Chaska Park Board
Meeting Minutes
June 8th, 2021
Council Chambers
And Zoom

1. Call to Order

The June 8th meeting of the Chaska Parks Board was called to order by Chair David Downs at 6:00 pm in person and via Zoom.

2. Roll Call

Attendance:

David Downs, Jason Branch, Thomas Massey, Donelle Heieie, Karli Cich, Georgiann Keyport, Zach Saueressig

Absent: Jalen Destin, Elizabeth Wynveen (missed meeting, attended bus park tour)

Staff: Marshall Grange, Mary Monteith, Kevin Wright, Communications Manager

3. Adopt Agenda

Motion by Keyport, second by Saueressig to adopt the June 8th, 2021, meeting Agenda.

Motion Carried

4. Visitor Presentation

None Present

5. Approve Previous Meeting Minutes

Motion by Massey, second by Keyport, to approve the Park Board minutes from May 11th, 2021

Motion Carried

6. Receive Council and Planning Meeting Minutes

6A. Council Minutes May 3rd

6B. Planning Minutes April 14th

7. Action Item

7A. Recommendation to City Council for Termination of Commissioner Term

Downs, the action item we have tonight is for the termination of Commissioner Gutierrez. He has not been able to attend these meetings, so we need to move forward with asking city council to approve his termination and to expedite getting another member to the board.

Downs asked for a motion for recommendation to city council to terminate Ernest Gutierrez appointment as commissioner on the Chaska Park Board and to seek replacement for his vacancy.

Motion by Massy, second by Heieie. Motion Carried.

8. New Business

8A. Naming Rights and Sponsorship

Grange-This item before you is on the sponsorship and naming rights revenue potential, a follow up to last month's work session. If you recall last month, we spent some time on this, outlining the various types of sponsorships and naming rights opportunities out there. I shared some recent examples of other local municipalities and counties that also have pursued such revenue agreements. We heard from a local consult on his insight on what is happening out in this area. We brought the same presentation then to a council work session on May 17th, where there was again good discussion, and we actually ran out of time.

As a follow up, I then reached out both to you and the council and laid out some questions for you to give some thought to and respond back on. What we gleaned from the feedback was overall support to further explore this. There were no glaring red flags preventing us from exploring it and looking into what opportunities there may be. There was also overall agreement that the City should contract with a consult vs. staff taking this on.

The biggest concern that stood out, was the fear of loss of identity, the Chaska Pride came through, which I appreciate. Our existing facilities have created a lot of memories and a lot of meaning in the community over the years. The name "Chaska" means something, that is good to hear. There are ways we can move forward and work with a consultant to figure out how that could look going forward. We are not locked into anything at this point, any agreements that would come back would go through an approval process. Today, based on the feedback, we will incorporate it all and put it together with an RFQ, and then send out to consultants to respond. Ideally, we get 2/3 back to consider, staff review and bring back for recommendation to the park board and council. If we were to feel comfortable hiring a consultant, we would start the process. The consultant would meet and talk with staff and council, as well as engage the various user groups in the various facilities to get a good understanding on how to approach things.

Grange, initially a focus will be on the curling and event center, as it was a bit more favorable in the feedback. It has a more regional reach potential for naming rights, and it has always been intended to bring people into downtown Chaska vs. the Community Center being more of a sense of maintaining the identity and more attractive to a local business to partner on. Should we consider it for naming rights and sponsorship, it really needs to be a part of the conversation when we do the Master Plan process and glean information from a citizen taskforce. The Consultant can also put the Community Center idea out there at the same time as the curl discussion to gage interest. Grange the next step will be to put the RFQ together, depending on timing, bring it back to next month's meeting for your review, and recommendation to council. With the likely hood of getting in only a couple responses, maybe we can bring them in for interviews with the park board.

Downs, a good plan, and good opportunity for us. Hopefully, they will look at the advertising opportunities in the ice arena, seems like a slam dunk that could bring in some contributions rather than renaming. Grange, yes, this is a good opportunity as we are starting with a blank slate. The consultant could create different tiers of opportunity. If there is not a comfort with the overall naming rights opportunity, then we just focus on in the building sponsorship and advertisement. It would be nice to work with a professional who can lay it all out and have it make sense, do it in a professional way as well as tying it all together with the timing of the community center master plan and when renovations are done. It is to our advantage as well as a business's advantage as to what the future vision is/could look like.

9. Other Business

9A. Board Member Reports

Massey-It sure is hot out, I have been out enjoying the trails though. A hot but good summer.

Keyport-Recently participated in Bike Day, I did the adult 20-mile drive, 95% of the other bikers had E-Bikes, which was interesting. Had a delightful day, with good weather.

Saueressig-Still enjoying the freedoms of the community center; no masks, no reservations. Great to see people on the trails. Looking forward to the rest of the summer.

Heieie-We walked over to where the Lake Grace bridge work is being done, wondering if the trail connector will be widened? Grange, the trail will not be widened, there is some slop there. The initial design was to cut into that to widen it, but to costly and the homeowners on that trail were not very favorable to changing that. Another factor was winter maintenance, PW cannot get equipment on that trail to, so Jonathan Association has agreed to plow the trail. The bridge work is scheduled for Thursday of next week, which will be a great viewing opportunity, as bringing in a crane. Also commented on how much good work the public works guys have been doing on the trails, it has been fantastic to see, thanks.

Cich-I tried the Chaska to Carver trail and thought of some opportunities for the berm. Also did some free Pio in the park, which was intense but cool to be outside working out for free.

Downs-Thanks again for your attendance last week at the long meeting. I would encourage you to watch the council meeting that was after ours, it was almost 5 hours long, was good.

Grange-With Liz and Jalen not here I can share an update on the Pedestrian/Bicycle plan:

As of this last weekend we closed the engagement for community feedback. We were striving for 1,000 comments. Per Antonio, we had 619 online surveys, 307 partial surveys completed, 117 wiki map comments. 736 responses, great! We can now establish a base line for the community with the data to glean what voices we did not hear from. We will hold 2 listening sessions for others to provide feedback, one at Riverview Terrace mobile home park and the other with the local mountain bike team. We also will have two other pop-up community events, one being River City Days. Once those are complete, we will draft a report back out for all to review.

10. Adjourn-Next meeting is July 13th

Motion by Saueressig, second by Heieie to adjourn the June 8th meeting of the Chaska Park Board.

Bus tour followed.

- MINUTES -
CHASKA CITY COUNCIL
May 17, 2021

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

2.Pledge of Allegiance

3. Roll Call
Roll call was taken. Present: Councilmembers Hatfield, Hubbard, Huang, Grau, and Mayor Windschitl.
Absent: None.

Also Present: Kevin Ringwald, Community Development Director; Liz Hanson, City Planner; Luke Melchert, City Attorney; Noel Graczyk, Administrative Services Director; City Engineer Matt Clark; Nate Kabat, Assistant Administrator; and Matt Podhradsky, City Administrator.

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

5. Proclamation
5.A. Recognition of Poppy Days - Chaska American Legion Auxiliary, Unit 57

Mayor Windschitl read a proclamation recognizing May 28 and 29 as Chaska American Legion Auxiliary, Unit 57 Poppy Days.

Mayor Windschitl noted several special days in May including Armed Forces Day, Municipal Clerk's Week, National Police Week, and International Firefighters Day.

6. Visitor Presentation
None.

7. Minutes
Motion by Councilmember Hubbard, second by Councilmember Hatfield to approve the minutes of the May 3, 2021 City Council meeting. Motion carried.

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

A. Temporary 1 -Day On-Sale Intoxicating License for Flags & Honor of Minnesota
    Motion to approve the Temporary On-Sale Intoxicating License TW 21-01 for Flags and Honor of Minnesota, that allows them to serve intoxicating beverages at their car, bike and tractor fund raising event, on August 7, 2021.

B. Letter of Support - Highway 212 Freight Mobility & Safety Project
   Motion to authorize the Mayor to sign a letter of support for federal financial assistance under US Department of Transportation {DOT} Discretionary Grant Programs.
C. Adopt Ordinance 994, Amend Chapter 5, Article 5.12 Massage Licenses
   Motion to approve Ordinance No. 994 amending Chapter 5, Section 5.12 Articles 5.12.100 - 5.12.120.
D. Adopt Resolution 2021-27, Approving the Final Plat for Harvest West 3rd/Tradition Development/PC #2021-09
   Motion to adopt Resolution No. 2021-27 approving the Final Plat for Harvest West 3rd (PC #2021-09)
E. Amendment to the Carver County SHIP Grant Agreement for Pedestrian and Bicycle Master Plan
   Motion to Approve the Amendment to the SHIP Grant Agreement Between the City of Chaska and Carver County for a Pedestrian and Bicycle Master Plan reflecting the additional $5,000, not to exceed $45,000.
F. Approval of Carver County 2021 SHIP Grant Agreement for Youth Soccer
   Motion to Approve the Carver County SHIP Grant Agreement Between the City of Chaska and Carver County to help fund a 6-week soccer program for Latino youth in our community.
G. Adopt Resolution 2021-28, Construction Plans for 2021 Street and Utility Reconstruction Project
   Motion to adopt Resolution No. 2021-28, approving the construction documents for the 2021 Street & Utility Reconstruction Project, and authorizing the solicitation of public bids
H. Liquor License Renewals 2021-2022
   Motion to approve liquor license renewals as itemized on Schedule A attached, effective July 1, 2021 through June 30, 2022, with contingencies as noted.

Mayor Windschitl inquired if there is any benefit to separating the bridge from the road construction in Item 8.G.

City Administrator Podhradsky provided further detail regarding the purpose of them being together.

Councilmember Hubbard thanked Staff for their work on Items 8.C and 8.F.

Motion carried.

<u>9. Action Items</u>

<u>9.A. Adopt Resolution 2021-30, Public Hearing to Consider Certification of Spring 2021 Delinquent Utilities</u>
City Administrator Podhradsky introduced the item to the Council.

Administrative Services Director Graczyk presented the item to the Council.

Mayor Windschitl opened the public hearing at 7:20pm.

Mayor Windschitl closed the public hearing at 7:21pm.

Motion by Councilmember Hatfield, second by Councilmember Hubbard to adopt Resolution 2021-30 approving certification of delinquent utilities and miscellaneous unpaid charges to Carver County for collection with the payable 2022 property taxes. Motion carried.

