield:
- Stated there is a car seat clinic on September 27th at 3pm

Councilmember Huang:
- Stated the Latin Festival was great
- Noted Oktoberfest is coming up
- Provided an update on SouthWest Transit

Councilmember Grau:
- Stated he attended the Open House at the Fire Department tonight and it was really nice
- Noted thanks to East Carver County Schools for getting the school year off to a good start
- Reminded everyone about 988-Minnesota and the resource for everyone

Mayor Windschitl:
- Stated Lions Park is under renovation and most of it should be done prior to winter
- Expressed his condolences for John Lenzen prior owner of Lenzen Chevrolet who passed away and noted his service is being held Saturday at 11am at St. Johns
-

11. Adjourn
Motion by Councilmember Hubbard second by Councilmember Hatfield to adjourn the meeting at 9:14 pm.
Motion carried.

- MINUTES -
CHASKA CITY COUNCIL
OCTOBER 3, 2022

1. Call to Order
The meeting was called to order by Mayor Windschitl at 7:00 pm.

2. Pledge of Allegiance

3. Roll Call
Roll call was taken. Present: Mayor Windschitl and Councilmembers Grau, Hatfield, Hubbard, and Huang

Absent: None.

Also Present: Matt Podhradsky, City Administrator; Noel Graczyk, Administrative Services Director; Kevin Wright, Communication Director; Elise Durbin, Assistant Administrator; Parks and Recreation Director Marshall Grange; Nate Kabat, Community Development Director; Liz Hanson, City Planner; City Attorney; City Engineer Matt Clark; and Water and Sewer Director Matt Haefner.

4. Adopt the Agenda
Motion by Councilmember Hatfield, second by Councilmember Grau, to adopt the agenda as presented.
Motion carried.

5. Visitor Presentation
5.A. Swearing In – Fire Chief Stephen Kraus

Mayor Windschitl swore in Fire Chief Stephen Kraus and thanked him for his service to the City.

6. Minutes
6.A. Approve the September 12, 2022 City Council Meeting Minutes
Motion by Councilmember Hatfield, second by Councilmember Huang to approve the September 12, 2022 City Council Meeting Minutes.
Motion carried.

6.B. Approve the September 19, 2022 City Council Meeting Minutes
Motion by Councilmember Hatfield, second by Councilmember Huang to approve the September19, 2022 City Council Meeting Minutes.
Motion carried.

7. Consent Agenda
Motion by Councilmember Grau, second by Councilmember Hubbard, to approve the Consent Agenda Item A:

A. Adopt Resolution #2022-114 Appointing Election Judges for the General Election - November 8, 2022

Motion to adopt Resolution No. 2022-114 appointing those persons listed on Exhibit A as Judges of Election for the General Election, Tuesday, November 8, 2022.
Motion carried.

8. Action Items

8.A. Adopt Resolution 2022-115, Public Assessment Hearing and Resolution Approving the Imposition of Service Charges for the 2023 Chaska Downtown Special Services District

City Administrator Podhradsky introduced this item.

Assistant Administrator Durbin provided some background on this item and reviewed the proposed assessments.

Dan Keyport, President of the Downtown Business Alliance addressed the Council. He provided some background on the Chaska Downtown Business Alliance and Special Services District.

Councilmember Hatfield stated the services that the Downtown Business Alliance provide are invaluable and appreciates the help they provide to City.

Mayor Windschitl opened the Public Hearing at 7:26 p.m.

No one wished to speak on this item.

Mayor Windschitl closed the Public Hearing at 7:28 p.m.

Motion by Councilmember Hatfield, second by Councilmember Hubbard, to Adopt Resolution 2022-115 Imposing Service Charges and Setting the 2023 Operating Budget and Plan for the Chaska Downtown Special Service District.
Motion carried.

9. Bills

9.A. Accounts Payable Council Roster 10-3-2022

Council requested further information on pages 2, 6, and 16.

City Administrator Podhradsky provided further information on those bills.

Motion by Councilmember Huang, second by Councilmember Hatfield, to approve the bills as presented. Roll call was taken. Voting aye: Councilmembers Grau, Hubbard, Huang, and Mayor Windschitl. Voting nay: None.

10. Other Business

10.A. City Administrator's Report

10.A.i. Biweekly 10/3/22

Councilmember Hubbard:

- Stated the Trail of Fun is on Saturday, October 15th

Councilmember Hatfield:

- Stated the Friday update emails regarding the construction on Highway 41 have been very helpful and if anyone wants that information they can sign-up on the project website through Bolton & Menk

Councilmember Huang:

- Stated October 13th from 7-8 pm is the candidate form for Mayoral Candidates at the City Council Chambers
- Stated October 29th from 4-6 pm is the Halloween Jamboree at the Community Center

Councilmember Grau:

- Stated the hope is Costco will open next fall
- Noted he has seen the water tower painting process and it has been neat to watch
- He noted if there is graffiti in public parks or spaces they should contact the front desk at City Hall

City Administrator Podhradsky:

- Noted he will keep them updated if there will be a work session on October 17th and stated there will be no meeting on October 31st for sure
- He provided an update on Highway 61 progress

Mayor Windschitl:

- Stated it is Customer Service Week and thanked everyone for their hard work
- Stated there is a new business Red Savoy Pizza being built which is exciting
- Noted Tokyo Electron Limited became a Beyond the Yellow Ribbon Company and would like to do a proclamation for them
- Expressed his condolences for John Lenzen prior owner of Lenzen Chevrolet who passed

11. Adjourn

Motion by Councilmember Huang second by Councilmember Hubbard to adjourn the meeting at 7:59 pm.
Motion carried.

- MINUTES -
CHASKA CITY COUNCIL
OCTOBER 17, 2022

1. Call to Order
The meeting was called to order by Mayor Windschitl at 7 p.m.

2.Pledge of Allegiance

3. Roll Call
Roll call was taken. Present: Mayor Windschitl and Councilmembers Grau, Hatfield, Hubbard, and Huang.

Absent: None.

Also Present: Matt Podhradsky, City Administrator; Noel Graczyk, Administrative Services Director; Kevin Wright, Communication Director; Elise Durbin, Assistant Administrator; Marshall Grange, Parks and Recreation Director; Nate Kabat, Community Development Director; Liz Hanson, City Planner; Jake Saufley, City Attorney; Matt Haefner, Water and Sewer Director; and Matt Clark, City Engineer.

4. Adopt the Agenda
Motion by Councilmember Hubbard, second by Councilmember Hatfield to adopt the agenda as presented. Motion carried.

5. Proclamation
5.A. Domestic Violence Awareness Month – Katie Schaumann
Mayor Windschitl read in full a Proclamation recognizing October 2022 as Domestic Violence Awareness Month. Katie Schaumann provided details about Southern Valley Alliance and its history serving the community.

6. Visitor Presentation
6.A. His House Foundation – Martha Brannon
Mayor Windschitl introduced the item and Martha Brannon, His House Foundation, provided a presentation of the services provided by His House Foundation. She provided an overview of the program and noted they are the primary emergency housing provider in the area. His House also provides food support. Ms. Brannon added there is a sleep-out fundraiser event upcoming in the winter.

Mayor Windschitl asked what the service area is for housing stabilization. Ms. Brannon stated they can help anyone in the State with housing issues. If their facilities are full, His House provides a tent and an uber to a local campsite. In Chaska, there are anywhere from five to 20 unhoused folks, particularly down by the river at the end of Walnut. She added there are also some transient people behind McDonald's and behind Cooper's. The organization provides food support to several of those individuals.

6.B. Other Comments

A gentlemen claiming to be Prince from Los Angeles, California, stated in 2016 he was very sick while living in the Chaska area. He did not die. Instead, he moved to California after the Carver County Sheriff responded to an incident. He explained people are trying to steal his music and his royalties. Mayor Windschitl stated the incident occurred in Chanhassen and any issues can be taken up with the Carver County Attorney's Office.

7. Consent Agenda

Motion by Councilmember Huang, second by Councilmember Grau to approve the Consent Agenda Items A through G:

A. Adopt Resolution 2022-120 Identifying the Need for Livable Communities Local Housing Incentives Account Funding and Authorizing Application for Grant Funds

Motion to approve Resolution 2022-120 Identifying the Need for Livable Communities Local Housing Incentives Account Funding and Authorizing Application for Grant Funds.

B. Adopt Resolution No. 2022-122 Approving the Final Site & Building Plan for Chaska Tech Center/Amcon Construction/PC #2022-55

Motion to adopt Resolution No. 2022-122 Approving the Final Site & Building Plan for Phase III of the Chaska Building Center (Chaska Tech Center).

C. Adopt Resolution No. 2022-123 Approving the Eitel House Final Plat/Jonathan Association/PC #2022-56

Motion to adopt Resolution No. 2022-123 Approving the Eitel House Final Plat.

D. Adopt Resolution 2022-124 Approving the Final Plat for Hidden Maples/Landmark Builders/PC #2022-53

Motion to adopt Resolution 2022-124 Approving the Final Plat for Hidden Maples.

E. Adopt Resolution No. 2022-128 Approving the Cooperative Construction Agreement with MnDOT for Oak Ridge Development – TH 41 Roundabout and Highway Improvements

Motion to approve Resolution No. 2022-128 Approving the Cooperative Construction Agreement with the State of Minnesota Department of Transportation for Oak Ridge Development – TH 41 Roundabout and Highway Improvements.

F. Authorize a Purchase Agreement with Club West Partners, LLC for Property Necessary for Right of Way and Stormwater

Motion to authorize the Mayor and City Administrator to enter into a Purchase Agreement upon completion baring any substantive changes with Club West Partners, LLC for Parcels A, B, and C as defined in said purchase agreement.

G. Set Date for Canvass of Municipal Election Results

Motion to set the date for the canvass of local election results as November 17, 2022, at 5:30 p.m. at the Chaska City Hall Council Chambers.

Councilmember Hubbard noted for Consent Agenda Item E. Adopt Resolution No. 2022-128 Approving the Cooperative Construction Agreement with MnDOT for Oak Ridge Development – TH 41 Roundabout and Highway Improvements, there has been concern in the community regarding traffic flow.

City Administrator Podhradsky agreed there have been concerns the roundabouts would not be sufficient, but Staff has no concerns because the traffic study showed no issues. Councilmember Hubbard stated communication with the community would be helpful to ease concerns.

Motion carried.

8. Action Items

8.A. Adopt Resolution 2022-129 Extension of Power Sales Agreement with Minnesota Municipal Power Agency

City Administrator Podhradsky introduced this item.

David Niles and Oncu Er from Avant Energy addressed the Council and provided an overview and background on this item through a presentation.

Councilmember Huang asked what capacity they have for biogas. Mr. Er stated they are generating at full capacity.

Councilmember Huang asked if there is excess gas or electricity that can be resold. Mr. Niles stated the gas is more valuable than the electricity, and it can be resold.

Councilmember Hubbard asked if there are any other potential members for the co-op. Mr. Niles stated it can be difficult for cities to switch because of the long-term contracts and notice periods, but Avant has continued to seek and sign new members.

City Administrator Podhradsky noted there is a push for renewable energy offerings. Councilmember Grau added people initially chose renewable energy to feel better, but now it is more cost-effective.

City Administrator Podhradsky added the connection with the Minnesota Municipal Power Agency has allowed the co-op to grow and further benefit the City.

Mayor Windschitl pointed out there are a number of benefits for the City to have their own power company. It would be beneficial for Avant Energy to do regular presentations to the cities in the co-op, including Chaska.

Motion by Councilmember Huang, second by Councilmember Hatfield, to Adopt Resolution 2022-129 Authorizing and Approving an Amendment in the term of the Power Sales Agreement between the Minnesota Municipal Power Agency and the City of Chaska and Authorizing the Execution of the Agreement on behalf of the Mayor and Administrator.
Motion carried.

