

**CHASKA PLANNING COMMISSION
MINUTES
JANUARY 11, 2023**

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: Commissioner 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 November 9, 2022 Planning Commission Meeting Minutes

Motion by Commissioner Aasen, second by Commissioner Baswa, to approve the minutes of the November 9, 2022 Planning Commission meeting.

Motion carried.

6. Consent Agenda

Commissioner Gaare stated that she would recuse herself from voting on this item.

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

- a. Recommend Approval of the Final Site and Building Plan of the Water Treatment Plan/City of Chaska/PC #2023-05
- b. Recommend Approval of the Final Plat for Club West 11th/Tradition Development/PC #2023-02

Motion carried 5-0-1 (Gaare abstained).

7. Action Items

A. PUBLIC HEARING: Recommend Approval of the Zoning Ordinance Amendment to the Side Yard Setback for Ensconced Woods/Reiland Johnson Builders/PC #2023-04

City Planner Hanson presented the item to the Commission and noted that this will come before the City Council on January 23, 2023.

Chairperson Brass opened the public hearing at 7:07 p.m.

No one appeared to speak to this item.

Chairperson Brass closed the public hearing at 7:07 p.m.

Motion by Commissioner Baswa, second by Commissioner Gaare, to recommend to the City Council approval of the Zoning Ordinance Amendment to PRD-81 to correct the side yard setback from 7.5 feet to 5 feet for Ensconced Woods, subject to the following conditions:

1. Approvals shall be based on the draft ordinance.
2. Adherence to the following building setbacks: a. Front (house): 25 feet b. Rear: 25 feet c. Side(house/garage): 5 feet d. Side (corner): 15 feet

Motion carried.

B. PUBLIC HEARING: Recommend Approval of the Conditional Use Permit (CUP) for Existing Gravel Pit for Jason Kusske/Kusske Land Corporation/PC #2023-03

City Planner Hanson presented to the Commission and noted that this will go to the City Council on January 23, 2023.

Commissioner Urbanski asked if the City puts any sort of deadline or expiration date on this type of CUP.

City Planner Hanson stated that the City can do that, but in this instance, since this is an existing operation, the CUP and the conditions allow it to continue. She stated that if there are concerns about conditions not being met, there is a way to revisit the permit with the applicant.

Chairperson Brass opened the public hearing at 7:27 p.m.

No one appeared at the Public Hearing.

Chairperson Brass closed the public hearing at 7:27 p.m.

Commissioner Rylee thanked Kusske for being a family owned, small business, construction company in the community, which in this day and age is the exception to the rule. He expressed his gratitude for who they are and for being a good neighbor. He thanked staff and Alliant for going through this process to ensure that all the 'I's have been dotted and the 'T's crossed.

Motion by Commissioner Rylee, second by Commission Urbanski, to recommend to City Council approval of the Conditional Use Permit for an existing gravel pit operation on the Kusske property (Outlot C of Club West 11th), subject to the following conditions:

1. Approvals shall be based on the following exhibits:
 - a. Kusske Mine Site Restoration CUP Narrative (pgs 1-3)
 - b. Existing Conditions Survey, submitted by Alliant Engineering, dated January 5, 2023
 - c. Earthwork-Fill Volume, submitted by Alliant Engineering, dated January 5, 2023
 - d. Grading and Erosion Control Plan, submitted by Alliant Engineering, dated January 5, 2023
 - e. Site Plan & Phasing Plan, submitted by Alliant Engineering, dated January 5, 2023
 - f. Construction Observations and Testing (pgs 1-37), submitted by Braun Intertec, dated October 6, 2022
2. Adherence with the City Engineers Memo dated January 11, 2023.
3. Hours of Operation for reclamation activity are limited to 7am-7pm Monday-Friday.
4. This CUP allows for reclamation activity only, and does not include mining or excavation.
5. The reclamation area will be a maximum of 2.15 acres (93,487 square feet) and as shown on the existing conditions plan and grading plan.
6. All storage of equipment and materials used in the operation shall be kept near the shop space as noted on the Existing Conditions Plan to minimize visual exposure to areas outside the fill area.
7. The permittee shall comply with the noise pollution requirements/standards of the Minnesota State Rules Chapter 7030 and Section 6.12.010 of Chaska General Code of Ordinances.
8. Adherence with a minimum setback of 250 feet from the nearest residential lot line in Club West 11th from the reclamation fill area.
9. Adherence with the minimum setback of 100 feet from the nearest residential lot line east from the reclamation fill area.
10. Adherence with the setback from steep slopes as defined in Zoning Section 15.28.100.C. Grading and fill is prohibited to impact or encroach into the 30 foot no grade/no mow setback.
11. Provision that the reclamation fill operation and grading shall not remove or impact any existing trees.
12. Street cleaning and dust control shall be performed on a regular basis and as required by the City. Dust control and street cleaning shall be provided within the same day as it is requested. Failure to comply with a request within the time specified shall be a cause for the City Engineer to stop the work onsite until compliance is achieved. If the permit holder is unable to supply dust control or street cleaning within the time specified, the City will perform the work and bill the permit holder for actual costs incurred plus any penalties imposed by City ordinance.
13. The permit holder shall comply with any/all CCWMO rules and regulations, which includes obtaining any permits the CCWMO deems necessary.
14. The permit holder shall obtain, continuously maintain, and comply with the terms of drainage and erosion control permits issued by the CCWMO.
15. The permit holder shall obtain a grading permit from the City of Chaska ahead of any grading operations commencing.
16. Existing drainage patterns shall not be altered.
17. A maintenance plan shall be submitted that details how the drainage conveyance will be maintained for the pass-through drainage from Club West 11th.
18. An erosion control plan that includes seeding and restoration information and which is consistent with the requirements of NPDES permit and CCWMO permit shall be submitted to the City of Chaska and adhered to by the permit holder.
19. Sanitary sewer manholes and pipes shall be protected through all operations. Access to city sanitary sewer manholes shall be available at all times.
20. The permit holder shall submit to the City of Chaska a formal report from a qualified geotechnical engineering firm annually by the end of each calendar year. The report should include testing and an analysis of the material that was placed at the site. All fill being used within the developable acreage will