9.B. WITHDRAWN: Reviewing the Conditional Use Permit (CUP) Amendment for Total Loss at 525 Creekridge Drive/Total Loss Brokers, Inc/PC #2021- 07

9.C. Adopt Resolution 2021-29, Approving the Concept Plan for Ensconced Woods/Johnson-Reiland Builders & Remodelers/PC #2021-06
City Administrator Podhradsky introduced the item to the Council.

City Planner Hanson presented the item to the Council.

Councilmember Hubbard inquired if the change from private road to public road will change the number of lots.

City Planner Hanson stated the exact count with the elimination of the private drive is not yet known.

Councilmember Hatfield asked what kind of comments were received from the neighborhood meeting.

City Planner Hanson briefly summarized the main comments.

Councilmember Grau spoke to some of the thoughts brought up by the neighboring Founders Ridge neighborhood.

Councilmember Hubbard looked to clarify that there is a proposed HOA in this development.

Paul Reiland, developer, stated these would be single family lots without common area and thus there is no legal need for an association. He briefly summarized the three options they could take.

Councilmember Hubbard asked if there is a park in the Founders Ridge neighborhood.

City Administrator Podhradsky stated there is not and explained the 55 acres near there would have the neighborhood and community park components.

Councilmember Hubbard asked about trail connectivity.

City Administrator Podhradsky stated Staff is in the process of looking through a master plan for trail connectivity.

Mayor Windschitl asked how long before preliminary could come back.

City Planner Hanson stated it depends upon the developer's timeline.

Mayor Windschitl asked Mr. Reiland if they hoped to move dirt this year.

Mr. Reiland stated that was their hope.

Councilmember Huang looked to confirm the concept plan has been vetted for fire access and that there are no issues with dead-end streets that come off a single entrance.

City Planner Hanson stated the only exception is off the private drive being a potential challenge for turn around.

Councilmember Huang also asked when the construction entrance would be closed off.

City Planner Hanson explained that would be a detail that would need to be worked out with the County.

Councilmember Grau stated he would love to see a right-in, right-out even though he knows that is a County decision.

Councilmember Huang asked how many homes are in Founders Ridge right now.

City Planner Hanson stated just under fifty.

Councilmember Huang commented that would be about 80 homes with a single entrance and suggested that would be about the limit a single entrance could service.

Councilmember Hatfield looked to confirm there is not any future development planned with the proposed development.

City Planner Hanson stated that is correct.

Councilmember Huang inquired what the speed limit is on County Road 44.

City Administrator Podhradsky stated it is 45 mph. He also asked if the request to the County for access was made as part of this concept plan or the last one.

City Planner Hanson provided further clarity regarding that.

The Council discussed their understanding of the temporary construction access.

City Administrator Podhradsky suggested the Council list as one of the conditions a longer use of the construction entrance.

The Council and Staff discussed wording for this condition.

Community Development Director Ringwald suggested doing this in relation to the lots the entrance crosses over. He also noted that the applicant needs to come back with a traffic management plan as part of the preliminary.

Motion by Councilmember Huang, second by Councilmember Hatfield to adopt Resolution No. 2021-29 approving the Concept Plan for Ensconced Woods (PC #2021-06) with the addition of the condition to extend the construction access as stated by Staff. Motion carried.

9.D. Adopt Resolution 2021-31, Approving the Concept Plan for Wagner Woods/Lennar/PC #2021-10

City Administrator Podhradsky introduced the item to the Council.

City Planner Hanson presented the item to the Council.

City Administrator Podhradsky spoke further regarding the elimination of the three lots adjacent to the park.

City Planner Hanson continued her presentation of the item.

Councilmember Grau looked for clarification as to the implementing parkland into the development in lieu of the fees.

City Administrator Podhradsky provided further detail regarding this proposition.

Councilmember Huang inquired how much the land dedication is worth by itself.

City Administrator Podhradsky explained how that is determined.

Councilmember Hubbard asked if the 2.65 acres includes the land where the three houses will be eliminated from the development.

City Administrator Podhradsky stated it is the total amount of land the City is requesting and further explained the options before the Council.

Councilmember Hubbard asked what happens to all of this if this development comes into the Jonathan neighborhood.

City Administrator Podhradsky gave further information regarding that inquiry.

Councilmember Hubbard inquired how far the furthest home is to the park.

Community Development Director Ringwald stated the greatest distance in the neighborhood is a quarter of a mile.

Councilmember Grau asked how many lots go away if the full 10% is taken.

City Administrator Podhradsky stated it is about 3 lots.

City Planner Hanson continued her presentation of the item.

Councilmember Grau looked to clarify the construction access would be off Audubon.

City Planner Hanson provided further detail regarding the likely access for construction.

Councilmember Hatfield asked if the developer has reached out to the County regarding access off Audubon.

City Administrator Podhradsky stated County staff will be going to the site tomorrow to see if that is a possibility.

The Council and Staff discussed the Planning Commission's request to look for an alternative access than Butternut as well as the focus of the traffic study, traffic issues, and traffic concerns brought up by residents.

Councilmember Grau expressed his frustrations regarding the concept plan in regard to unusable parkland.

Councilmember Huang noted this is the worst Lennar development he has seen come through in all his years on the Planning Commission and Council.

City Administrator Podhradsky explained that Staff recommended the current spot for the park due to the lack of a park in the development to the northwest as per the goals of the comp plan.

The Council discussed the park location and potential use further and importance of exploring the request to become part of Jonathan.

The Council also discussed the proposed density of the development.

Councilmember Hubbard asked if the fence that buffers along the back side of Butternut will be going away.

City Planner Hanson stated that should be staying.

The Council and continued discussions regarding density and setbacks.

City Administrator Podhradsky noted the density and setbacks in the current concept plan do meet the comp plan guidance. He suggested in light of this that the Council give feedback to the developer to explore how this development could best blend with the surrounding neighborhood.

Mayor Windschitl asked if this layout of the development would change if a right-in, right-out were available.

Josh Metzer with Lennar, 16305 36th Ave North, briefly addressed several points brought up by the Council, including density, housing types, setbacks, site access, projected traffic counts, park location, tree preservation, landscape buffering, trails and open space, the idea of becoming part of the Jonathan Association, the project schedule, and construction access. He noted all comments and concerns raised by residents, Staff, Park Board, Planning Commission, and the Council will be taken into account before coming back with the preliminary.

Councilmember Hubbard noted that mailbox location is very important and reminded the developer to be mindful of where those are placed.

Councilmember Huang asked who executes the traffic study versus paying for it.

Community Development Director Ringwald explained those details.

City Administrator Podhradsky noted that the City Engineer will review it at the end.

Councilmember Huang inquired if there is an existing process in order to determine what the community would want in regard to the park dedication.

City Administrator Podhradsky stated if it is unclear what the community wants after public comment then they can talk about a process.

Mayor Windschitl stated he would like more blending besides the screening for the three homes on Butternut and the lots 55-65 re-evaluated to blend with the neighborhood in the back.

Emily Welter, 2887 Ironwood Boulevard, noted she is representing 116 houses in the surrounding neighborhood and presented the reasons for the concerns these residents have regarding the concept plan as-is.

Matt Douglas, 2857 Ironwood Boulevard, asked the City to advocate for an entrance/exit onto Audubon Road.

Jeremy Landkammer Ely, representing Jonathan Association, explained the concerns of the Jonathan Association regarding safety concerns on Autumn Woods Drive due to lack of trail systems and sidewalks. He urged the Council to ensure a like-home development is pursued for this area to protect the shareholders present.

Mark Lundgren, 3075 Autumn Woods Drive, detailed his concerns regarding the density of the concept plan.

David Taylor, 2893 Forest Ridge, explained he feels this concept is severely flawed regarding density and traffic issues.

Jeannie Seeley-Smith, 2935 Autumn Woods Drive, stated that her concern is with increased traffic to Autumn Woods Drive and the lack of amenities for families who would move into a development in this area.

Genaviv Elvy, 2925 Autumn Woods Drive, detailed why these neighborhoods are a treasure and explained her concerns regarding how density in the current concept plan would affect the feel of the surrounding neighborhoods.

Doug Schoen, 3095 Autumn Woods Drive, urged the Council to adopt all the conditions put forth by the Planning Commission.

Gretchen Kleinsasser, 2868 Ironwood Boulevard, explained her concerns regarding traffic issues related to the proposed development, as well as the importance of parks.

Lee Isaacson, 2980 Autumn Roads Drive, asked if Mr. Metzer has walked this neighborhood at all. He expressed frustration with the concept plan and urged Lennar to include the residents in refining the concept plan.

Ms. Welter referred to Bavaria Hills neighborhood which has one entrance and noted that it works well there. She encouraged the Council to look at the precedent set by other neighborhoods in Chaska.

Councilmember Hatfield asked if the residents now are asking to limit this design to one entrance.

Ms. Welter explained why she believes this proposed development having their own entrance works. She encouraged the Council to manage the volume issue.

Meredith Salmi-Bydalek, 2850 Timber View Trail, explained a new neighborhood would be welcomed but that keeping car traffic safe is a priority.

Mark Strazzanti, Forest Ridge, expressed the safety issue for kids using the park is forefront and encourage that consideration when looking at entrances and exits.

Nicole Loeding, 2867 Ironwood Boulevard, stated that in addition to park equipment, open space is a great asset and encouraged the Council to get as much land as possible out of that 10%.

Mr. Metzer assured the residents, Staff, and Council that they are following the City’s process by submitting a concept plan and that it helps them submit a better preliminary plan. He explained he will take all comments from residents, Park Boar, Planning Commission, and Council into consideration with further meetings with City and County Staff.

Staff read into record the following comments:
- Melissa Stauffer, 2871 Ironwood Boulevard, I echo the comments of the other residents.

- Joanna Douglas, 2857 Ironwood Boulevard, my concern is that the concept plan does not match the surrounding neighborhoods and that this development will not have its own entrance.
- Jack Loma and Andrew Armstrong, 2925 Autumn Woods Drive, we agree with the comments by Ms. Welter and other residents.
- Timothy Foster, 2879 Ironwood Boulevard, the City should not have to pay for the traffic study, but the company used should be independent and possibly chosen by the City.

Councilmember Huang summarized the items that were added conditions by the Planning Commission that meet many of the residents' concerns. He then listed other items that came up in tonight's comments by residents that were not already listed as conditions.