8.B. Adopt Resolution 2022-125 and Ordinance Nos. 1022 & 1023 Approving the Final Site & Building Plan and Zoning Ordinance Amendments for Hazeltine Plaza Apartments/Trident Development/PC #2022-54

City Administrator Podhradsky introduced on this item.

City Planner Hanson provided a presentation on this item.

Councilmember Grau asked when they would be breaking ground on the project. Roger Fink (1:18:50), representative of Trident Development, explained the groundbreaking would be early in 2023.

Councilmember Grau noted his support of the project and the populations it would serve.

Councilmember Hubbard added she hopes the project would serve long-term residents rather than Airbnb's. Roger Fink stated Airbnb or other short-term rentals would not be allowed at the property. There will be a management office on-site.

8.B.i. Ordinance No. 1022 Approving the Zoning Ordinance Amendment (ZOA) to PCD-15
Motion by Councilmember Grau, second by Councilmember Hubbard, to adopt Ordinance No. 1022 Approving the Zoning Ordinance Amendment (ZOA) to PCD-15.
Motion carried.

8.B.ii. Ordinance No. 1023 Approving the Zoning Ordinance Amendment (ZOA) to Section 15.16.030 PCD
Motion by Councilmember Huang, second by Councilmember Hatfield, to adopt Ordinance No. 1023 Approving the Zoning Ordinance Amendment (ZOA) to Section 15.16.030 Planned Commercial Development District.
Motion carried.

Motion by Councilmember Hubbard, second by Councilmember Grau, to adopt Resolution 2022-125 Approving the Hazeltine Plaza Apartments Final Site and Building Plan.
Motion carried.

8.C. Items related to a Tax Abatement Agreement with RCS-RCA Oak Ridge, LLC
8.C.i. Adopt Resolution 2022-126 Granting Contingent Approval of a Tax Abatement Agreement
City Administrator Podhradsky introduced on this item and Assistant City Administrator Durbin provided details on this item.

Mayor Windschitl noted there was a lot of creative work by Staff to move the project forward, and it didn't impact tax payers' money.

Motion by Councilmember Huang, second by Councilmember Grau, to adopt Resolution 2022-126 Granting Contingent Approval of a Tax Abatement Agreement.
Motion carried.

8.C.ii. Motion to Set Public Hearing for November 7, 2022 to Review a Proposed Property Tax Abatement
Motion by Councilmember Hatfield, second by Councilmember Hubbard, to set the Public Hearing for November 7, 2022, to review the proposed property tax abatement.
Motion carried.

8.C.iii. Adopt Resolution 2022-127 Relating to the Financing of Certain Proposed Projects; and, Establishing Compliance with the Reimbursement Bond Regulations under the Internal Revenue Code

Motion by Councilmember Hubbard, second by Councilmember Grau, to adopt Resolution 2022-127 Relating to the Financing of Certain Proposed Projects; and, Establishing Compliance with Reimbursement Bond Regulations under the Internal Revenue Code.
Motion carried.

9. Bills

9.A. Accounts Payable Claims Roster 10-17-2022

The Council requested further information about bills on pages 2 and 20.

City Administrator Podhradsky provided further information regarding those bills.

Motion by Councilmember Huang, second by Councilmember Hatfield, to approve the bills as presented. Roll call was taken. Voting aye: Councilmembers Hatfield, Hubbard, Huang, Grau and Mayor Windschitl. Voting nay: None
Motion carried.

10. Other Business

10.A. City Administrator's Report

10.A.i. Bi-Weekly Report 10/17/2022

Councilmember Huang:

- Noted there is a Halloween Jamboree October 29 at the Community Center
- Added early voting is now available
- Pointed out there is an issue with a stop sign near PetCo

Councilmember Hubbard:

- Noted she attended the Trail of Fun and thanked Staff and sponsors for their effort
- Stated there was a Community Center Task Force meeting which discussed more critical infrastructure needs. There was also a community survey which showed similar priorities as reached by the Task Force

Councilmember Grau:

- Agreed the Community Center Task Force has hosted creative conversations
- Noted signage is up on Chaska Boulevard about road closures
- Encouraged folks out for Halloween trick-or-treating to be aware of traffic safety

Councilmember Hatfield:

- Pointed out there is a Food Distribution on Thursday, October 20
- Stated Coffee with a Cop is October 27 at Dunn Brothers at 9:00 a.m.
- There is trick-or-treating downtown on October 29 in the afternoon

Mayor Windschitl:

- Encouraged community members to vote and explained polling location information is available on the City website
- Next Meeting is November 7th and a Canvassing Meeting on November 17th
- Noted there is construction on Walnut after there was just work done there recently
- Added community members should be extra careful when driving on Halloween

10.B. Monthly Financial Reports

11. Adjourn

Motion by Councilmember Hatfield, second by Councilmember Huang, to adjourn the meeting at 9:02 p.m.
Motion carried.

- MINUTES -
CHASKA CITY COUNCIL
NOVEMBER 7, 2022

1. Call to Order
The meeting was called to order by Mayor Windschitl at 7 p.m.

2.Pledge of Allegiance

3. Roll Call
Roll call was taken. Present: Mayor Windschitl and Councilmembers Hatfield, Hubbard, and Huang.

Absent: Councilmember Grau

Also Present: Matt Podhradsky, City Administrator; Noel Graczyk, Administrative Services Director; Kevin Wright, Communication Director; Elise Durbin, Assistant Administrator; Marshall Grange, Parks and Recreation Director; Nate Kabat, Community Development Director; Liz Hanson, City Planner; Jake Saufley, City Attorney; Matt Haefner, Water and Sewer Director; and Matt Clark, City Engineer.

4. Adopt the Agenda
Motion by Councilmember Hatfield, second by Councilmember Hubbard to adopt the agenda as presented. Motion carried.

5. Visitor Presentation
A student from Eden Prairie High School explained he and other students were present as an assignment for their AP Government class.

6. Approve Previous Meeting Minutes
6.A. Approve the October 3, 2022 City Council Meeting Minutes

6.B. Approve the October 17, 2022 City Council Meeting Minutes
Mayor Windschitl noted there was an error in the name of the car dealership that could easily be changed.

Motion by Councilmember Hubbard, second by Councilmember Huang to approve the minutes of the October 3, 2022 and October 17, 2022 City Council meetings.
Motion carried.

7. Consent Agenda
Councilmember Hubbard noted a new swimming center was a sponsor of an event at the Community Center, which also offers swimming lessons. She asked how that worked since they would be a competitor.

City Administrator Matt Podhradsky stated the new center is a competitor in one sense, but they cannot compete with the prices offered by the Community Center.

Mayor Windschitl asked if Staff was expecting the donation from Consent Agenda Item G. Resolution 2022-133 to Accept the Donation of Real Property.

City Administrator Podhradsky stated the previous owner determined it was beyond their capability to deal with because of the poor soil condition. There is potential for the City to use it for development, parks, or a City building.

Motion by Councilmember Huang, second by Councilmember Hatfield to approve the Consent Agenda Items A through H:

A. 2023 Prosecution Contract

Motion to authorize the Mayor and City Administrator to execute the 2023 County Prosecution Contract.

B. Resolution 2022-130 Approving an Agreement With Carver County for 2023 Assessment Services

Motion to adopt Resolution 2022-130, approving an agreement with Carver County for 2023 assessment services.

C. Adopt Resolution 2022-131 - Accepting Gifts and Donations received during the period July 1, 2022 through September 30, 2022.

Motion to adopt Resolution 2022-131 acknowledging and accepting gifts to the City of Chaska

D. Establish a Public Hearing to Consider Temporary Transfer Authority

Motion to set a public hearing for December 5, 2022 to review a spending plan associated with the Temporary Transfer Authority.

E. Accept the findings of the Body-Worn-Audit Report

Motion to accept the findings of the Body-Worn-Camera Audit Report.

F. Tobacco License Application for New Business Anna Tobacco

Motion to approve license to sell tobacco-related products for Anna Tobacco, located at 1008 Gateway Dr, Chaska.

G. Resolution 2022-133 to Accept the Donation of Real Property

Motion to adopt Resolution 2022-133 to accept the donation of real property for properties PID 30.0040800 and PID 30.0040820.

H. Approve the Renewal of the Breakaway Academy Lease

Approve the renewal of the Breakaway Academy Inc. lease for a term of one-year, with a 12% inflator.

Motion carried.

8. Action Items

8.A. Public Hearing and Resolution 2022-132 Regarding a Tax Abatement Project

City Administrator Podhradsky introduced the item to the Council and Assistant City Administrator Elise Durbin provided a presentation on it.

Mayor Windschitl asked for the approximate timeline on the project. Assistant City Administrator Durbin stated there are tentative plans to begin in the Spring.

Mayor Windschitl asked if there has been communication with the neighboring industrial sites. Assistant City Administrator Durbin stated there are plans for the developer to contact the industrial sites. Staff has requested details about what information would be provided and to whom. There is also an open house planned by Minnesota Department of Transportation regarding this project along with other projects planned for the new year.

Mayor Windschitl opened the public hearing at 7:20 p.m.

No one wished to address the Council.

Mayor Windschitl closed the public hearing at 7:21 p.m.

Motion by Councilmember Huang, second by Councilmember Hatfield to adopt Resolution 2022-132 granting the Tax Abatement
Motion carried.

9. Bills
9.A. Accounts Payable Claims Roster 11-7-2022
The Council requested further information about bills on pages 4, 12, and 36.

City Administrator Podhradsky provided further information regarding those bills.

Motion by Councilmember Hubbard, second by Councilmember Hatfield to approve the bills as presented. Roll call was taken. Voting aye: Councilmembers Hatfield, Hubbard, Huang, and Mayor Windschitl. Voting nay: None
Motion carried.

10. Other Business
10.A. City Administrator's Report

10.A.i. Bi-Weekly Report 11-7-2022

Councilmember Huang:

- Reminded community members elections are the following day on November 8, 2022. He encouraged folks to vote.
- Noted Hometown Holidays will be celebrated December 3, 2022 with a tree lighting.
- Pointed out another tree lighting is December 4, 2022 at 4:00 PM.
- Added the water tower is finally finished and looks fantastic.

Councilmember Hatfield:

- Thanked community members and businesses for participating in the trick-or-treating downtown.
- Noted there was a good turnout for shopping and eating at the restaurants.
- Shared Coffee with a Cop is November 17, 2022 and a food distribution at noon.
- Pointed out some of the polling places have changed and there is some road construction to consider.

Councilmember Hubbard:

- Encouraged residents to vote and double check their polling locations.
- Stated the downtown business trick-or-treating event was very successful.
- Noted she went to the Community Center for the Halloween Jamboree, and it was well-attended.
- Added she went to an event hosted by Latino Voices and the Human Rights Commission and learned about some elements of Dia De Los Muertos.
- Stated Heroes and Helpers is coming up. It is an event hosted by the Fire Department and Target is an opportunity for firefighters shop for gifts and then wrap them to present to families. They are looking for support through donations.
- Congratulated the Chaska Library Director Jodi Edstrom for becoming the Interim Director for Carver County Libraries.

Mayor Windschitl:

- Noted November 11, 2022 is Veteran's Day, and the Middle School does a program for the holiday.
- Commented the next City Council meeting is November 21, 2022. There is a special meeting on November 17, 2022 for Canvassing. On December 5, 2022, there is a Truth in Taxation meeting, and December 19, 2022 is the final meeting of the year when the final budget is set.
- Added a family business owner Bob Ohnsorg from Ohnsorg Truck Bodies, Inc. and Chaska firefighter has passed away and offered condolences to the family.
- Stated the Golf Course has closed for the season, and it had a decent year despite the rough Spring weather.

11. Adjourn

Motion by Councilmember Hatfield, second by Councilmember Hubbard to adjourn the meeting at 7:42 p.m.
Motion carried.