be required to be free of contamination and meet geotechnical engineering standards for compactable fill to support development.

21. The permit holder shall submit to the City of Chaska a formal report regarding a status update on the following topics annually by the end of each calendar year:

a. Stormwater management

b. Groundwater discharge, if applicable c. Site surveying/status of grading

22. The permit holder shall provide a performance security in the amount of \$25,000 in a form acceptable to the City of Chaska, naming the City of Chaska as the obligee. This performance security shall be replenished by the permit holder to its full amount 5 business days after being utilized by the City of Chaska.

23. The performance security shall be re-submitted to the City of Chaska annually in an amount that is 2% greater than the previous year.

24. The City of Chaska may utilize the performance security for reimbursement for any and all expenses incurred in the event that the permittee fails to comply with any conditions or requirements of this CUP or for any reason ceases to operate the facility in accordance with the provisions of this CUP, if the City of Chaska incurs costs, liabilities, expends monies, labor, services, or material to compel or restore compliance with the terms of the CUP, or perform on-site or off-site restoration resulting from permittee's actions or non-actions.

25. The CUP shall not be effective until such time that an agreement is approved, executed, and recorded with the Recorder's Office in Carver County, Minnesota.

26. Any and all claims that arise or may arise against the permit holder, its owners, agents, trustees, servants, or employees while engaged in the use of the property shall in no way be or become obligations of the City of Chaska. The permit holder, jointly and severally, shall indemnify, hold harmless, and defend the City of Chaska, its officials, officers, employees, and agents against any and all liabilities, losses, costs, damages, expenses, claims, actions, or judgments, which includes reasonable attorneys' fees, expenses, and court costs, including experts, that the City of Chaska, its officials, officers, employees, or agents may hereafter sustain, incur, be subjected to, or required to pay, in any way connected with the use of the property and the CUP. The obligations contained in this paragraph shall survive the expiration or earlier termination of the CUP.

27. City staff shall be allowed access to the site to inspect all elements of the CUP. The landowner will be notified more than 24-hours in advance of site access.

28. Subject to the approval of the CUP, which shall be recorded with, but subsequent to, the final plat for club west 11th

Motion carried.

8. Other Business

9. Receive Other Meeting Minutes

A. Receive the October 3, November 7, 21, and December 5, 2022 City Council Meeting Minutes

B. Receive the September 13, 2022 Park Board Meeting Minutes

Commissioner Urbanski

- Gave a brief update on the Community Center and noted that Task Force meetings are continuing to happen and plans are moving forward.

Chairperson Brass

- Commended Commissioner Rylee for his service on the Planning Commission and noted that this would be his last meeting. He stated that he also wanted to thank Commissioner Lacey for his years of service to the City as well.
- The Commission extended their appreciation for Commissioner Rylee and Commissioner Lacey's service to the City.

10. Adjourn

Motion by Commissioner Gaare, second by Commissioner Aasen to adjourn the meeting at 7:33 pm.

Motion carried.