The Council and Staff discussed these items in detail and refined them to add to the list of conditions given by the Planning Commission.

Mr. Metzer stated that for the proposed 2.65 acres of land dedication, the remainder of the cash contribution would be approximately $170,000.

City Administrator Podhradsky gave further clarity regarding what this means.

Mr. Landkammer Ely recommended the Council set the 10% and take then land and direct Lennar to figure out the best use for that land.

City Administrator Podhradsky further explained how the statutory authority works for land dedication.

The Council and Staff further discussed the park land dedication and how to refine that condition.

Parks and Recreation Director Grange provided further insight regarding the classification of a neighborhood park versus a community park. He also pointed out how much park space is available for use in this area.

Councilmember Huang asked what the net actual park space with the surrounding City-owned land.

Parks and Recreation Director Grange stated it would be around 3 acres.

Staff and Council further discussed the park options and then resumed discussing the amendments desired for the Planning Commission conditions.

Motion by Councilmember Huang, second by Councilmember Grau to adopt Resolution No. 2021-31 approving the Concept Plan for Wagner Woods (PC #2021-10) to include the amended Planning Commission conditions.

Councilmember Huang urged Lennar to work very closely in collaboration with the residents surrounding the proposed development.

Councilmember Grau spoke to the value of the concept plan to promote a great product for preliminary. He also thanked the residents for showing up and voicing their concerns.

Councilmember Hubbard explained why she is voting no to the concept plan.

Councilmember Hatfield also noted the value of the concept plan and thanked the residents for reaching out to the Council regarding their concerns.

Mayor Windschitl thanked residents for getting involved and spoke to the process a concept plan follows in getting before the Council.

With all Councilmembers voting in favor but Hubbard, the motion carried.

<u>10. Bills</u>
10.A. Accounts Payable Council Roster 5-17-2021

The Council requested further information about bills on pages 6 and 26.

City Administrator Podhradsky provided further information regarding those bills.

Motion by Councilmember Huang, second by Councilmember Hubbard 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.

<u>11. Other Business</u>
11.A. City Administrator's Report
11.B. Bi-Weekly Report 5-17-2021
11.C. Financial Reports
11.D. Other Meeting Minutes
    11.D.i. Draft Minutes – Human Rights Commission Meeting March 25, 2021

Councilmember Hatfield:
- Noted it is Coffee with a Cop on Thursday.
- Reported the Memorial Day event begins at 10:30am.

Councilmember Hubbard:
- Noted the Cycle Chaska event is happening on Saturday and that registration is required.
- Encouraged everyone to fill out the survey and Wiki map on walkbikechaska.org.
- Thanked everyone who has sacrificed and served our Country.
- Congratulated retiring principal staff and faculty at District 112 and congratulated the people coming into their positions.

Councilmember Huang:

- Recognized several high school students with their recent success, including Sydney Turner, Aiden Fischer, Citlaly Rodriguez.
- Noted on June 2 from 4-5:30 there will be a retirement drive-thru for Nancy Wittman-Beltz who is retiring from Jonathan Elementary.

Councilmember Grau:

- Noted the big change in COVID requirements.
- Reported that a fire impacted a family in Chaska this week and that his thoughts and prayers were with them. City Administrator Podhradsky noted there is a Go-Fund-me page for them.

Mayor Windschitl:

- Noted there are Council meetings June 7 and 21, 2021 with work sessions prior.
- Noted the trail bridge connecting the new underpass on 41 should be open by middle of June.
- Encouraged folks to drive by City Square gazebo to see the new roof.
- Reported that starting June 14, all city employees will be back to work and the EOC will hold its final meeting June 16. He also noted the emergency orders will be formally removed July 12 and all commission will be back in Council Chambers.
- Encouraged residents to take the time to honor those who have lost their lives for our Country on Memorial Day.

12. Adjourn

Motion by Councilmember Huang, second by Councilmember Hubbard to adjourn the meeting at 11:55 pm. Motion carried.

- MINUTES -
CHASKA CITY COUNCIL
June 7, 2021

1. Call to Order
The meeting was called to order by Mayor Windschitl at 7:05 pm.

2.Pledge of Allegiance

3. Roll Call
Roll call was taken. Present: Councilmembers Hatfield, Hubbard, Huang, Grau, and Mayor Windschitl.
Absent: None.

Also Present: Luke Melchert, City Attorney; Kevin Wright, Communication Director; Nate Kabat, Assistant Administrator.

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

5. Visitor Presentation
5.A. Certificate of Appreciation for Mike Tudor – Cable Communications Coordinator
Communications Director, Kevin Wright, recognized Mike Tudor for his many years of service to the City of Chaska and presented him with a certificate.

The Council thanked Mike for his hard work and dedication during his years working with the City.

5.B. Downtown Special Service District/Strategic Plan 2021-26 – Downtown Business Alliance/Dan Keyport & Steve Ritz
Dan Keyport and Steve Ritz presented the Downtown Special Service Strategic Plan 2021-26 to the Council.

6. Minutes
Motion by Councilmember Hatfield, second by Councilmember Hubbard to approve the minutes of the May 17, 2021 City Council meeting. Motion carried.

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

A. Temporary Liquor Licenses for Southwest Metro Chamber of Commerce
   Motion to approve Temporary On-Sale Intoxicating License TW.21-02 and Temporary On-Sale 3.2% Malt Liquor License T32.21-01 for the SW Metro Chamber of Commerce at Taste of Chaska.

B. School District 112 Contract for CPD School Resource Officers
    Motion to authorize the City Administrator to sign the Memorandum of Understanding Between the City of Chaska and Eastern Carver County Schools, effectively authorizing the Chaska Police Department to continue staffing 2 full-time SROs at schools located within the city limits of Chaska.
C. Adopt Resolution 2021-32, Ending a Local Emergency Declaration
    Motion to approve Resolution 2021-32 ending a local emergency declaration.
    Councilmember Grau mentioned that this is a small victory and to continue to be mindful and maintain some social distancing.
D. Approval of 2020 Interfund Transfers
    Motion to approve 2020 interfund transfers to be reported as Other Financing Sources and Uses in the 2020 Annual Financial Report.
E. Adopt Resolution 2021-35, Approve Construction Plans for Clover Ridge Drive/Chaska Creek Boulevard Phase II
    Motion to adopt Resolution No. 2021-35, approving the construction documents for the Clover Ridge Drive/Chaska Creek Boulevard Improvements Phase II, and authorizing the solicitation of public bids.
F. Consideration of Purchase Agreement for 401 Pine Street North - Library Project
    Motion to approve the purchase agreement for the purchase of 401 North Walnut Street at the price of $435,000, and to authorize the Mayor and the City Administrator to execute the purchase agreement on behalf of the City.
G. Adopt Resolution 2021-33, Bond Sale Reimbursement for 401 Pine Street North
    Motion to adopt Resolution 2021-33 relating to financing certain proposed projects and establishing compliance with reimbursement bond regulations under the Internal Revenue Code.
H. Adopt Resolution 2021-34, Interfund Tax-Increment Project Financing for 401 Pine Street North
    Motion to approve Resolution No. 2021-34 providing for the interfund loan for tax-increment project financing.

Motion carried.

<u>8. Action Items</u>

<u>8.A. Public Hearing: Adopt Resolution 2021-36, 2021 Downtown Reconstruction Assessment Hearing</u>
Assistant Administrator Kabat introduced and presented the item to the Council.

Mayor Windschitl opened the public hearing at 7:43 pm.

Craig Warner, 416 Chestnut, addressed the Council and stated he is being assessed $18,000 for the Fifth Street project. He stated his building does not touch the street and he feels it is a lot of money. He noted Wells Fargo uses the street regularly and does not appear to have been assessed.

Assistant Administrator Kabat stated if a property has access to the street, then it was evaluated and assessed. He noted that Wells Fargo will be assessed when they start the Fourth Street project. He informed Mr. Warner that he is welcome to file an appeal regarding the assessment.

Mayor Windschitl informed Mr. Warner that he will need to go on record and state his intention to file an appeal to start the process. Assistant Administrator Kabat took Mr. Warner's contact information to help him further with the appeal process.

No one else wished to address the Council.

Mayor Windschitl closed the public hearing at 7:53 pm.

Motion by Councilmember Huang, second by Councilmember Hubbard to adopt Resolution No. 2021-36, 2021 Downtown Reconstruction Assessment Hearing.

<u>9. Bills</u>
9.A. Accounts Payable Council Roster 6-7-2021

The Council requested further information about bills on pages 16 and 18.

Assistant Administrator Kabat 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.

<u>10. Other Business</u>
10.A. City Administrator's Report
10.A.i. Bi-Weekly Report 6-7-2021

Councilmember Grau:

- Wished the entire community and LGBTQIA Members a happy Pride Month.
- Noted the Pride Picnic is on June 27th from 4:00 – 6:00pm at City Square Park.
- Recognized June 19th as a celebration of the end of slavery in the U.S.

Councilmember Huang:

- Recognized the passing of Golf Architect, Arthur Hills at the age of 91 on May 18th.
- Noted the Memorial Day Service at Veterans Park was excellent.
- Noted the Chaska High School Theater wrapped up their Spring Musical Production of Beauty and the Beast and stated it was an excellent show.
- Congratulated Chaska High School boys and girls golf teams on their championship.
- Recognized and congratulated the Chaska High School graduates and other students for finishing a difficult school year.
- Noted congratulations are due to Chief Seibert for the $187,000 radio grant.
- Stated he is excited about Metronet Fiber Services working with the City.

- Reported that Southwest Transit restarted prime service on June 5th; available Saturdays from 6:30am – 5:30pm, Monday through Friday offering 494 Corridor Services, and Monday through Friday from 9:00am – 12:00pm offering Grocery Services.
- Reported that starting on June 8th from the Eden Prairie Station, Southwest Transit is offering transportation to twins games, using the Southwest mobile app to reserve a seat.

Councilmember Hubbard:

- Stated she is looking forward to the pride events.
- Noted on June 17th there is a food distribution drive through at the old Gedney Factory site.
- Noted Cones with a Cop is on June 16th at 3:00pm at Culvers.
- Stated the Purple Rain exhibit is on June 17th at 6:30pm – 8:30pm at the Community Center.
- Reported the Chaska bear has moved on from the community and reminded everyone to take down bird feeders and keep a watchful eye on your pets and children.
- Reported on June 6th her son and her attended the Chaska Family Fishing Clinic and noted it was a wonderful event with helpful knowledgeable volunteers.
- Wished everyone a healthy and safe summer and encouraged people to check out the great summer events and series starting soon.