CHASKA PLANNING COMMISSION
MINUTES
AUGUST 10, 2022

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

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

Members absent: Commissioners Lacey and Rylee.

Also present: Jacob Saufley, City Attorney, Nate Kabat, Community Development Director; and, Liz Hanson, City Planner.

3. Adopt the Agenda
Motion by Commissioner Urbanski, second by Commissioner Aasen, to adopt the agenda as presented.
Motion carried.

4. Visitor Presentation
No one appeared under Visitor Presentation.

5. Approve Previous Meeting Minutes
5.A. Approve the July 13, 2022 Planning commission Meeting Minutes

Commissioner Aasen asked for a correction to the roll call to note that he was present at the meeting.

Motion by Commissioner Aasen, second by Commissioner Baswa, to approve the minutes of the July 13, 2022 Planning Commission meeting, as amended.
Motion carried.

6. Consent Agenda

7. Action Items
7.A. PUBLIC HEARING: Recommend Approval of the Zoning Ordinance Amendment (ZOA) to Section 15.16 Planned Development Districts/City of Chaska/PC #2022-51
City Planner Hanson presented the item to the Commission.

Commissioner Olson asked why this action was necessary right now. He stated that the Commission had discussed the fact that there needed to be a deeper dive into the ordinance itself

and questions coming in right now to make changes that are essentially removing the word 'shall' and replacing them with 'should'.

Community Development Director Kabat stated that the reason this is coming forward now is that the understanding during the preview process was that staff would be taking an immediate look at this portion, which is consistent with past practice. He explained that in the past when a variance has moved forward with support from the Planning Commission and City Council, it has been a signal that perhaps the ordinance should be looked at to see if it can be tightened up and clarified. He noted that Chaska has a long history of rarely bringing forth variances, because of past practice, which has allowed a lot of discretion and flexibility applied to how Planned Use Districts are developed and utilized with an eye toward the outcome rather than towards being exact to the language of the ordinance. He noted that there has been a recent change in the attorneys that have been involved as well as in his position, as the Community Development Director. He stated that this new group of people felt that while there is nothing inherently wrong with the past practice, it doesn't align with how the language is written in the Zoning Code. He stated that they have acted as though the Planned Use Districts were using 'should' in the past where it actually says 'shall'. He explained that what they are attempting to do with this change is better align the established practice over the past few decades with the language in the Code. He stated that to answer the question of why they felt it should be done now was that they previewed it while going through the variance process and staff felt that both the Commission and the Council were desirous of moving forward with these changes. He stated that there is the larger audit that they intend to move forward with and are working on, but their focus will be in taking a look at what the Comprehensive Plan and specific area plan, as well as the Zoning Code and the Subdivision Ordinance in order to take a look at how well they are aligned with those broader objectives. He stated that right now, there are some conflicting messages within the Zoning Code so the idea is to take a look at how to align the Zoning Code with practice, the goals outlined in the 'plans' and also take a look at the conflict points and try to figure out how to provide a bit more clarity.

Commissioner Olson asked if that simply meant the City was trying to change the language to match the actions versus changing the actions to match the language. He stated that the Zoning Code has not been changed for many years and it sounds like he is saying that staff has acted in a way that was differing from what the ordinance said.

Community Development Director Kabat noted that he would not say it was just staff, but also the Planning Commission and the City Council. He stated that those groups have been approving zoning in a way that really has an eye towards the outcome and applying a lot of flexibility. He stated that he is saying that this language amendment will align with the established past practices that have been in place for decades and reiterated that it was not just staff but included the Planning Commission and the City Council.

Commissioner Olson stated that, however, it was staff presenting to these bodies.

Community Development Director Kabat stated that was correct, but then the Planning Commission also made a recommendation to the City Council.

Commissioner Olson stated that those recommendations were based on the information staff presented to them. He asked what contradictory terms there are currently between the Comprehensive Plan and the current Zoning Code.

Community Development Director Kabat noted that is what the broader audit would be looking at in greater detail. He explained that the change they are recommending this evening is really about putting the flexibility into the Planned Use District that has already been applied through practice over the past few decades.

Commissioner Olson stated that he would say from his seat as a Commissioner, that they do not know what the practice is, but know what the Zoning Ordinance is, what everybody has access to, and how activities should be managed. He stated that up until these most recent apartment building projects, he does not think there have been many variances that have caused staff to say that there is an issue.

Community Development Director Kabat stated that what he is trying to explain is that there has been some shift in thinking on how to interpret the Zoning Code. He stated that in the past, if the current thinking was applied, there would have been many more variances that would have come forward. He stated that what staff is trying to do tonight is act on the direction that they believe they have heard from the Planning Commission and the City Council. He noted that he wanted to make it very clear that they were not intended to impose anything on the Commission.

Chairperson Brass stated that he appreciated that action was taken right away rather than waiting another 6 months to take a look at a problem that has come up at the last few meetings. He stated that what he is hearing staff say is that by both the Commission and the Council approving these things, it sort of sets the stage that perhaps the Ordinance doesn't align with what the practice has been.

Commissioner Gaare stated that another way to look at it is that there is no value added in the variance approval process.

Chairperson Brass stated that with a PDD, or what other cities call a PUD, there is a lot of discretion. He reiterated that he likes to take care of problems right away so he does not have a problem with the timing of this action. He gave the example of recent applications that had different retail parking proposals that were approved differently than what the Code says, because parking practices have supposedly changed. He stated that there is a huge loop hole in the usable open space issue that he pointed out in the last meeting. He noted that by changing these words, it gives the Commission discretion to determine if a use is reasonable or not.

Community Development Director Kabat noted that there is a provision including tonight that would change how the City would look at parking and provide more discretion and flexibility. He stated that they will continue to visit this issue through the audit process, but for now, this language change gives the City some ability for flexibility. He pointed out that the recommendations are not to remove any of the metrics that exist in the Planned District portion of the code such as FAR, setbacks, and open space. He explained that those things still continue to be there, but they end up being advisory. He stated that this language change does not

remove the ability to look at these long standing targets but is looking at how they are evaluated, which he would argue is not really different than how it has been done in the past.

Chairperson Brass stated that he feels the proposed change gives the Commission more discretion on whether to approve developments or not.

Community Development Director Kabat noted that staff's perception of the proposed change is that this will put more onus on the developer for them to justify why they are suggesting other than what is recommended.

Commissioner Olson asked staff to elaborate on that point because he would see it as the opposite scenario and doesn't want this to turn into a 'wink, wink – nudge, nudge' scenario that just goes through.

Community Development Director Kabat stated that the way he envisions applying this is that if a developer is looking to diverge from the metrics and targets included in the Code there needs to be a good reason or justification for it.

Chairperson Brass stated that the metrics are still in place, but it would change it so there could be discretion and, for example, they would not have to go through hours of discussion over a variance that was just 5 feet.

Commissioner Urbanski stated that to simplify what this proposes is that a PDD is a unique project that has the developer work with the City to try to put together the best project that will fit, which means there needs to be a bit of give on both sides. He asked if this explanation was over-simplifying the proposed change to the language.

Community Development Director Kabat stated that this is often how they have approached things and agreed that this is the intent of a Planned District.

Chairperson Brass noted that in his professional career outside of the Planning Commission he has always felt that Planned Unit Developments such as this, give the cities more control.

Commissioner Olson asked how this verbiage compared to neighboring cities such as Chanhassen and Eden Prairie.

Community Development Director Kabat noted that he had not done a review to compare it against neighboring communities.

Commissioner Olson asked if it was reviewed when they were looking at communication.

Community Development Director Kabat stated that they can look at this and compare it but explained that the reason he approached the conversation about communication differently was because the direction they had received was that they did not feel their practice was adequate and wanted to learn from other communities that appeared to be doing it better. He explained that what he had heard in this situation was that the City didn't necessarily think its practice today was insufficient. He stated that he feels that the overall feeling was that they liked what they

were doing, but the Code didn't seem to be aligning with that practice which is why, from this perspective, he didn't see a strong need to take a look at what others were doing.

Chairperson Brass confirmed with Community Development Director Kabat that this recommendation was done in conjunction with the City Attorney.

Commissioner Baswa asked who would have more flexibility with this proposed changes between the City staff, the developer, or the Commission.

Community Development Director Kabat stated that from City staff's perspective, their objective and approach would not significantly change. He explained that their approach is always on applying the Code, understanding the Comprehensive Plan, understanding the broader goals of the Council, translating that and then applying it to any development that comes in. He stated that what he thinks it does change is the discretion that the Planning Commission has in its recommendations to the Council and changes the evaluation that the Council can do on these developments. He reiterated that he really didn't think this changed the City's 'practices' because it really just makes the Code match the already established practice. He shared examples of projects in the City where he felt a lot of creativity was included in the process such as Clover Ridge and Chaska Commons.

Chairperson Brass opened the public hearing at 7:36 p.m.

Wade Sorenson, 1456 Sophia Drive, noted that he would like to start with the same question that was raised by Commissioner Olson on why this change was being talked about right now. He stated that he feels this is being addressed now because of the next item on the agenda rather than waiting for the larger more comprehensive look into this ordinance that is apparently supposed to happen later this year. He stated that he believed this was being brought up in a rushed fashion because of the project on the Kohls property. He stated that with reference to The Gallery Apartments, the issue that caused all the variances to be required has to do with how the site is defined because it was a 5.7 acre site that the City called a 24 acre site and, in his opinion, basically ended up playing tricks with the numbers. He stated that those 'tricks' led to issues with the open space, but he feels the real issue was actually the floor area ratio. He reiterated that he feels the issue that needs to be addressed is how the site is defined. He noted that he felt the City's challenges would continue until that issue is resolved. He stated that he would agree with the sentiment that the PDD code contains some ambiguities, but he feels these proposed changes do nothing to address that issue or even make them less ambiguous. He stated that he feels these changes will make it even more ambiguous. He stated that no where in the Code does it stay that it is supposed to be a flexible regulatory process. He stated that there were not examples from neighboring cities or examples given of what they need more flexibility on. He gave the example driving down his street at 50 mph, even though the speed limit is lower than that. He stated that it is the equivalent of him saying that just because he always drives at 50 mph he should be able to change the speed limit to 50 mph. He stated that it feels like that is what is happening in this situation when staff is suggesting changing the language to say 'should' and noted that he did not believe there was a rational reason to make these changes. He asked what the benefit would be of this change and stated that the Commission was here representing the residents of the City and he feels the oversight for the City is greatly diminished by these changes. He stated that he did not believe the Commission

gained any power from these changes and any flexibility gained is for the developers. He reiterated that he believes these changes will diminish the oversight the Commission has and ultimately, the residents will lose protections. He explained that he strongly discouraged the Commission from supporting this proposed amendments.

There being no additional public comment, Chairperson Brass closed the public hearing at 7:41 p.m.

Chairperson Brass stated that he did not think these proposed changes would create more confusion and explained that he felt they would just add more discretion. He reiterated that he was intimately familiar with what other cities do and had done business with many cities that have this type of district. He stated that the intent is for flexibility and feels the idea that this diminishes his role and that the Planning Commission would have no authority following these changes he considers an insult. He stated that the Planning Commission still needs to vote to recommend approval or denial on every single application that comes before them. He stated that thinks it is the opposite of what Mr. Sorenson shared.

Commissioner Olson noted that Chairperson Brass had mentioned that in his professional life that he deals with this in other communities and asked if he was saying that other communities have similar requirements to the City.

Chairperson Brass stated that he is not a lawyer so he couldn't compare legal language, but noted that, he had experience with Plymouth, Burnsville, and Rogers with planned unit developments, which are a hassle because you can't just go in and conform to their I-2 district standards. He stated that instead you have to go in and convince the commission why they would want to support this and how it would fit the vision for their city. He stated that professionally when he looks at a piece of property and it says PUD, he groans, because he knows off the bat that everything will be open for discussion and there are no hard set rules. He stated that he thinks this actually makes things more difficult for developers.