Councilmember Hatfield:

- Thanked everyone for the great Memorial Day event.
- Reported the Chaska High School Band did a phenomenal job at the Memorial Day event.
- Noted the Farmers Market starts on June 16th at 3:00pm at City Square Park and encouraged people to attend.

Assistant Administrator Kabat:

- Reminded the Council of the upcoming Work Session on June 21st at 5:45pm and reported there will be no meetings on July 5th due to observation of the 4th of July holiday.

Mayor Windschitl:

- Noted the Summer concert series is starting soon and will be on Tuesdays and Fridays and encouraged people to check those out.
- Reported that the Emergency Operations Center closed their doors a few weeks ago and on June 16th will hold their final gathering. He stated he is so proud to be associated with that group and recognized what they achieved and thanked them for their hard work.
- Noted the bridge will be up in a few weeks probably, stated it will be exciting to have that done.
- Reported that there will be fireworks on the 4th of July.
- Recognized and congratulated the Chaska High School Class of 2021.
- Wished all dads a Happy Father's Day.

11. Adjourn

Motion by Councilmember Hubbard, second by Councilmember Huang to adjourn the meeting at 8:27 pm.
Motion carried.

CHASKA PLANNING COMMISSION
MINUTES
May 12, 2021

1. Call to Order
Chairperson Dahlke called the meeting to order at 7:00 pm.

Chair Dahlke read aloud a statement explaining that due to the COVID-19 pandemic the Chaska Planning Commission met via electronic means. He explained how the public can still be involved in the meeting and discussions

2. Roll Call
Roll call was taken. Members present: Commissioners Brass, Lacey, Olson, Rylee, Sailer, Urbanski and Chairperson Dahlke

Members absent: None

Also present: Luke Melchert, City Attorney; Kevin Ringwald, Community Development Director; Kevin Wright, Communication Manager; and, Liz Hanson, City Planner.

3. Adopt the Agenda
Motion by Commissioner Lacey, second by Commissioner Urbanski, to adopt the agenda as presented.
Roll Call Vote: Ayes – all. Motion carried.

4. Visitor Presentation
There were none.

5. Minutes
Motion by Commissioner Olson, second by Commissioner Brass, to approve the draft Minutes of the April 14th, 2021, Planning Commission meeting Minutes.
Roll Call Vote: Ayes – all. Motion carried.

6. Consent Items
Motion by Commissioner Brass, second by Commissioner Olson to approve the Consent Agenda as follows:

6.A. Motion to recommend to City Council approval of The Harvest West North Final Plat for a 92-lot subdivision on 48 acres of land in the SW Chaska Growth Area (PC case # 2021-09), subject to the following conditions:

1. Approvals shall be based on the following graphic exhibits:
    a. Tree Damage Assessment (pgs 1-16), prepared by Heritage Shade Tree, dated October 29, 2020
    b. Cover Sheet, prepared by Alliant Engineering, Inc., dated March 29, 2021
    c. Details (pgs 2-3), prepared by Alliant Engineering, Inc., dated March 29, 2021
    d. Existing Conditions (pgs 1-2), prepared by Alliant Engineering, Inc., dated May 2, 2018
    e. Tree Preservation Plan (pgs 6-7), prepared by Alliant Engineering, Inc., dated March 29, 2021
    f. Site Plan – Overall (pg 8), prepared by Alliant Engineering, Inc., dated April 14, 2021
    g. Site Plan (pgs 9-12), prepared by Alliant Engineering, Inc., dated March 29, 2021
    h. Grading and Drainage Plan (pgs 13-17), prepared by Alliant Engineering, Inc., dated March 29, 2021
    i. West Pond Drainage Detail (pg 18), prepared by Alliant Engineering, Inc., dated March 29, 2021
    j. East Pond Drainage Detail (pg 19), prepared by Alliant Engineering, Inc., dated March 29, 2021
    k. Erosion and Sediment Control Plan (pgs 20-23), prepared by Alliant Engineering, Inc., dated March 29, 2021
    l. Erosion and Sediment Control Notes (pg 24), prepared by Alliant Engineering, Inc., dated March 29, 2021
    m. Sanitary Sewer and Watermain Plan (pg 25), prepared by Alliant Engineering, Inc., dated March 29, 2021
    n. Sanitary Sewer and Watermain Plan and Profiles (pgs 26-30), prepared by Alliant Engineering, Inc., dated March 29, 2021
    o. Street and Storm Sewer Plan (pg 31), prepared by Alliant Engineering, Inc., dated March 29, 2021
    p. Street and Storm Sewer Plan and Profiles (pgs 32-36), prepared by Alliant Engineering, Inc., dated March 29, 2021
    q. Street Intersection Details (pg 37), prepared by Alliant Engineering, Inc., dated March 29, 2021
    r. Landscape Plan (pgs 38-43), prepared by Alliant Engineering, Inc., dated March 29, 2021
    s. Final Plat (pgs 1-6), prepared by Alliant Engineering, Inc., undated
2. Adherence with the City Engineer's Memo dated January 13, 2021.
3. Provision of a storm water management plan meeting City and Carver County WMO standards.
4. Prior to final plat approval, developer shall enter into an agreement with the City for the provision of necessary infrastructure and associated development costs.
5. Provision that stormwater ponds, creek areas, wooded steep slopes, and wetlands will not factor into the parkland credit given.
6. Compliance with the City's existing anti-monotony housing policy.
7. Provision that street names are reviewed and approved by the Fire Department prior to recording of plat.

8. Provision of a 60 feet Right of Way width for all local streets.
9. Adherence to the City's Boulevard Tree Policy and local street section design.
10. Provision of sidewalks on both sides of all local streets.
11. Provision of a pedestrian connection at the east development entry for the full extent of Farm Hill Boulevard to connect into the public park as shown on the final plans.
12. Provision of developer responsibility to remove any hazardous trees or limbs on site as determined by the Public Works Director, prior to issuance of a building permit.
13. Provision that screening on Savanna Way will be provided in the form of landscaping and berming, and consistent with the screening on the east side of Savanna Way.
14. Provision of a safe pedestrian connection at Farm Hill Boulevard and Savanna Way for pedestrians to safely cross and gain access into the public park from neighboring areas, as determined by the Engineering and Public Works departments.
15. Provision that retaining walls that are structural walls will need to be engineer designed prior to release of a grading permit.
16. Provision of obtaining all necessary wetland approvals at time of final plat approval.
17. Adherence to the following building setbacks:
    a. Cottage Lots:
        i. Front (house): 20 feet
        ii. Rear: 30 feet
        iii. Side: 5 feet
        iv. Side (corner): 20 feet
    b. Heritage and Tradition Lots:
        i. Front (house): 23 feet
        ii. Front (porch): 15 feet
        iii. Rear: 30 feet
        iv. Side: 10 feet house/5 feet garage
        v. Side (corner): 23 feet
    c. Highway 212: 225 feet from the centerline (from centerline of adjacent travel lane) of TH 212 or 50 feet from right of way (whichever is greater)
    d. Savanna Way: 100 feet from the centerline
    e. Wetlands: 30 feet
    f. Public Park (rear yard only): 40 feet

<u>7. Action Items</u>:
<u>7. A.</u> <u>POSTPONED: Review Preliminary Site & Building Plan, Preliminary Plat and Rezoning for Oakridge/RCS-RCA Oak Ridge LLC/PC #2021-08</u>

Chair Dahlke explained that this agenda item has been postponed.

7.B. <u>PUBLIC HEARING: Recommend Denial of the Conditional Use Permit (CUP) Amendment for Total Loss/Total Loss Brokers, Inc/PC #2021-07</u>.

City Planner Liz Hanson presented item to the Commission. She noted that staff is recommending denial and stated that the applicant has provided a few documents in response to staffs analysis.

Commissioner Rylee asked if Total Loss was coming in today as a new business if the thing that would tip them into the CUP territory was the open storage display areas that exceed a 2:1 land to building ratio.

City Planner Hanson stated that this was correct.

Commissioner Rylee asked what area would be allowed for this use without a CUP.

City Planner Hanson stated that it would have to be under an acre.

Commissioner Rylee asked if it were an acre whether the City would care how many cars were on the acre.

Community Development Director Ringwald noted that the issue is that if they were to do storage outside of the CUP, they would need to comply with the I-2 regulations which has a 2:1 ratio in terms of the building. He stated that there would be a limitation based on their building size. He gave the example of someone else purchasing the site that did not want to do cars. He stated that they could do some outside storage, but it would be limited by the building size. He stated that there are also some screening requirements and things but would be possible as long as they were complying with regulations as it related to outside storage.

Commissioner Rylee stated that he wants to make sure he understands the concept that this is really referring to storage area, regardless of the number of cars.

Commissioner Urbanski stated that he understands that a CUP runs with the land and asked if it was ever reviewable or whether it is a situation of once you pass it, it just goes on.

City Planner Hanson stated that typically it just goes on, unless there is a condition that it needs to be reviewed on an annual or bi-annual basis for a certain period. She stated that typically it just runs with the land and goes on, unless a complaint is received, then it would be revisited.

Commissioner Sailer asked if this permit could be conditional, an expiration date, or include contingencies if there is a land sale.

City Planner Hanson stated that more than likely a contingency could not be included because there is no way to track a sale.

Community Development Director Ringwald reiterated that the permit runs with the land and generally a sale of the property would not be a triggerable item.

Commissioner Sailer stated that there does not appear to have been issues in the past with how the business has been run even though they have been exceeding their limit. He explained that he was just wondering about the flexibility of granting this permit, having an expiration date so they can plan accordingly, or have a contingency that the permit is no longer valid if there is a land sale so the City can protect itself from operating in a different manner than what was intended.

Commissioner Olson stated that the applicant has come forward and stated that they have not been in compliance with the CUP from 1984 and asked what the ramifications are for that. He stated that if the City recommends denial yet the applicant is putting their foot forward to try to be in compliance, what are the ramifications for them as a business.

City Planner Hanson stated that she would rely on Council's direction if they wanted to proceed in a certain direction related to the business. She stated that it is usually only triggered if there is a complaint received and, in this case, they have just been given the information of what has been happening with the business.

Commissioner Brass stated that besides the increase in the land, he would ask if the other issue is that the Comprehensive Plan states that this land is guided for high density residential. The objective of a CUP is to help achieve the objective of the Comprehensive Plan, so allowing more car storage doesn't get the City to where this land needs to be in order to be high density residential.

City Planner Hanson stated that this is correct.

Chair Dahlke opened the public hearing at 7:34 p.m.

Daniel Lysholm, 4720 Island View, Mound, stated that he is here on behalf of his father, Duane, who owns the company and has owned it since 1984. He stated that the original CUP from 1984 has a last condition that the Planning Commission should review after 90 days, at 6 months, and then annually. He stated that he would like it to be known that it has never been reviewed. He stated that until his father started with the desire to sell the property about 10 year ago, they started looking into the sale, he was not aware that the CUP conditions were still in effect. His father was under the assumption that once all the other conditions were met, those numbers would go away. Once they learned that they hadn't gone away, they started pursuing this. He stated that the question was raised about how many vehicles can fit on one acre of land. He stated that if you consider the parking space and access drive aisles, for example, the Coopers parking lot in downtown Chaska has about .41 acres and they have about 180 parking spaces. He stated that if you extrapolate that out, that would mean several hundred can fit in an acre. He stated that he has done the math according to the City's numbers which was in the 29-page document that he submitted to answer questions when this process was begun. He stated that the driver of the anomaly increases for the storage capacity is typically really bad storms. When there are storms like that, they cannot predict how many vehicles will get called in which is why they want the buffer number even though the normal operating amount is usually near the 150 limit. He stated that during the anomaly periods after a storm, the increased numbers will last a few months and then it will be back to normal. He reiterated that Coopers parking lot has 180 spaces and noted that he had submitted a picture of that along with a picture of their lot as it is today. He stated that currently there are 115 vehicles on the property, a few weeks ago it was 130-something, and before that there was an additional 62. They were able to get a lot of titles from the State so they auctioned 62 vehicles, then 34 vehicles, and there are currently only 20 that will be on the next list of vehicles. He stated that they are limited in how many they can sell based on the rate at which the State can process, print, and send them the titles so they are allowed to sell them. He noted that he had given greater detail on the title situation in the 29 pages document he sent to the City. He stated that he has created three separate documents for staff to consider, has made phone calls, and had conversations with the co-owners of the property. He stated that they are all on board together, on friendly terms, and willing to work as a team. The only thing that is holding them back is finding a suitable replacement property and the dollar figure they are offered for the property. He reiterated that they are willing to work as a team to develop this site as a unit.

Mr. Lysholm stated that he would like to address the CUP limit. He stated that he is 55 years old and remembers in 1984 he was working 3 part-time jobs to put himself through college and pay rent on his first house. He stated that he has since bought his third house, raised 3 boys to adulthood, just retired from a 33-year career and is looking forward to getting involved in his hobbies. His father sunk everything he had into this new business venture in 1984 to fill a gap that he saw in the insurance industry and has done quite well for himself. Many things have changed since 1984, such as his father no longer rents the small portion of Outlot A and now owns the entire 9 acres. He no longer does impound towing for the State Patrol or local police departments, repossession work for GMAC or Ford Motor Credit, nor does he have a full crew of drivers or a full fleet of tow trucks. He has narrowed his client pool to downsize and started that process many years ago because more work did not make for more enjoyment. He explained that his father is at a simple, viable, sustainable business level now. His father has been trying to sell the property for about 10 years which was when his father was about 65 years old. He stated that within the last 10 years his father has had to get hearing aids and a pacemaker which is why he started working for him. He explained that before he retired, he worked for his father part-time, starting in 2014 and as of January, he now works full-time for his father. One thing that has not changed is his father's need to provide support for himself and his wife, Mr. Lysholm's mom. He stated that this means two things need to happen, either he has to sell the property and the business, or he takes it over so his father can retire and keep his income stream flowing in order to support them as a distant executive of the company. He explained that they are pursuing both paths and have been both trying to sell the property and amend the CUP to reflect what the factual numbers are based on current information that he knows is accurate from the last 7 years that he has been working for his father. In order for the property to be developed, all of the owners of this parcel have to be on board. He noted that there are 3 separate property owners that he has spoken with and are all on good terms and reiterated that they are fully behind them trying to sell the property as an entire unit for development, and pursuing an amendment to the CUP so the current numbers are compliant with the CUP. He stated that they are both willing to sell if the right replacement property can be found. They are both happy with their current locations, however they are willing to pursue selling as a group if the right conditions are found. Regarding the 2040 Comprehensive Plan, he is aware of it but the same conditions have to be met before the City can realize the plan to develop the district for high density residential housing. He stated that cannot happen if only one or two of the parties sells. He believes the most likely outcome of this will be that he will have to continue to run the business until they can sell it. His father is retiring this year and in order to keep his parents afloat, he will be running the business even though it is not what he wants to do because he owes it to them for everything they have done for him over his lifetime.

Mr. Lysholm explained that the business has been in operation for 37 years and the initial CUP limit was set at 150 vehicles and 2 acres to store them. He stated that this is the only thing he can think of that hasn't changed since 1984. He stated that everything has changed since 1984 and he feels it is only reasonable to assume that a business would have growth as they progress through the years. He noted that nowhere in the I-2 district definition does it say that a business is allowed to be established and developed in this district but has to remain at the same business level and volume it was at the time of its establishment regardless of how many years the company has been in business. The CUP permit established a storage area of 2 acres but did not have any language or guidance regarding what land could be used for the display and sale of the vehicles. He stated that the CUP says that they can store, display, and sell vehicles and then specifically stated that they have 2 acres for storage. They have the screening established with old growth trees, elevation, hills, fencing, and berms. He stated that their property is virtually unnoticed by all of their surrounding neighbors with the exception of the Schram Haus Brewery who just moved in. There are 9 conditions set in the CUP and they are only asking to amend 2 of them which is the number limit and the amount of land for outdoor storage. He explained that the typical storage needs for the last 7 years have been between 150-200 cars during the summer months and 200-250 in the winter months but there are slower times throughout the year where they are under the 150 limit, such as today, when they only have 116 vehicles in their open storage area. He stated that there is no disorganization of the vehicles and there is only one person who places those vehicles in the storage lot, which is himself, and noted that it is done with a front-end loader with forks. He places the vehicles 6 inches apart and they are all parked in a ring on the outer fence of the property and noted that 150 vehicles fit in the outer ring and the entire 1.4 acres in the middle is wide open space. The increase over the limit of 150 vehicles is over the limit that was set 37 years ago in 1984, but if it is considered with a bit of analysis, it is only a marginal increase from year to year and calculates out to 1.8% increase/year. He stated that in simple terms, it is roughly 2-3 vehicles per year more than the previous year. He reiterated that during the winter storms season, the crashes in Wisconsin and Minnesota increase, which increases their storage needs for a month or two and then will return back to normal. He stated that this activity is why they are asking the limit to be raised to 450 while most of the time they will be at their typical levels and are asking for a buffer amount to remain within the limits of the CUP during those anomaly times. He stated that his next topic is the storage of the 450 vehicles on 2 or 3 acres. They are currently allowed to use 2 acres for storage but are limited to 150 vehicles and reiterated that they currently parking the vehicles 6 inches apart in a ring formation. The storage of 150 vehicles takes up .56 acres and the remaining open space is 1.44 acres and reiterated how he moves the vehicles and noted that he needs about 24 feet in order to get in front of the vehicle in order to move it so the access aisles need to be wide. He explained that with 2 acres available for storage, with access aisles, they can accommodate storage of about 500 vehicles, but reminded the Commission that they are only asking for 450 vehicles. He stated that they are asking for the use of the additional acre as they have nearly 4 acres of open land and the extra acre will only provide for larger rows should they ever need to use that space for those anomaly periods and would not be used on a weekly/daily basis, unless they are having an auction. He stated that the CUP does not designate where they can have a display or sale area and for 37 years, they have been using the outside, unfenced lot for the displays for the 1-week period when the auction is up and running so if the buyer wants to take a closer look, they can come to the facility. He stated that the outside area is where the vehicles are left after the auction closes, so the buyers can come and pick them up whenever they can, not just during their open business hours. He stated that on page 7 and 8 of the documents he submitted to the City, there is a diagram of a typical parking lot as well as a picture of the Coopers parking lot. He noted that a typical parking lot with 4 rows and 80 vehicles in each row, two access aisles that are 24 feet wide, it can hold 320 vehicles and only uses a total of 1.59 acres, including the access aisles. He reiterated that Coopers is .4 acres and has about 180 vehicles, with required aisle access. He stated that he believes their request is reasonable and they only want to be able to sustain their business at its current levels until it can be sold, which is why they are asking for 450 vehicles for the anomaly times after storms. He stated that with relation to the environmental impact, he knows that is a big concern. He stated that they met with the City who suggested that they get a Phase 1 or Phase 2 environmental survey which was quickly squashed by Matt Podroski because he said it wasn't necessary. He explained that there was a project that ran through their parking lot, the entire length, past their property line to the Schram Haus Brewery. He stated that it was a trench that was 600 feet long and 30 feet wide and in some places 20-30 feet deep which involved over 250,000,000 cubic feet of their soil that was excavated and placed in piles in the parking lot. During that entire project, there were 2 project supervisors or inspectors on site, Michael Hirsch was one of them. He stated that he and Mr. Hirsch discussed whether or not there were any signs or red flags regarding contamination in the soil and Mr. Hirsch that he was not aware of any nor had he been made aware of any contamination in the soil. He stated that he also clarified with him that if any contamination had been found that it would have been required by law that mitigation efforts would have to be undertaken before the soil could be put back into the ground. There were no mitigation efforts that happened during this project and the dirt came from the trench into a pile and then from the pile back into the ground. He stated that based on that information, he is fairly confident there are no contamination or environmental issues with the property. He stated that he included detailed information about the anatomy of a car crash in his submission and explained that the fluids leak at the crash scene and within a few days after the accident. He stated that the vehicles that they get are not picked up from crash sites, but from body shops, tow yards, or impound lots weeks or months after the crash so anything that was going to leak out, has already leaked out. He noted that some vehicles have also been partially disassembled by the body shops and once they are on the property, they have already leaked out everything that would leak out. He stated that Mr. Hirsch told him in two separate conversations that there were no red flags regarding contamination issues for the soil that was removed and replaced during the project. He stated that Mr. Hirsch explained that since he was still contracted with the City, he wished to discuss it with City staff before making his public comment. He stated that he believes he called the City and spoke with someone and through that discussion, it was decided that he would keep quiet on this matter.