Commissioner Olson stated that if the developer has good, rational reasons for exceeding the 'shalls' there would be a valid reason for a variance which he feels should be highlighted. He stated that he is looking at things from the finance side so he is looking at the black and white perspective.

Chairperson Brass noted that they could just not any PDDs in the City and everything is just hard because you cannot think of code to cover every scenario. He stated that instead of doing that, this gives the Commission and City staff discretion to consider these projects while representing the citizens.

Commissioner Olson stated that from the finance world, there is a standard and everybody is measured on that standard and if there is a variance, he would like it brought forward for a vote, but noted that he felt it should be measured the same way. He stated that the last two projects that had variances were approved by the majority of the Commission and asked how that process was not working and why this amendment was necessary. He stated that it appears as though staff feels there is something coming down the pike that makes this change necessary rather than leaving as it is and continuing to follow the process that worked the last two times. He

stated that he feels those last two projects were looking for variances because of the wetlands and not because the land was a PRD. He stated that his preference would be that if there is a valid reason for a variance and it bypasses the 'shall' then it should come back.

Chairperson Brass noted that he was under the impression that these changes were just for the PDD districts so there will be variance requests that come for other districts.

City Planner Hanson stated that was correct.

Commissioner Olson asked what was undeveloped right now that would not go into a PRD or PDD district. He stated that he feels this would be making a rash decision to change minor wording that will open up more concerns as the City continues to grow rather than addressing the core issues of what the differences are between the Comprehensive Plan and the Zoning Ordinance.

Chairperson Brass stated that he feels that is a different matter.

Commissioner Olson stated that staff had stated that it was restrictive, which he feels is the whole point of the Zoning Ordinance, so the City can say what developers can do and what they cannot do.

Chairperson Brass stated that he thinks it comes back to the intent that PDDs are, in nature, discretionary by City staff. He reiterated his earlier point that he is in support of taking care of issues earlier rather than waiting for more issues to arise.

Commissioner Olson stated that he feels the City already has a process to be able to handle that situation with the variance process.

Chairperson Brass stated that then it goes back to having two hour discussions on these issues.

Commissioner Gaare stated that it goes back to her point that there is no value added in this particular category of having variances.

Commissioner Baswa stated that the numbers are not changing and staff will still present the information surrounding the requirements and Code. He stated that the Commission will have the opportunity to look into each situation and have the discretion to say whether they feel it will be good for the community or not. He stated that he understands that they have the flexibility to give a variance, but since this is not changing any of the numbers, for example going from 35 feet down to 25 feet, he does not have many concerns.

Commissioner Urbanski stated he the thinks this proposed revision allows the Commission to have more common sense when looking at projects especially for unique properties or developments that don't fall into the typical design of concept. He stated that he feels it gives the Commission some leeway and allows them to have a discussion early on with the developer rather than when they pursue a variance. He stated that he thinks this will make the process easier but the City will still get good projects with more communication on the front side.

Chairperson Brass stated that he feels it will still be the Commission and City's 'say' on what gets to happen.

Commissioner Gaare agreed and stated that staff will still make recommendations to the Commission and the Commission will still make recommendations to the Council, so the process will not change.

Commissioner Olson noted that being directly affected by the last two projects, how the process worked, and how the City presented it to the Commission and the Council, left some distaste for him. He stated that part of it was the practice and not following the words that were in the Zoning Ordinance and even though those words were brought up to the Commission and the Council, staff had continued their practice. He stated that this is the part where it needs to be clear that they are changing the words to match the practice and not vice versa. He stated that he feels that is a disservice for the Commission and feels staff is choosing to go with the path of least resistance. He stated that now the Commission will get to deal with developers for these large projects that have no boundaries. He stated that he feels the decision made today will last for decades because the previous decision lasted for decades and now they are looking to make changes specifically for two recent projects that came through the City, as well as the next one on the agenda. He stated that none of these three projects fit the City's mold and asked if that was because of zoning requirements or if it was because the developers are aggressive and City staff is not following the words from the ordinances and are simply following their practice. He stated that in his opinion, this change is too soon and doesn't really solve any problem but opens the door for people to come in and do whatever they want.

Commissioner Gaare stated that each application will still be voted on.

Chairperson Brass stated that he did not believe that developers would be able to come in and do whatever they want because there are still metrics in place. He stated that he understands that Commissioner Olson sees this as more of a black and white issue, but things change and this code was written many years ago. He stated that there will be more comprehensive changes when the audit continues and expects there to be changes for things such as parking and retail because that industry has changed. He stated that if this change moves forward and there ends up being a problem with it, the City can go back and change it again, if necessary.

Commissioner Aasen noted that he sees the advantage for the City because it won't hold them strictly to something and then they end up with something that they don't really want. He stated that he feels this language change will give them the ability to deny something.

Commissioner Olson stated that staff's actions has not been matching their words. He asked how the information regarding this public hearing was communicated to the public.

City Planner Hanson explained that it was required to go to the newspaper.

Commissioner Olson stated that means it went to the Chaska Herald for last Thursdays delivery and asked if that was the only communication that happened.

Chairperson Brass noted that he thinks it was also public on certain social media pages.

Commissioner Olson stated that information was just posted today.

Motion by Commissioner Baswa, seconded by Commission Urbanski, to recommend approval of the Zoning Ordinance Amendment that would modify Section 15.16 of the Zoning Ordinance to read as the attached draft Ordinance.

Motion carried 5-1 (Commissioner Olson opposed).

7.B. PUBLIC HEARING: Recommend Approval of the Preliminary Site and Building Plan and Zoning Ordinance Amendment (ZOA) for Hazeltine Plaza Apartments/Trident Development/PC #2022-48

City Planner Hanson presented the item to the Commission and noted that this is scheduled to come before the Council on August 15, 2022.

Commissioner Olson asked if he was correct that in order for there to be an apartment on this site the PCD would need to be amended.

City Planner Hanson stated that the permitted uses need to include this.

Community Development Director Kabat clarified that in code, the PCD district allows for residential uses and this specific PCD-15 did not list multi-family housing as a permitted use.

Chairperson Brass asked why there would be a motion to make this PCD-15 if it doesn't have the use permitted.

Community Development Director Kabat explained that the specific district PCD-15 does not include residential or multi-family as a permitted use. He stated that PCD-15 is a bit more restrictive than what code would allow for a PCD.

Chairperson Brass noted that he understood now that this was to allow multi-family use and noted that many cities are doing this kind of pedestrian friendly area with apartments and retail together.

Commissioner Olson stated that this property has been sitting there a long time. He asked about sidewalks and noted that nothing was shown in the diagrams around the breezeway and asked if there would be a crosswalk.

City Planner Hanson stated that is not currently shown but is probably something that can be looked at more closely.

Commissioner Olson stated that knowing the parking lot is there he feels they should definitely consider a crosswalk somewhere on that side of the loop.

Chairperson Brass stated that he had seen something with rebranding for places like Kohl's and Sephora and asked if the developer had worked out something with them in order to get approval.

City Planner Hanson stated that may be the case but noted that they would be working with City staff on the signage, not the developer.

Commissioner Olson asked what efforts had been made by the staff to adhere to the .5 floor area ratio. He noted that it is coming in at .69 and assumed that there had not been any change from the concept phase.

Community Development Director Kabat stated that City staff has evaluated this and found that this is an area that is much more densely developed with a commercial presence that is there. He stated that from their perspective, what is being presented from a foot print, massing, and scale as it related to the site itself and the development as a whole, does not result in a project that is significantly out of line with what is experienced out there. He stated that another thing to think about is that if this were to develop as it is currently permitted with a commercial use it would be a very similar floor to area ratio with that type of proposal.

Commissioner Olson stated that the PCD does not have a floor to area ratio mechanism.

Community Development Director Kabat stated that this was correct but in the PCD zoning language it says that for a residential use they would defer to some key areas within the PRD section of the code and one of those areas is the floor area ratio. He noted that if the zoning amendment for the previous agenda item had not passed, they would be in a position when this comes for final approval where they would be talking about a variance.

Chairperson Brass stated that with the floor area ratio being higher, they were still able to comply and exceed the common open useable space.

Community Development Director Kabat stated that this was true and they were also providing a much greater parking ratio than has been allowed for other multi-family projects.

Commissioner Olson asked if there had been any discussion about reducing the parking lot size since they are exceeding what has become the 'norm' for other developments.

Community Development Director Kabat noted that while they are exceeding the 'norm', they are meeting the City's requirements. He stated that they have talked about it, but the developer right now is planning to keep it as planned. He stated that the City never wants to encourage a developer to implement more parking than they really need, but the developer is in a position to determine the market requirements for their project.

Chairperson Brass asked if the developer anticipated having parking for Kohl's to spill over.

Community Development Director Kabat stated that the developer can speak to this but the way the City has worked with them is to think about how you design the parking if someone is heading to Kohl's this does not seem like a desirable place for them to park. He stated that they have made that attempt through landscaping and the way the developer has situated the entry points as well as putting a significant amount of parking underground and on the first floor on the southside of the building.

Chairperson Brass opened the public hearing at 8:38 p.m.

Roger Fink, Trident Development, thanked City staff for assisting their design team to come up with what they believe is a very attractive land plan for this unique site. He introduced other members of the Trident Development team and explained that Trident has successfully accomplished two other housing developments in the City is recent years, with Chaska Heights senior living, and Lake Jonathan Flats. He stated that this project required them to collaborate and communicate more with neighboring businesses including Kohl's and the Hazeltine National Golf Course. He stated that they have met and discussed this project with Hazeltine's leadership team a few months ago to introduce the concept to them and have kept them updated with the revisions. He stated that they have been able to have an ongoing dialogue with them which has been very favorable. He stated that they have not experienced any opposition from any of the area retail users, which is encouraging. He stated that they wanted to try to find a housing plan that is complementary to their businesses and would make for a high quality housing option for the City. He stated that they feel their proposed design is very attractive and noted that they have introduced the Chaska brick into the exterior elements but would like to use utility brick. He gave examples of where this type of brick had been used on other projects in the area. He asked the Commission to carefully consider offering some flexibility for them to be able to use this type of brick. He explained that if that is not allowed he believes their solution would be to reduce the overall amount of brick on the building and replace it with LP siding.

Chairperson Brass asked if the proposal was to use the utility brick on the lower level of the south side near the garage area and then sort of fade away as it moves north.

Mr. Fink stated that the wainscotting for the lower level is where the split face block will be located. He stated that the more vertical elements that have the pale yellowing color is the utility brick they are talking about. He explained that it is just like the brick that can be seen on the walls in the Council chamber, but it is slightly larger.

Chairperson Brass stated that looks like Chaska brick to him.

City Planner Hanson stated that it is Chaska brick but explained that the brick that can be seen in the Council chambers is 'modular' and utility brick is much larger in scale than this brick.

Commissioner Urbanski asked about the size of a modular style brick.

Mr. Fink explained that modular is a bit larger than his cell phone and can be seen on the Kohl's department store, the monument sign right in front of their proposed building, and the 212 medical building. He stated that their intent is to create a building that has architecture that is complementary and consistent with the other architectural elements in the area. He reiterated that it is the same exact brick material, but is just formed in a slightly larger format.

Chairperson Brass asked about the different calculations for building materials.

City Planner Hanson stated that there would be a 12% difference, so if it were not allowed, basically 12% of the brick would be eliminated and changed to LP smart siding in order to get

them to 80% Class 1 materials. She then corrected herself and noted that the developer would still need to provide 3 separate Class 1 materials so their argument is if they provide more of the LP smart side they would get to the 80% metric. She stated that if they changed the utility brick to modular it would be fine. She stated that their argument is that the utility brick should basically be classified as Class 1 material to meet the requirements based on the scale of the building.

Community Development Director Kabat clarified that if the Commission agreed with the proposed brick, and were willing to consider it Class 1, they would be fine. He explained that the issue that this is up against is that as the Zoning Code is currently written, in the design materials requirements, the proposed brick is not considered a Class 1 material, which means it would effectively be a variance type situation.

Chairperson Brass stated that it is still brick and is the same exact brick, but just in a larger size.

Community Development Director Kabat noted that the City's materials requirements in the zoning code are very specific to parse out those things which came out of a process that was gone through with the Council and the Planning Commission a few years ago. He stated that there is a line that has to be drawn somewhere and that was where it was drawn at that time.

City Planner Hanson stated that the City went through the revision in 2014 which is when they made the classification with modular being Class 1 and utility brick being Class 2.

Mr. Fink reiterated that if they cannot use the utility brick, they would plan to reduce the amount of brick seen in the renderings and then use the LP siding product.

Chairperson Brass asked if he was understanding correctly that if the Commission says yes to this brick that it would come back as a variance.

City Planner Hanson stated that it would have to come back as a variance.

Commissioner Olson asked how this project, with regard to materials, compared to Jonathan Flats.

City Planner Hanson stated that Jonathan Flats did modular brick and LP smart siding.

Chairperson Brass noted that right next store is a world class golf resort where the Ryder Cup has been held. He asked if they had any objections to the planned materials when the developer had met with them.

Mr. Fink stated that they have had no objections from them to their proposed exterior materials. He stated that they shared the same renderings with them and stressed that they were looking for a timeless façade that wasn't trendy and would maintain the quality and affluence of the area with durable and maintenance free material.

Chairperson Brass asked if Hazeltine had any objections to this project or what issues that the two sides have had to work through.

Mr. Fink stated that they have met with the Hazeltine leadership team during the concept phase and gathered a number of concerns and questions about certain aspects of the concept. He stated that as they further developed their plan, they implemented quite a few of those concerns such as the security aspects of Hazeltine. He stated that, for example, they took the roof top terrace and oriented it to enjoy the view of The Loop golf course and not Hazeltine and explained that they also wanted to see an exterior design that was timeless and quality which he believes they have met. He stated that there were also conversations about screening and berming so the size and scale of the building wouldn't be quite so obvious from their first hole tee box. He stated that they are currently in conversation with Hazeltine about ways to create a visual berm with some evergreen plantings.

Commissioner Baswa asked how the different building materials would look, if the developer was not able to get a variance from the City.

City Planner Hanson stated that if that is something that the Commission wants to see, in order to base their decision on this information, staff will work on getting that from the developer during the next step.

Chairperson Brass asked if his understanding was correct that this utility brick has been used at places like Kohl's and PetSmart.

City Planner Hanson stated that was correct and noted that Kohl's and some of the other buildings within Chaska Commons were constructed before the ordinance was in effect, but there are areas in the City where that type of brick has been implemented.

Commissioner Urbanski asked if staff was somewhat opposed to this because it doesn't meet our Code versus that they just didn't think it would like right.

City Planner Hanson stated that it was more from a consistency standpoint. She stated that the City went through a pretty rigorous process in 2014 and then also updated the code to include the multi-family building design materials several years after 2014. She stated that there is something that could be said about scale appropriateness and the City has heard that on other projects, but staff has landed on a consistency standpoint of classifying modular brick as Class 1 and utility brick as Class 2. She stated that the thought is that they have to go off of what was put in place.

Chairperson Brass asked if the developer had also done Chaska Heights and the Jonathan Flats.

Mr. Fink stated that was correct and noted that they had used modular brick at Jonathan Flats, but in a much smaller amount, which means they had a much greater quantity of glass and LP.

Chairperson Brass asked if modular brick was cohesive with what was used in that retail area.

City Planner Hanson stated that it was cohesive and that strip center has more modular brick.

Mr. Fink stated that when they brought the concept plan forward to the Commission and the City Council the requirement for them going forward was to make sure they complied with the

requirements of the PCD-15 design standards. He stated that he thinks they have worked really hard to find solutions where they comply with each of those requirements and believes this is really the only area of the PCD-15 design standards where they are asking for a bit of flexibility.

Chairperson Dahlke closed the public hearing at 9:02 p.m.

Chairperson Brass stated that he is pretty impressed by the overall project. He stated that it appears to be a nice, good looking project. He is glad they have included a tot lot and have planned for more useable open space than what is required. He stated that with regard to the brick, he thinks he agrees with the applicant. He noted that he understands that a variance will be needed, but feels it is situational and would be cohesive in the area and will look nice because it is still brick, just in a slightly larger format.

Commissioner Olson asked about #5 of the suggested conditions and noted that he was a bit confused by the wording.

City Planner Hanson explained that condition #5 was just further emphasizing the Code and that in order for it to be considered Class 1 it would need to be a modular face brick or a natural stone which means it would adhere to the zoning requirements. She stated that condition #4 is, in essence, the same.

Chairperson Brass asked if the Commission wanted to make a motion to recommend approval, but agree with the applicant on the proposed building materials if that meant removal of condition #5 or both #4 and #5.

City Planner Hanson stated that they would effectively remove Condition #5, because Conditions #4 would stay in place for the other pieces that are being proposed.

Community Development Director Kabat noted that the Commission could add a condition that the applicant successfully obtained a variance for the building materials.

Commissioner Olson asked if the City had ever granted a variance for building materials since this code was created in 2014.

City Planner Hanson stated that the City has not.

Commissioner Olson stated that he is on the opposite side of Chairperson Brass on this issue, because this portion of the Code has not even been in place for a decade and feels this is the kind of situation for which it was created. He stated that the developer knew this information and still decided to provide something that did not meet City Code. He stated that to him, it goes back to the issue of 'black and white' because there really isn't any gray in this situation because it is fairly fresh. He stated that the neighboring properties used different materials because they were grandfathered in. He noted that he did not think there would be a drastic difference between the size of the two bricks, but the City has been very clear about what falls into each category. He stated that his biggest problem with this proposal is the foot print because he feels it is too big. He stated that it is a beautiful design and likes that there will be useable space, but

reiterated that, in his opinion, it is still too big. He stated that he felt the developer should adhere to the .5 Floor Area Ratio.

Chairperson Brass noted that his understanding was that no variance would be needed for the proposed floor area ratio because they were going to PCD-15.

Community Development Director Kabat stated that assuming the Council would implement the recommendation from the earlier agenda item, there would not be a variance needed. He stated that if the Council decides they want to go counter to the Commission recommendation then a variance would need to be brought forward at Final.

Commissioner Olson stated that brings him back to a statement made by Councilmember Hubbard that they have to be careful with what they agree to on the concept side of things because things like the size and the footprint will not change through the three steps of the process. He stated that the change to the zoning ordinance has not yet been approved by Council and the current requirement is for .5 Floor Area Ratio. He stated that there are also no wetlands or unique features to the lot that have been sticking points in other projects, such as The Gallery and Clover Ridge Apartments recently. He stated that he feels that this one is clear cut and that there is no reason not to adhere to the .5 Floor Area Ratio other than the fact that the developer wants a larger building and City staff seems to see that as an opportunity to have more apartments which means more tax base. He that two sides are working together to make this project as big as possible versus following the existing zoning requirements that are in place.

Commissioner Urbanski stated that he has been able to learn a lot about brick tonight, but noted that he would really like to see what they look like in person. He stated that before he makes a final decision he would like to go and compare and contrast the materials. He stated that he loves the building and is happy that they have been able to get feedback and work with the surrounding entities.

Commissioner Baswa stated that, in his opinion, the Commission can leave that condition as it is and ask the developer to come up with how it will look with the siding before a decision is made regarding flexibility. He stated that they should probably go back to Hazeltine and see how they feel about the look and feel of it as well. He stated that for some reason a decision was made that one type of brick was Class 1 and the other was Class 2 and suggested that perhaps they could get more information and those details and more information on the brick. He noted that he is also happy to see that they included a tot lot.

Commissioner Gaare stated that at first she was a bit concerned about the size, however the more she thinks about it, she feels that this area needs to be developed. She noted that she does not have an opinion one way or the other on the brick. She stated that she feels this is a unique circumstance because of its location but noted that she felt this is a great use for that space.

Commissioner Aasen stated that he also thinks it looks like a great project. He stated that it may be a bit large but it is in a commercial area, so he thinks it fits well. He stated that he thinks the colors of the proposed building material look great.

Chairperson Brass stated that he agreed and even if the City said that they wanted to stick with the .5 Floor Area Ratio, the only change would be one story coming off because the actual footprint would stay the same, but would fall within the height requirements. He reiterated that he agreed with the applicant regarding the brick and feels like what they are proposing matches the area. He noted that a lot has changed in 10 years and noted, for example, that nobody could have guessed that Amazon would take over so much retail and that instead of junior box store it would make sense to put an apartment building next to Kohl's. He suggested that perhaps the developer could come back and show the difference between the two building possibilities with the other materials at address that at the final stage of the process. He asked if the Commission could keep the brick question undetermined at this time and still move it forward.

Community Development Director Kabat stated that while the Commission was talking, the developer sent a few photographs that showed the building materials and suggested that City Planner Hanson could share those with the Commission. He stated that it may provide enough information to help the Commission with their decision.

City Planner Hanson displayed the photos that were sent by the developer.

Mr. Fink explained that the photos depicted the exterior elevation of the Kohl's store which shows a variety of different brick colors, but the dark brownish red colored and lighter brick on the corners was the utility brick material. He stated that the yellowish brick is Chaska brick but is in the utility size.

Chairperson Brass stated that he saw the city attorney shake his head when he asked his question about tabling just the brick issue.

City Attorney Saufley explained that at the preliminary stage, the Commission should really set the conditions that they want to see carried forward and noted that they can always remove conditions later in the process.

Commissioner Urbanski confirmed that this means that the Commission could recommend approval, as it is written, but that the applicant could still come back and ask for a variance.

Chairperson Brass stated that he believed that was correct and suggested that they leave things the way they have been presented.

Motion by Commissioner Urbanski, seconded by Commission Gaare, to recommend approval of the Hazeltine Plaza Housing Development – Preliminary Site & Building Plan and Zoning Ordinance Amendment (ZOA) (PC#2022-48), subject to the following conditions:

1. Approvals shall be based on the following graphic exhibits:
    a. Narrative (pgs 1-4), submitted by Trident Development, LLC, dated July 5, 2022 and revised August 1, 2022
    b. Trip Generation Study (pgs 1-5), prepared by SSTS, dated July 19, 2022
    c. Cover (pg C1), prepared by Carlson McCain, dated August 1, 2022
    d. Existing Conditions Survey (pg C2), prepared by Carlson McCain, dated July 1, 2022
    e. Removals Plan (pg C3), prepared by Carlson McCain, dated August 1, 2022

   f. Site Plan (pg C4), prepared by Carlson McCain, dated August 1, 2022
   g. Turning Analysis (Fire/Snow Storage) (pg C4.1), prepared by Carlson McCain, dated August 1, 2022
   h. Turning Analysis (Loading Dock) (pg C4.2), prepared by Carlson McCain, dated August 1, 2022
   i. Utility Plan (pg C5), prepared by Carlson McCain, dated August 1, 2022
   j. Utility Plan (Storm Sewer) (pg C5.1), prepared by Carlson McCain, dated August 1, 2022
   k. Grade Plan (pg C6), prepared by Carlson McCain, dated August 1, 2022
   l. Stormwater Pollution Prevention Plan (pgs C7-C7.1), prepared by Carlson McCain, dated August 1, 2022
   m. Details (pgs C8-C8.4), prepared by Carlson McCain, dated August 1, 2022
   n. Landscape Plan (pgs L1-L5), prepared by Carlson McCain, dated August 1, 2022
   o. Tree Preservation Plan (pg TP1), prepared by Carlson McCain, dated August 1, 2022
   p. Photometric Plan, prepared by Berd Electric, dated August 4, 2022
   q. Exterior Materials, prepared by KW Architects, dated July 20, 2022
   r. Exterior Elevations (pgs 1-2), prepared by KW Architects, dated July 20, 2022
2. Compliance with the zoning PCD-15 (ord. nos. 802 and 946).
3. Compliance with applicable zoning requirements, in particular Chapter 15.28 (Special Regulations).
4. Compliance with section 15.28.120 Building Design/Materials for Multi-Family Residential, and to be addressed at final submittal.
5. 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.
6. Provision of adequate sound proofing of the drive-under/breezeway to ensure noise does not conflict with residents.
7. Coordinate with the City Engineer to ensure that adequate sight-lines are preserved at all access points to Hundertmark Road.
8. Adherence to the following building setbacks as found in PCD-15:
   a. Hundertmark Road: 100 feet from centerline
   b. From southernmost property line: 30 feet
   c. From northernmost property line: 25 feet
9. Adherence to the following parking setbacks as found in PCD-15:
   a. Hundertmark Road: 10 feet from right-of-way
   b. Hazeltine Boulevard: 10 feet from right-of-way
   c. Interior Property Lines: 5 feet
10. Coordination with the City Engineer for the provision of public utilities to the site.
11. Provision of a storm water management plan meeting City and Carver County WMO standards.
12. Provision of a construction traffic plan to be coordinated and approved by the City Engineer.
13. Provision of review and approval of Kohl's per the existing Reciprocal Easement Agreement.