Chair Dahlke noted that there is a large agenda tonight and asked if Mr. Lysholm could make the rest of his points expeditiously.

Community Development Director Ringwald noted that the City has all of the information that Mr. Lysholm submitted as part of the official record.

Commissioner Brass confirmed that he had read the information submitted already.

Mr. Lysholm stated that as far as visual screening, they are surrounded by old growth trees that are deep and even in the winter time, you cannot see through them from Big Woods Boulevard. He stated that their parcel is zoned I-2 as well as the brewery and the issue of screening between them was broached and his answer to that would be from his reading of the requirements, it is required to have screening if there is dissimilar property uses. He stated that since they are both zoned the same, he does not feel screening is required, however, the brewery had asked them last year if they could do their own screening and they agreed that would be fine. He stated that everything on the north end is covered by woods and the east is covered by the hill and the woods. The economic impact of the surrounding properties, the development of the Carlson/Robling properties was brought up and he would like to refer to the plat map because there are a few ravines that run through their property along the west side of the brewery and into the Robling property and noted the developable area and its distance from their property. He stated that he thinks the closest a house could get to their property is about 1/8 to ¼ mile from their property and would be past the hills and ravines and is virtually impossible to see. With regard to the property values for the surrounding neighbors, he did some research on the Carver County website.

Chair Dahlke noted that the Commission had seen this information.

Mr. Lysholm stated that everyone's property value has increased regardless of this business being there for 37 years and stated that it is clear that they are not affecting property values. He stated that in summary, he believes their request for an amendment to the CUP set in 1984 is a reasonable request. Their business has increased, but it has been a marginal increase over a 37-year period and is nothing drastic, but the equivalent of 3 cars/year. They have the space available and the ability to organize the stored vehicles aesthetically on 2 acres but would prefer to have the ability to use 3 acres to give wider access aisles. The environmental impact from storing cars on the property for 37 years was shown during the excavation process and the lack of any mitigation requirements for contamination. The visual screening around the property is adequate with long standing old growth trees and other vegetation as well as elevations, ravines and fencing. He noted that the appropriate areas on their property are paved and surrounding property values have continued to rise.

Commissioner Rylee stated that Mr. Lysholm had mentioned the difference between storage and display and asked how many cars are displayed at one time.

Mr. Lysholm explained that it depends on the size of the auction but noted that the auctions average about 30-40 vehicles. He gave the example of the auction last month where they had 62 titles so they held a larger auction.

Commissioner Rylee asked how often the auctions are held.

Mr. Lysholm stated that they hold 1-2/month. He explained that the display period is 1 week.

Chair Dahlke asked what the size of this business is compared to comparable similar businesses.

Mr. Lysholm explained that there are only 2 other businesses like it and noted that his father was the first in this part of the country. He stated since his father started the company there are 2 nationwide companies called Copart and IAA that do the same sort of thing. He stated that those companies operate nationally so they deal in millions of cars/year. He stated that their business only goes through around 1,000 vehicles a year.

Commissioner Brass stated that Mr. Lysholm mentioned multiple times in the presentation that they would like to sell the property and asked what has been the hold up for the property selling. He stated that he is a commercial real estate broker and hypothetically, the property could sell tomorrow because this is the hottest market he has seen for multi-family since he has been in the business.

Mr. Lysholm stated that they would rather sell than continue the business and explained that the hold-up is the ability to find comparable replacement property for the other two owners. He stated that they are willing to work with them to sell the entire property as a group, but their businesses will continue. He stated that the Hagen Company needs to continue trucking and knows that they would rather move further east to be closer to most of their trucking businesses and Mr. Essex said as long as he could find a comparable piece of property, he would be willing to move also.

Commissioner Brass asked if they had not been able to find .5 acre of land.

Mr. Lysholm stated that is right and explained that currently, they are able to park trailers there and able to fit their truck and a trailer inside the building and use it as a shop location. He stated that they like the fact that the restrictions aren't so restrictive for the trucking industry and can come and go without having hourly restrictions on when they are allowed to leave or when they have to be back. They would like to ability to park 4-5 trailers, the ability to drive through the building with a trailer, and other truck specific requests that they have. He stated that they also do not want anything bigger than what they have as far as building size but want the same amenities or features that this particular space gives them.

There being no additional public comment, Chair Dahlke closed the public hearing at 8:10 p.m.

Commissioner Urbanski asked if there was anyway the City could just extend the number of cars that they can have without redoing the whole CUP process, make it reviewable on an annual basis, or make it cease to exist at the time of the next sale.

City Planner Hanson stated that the City cannot condition it on a point of sale because of the challenges of tracking a sale. With any amendment to a CUP, it triggers the entire process to be looked at and analyzed and not simply just looking at the one condition, unless the Council is directing things a certain way. She stated that any request to change a CUP requires a full analysis.

Chair Dahlke gave a hypothetical situation where this request is not granted and asked if they can go back to business as usual. He asked if the City would be out there counting their cars now or can they continue to operate as they have been since they have been a fairly good neighbor.

City Planner Hanson explained that they can operate under the current CUP and inspections are on a complaint driven basis.

Commissioner Brass stated that the applicant talked about trenching and piles of dirt and Mr. Hirsch and asked who Mr. Hirsch is.

City Planner Hanson stated that she believes Mr. Hirsch worked on the project when the City did the utilities through the property.

Commissioner Brass stated that regarding the environmental issue, he has some experience in that arena, digging up the edge of a property, in an area that is not near where the cars may be parked, and having a general contractor look at dirt and determine that in his mind it looks good enough to be put back into the hole is very different that doing actual soil testing. He stated that unless Mr. Hirsch is an environmental engineer, he would say that would not be able to comfortably say that the soil is clean. He stated that actual soil borings would need to be done. He reiterated that a utility dig on the edge of a property, from a general contractor, does not constitute declaring the site clean or that it shouldn't be evaluated further. He stated that he thinks a full Phase 1 and Phase 2 would need to be done. He stated that the comparison with Coopers, to him, is apples and oranges because it is 2 different zoning districts. He stated that the 450-car limit is concerning to him if it cannot be sunsetted to terminate on a sales clause, so it would follow the property which is a bit concerning for him.

Commissioner Lacey stated that it appears as though Mr. Lysholm and this business has been a very good neighbor and has worked very hard. His concern is that the CUP survives and goes with the land which means the next tenant may not have the same concern and attention to detail as Mr. Lysholm.

Chair Dahlke stated that he agrees and noted that the Lysholms have done a good job with the business. If the property sells with a 450-vehicle limit in the CUP, he would advertise it as a business that can handle 450 cars, which means whoever buys it will buy with the full intent of putting 450 cars on there. He stated that number, on a daily basis, is a completely different ball game in numerous areas.

Commissioner Olson stated that he thinks the Commission is getting hung up on the 450 count and noted that he completely understands where My Lysholm is coming from regarding the 'why' question. He stated that when it comes down to it, the question is how long of a time period is he over the maximum level and asked about the turnaround time from when the cars are received until they go to auction. He stated that he believes it is a short period of time because that is his business to get the car, market it, auction it, and move on. He asked why the City cannot look at the CUP from a standpoint of what is the normal business and have the ability for the few times every handful of years when there is a big storm or natural disaster, that the business is going to have to adapt to what the market provides. He stated that if Mr. Lysholm states that the winter average number is 250, why can't the City change the CUP to 250 within the same 2 acres, with the caveat that they can, for a period of time exceed the CUP based on market demand, with the expectation that it will get back to a level within the CUP. He stated that Mr. Lysholm has come forward and is trying to be in compliance, so the question he is asking is how the City can help him be in compliance for him to operate the business as it sits today, while they attempt to figure out the continued business, support and make a living, versus selling to a developer. He stated that he does not think there is any reason the City cannot work with the CUP regarding the count and provide some variability with the business needs.

Commissioner Rylee stated that he agreed with Commissioner Olson. He extended his appreciation to Mr. Lysholm and his father because they are basically American heroes because they are small business owners that have contributed to this community for 37 years. He stated that in addition to paying their taxes, they have also been good stewards because he would venture that most people on the Commission are not even familiar with the property because they have managed it appropriately. He stated that many of the arguments against this application are probably not really applicable, which is evident by their 37 years in the community without the City really being aware of it. He stated that he does not think screening is an issue and thinks if there is an environmental issue, over the 37 years, it is there and when the property is sold, the buyer will do their due diligence and do an environmental survey so he does not think that is the City's concern. He stated that, just generally, the question of 150, 250, or 450 is arbitrary and capricious. He stated that this is 2 acres of storage relative to the property that is within the CUP and he does not care how many cars are put on there. He stated that the Lysholms' have been good stewards and if they want to put 250 cars on the 2 acres, it is fine by him and he would support that request. He stated that he would not support expanding the storage to 3 acres. He stated that he would like to acknowledge, reward, and support the Lysholms in their endeavors going forward within the bounds of the 2 acres.

Chair Dahlke stated that the what is on the table tonight is a CUP for 450 cars. He stated that as far as he knows all the Commission can do is act on that application. He asked if it would be within the Commission's purview to adjust the CUP to something they feel is more appropriate.

Community Development Director Ringwald stated that it could only be done if the applicant agrees.

Chair Dahlke stated that his question then is why the applicant wants to triple the size of the CUP and questions if it was to make the site more valuable. He stated that he doesn't have a problem with that, but tripling the size of the business and the nature of the business going forward does not fit with the future use of that site.

Commissioner Brass stated that he agrees because he sees both sides. He stated that this has been a great business in the City and would love to make this site more valuable, but the contradiction that they are supposed to uphold for the City guiding this land through the Comprehensive Plan to become high density residential, he feels for him, voting to do that, in direct contradiction to what the Commission is supposed to try to do for the vision of the City, is troublesome. He stated that perhaps within the confines of the 2 acres versus 3, but also, the point of policing it will be tough. He stated that there has only been one complaint since 1984, so if that is the case and this is a complaint driving process, he questions why they would do this, because no one is policing it now. He clarified that he was not trying to tell someone to go do something they shouldn't. He just questioned why the apple cart should be upset and asked about the reasoning. He stated that he would guess it was to be in compliance, however, no one even knew that that this wasn't in compliance. He stated that he finds this interesting and is trying to figure out the logic of the situation.