Motion carried 5-1 (Commissioner Olson opposed)

Motion by Commissioner Olson, seconded by Commissioner Urbanski, to recommend approval of the Zoning Ordinance Amendment (ZOA) to PCD-15 to allow for multi-family use.

Motion carried.

7.C. Recommend Approval of the Concept Plan for CloudHQ/CloudHQ/PC #2022-41

City Planner Hanson presented the item to the Commission and noted that this will come before the City Council on August 15, 2022.

Chairperson Brass noted that this was not a public hearing, but the Commission could allow people to make brief statements on the concept plan.

Commissioner Olson noted that per the 2040 Comprehensive Plan, there is a portion of this that is considered the green belt and asked how that was being addressed. He stated that City Planner Hanson talked about addressing the screening on the west edge and asked if that meant reducing the size of the building to be able to continue the berming around the west end. He stated that she spoke about potential development to the west side that is not even being considered right now. He asked about staff's stance on the west side of the building and what was being recommended.

City Planner Hanson explained that the recommendation there is not to implement the same berm that is on the north and east sides. She stated that the west side is essentially being emphasized to include a well landscaped edge so it isn't just left open.

Commissioner Olson confirmed that they just assume it will be trees as the only barrier and potential rural residential to the west.

Community Development Director Kabat explained that part of what was driving the difference is that as development has occurred, the berming has been required. He gave the example of the berming proposed on the north edge of this site does not exist at all because it is completely flat. He stated that if, when the time comes, and there is development in the green belt, the buffering and screening would be evaluated based on whatever the project is proposing, but it would be their responsibility. He stated that prior to a project coming in, they do not know what screening or berming may be necessary.

Commissioner Olson asked about the impact for hitting the green belt.

Community Development Director Kabat stated that there is no green belt on this property.

Commissioner Olson stated that there is according to the 2040 Comprehensive Plan.

Community Development Director Kabat stated that this property is not guided for green belt.

Commissioner Olson clarified that if you look at it, a portion of it is guided for green belt and referenced Exhibit 4.8 in the 2040 Comprehensive Plan. He stated that he understands that this is the concept phase, but would like this to be addressed later in the process because there is some differing information about the property. He asked about the 30 foot berm and how the drainage would be addressed on the residential side of things.

City Planner Hanson explained that what they are planning to do right now is to incorporate a swale on the north side of the berm to collect the drainage from the berm and neighboring properties which would get collected into the overall stormwater system of the project.

Commissioner Baswa stated that the berm is very close to the property line so it feels like that should be considered, and questioned whether it would just end up being something that whoever comes in later may need to deal with it.

Commissioner Olson stated that he thinks a key part of this is planning and thinking ahead.

Commissioner Baswa agreed because no one is there right now and the Commission is here to think about the future residents, whoever they may be.

Commissioner Olson stated that he agreed, but acknowledged that it is still very early in the process so he is hopeful that this will be able to be addressed. He stated that he understands that this is a 30 foot berm and the illustrations show full vegetation which is probably 10-15 years in the future. He stated that he would recommend that they take a look at the height of the berm versus what is actually being planted because some of the illustrations are a bit skewed because planting for the future means that you will spend the next 10-15 years looking straight into the back of the data center. He noted that the proposed building looks beautiful for a 1.4 million square foot facility, but it is a very large building that will be in their back yard and will essentially be a straight shot out their second story window. He stated that even if there is coverage there, he hopes that at the Preliminary stage they come back with a recommendation that will solve an immediate solution for coverage rather than something that will be 10-15 years down the road.

Commissioner Baswa asked who would take care of the trees and gave the example of putting in 20 evergreen greens and a problem develops with some of the trees not surviving. He asked that there be a plan in place for that situation.

Chairperson Brass asked if there was anyone in the audience who would like to address the Commission, but reiterated that this was not a public hearing.

Bret Burnett, Development Manager, CloudHQ, stated that they are excited to be in the City. He gave some brief background information on the company since they are new to Chaska. He noted that in addition to the design elements that they are proposing, they feel there are many other aspects of this project that will be of benefit to the community, such as an increase in property tax base, and an increase in jobs partnered with a limited demand for public services such as schools, police, fire and rescue. He stated that while the building will take 1-2 years total to complete, however, much of the work will be specialized and take place inside the building which will reduce noise during the construction phase. He gave an overview of what he saw as financial benefits to local businesses from bringing in the construction workers for this project. He noted that this facility will also create 75-100 permanent jobs and technical positions. He shared what he saw as other advantages to the project and noted that they think it is an ideal fit for this location. He introduced a few members of their development team who were present if the Commission had any specific questions.

Commissioner Urbanski asked about the community meetings that were held.

Mr. Burnett explained that they held a community meeting back in February and offered participation virtually as well. He stated that there was limited attendance, but there was some participation via Zoom and many of the questions were related to the timing of the project and when the berm would be built. He stated that the berm is one of the first things that they are planning to complete. He stated that they also had general questions about things like the power infrastructure, but in general, there did not seem to be any major objections from the community.

Commissioner Gaare asked about the size of the facility near a populated area and if he had a comparison with their company. She asked if there was a building of this size that was fully operational in a residential area that he could compare this project to.

Mr. Burnett stated that CloudHQ does not have a building of this size right next to residential properties, but they are getting ready to build one in Loudon County Virginia. He stated that there are a number of facilities that have been done in the Chicago area that are right next to large residential communities. He stated that they do extensive studies with noise and landscaping early in the planning stages, so they are able to design their equipment to meet all the noise codes of the different jurisdictions so they have not had any complaints at their facilities located near residential areas. He stated that the landscaping plans are worked out during the planning process and noted that they have been well received fitting into the residential areas. He stated that they have a lot examples, but none are quite as large as the one proposed in Chaska.

Commissioner Olson asked how they made the determination to have one large building versus a number of smaller buildings.

Mr. Burnett stated that the previous application, was with a different development group, and was for smaller buildings. He explained that it was similar to other facilities that developer had done in the area and was in their niche for their customers. He explained that CloudHQ is catering to the largest internet companies in the world, thus they need a lot more space which is why there is a need for a bigger building. He stated that given the particular site constraints, for example the previously agreed to 30 foot berm, the 300 foot setback, and the existing power line, there is not a lot of room to grow horizontally which forced them to go to two stories. He explained that give the amount of ancillary space that is not data haul space, they need to have a lot of cooling equipment and back-up power, so the facilities essentially have no ability to 'go down'. He stated that this is the program that they have been successful with and are driven by the large scale customers needing this much space.

Chairperson Brass asked details of how CloudHQ operates their business.

Mr. Burnett stated that CloudHQ are basically lessors of shell space and provide infrastructure in a building for cloud service providers, such as Amazon and Google, to bring in their equipment. He stated that they are essentially in the same business as Digital Realty, which is a company that many people have heard about. He stated that they primarily do single-tenant hyperscale leases which tend to be some of the larger cloud providers.

Commissioner Urbanski asked about the lifespan on this type of building.

Mr. Burnett stated that they plan for them to be 50 years, but in reality thinks they can go longer than that.

Chairperson Brass asked if the biggest noise producers would be the fans.

Mr. Burnett stated that the cooling units and the generators are fully enclosed so there is a lot of mitigation measures that can be put in on those units to limit the noise. He stated that the good thing about the data center is that they are only emergency use generators because there are other backup electrical systems in place that are used before they have to move to the generator. He explained that the air cooled chillers that were shown on the site plan emit noise, but they have a menu of various mitigation techniques that can be used. He stated that part of the preliminary packet will be getting a noise study completed, which will tell them the baseline based on the proposed equipment and compared those to what is in the City Code.

Commissioner Olson stated that it is obvious that they have done a good job on the design side but feels there is still some sort to be done with some of the finer points including more screening and addressing noise and visual aspects for the neighbors.

Motion by Commissioner Gaare, seconded by Commissioner Aasen, to approve the Concept Plan for CloudHQ (PC #2022-41), subject to the following conditions:

1. Approvals shall be based on the following graphic exhibits:
    a. Narrative (pgs 1-4), prepared by Kimley-Horn, dated July 8, 2022
    b. Existing Property Aerial Image, prepared by CloudHQ, undated
    c. Proposed Chaska Site Plan, prepared by CloudHQ, undated
    d. Site Influences, prepared by Kimley-Horn, undated
    e. Architectural Façade Details, prepared by CloudHQ, undated
    f. Ref. Rendering 1 – Main Façade & Entry, prepared by CloudHQ, undated
    g. Ref. Rendering 2 – Side Façade, prepared by CloudHQ, undated
    h. Render #1 – View from East, prepared by CloudHQ, undated
    i. Site Section #1, prepared by CloudHQ, undated
    j. Render #2 – View from North, prepared by CloudHQ, undated
    k. Site Section #2, prepared by CloudHQ, undated
    l. Render #3 – View from Northwest, prepared by CloudHQ, undated
    m. Site Section #3, prepared by CloudHQ, undated
    n. Alta/NSPS Land Title Survey (pgs 1-2), prepared by EFNEFN, undated
2. Adherence to the City Engineer's memo dated August 10, 2022.
3. Provision of proposed fencing to match existing fencing in development, and to be addressed at preliminary submittal.
4. Provision of a Lighting Plan that meets Sections 15.28.250 of the Zoning Ordinance.
5. Provision of specification sheets for all onsite lighting, including but not limited to wall lighting and parking lot lighting, and to be submitted at preliminary.
6. Installation of berm and its landscaping to be completed prior to or at same time of the building's site construction.
7. Provision to further evaluate landscaping and berming for the west edge and southeast edges of the site, and to be addressed at preliminary.

8. Provision of detailed profile of the mechanical areas, including ground and roof, to ensure compliance with Section 15.28.120.H. (Screening of Mechanical Equipment).
9. Compliance with applicable zoning requirements, in particular Chapter 15.28 (Special Regulations).
10. Provision of a storm water management plan meeting City and Carver County WMO standards.
11. Provision of an acoustical analysis on the proposed exterior mechanical equipment.
12. Provision of a Conditional Use Permit (CUP) for the proposed substation and to be obtained prior to issuance of a building permit for the CloudHQ building.
13. Provision that City Council adopts Final AUAR prior to preliminary submittal.
14. Provision of a parking need analysis and proof of parking exhibit to be submitted at preliminary.

Motion carried.

Commissioner Olson reiterated that before Preliminary he would ask that the City clear up the green belt disconnect that appears to be present.

Community Development Director Kabat explained that he had not fully understood Commissioner Olson's question when he brought it up earlier in the meeting. He noted that he had pulled up a map and now understands what he was referring to and explained that staff would be prepared to talk about it in the future.

8. Other Business

8.A. Receive Other Meeting Minutes

Chairperson Brass

- Noted that he and Community Development Director Kabat had spoken about a possible, smaller scale, workshop on various issues.

Community Development Director Kabat explained that during his time as the Assistant City Administrator in Chaska he was the staff liaison to the Human Rights Commission. He stated that the Human Rights Commission, after they had some turnover, were interested in getting more training on topics like governance and their mission. He stated that it occurred to him that it may be a similar situation to the Planning Commission with a new Chair as well as a few new Commissioners and felt it may be of interest to this group. He stated that there is a third party individual that they have worked with in the past who does this kind of training. He stated that this individual would talk about governance, data practices, open meeting law, and other things that may be more pertinent to the Planning Commission like the Comprehensive Plan and the Zoning Code. He stated that he wanted to offer this resource to the Planning Commission if they felt it would be useful. He stated that he would envision it being a 90 minute presentation and with about 30 minutes set aside for discussion.

There was Consensus of the Commission to hold a workshop meeting, as proposed.

Chairperson Brass suggested that staff send out information via e-mail for scheduling this training.

Commissioner Olson

- Commented that he had the opportunity to go to Moorhead last weekend and listen to the State Honor Band that has two individuals from the City who made it as well as one choral member. He stated that he highly recommended that people take a chance to listen to them because they are definitely talented.

10. Adjourn

Motion by Commissioner Urbanski, second by Commissioner Aasen, to adjourn the meeting at 10:17 pm.
Motion carried.

CHASKA PLANNING COMMISSION
MINUTES
SEPTEMBER 14, 2022

1. Call to Order
Vice-Chair Lacey called the meeting to order at 7 pm.

2. Roll Call
Roll call was taken. Members present: Commissioners Lacey, Olson, Rylee, Aasen, and Gaare.

Members absent: Chair Brass and Commissioners Urbanski and Baswa

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

3. Adopt the Agenda
Motion by Commissioner Olson, second by Commissioner Gaare, to adopt the agenda as presented.
Motion carried.

4. Visitor Presentation
No one appeared under Visitor Presentation.

5. Approve Previous Meeting Minutes

a. Approve the August 10, 2022 Planning Commission Meeting Minutes

Motion by Commissioner Aasen, second by Commissioner Olson, to approve the minutes of the August 10, 2022 Planning Commission meeting.
Motion carried.

6. Consent Agenda

Commissioner Olson noted that when Hidden Maples came through Preliminary there was a condition that it would match or at least feel like it was in line with the neighborhood. He noted that this shows one change to one of the houses but nothing to the other three and asked what would be required from the builder as their checkpoint to make sure that happens.

City Planner Hanson stated that the City has only received one design for one of the houses and explained that staff will work with the developer on the remaining three homes. She noted that it can get tricky because they do not always have the house and building plans fully defined by the Final Plat stage until they get their client. She explained that staff would be reviewing those homes as they come in to ensure that they line up with the other homes in the neighborhood. She stated that they intend to work with the developer to make sure that they fit in as best as they can even though there isn't an ordinance that firmly controls the design elements.

Community Development Director Kabat confirmed that staff has had some back and forth conversations with the developer regarding the design but noted that there are legal limitations on how far they can push.

Commissioner Rylee asked for an update on replacement of Fireman's Park II with St. John's.

Community Development Director Kabat stated that this is an item for the Parks Board to be working on and he believes they are still working on reigniting those conversations.

Commissioner Rylee stated that he voted against this in the concept phase and will also be voting against the Final Plat. He explained that the update regarding the park was very disappointing and feels that it was a failure on the City staff's part that no progress has been made. He stated that eliminating a park is a big deal for the community and will have an impact on people.

Motion by Commissioner Olson, second by Commissioner Gaare, to **table action** on the Consent Agenda for one month to allow the developer to come back with final plans for all four homes to coincide with the condition of falling in line with the existing neighborhood:

a. Recommend Approval of the Final Plat for Hidden Maples/Landmark Builders/PC #2022-53.

Motion carried.

7. Action Items

a. PUBLIC HEARING: Recommend Approval of the Zoning Ordinance Amendment (ZOA) to Zoning Section 15.8 Administration and Enforcement/City of Chaska/PC #2022-49

Community Development Director Kabat presented the item to the Commission.

Commissioner Gaare asked about the possibility of creating a basic template that is based on the requirements.

Community Development Director Kabat stated that is probably a phase 2 kind of items surrounding the idea of developing a handbook for developers around best practices, noticing meetings, holding meetings, and could also include a template for recording the meetings.

Vice-Chair Lacey stated that he likes this idea because it gives an opportunity for a lot of concerns and answers to questions to happen way before it gets to the Commission. He noted that as they are educating the developers, he thinks the residents also need to be educated about the process and how they can get involved from the beginning rather than waiting until the end with concerns that could have been addressed earlier in the process.

Commissioner Rylee stated that when this notice comes out he asked if there was the ability to have a brief outline of what the process is so when someone gets the postcard that they understand all the different phases that a project has to pass through before it is officially final and isn't just one kick at the can kind of process. He stated that he thinks many times it is the lack of understanding about the process that creates angst.

Community Development Director Kabat stated that the City can continue to look at the postcard and the information included and how they can, most effectively, get the right message across. He stated that there is also a lot of focus on building the website presence and thinks there is a lot of potential within that arena. He gave the example of when a project is proposed that it would have a dedicated page with some sort of graphic that would help illustrate the full process and where the project is within that process.

Vice-Chair Lacey stated that there is a lot of development happening in the City and people are concerned. He suggested that the City look to hold a few public meetings for the education portion of this but likes the idea of the postcard and more information on where things are within the overall process.

Community Development Director Kabat noted that as the development pages are created for the website, they will be able to put a link on the postcards that will have greater detail. He noted that he fully expects, if this ordinance change is approved and enacted, that when they first start holding these neighborhood meetings they will learn some things which may require further refining of the ordinance. He stated that, in his opinion, this feels like a good place to start and launch this effort. He explained that the proposed ordinance language came out of other communities that have ordinances like this already in place, for example, Shakopee.

Vice-Chair Lacey noted that he had seen the Chanhassen sign coming off of 212 and it really stands out.

Commissioner Olson stated that he thinks this is a good change with relation to the meeting notice, the postcards, and the post write-up piece.

Community Development Director Kabat continued with his presentation regarding recommendations for the Phase 2 update.

Commissioner Rylee noted that he is happy with everything that he has seen and is happy to see staff moving forward with this initiative. He stated that he would like to put a plug in for social media as part of the Phase 2 items, because the world is digital now.

Vice-Chair Lacey opened the public hearing at 7:48 p.m.

There being no public comment, Vice-Chair Lacey closed the public hearing at 7:48 p.m.

Motion by Commissioner Rylee, second by Commissioner Aasen, to recommend the City Council adopt Ordinance No. 1021 approving the Zoning Ordinance Amendment (ZOA) to Chapter 15.08.

Motion carried.

8. Other Business

Community Development Director Kabat noted that at a recent meeting he had mentioned some discussions he had with an individual that conducts training for boards and commissions. He

stated that he has a proposal from this individual outlining a plan for training with the thought to wait until somewhere around February of 2023.

There was a consensus of the Commission to schedule Planning Commission training around February of 2023.

9. Receive Other Meeting Minutes

a. Receive the August 1, 2022 City Council Meeting Minutes
b. Receive the May 15, 2022 EDA Draft Meeting Minutes

10. Adjourn

Motion by Commissioner Aasen, second by Commissioner Olson to adjourn the meeting at 7:55 pm.
Motion carried.

CHASKA PLANNING COMMISSION
MINUTES
OCTOBER 12, 2022

1. Call to Order

Chairperson Brass called the meeting to order at 7 pm.

2. Roll Call

Roll call was taken. Members present: Commissioners Rylee, Gaare, Aasen, Urbanski, Baswa, and Chairperson Brass.

Members absent: Commissioners Lacey and Olson.

Also present: Nate Kabat, Community Development Director, Liz Hanson, City Planner; and Jacob Saufley, City Attorney.

3. Adopt the Agenda

Motion by Commissioner Urbanski, second by Commissioner Aasen to adopt the agenda as presented.
Motion carried.

4. Visitor Presentation

No one appeared under Visitor Presentation.

5. Approve Previous Meeting Minutes

A. Approve the September 14, 2022 Planning Commission Meeting Minutes

Motion by Commissioner Gaare, second by Commissioner Baswa to approve the minutes of the September 14, 2022 Planning Commission meeting, as presented.
Motion carried.

6. Consent Agenda

Motion by Commissioner Urbanski, second by Commissioner Gaare, to approve the Consent Agenda as follows:

a. Recommend Approval of the Final Site & Building Plan for Chaska Tech Center/Amcon Construction/PC #2022-55
b. Recommend Approval of the Eitel House Final Plat/Jonathan Association/PC #2022-56.

Motion carried.

7. Action Items

A. CONTINUED FROM SEPTEMBER 14, 2022 PLANNING COMMISSION: Recommend Approval of the Final Plat for Hidden Maples/Landmark Builders/PC #2022-53

City Planner Hanson presented the item to the Commission.

Chair Brass opened this item up for discussion from the Commission, the audience, and those following the meeting on-line.

Commissioner Rylee explained that he had voted 'no' at both the Concept and Preliminary stages and plans to vote 'no' once again tonight. He stated that in general, in this case, he would give the Park Board, the City Council, and City staff an 'F' because this eliminates a public park. He noted that he did not think it mattered whether it was the City's fault or the school districts fault. He noted that the park was eliminated in 2019 and the irony is that this plan takes out a park and puts in four homes for families. He explained that while this may not be a life or death kind of failure, he feels it certainly qualifies as a failure of government. He stated that the fact that there are not 200 people present to talk about this project and the elimination of a public park is a 'symptom' of what is going on in downtown Chaska and explained that he feels that this action will just make the situation worse.

Motion by Commissioner Gaare, second by Commissioner Baswa, to recommend City Council approval of the final plat for Hidden Maples, subject to the following conditions:

1. Approvals shall be based on the following graphic exhibits:
    a. Cover Sheet (pg C0.01), submitted by Civil Methods, Inc., dated July 29, 2022
    b. Existing Conditions (pg C1.01), submitted by Civil Methods, Inc., dated July 29, 2022
    c. Site Layout (pg C2.01), submitted by Civil Methods, Inc., dated July 29, 2022
    d. Grading & Utility Plan (pg C5.01), submitted by Civil Methods, Inc., dated July 29, 2022
    e. Erosion & Sediment Control Plan (pg C6.01), submitted by Civil Methods, Inc., dated July 29, 2022
    f. SWPPP Narrative (pg C6.02), submitted by Civil Methods, Inc., dated July 29, 2022
    g. Details (pg C7.0X), submitted by Civil Methods, Inc., dated July 29, 2022
    h. Tree Inventory (pg C8.01), submitted by Civil Methods, Inc., dated July 29, 2022
    i. Landscaping Plan (pg C8.02), submitted by Civil Methods, Inc., dated July 29, 2022
    j. House Plans (pgs 1-16), submitted by AVA Studio, dated September 23, 2022
    k. Final Plat, submitted by Schoborg Land Services, Inc.
2. Adherence to the City's Boulevard Tree Policy and local street section design.
3. Adherence to the following building setbacks:
    a. Front (house): 20 feet
    b. Rear: 25 feet
    c. Side(house/garage): 5 feet
    d. Side (corner): 20 feet
    e. Chaska Creek: 50 feet from edge
4. Prior to final plat recording, developer shall enter into an agreement with the City for the provision of necessary infrastructure and associated development costs.
5. Compliance with the City's anti-monotony and design requirements zoning ordinance (Section 15.28.290).
6. Provision of a storm water management plan meeting City and Carver County WMO standards.
7. Provision of a construction traffic plan to be reviewed and approved by the City Engineer.
8. Adherence with Zoning Code Section 15.20 Flood Protection.
9. Provision differentiated designs between all the homes to meet zoning section 15.28.290.
10. Provision of developer responsibility to coordinate with the City to remove any hazardous trees or limbs on or near the site as determined by the Public Works Director, prior to issuance of a building permit.