Commissioner Rylee stated that if it were a black and white situation, there wouldn't need to be a Planning Commission and he feels these are the instances where the Commission needs to use discretion and take into account things like the circumstances and the history and make a judgement call for a recommendation to City Council. He stated that in his short time serving on the Planning Commission, he has seen a number of situations where the Commission has had to take the big picture into account and allow things, even if they weren't necessarily called variances, to go forward because it is in the best interest of the community. He stated that he thinks supporting this business and the viability for them to potentially sell the business is in the best interest of the community.

Commissioner Urbanski asked if a Special Use Permit would run with the property or be re-evaluated on an annual basis.

City Planner Hanson stated that a Special Use Permit is no different than a CUP, and also runs with the land.

Commissioner Urbanski asked if there was something creative that could be done that would allow the City to layer on some sort of permit or variance that would allow the number of cars to be increased to 450 to be reviewed on an annual basis.

City Planner Hanson stated that with any CUP, the Commission can attach a review period.

Community Development Director Ringwald stated that for the sake of argument, he asked the Commission to imagine that was done and the number is set at 450 for an entire year and what their recourse would be.

Commissioner Brass agreed and noted that he has clients that take advantage of this exact situation.

Community Development Director Ringwald stated that if the Commission would say something like 450 vehicles are allowed for 10 days, that is entirely different. He asked the Commission to consider what their basis would be for revoking this permit because there needs to be a well thought out strategy in the beginning to deal with any eventuality that may come in the future. He noted that the City would be giving them a land use right and would need a solid position to remove that and take the right away once it has been granted. He stated that the Commission will need to be thoughtful if they wanted to do go down that path.

Commissioner Lacey reiterated that it is complaint driven, not compliance driven with the City monitoring.

Commissioner Brass reminded the Commission that a CUP is a land right and is not just something that the Commission can just decide to let this guy do this thing and is instead something that goes with the land forever. He stated that it is not simple and really does need a lot of thought because someone else could buy this that doesn't run the same clean operation. He stated that the Commission needs to think about a situation where someone could buy the land and then start stacking cars, 6 feet tall that are not already drained. He stated that when there is a land right, the City has no control over the ownership change.

Commissioner Rylee stated that he understands Commissioner Brass's point.

Commissioner Brass stated that he does feel for the applicant and understands what he is saying. He reiterated that is not trying to tell Mr. Lysholm to break the rules, but City Planner Hanson is not out there counting cars.

Commissioner Rylee stated that to Mr. Lysholm's credit, he wants to be in compliance.

Chair Dahlke stated that she thinks the Commission should vote on what was presented by staff and asked if there was anything that would stop Mr. Lysholm from coming back and asking for a smaller number than 450, if this one is denied.

City Planner Hanson stated that the applicant can come back with an indefinite number of requests.

Commissioner Rylee stated that he would support them if they come back at 2 acres and fulfill the conditions. He stated that to Commissioner Brass's point, there are concerns about the legacy of this property and it continuing on. He noted that if they stack cars, they had better have screening so the adjacent property doesn't see it.

Chair Dahlke stated that his opinion is that the Commission makes a motion and vote on what to recommend to the City Council based on what was asked of tonight. He noted that Mr. Lysholm, will still get to appear before the Council and if it is still unresolved at that time, he can continue the process with a different request.

Commissioner Olson noted that Mr. Lysholm has his hand raised.

Chair Dahlke explained that the public hearing was over and he has to serve as a sort of traffic cop during tonight's meeting.

Commissioner Olson stated that in the preliminary and concept plans, the Commission puts stipulations on what the next step should be and that is the part where, if both sides can come to a quick and easy resolution, he asked if that was something that could be recommended to the Council. He asked if it was hard-pressed and the Commission had to hold to the 450 and 3 acres that was originally requested.

Commissioner Urbanski asked if the Commission could table this item because it has given the applicant time to hear the concerns and now perhaps there is something that they can do with staff and come back at the next meeting with a revised proposal that may have more support.

Community Development Director Ringwald asked about the timing of this application.

City Planner Hanson stated that they sent out the 60-day notice so they should have until mid-July.

Commissioner Rylee stated that he would like to hear Mr. Lysholm speak and believes it would be bad government if the Commission doesn't give him the opportunity.

Chair Dahlke noted that it is also bad government to allow everyone else that is here have to wait.

Commissioner Brass stated that he once again sees both sides, but Mr. Lysholm sent in 30 pages of information, plus he went over everything in detail earlier in the meeting. He stated that there were people on the agenda and he believes the Commission should take a vote.

Motion by Commissioner Brass, second by Commissioner Lacey, to recommend denial of the Conditional Use Permit (CUP) Amendment to allow storage of up to 450 cars on 3 acres of land on the Total Loss site (525 Creekridge Drive), subject to the following findings:

1. The original 1984 CUP conditions have not been met as stated by the property owner. The amount of cars on the site have exceeded the 150-car maximum and have been parked outside the required fenced in area on numerous occasions (photography evidence in 2000, 2005, 2006, and 2020). Precedence has shown that a CUP is not taken seriously.

2. Approval of the CUP amendment would not meet the 2040 Comprehensive Plan's guidance of High Density Residential.

3. The CUP Amendment would intensify the use more than what the 1984 CUP allows and thus make it more challenging to achieve the objectives of the 2040 Comprehensive Plan.

4. Environmental impacts of the use are unknown and if present will create more of a detriment in trying to redevelop the site to be compliant with the 2040 Comprehensive Plan.

5. There is a higher risk that the addition of more cars could create more of an environmental impact on the site, and more so on ground that is not paved. Adjacent drainageways on the site and off the site could be compromised.

6. The parking areas for the stored cars are unpaved, which does not meet the City's zoning ordinance Section 9.2.5.4.

7. The parking areas for stored cars are unstriped and will be disorderly in terms of traffic movement and organization through the site.

8. The view of cars from the southern abutting property, the two property owners sharing the building with Total Loss, and from the continued residential growth on the north side of the site (Carlson and Robling lots) will have a negative effect.

9. Screening is not achieved on the south property line to screen the cars from the adjacent southern property.

10. The request to increase the amount and area of stored cars appears more beneficial to a potential sale of the property, and not beneficial to the continued use of the Total Loss business.

11. The request of 450 cars seems excessive as this is not the typical storage amount the business operates under.

Roll Call Vote: Ayes – Brass, Lacey, Sailer, Urbanski, Dahlke; Nay – Olson; Abstain – Rylee. Motion carried.

<u>7. C. Recommend Approval of the Concept Plan for Ensconced Woods/Johnson-Reiland Builders & Remodelers, Inc/PC #2021-06</u>.

City Planner Liz Hanson presented item to the Commission

Commissioner Sailer stated that it was pretty evident from the materials and her review that any new access to the County Road will not happen. He asked what the review process would be to implement more traffic restrictions on Founders Path if there was a need or if some parties wanted to put a stop sign in somewhere to slow things down.

City Planner Hanson stated that it is difficult for her to answer that question because she is not a traffic engineer, nor a Public Works Director, but given that stretch of road, she is not sure if and where a stop sign would be warranted because she believes it has to meet a certain set of parameters.

Chair Dahlke asked if there was information in the packet that the County would consider a temporary entrance off of Big Woods during construction.

City Planner Hanson confirmed that this was correct and noted that the applicant will have to continue to work with the County on securing that.

Paul Reiland, 308 Nevada Street, Northfield, the applicant stated that he was available to answer any questions the Commission may have.

Commissioner Brass asked about the access through Founder's Path and the neighborhood meeting. He asked if Mr. Reiland was part of the meeting and asked how the neighborhood reacted the increased traffic.

Mr. Reiland stated that he hosted the neighborhood meeting which lasted about 45 minutes. He stated that there were about 6 neighbors that participated in the call and note that he had also received e-mails from other neighbors. He stated that the traffic question was the number one concern and noted that they had pointed out that this was the lowest density allowable in this zoning. There is definitely a difference of opinion and would guess it to be about 50/50 between neighbors who approved the current design and those that think it may be better to have access directly onto County Road 44. He stated that once things are a little further along, they are planning to hold a follow up meeting with the neighbors.

Chair Dahlke asked about the price range and price points for this development.

Mr. Reiland stated that the prices are still approximate because they are in the concept phase, but are estimating package prices starting in the high $600,000 range, and most likely $700,000 and $800,000 where they will end up. The lots are slightly over-sized for single-family lots and noted that their target market is move-up families and retirees. He stated that in order to do a good job with one story homes for retirees, it requires a bit more width. He stated that these will not be cookie cutter homes and will be custom designed to the lot though an old-fashioned custom process.

Chair Dahlke opened the public hearing at 9:01 p.m.

Jillian Tenwinkle, 3865 Dakota Court, stated that she is the President of the Founders Ridge HOA. She stated that there were some questions and concerns from the neighbors surrounding construction traffic especially because the large amount of young children who live in the neighborhood. They are happy to see that the County is willing to give an access point, however they are concerned that when the lots sell, they will close the access. She asked if this neighborhood will have its own HOA and Board and noted that they are hopeful that they do and that they would be consistent with some of the things that Founders Ridge promotes such as cleanliness and appearance of lots. She stated that they were hoping for some sort of access point on County Road 44 but it appears that the County is not willing to give that. One of their ideas was going south into town down the hill, having a right in/right out option. She stated that she is hopeful that the Commission and the developer can address the neighborhood's concerns.

Mr. Reiland stated that these are single-family homes. He noted that most likely they will have some protective rules and covenants but is unsure if they will have an HOA or a board at this point. He stated that he would be happy to meet with Ms. Tenwinkle to discuss what they are doing in order to try to gain some consistency. He stated the construction route is currently structured and the cul de sac may end up in a second phase of construction while they preserve the Carlson residence, so the construction route may be able to stay open for a bit longer timeframe. He stated that they will take the right in/right out into consideration as they continue moving forward with their plans.

There being no additional public comments, Chair Dahlke closed the public hearing at 9:06 p.m.