11. Provision that all grading/building plans provide sufficient elevation above the regulatory flood protection elevation, and to be addressed at building permit submittal.

Motion carried 5-1 (Rylee opposed).

B. PUBLIC HEARING: Recommend Approval of the Final Site & Building Plan and Zoning Ordinance Amendments for Hazeltine Plaza Apartments/Trident Development/PC #2022-54

City Planner Hanson presented the item to the Commission.

Chairperson Brass asked if the Commission had any questions for staff prior to the Public Hearing.

Commissioner Rylee asked about the breezeway concept with respect to cars and expressed concern with people coming off of Hundertmark and cutting through to Kohl's. He questioned if that had been discussed and whether the thought was that this was actually a good idea.

City Planner Hanson stated that it was discussed previously. She explained that the reason they have to put in the breezeway is so they can keep that access point open, which is something Kohl's has been adamant about keeping and clarified that this plan has been approved by Kohl's.

Commissioner Rylee asked how much traffic could go through there and reiterated his question about whether this was really a good idea.

Community Development Director Kabat noted that the breezeway was proposed at the Concept phase and had a lot of discussion. He explained that the Concept Plan was approved by both the Commission and the Council and noted that it had also been included at the Preliminary stage and has just continued throughout the process. He stated that one of the things that they have looked at is the parking and the traffic circulation. He explained that with the site design, there has been some intentional design elements included in order to create separation so people understand that they are driving through a residential area. He noted that the City Engineer has been involved in looking at thinks such as site lines and feels that this has been thoroughly vetted at this point. He stated that this is a unique element to the project, but is not something that is unheard of in other areas of the Twin Cities, including one at the Zen Apartments in downtown Chaska.

Chair Brass stated that he thought that this developer had previously stated that they have other developments that include this same type of breezeway concept.

Roger Fink, Trident Development, explained that this would be the first breezeway that they have created that allowed traffic underneath it. He stated that they engaged an architect, Kaas-Wilson, who has experience in designing this type of element. He noted that they have added speed bumps for incoming traffic and railings on each side of the drive-thru lanes so pedestrians are not tempted to cross traffic while under the breezeway. He explained that they also have plans for signs that tell them to watch for oncoming traffic and/or pedestrians. He stated that he felt that the addition of the crosswalk and the convex mirror will be additional safety features. He explained that Kohl's would not have allowed this project to move forward if they did not keep

that driveway open. He noted that they believe that the bulk of the traffic will be coming from Hazeltine and 41.

Community Development Director Kabat stated that there was a traffic analysis completed, so the statement that the bulk of the traffic would be coming from the north entrance is not an assumption and was actually studied and measured through this process.

Commissioner Rylee asked about this setting a precedent because, to him, this location is commercial, especially with relation to setbacks and FAR.

Community Development Director Kabat explained that the change that is being proposed in the Ordinance is very targeted and limited. He noted that that his is a very unique project because it is a residential multi-family project proposed within a Planned Commercial District (PCD). He stated that currently, the PCD, for a residential project, references the Planned Residential District (PRD) standards. He explained that what staff is proposing in this situation is a limited Ordinance amendment that would specifically remove the specific reference to the PRD guideline for just setback and FAR and would only apply when there is a multi-family building proposed within a PCD. He noted that there are not a lot of other places where this will be able to occur in the City other than within a redevelopment, which would come before the Commission. He stated that this is a newer idea for Chaska to put a multi-family building within a PCD. He stated that staff felt it made sense to tweak the language in the Ordinance and noted that the changes proposed are focused on the scale components.

Chair Brass stated that he felt Community Development Director Kabat explained that really well and noted that he also thinks the idea of strategically and surgically fine-tuning and amending the Ordinance makes sense, rather than having a broad variance, because he felt that would actually set a precedent.

Commissioner Urbanski gave the example of Ridgedale Mall and noted that they have recently done something similar with two or three residential projects and noted that it has really created some vibrancy in the area. He stated that he likes this project and sees it as a nice way to get younger families into communities, or for people who may be downsizing and would like to walk to things like restaurants and grocery stores.

Chair Brass opened the public hearing at 7:40 p.m.

Mr. Fink expressed his appreciation to City staff and noted that he felt that they have been brilliantly navigating the complexities of this application. He introduced his wife, Diana, who was in the audience tonight and explained that he had been doing this type of presentation at public hearings for about 25 years and this is the very first time she has ever come along with him.

City Planner Hanson noted that there is someone on-line that would like to address the Commission.

Wade Sorenson, 1456 Sofia Drive, stated that he feels this is a better option than what had previously been proposed, but felt it was still a bit like taking a sledgehammer to the Zoning Ordinance. He encouraged the Commission to not consider changing the overall PCD definition,

but instead update the PCD-15, like they were doing for use of utility brick, to allow for different FAR and setbacks. He shared his concern with the proposed change setting a precedent and allowing the overarching PCD to ignore FAR and setback standards. He noted that, in his opinion, that approach would take a scalpel to the Ordinance rather than a sledgehammer.

Chair Brass asked staff to explain the difference and why there were making this recommendation.

Community Development Director Kabat explained that staff had discussed it in the way that Mr. Sorenson had suggested and noted that the challenge with that direction is that the Zoning Code states that the City 'shall' utilize the PRD section of the Code for residential uses in a PCD. He stated that this language takes away the ability to do it within the PCD-15 amendment. He reminded the Commission that this change is really specific to PCDs and there is only a handful of them that exist in the City. He stated that, in his opinion, what is being discussed is actually a very narrow change.

Chair Brass stated that he also feels as though this change is narrow.

Chairperson Brass closed the public hearing at 7:46 p.m.

Commissioner Rylee stated that he thinks this is a great spot for this and as Commissioner Urbanski referenced, will be an enhancement to that area of the City.

Chair Brass stated that he also feels that this is a good project and explained that in his professional life he has been involved in similar projects with apartment buildings in commercial areas that have been very successful. He stated that he feels this will be a good addition to the City and will brings more families and residents into an area that has been tough to fill. He noted that the retail landscape does not appear to be getting any better, and this feels like a strategic way to help grow the City.

Commissioner Baswa stated that he was very glad to see a tot lot included in this project.

Chair Brass stated that he agreed and felt that the developer did a really good job with the open space and livability of the area.

Motion by Commissioner Urbanski, second by Commissioner Baswa, to recommend approval of the Hazeltine Plaza Apartments Final Site & Building Plan (PC#2022-54), subject to the following conditions:

1. Approvals shall be based on the following graphic exhibits:
    a. Narrative (pgs 1-2), submitted by Trident Development, LLC, dated September 26, 2022
    b. Trip Generation Study (pgs 1-5), prepared by SSTS, dated July 19, 2022
    c. Cover (pg C1), prepared by Carlson McCain, dated September 6, 2022
    d. Existing Conditions Survey (pg C2), prepared by Carlson McCain, dated September 6, 2022
    e. Removals Plan (pg C3), prepared by Carlson McCain, dated September 6, 2022

   f. Site Plan (pg C4), prepared by Carlson McCain, dated September 6, 2022
   g. Turning Analysis (Fire/Snow Storage) (pg C4.1), prepared by Carlson McCain, dated September 6, 2022
   h. Turning Analysis (Loading Dock) (pg C4.2), prepared by Carlson McCain, dated September 6, 2022
   i. Utility Plan (pg C5), prepared by Carlson McCain, dated September 6, 2022
   j. Utility Plan (Storm Sewer) (pg C5.1), prepared by Carlson McCain, dated September 6, 2022
   k. Grade Plan (pg C6), prepared by Carlson McCain, dated September 6, 2022
   l. Stormwater Pollution Prevention Plan (pgs C7-C7.1), prepared by Carlson McCain, dated September 6, 2022
   m. Details (pgs C8-C8.4), prepared by Carlson McCain, dated September 6, 2022
   n. Landscape Plan (pgs L1-L5), prepared by Carlson McCain, dated September 6, 2022
   o. Tree Preservation Plan (pg TP1), prepared by Carlson McCain, dated September 6, 2022
   p. Photometric Plan, prepared by Berd Electric, dated August 4, 2022
   q. Exterior Materials, prepared by KW Architects, dated July 20, 2022
   r. Exterior Elevations (pgs 1-2), prepared by KW Architects, dated July 20, 2022
2. Compliance with the zoning PCD-15 (ord. nos. 802, 946, and 1020).
3. Compliance with applicable zoning requirements, in particular Chapter 15.28 (Special Regulations).
4. Provision of adequate sound proofing of the drive-under/breezeway to ensure noise does not conflict with residents.
5. Coordinate with the City Engineer to ensure that adequate sight-lines are preserved at all access points to Hundertmark Road.
6. Adherence to the following building setbacks as found in PCD-15:
   a. Hundertmark Road: 100 feet from centerline
   b. From southernmost property line: 30 feet
   c. From northernmost property line: 25 feet
7. Adherence to the following parking setbacks as found in PCD-15:
   a. Hundertmark Road: 10 feet from right-of-way
   b. Hazeltine Boulevard: 10 feet from right-of-way
   c. Interior Property Lines: 5 feet
8. Coordination with the City Engineer for the provision of public utilities to the site.
9. Provision of a storm water management plan meeting City and Carver County WMO standards.
10. Provision of a construction traffic plan to be coordinated and approved by the City Engineer.
11. Provision of review and approval of Kohl's per the existing Reciprocal Easement Agreement.

Motion carried.

Motion by Commissioner Aasen, second by Commissioner Gaare, to recommend approval of the Zoning Ordinance Amendment (ZOA) to PCD-15 per draft ordinance.

Motion carried.

Motion by Commissioner Baswa, second by Commissioner Aasen, to recommend approval of the Zoning Ordinance Amendment (ZOA) to Section 15.16.030 Planned Commercial Development District per draft ordinance.

Motion carried.

8. Other Business

9. Receive Other Meeting Minutes

A. Receive the August 15 and 29, 2022 Meeting Minutes, Receive the September 12 and 19, 2022 Meeting Minutes
B. Receive the September 12, 2022 EDA Meeting Minutes

Commissioner Urbanski

- Commented that there was a meeting held last week on the Community Center and because they have gathered a lot of public input, the next meeting will be more of a design stage type meeting. He noted that once they get some sketches put together there will be some type of public Open House meetings in order to get feedback on the design.

10. Adjourn

Motion by Commissioner Urbanski, second by Commissioner Gaare, to adjourn the meeting at 7:50 pm.
Motion carried.

REQUEST FOR ACTION
CHASKA PARKS AND RECREATION
DECEMBER 13, 2022

Subject: Appointment of Parks and Recreation Commission Chair and Vice-Chair

Prepared By: Mary Monteith, Assistant to the Parks and Recreation Director

---

Chaska city ordinance states that the City Council is to appoint the Chair and Vice-Chair for the Parks and Recreation Commission. The Council has historically relied on the members of the commission to recommend individuals for these two positions.

On December 13, 2022, the Parks and Recreation Commission voted to recommend

_____as Commission Chair

and _____as Commission Vice-Chair.

The Parks and Recreation Commission seeks City Council approval of this recommendation.

CHASKA PARKS AND RECREATION COMMISSION ACTION REQUESTED

Motion to Recommend to City Council Appointment of:

_____ as Parks and Recreation Commission Chair

and

_____ as Parks and Recreation

Commission Vice-Chair.