Motion by Commissioner Urbanski, second by Commissioner Brass, to recommend to City Council approval of the Ensconced Woods Concept Plan for a 30-lot subdivision on 25 acres of land, subject to the following conditions:

1. Approvals shall be based on the following graphic exhibits:
    a. Project Narrative (pgs 1-16), prepared by Paul Reiland, Johnson-Reiland Builders and Remodelers, dated April 27, 2021
    b. Concept Plan, prepared by Pioneer Engineering, dated April 27, 2021
    c. Existing Conditions, prepared by Pioneer Engineering, dated April 27, 2021
    d. Site Forces, prepared by Pioneer Engineering, dated April 27, 2021
    e. Concept Tree Preservation (pgs 1-2), prepared by Pioneer Engineering, dated April 27, 2021
2. Adherence with the City Engineer's Memo dated May 5, 2021.
3. Adherence with the Carver County Public Works memo dated May 7, 2021.
4. Provision to eliminate the private drive, and to be shown on the preliminary plans.
5. Provision that all lot lines are outside 30 foot no grade/no mow setback and to be shown on the preliminary submittal.
6. Provision that all lot lines are outside of wetland areas and their required buffers and to be shown on the preliminary submittal.
7. Provision that Robling residence meets the proposed setbacks for the development, and to be shown on the plans at preliminary submittal.
8. Adherence to the City's Boulevard Tree Policy and local street section design.
9. Provision that boulevard trees are placed between the sidewalk and street.
10. Provision of adequate screening and landscaping along north edge abutting County Road 44 to be addressed at Preliminary submittal.
11. Provision to further evaluate tree preservation efforts in the Big Woods Forest and Southern Mesic Maple-Basswood Forest areas and to be submitted with a Tree Preservation Plan at preliminary submittal.
12. Provision of sidewalks on both sides of all local streets up to the bulb of cul de sacs, and to be shown on plans at preliminary submittal.
13. Adherence to the following building setbacks:
    a. Front (house): 25 feet
    b. Rear: 25 feet
    c. Side(house/garage): 7.5 feet
    d. Side (corner): 15 feet
14. Adherence to the 125-foot centerline building setback from County Road 44, specifically for Lot 29, and to be shown on the preliminary plans.
15. Prior to final plat approval, developer shall enter into an agreement with the City for the provision of necessary infrastructure and associated development costs.
16. Compliance with the City's anti-monotony and design requirements zoning ordinance (Section 9.28).
17. Preservation of the wooded steep slopes, including 30-foot buffer and a 50-foot setback from that wooded steep slope if present on site.
18. Provision of a field walk to determine wooded steep slope line on Robling parcel, and to be determined prior to preliminary submittal.
19. Provision of developer responsibility to remove any hazardous trees or limbs on site as determined by the Public Works Director, prior to issuance of a building permit.
20. Provision of a storm water management plan meeting City and Carver County WMO standards.
21. Provision that adequate maintenance accesses are provided for the stormwater ponds, to be located in separate outlots, and to be shown on the plans at preliminary submittal.
22. Provision that stormwater ponds are located in separate outlots, and to be shown on the plans at preliminary submittal.

23. Provision of a wetland delineation report to be completed and provided at time of preliminary submittal.
24. Provision of a construction traffic plan to be submitted at preliminary submittal.
25. No direct vehicular access onto County Road 44, with the exception of the existing Robling residence.
26. Provision of a slope analysis of the wooded steep slope areas, and to be submitted at preliminary submittal.

Roll Call Vote: Ayes – all. Motion carried.

7. D. Recommend Approval of the Concept Plan for Wagner Woods/Lennar/PC #2021-10.

City Planner Liz Hanson presented item to the Commission.

Chair Dahlke asked for an overview of the 3 lots that the Park Board would like to eliminate.

City Planner Hanson stated that the lots are adjacent to the park opening and believes the thought is to create a more contiguous layout.

Commissioner Rylee asked if there would be an HOA associated with this project.

City Planner Hanson stated that can be answered by Lennar Homes.

Commissioner Rylee asked if the maintenance of the park will be determined by whether or not there is an HOA.

City Planner Hanson stated that the park will be City-owned.

Commissioner Urbanski clarified that Carver County has given a definite no to an extra access to this development.

City Planner Hanson stated that they have not seen anything outside of that for an additional access point, but will definitely not allow for another full access onto the County Road. She noted that they have not had the ability to evaluate a right in/right out option to see if that is doable.

Commissioner Sailer stated that it appears that they can get in and out to the north and to the south, and noted that Butternut is a signalized intersection and if you go to the north at Autumn Woods that currently is not signalized. He asked if there was the possibility of putting a signal in this location to support this type of project.

City Planner Hanson stated that this will be evaluated when they complete the traffic study and will ultimately be up to the County.

Commissioner Olson stated that he was glad to hear the Park Board is proposing the removal of the lots near the park location. He stated that he would like to play the 'Commissioner Cross card' and state that this plan removes a lot of trees. He stated that he is concerned, specifically about the ones in the south and thinks they need to do something to save as many of the trees possible along the edge. He stated that is where the trees are located and feels they can adjust their planning to be able to save as many as possible. He stated that he does find it odd that they are putting the public park space in the far corner of the development rather than a more centralized location.

City Planner Hanson noted that the location was intentionally put in the northwest portion in order to connect to City owned property that abuts this property. She stated that the City Parks Director did go out to the site and the Park Board reviewed its location as well.

Commissioner Brass asked if this "park" space was just open green space or if there would be things like a basketball court and playground equipment.

Community Development Director Ringwald stated that it is a neighborhood park, which would typically be play structures, recreational activities and noted that the Park Board and staff will meet with the neighborhood to figure out the needs and wants then come up with a plan for how to develop that.

Commissioner Brass stated that while he wants to respect the Park Board, he looks at this development with 52 homes and asked if they bought wetland credits elsewhere.

Community Development Director Ringwald stated that would be a question for the developer.

Commissioner Brass stated that he loves the idea of the nice, wooded, parkland with the removal of the 3 lots as recommended by the Park Board. He stated that he wished that the Commission had input for somewhere in the middle, for example Lot 100, with something like a tot lot because he is envisioning a lot of young families in starter homes. He stated that he just wished there were some sort of centrally located small playground.

Commissioner Rylee stated that he would agree and asked if the park on the southeast corner at the end of Butternut Drive and Ironwood Boulevard was a City park.

Community Development Director Ringwald stated that was not a City park, but a Jonathan neighborhood park.

Commissioner Brass stated that he is also concerned with the way this dumps out onto Autumn Woods and Butternut which means there will be traffic backed up around the corner and into the neighborhood. He stated that he understands that the City cannot do much about that because the access is up to the County.

Community Development Director Ringwald stated that with the traffic study, the City will understand the level of impact at that location and what mitigation strategies there may be and perhaps other alternatives. He stated that trying to guess right now, without having the technical piece is difficult.

Commissioner Brass asked if the Venture Series homes were technically single-family homes or if they were detached townhomes.

Community Development Director Ringwald stated that he would defer that question to the developer.

Commissioner Rylee asked if Jonathan surrounds this track on three sides.

City Planner Hanson stated that it does.

Commissioner Urbanski stated that he assumes the watermain and sanitary sewer lines are adequately sized for that number of homes.

City Planner Hanson confirmed that they are adequately sized.

Chair Dahlke asked why this neighborhood would not be part of the Jonathan Association or if it was too early in the process.

City Planner Hanson stated that Josh Metzer from Lennar Homes will speak to that question.

Josh Metzer, Lennar Homes, 16305 36th Avenue N, Plymouth, stated that there was a neighborhood meeting on May 3, 2021. He stated that 75% of the proposed homes will be the Landmark series, their typical 3-car single family home that will fit on a 65-foot-wide lot. The homes along Audubon Road are definitely intended to be single family, but are a bit smaller square footage than the other homes. He stated that they like to diversify the products being offered so they are not just targeting one market, but attempt to hit several demographics. Affordability is a major issue in the Twin Cities right now, the Venture series do not meet the definition of 'affordable', but the idea is to make acquiring a single-family home with a yard and a garage at least more affordable than a traditional new build. He stated that density was brought up as a concern and they understand that these will not be the same lot sizes as the nearby homes, but those were platted 40 and 25 years ago. He stated that he had read through the 2040 Comprehensive Plan and some of the housing goals were to create diversified housing stock and try to achieve some affordability. He stated that he thinks their proposal is more in line with the Comprehensive Plan stated goals. For matching density, Autumn Woods South abuts Autumn Woods East and Autumn Woods, and using Carver County GIS, the overall density of Autumn Woods South is 2.38 acres and their proposed density is 2.43 acres. The average lot size for this proposed development is .26 acres and for Autumn Woods is .23 acres. One other concern that was raised is site access and explained that they are proposing to extend Ironwood that was stubbed and one of their options to get to Audubon is Ironwood to Butternut. He noted that there is a small parcel of City owned land that they will need to acquire a piece of in order to gain access to the Autumn Woods right-of-way. He stated that his understanding is that if they did propose a third access point in the middle of their site out onto Audubon, that the most that would be allowed is a right in/right out. He noted that the traffic study would evaluate that, but the County could also still decline even allowing a right in/right out access. He stated that they felt the better option would be to acquire City property to create a second access onto Autumn Woods Drive to create a second access onto Audubon.

Commissioner Brass clarified where Autumn Woods South was located that Mr. Metzer was using in his comparison.

Mr. Metzer stated that the Jonathan Association question that was raised, as explained at the Park Board and neighborhood meeting, he has been in discussions with the Jonathan president and right now it is early in the process. He stated that it is not off the table, but is also not set in stone that it will happen and is just an ongoing conversation. He stated that they are hoping to submit a Preliminary Plat sometime in June or July with the hopes of beginning grading activities sometime in late summer or early fall of 2021 with model construction in late 2021 or spring of 2022. He reiterated that the Park Board had recommended removal of some lots in order to create a contiguous park area on the western edge of the parcel and noted that they had also originally proposed a larger park area near Lot #42, so the plans will need to be revised to reflect those changes.

Commissioner Rylee asked about mail stops and where people would get their mail.

Mr. Metzer stated that in most of their communities they do cluster mailboxes.

Community Development Director Ringwald stated that the post office also has a lot of say about how that occurs in new neighborhoods.

Commissioner Rylee stated that on the roadway system this is a pretty dense development and tries to picture where mailstops will be put in without it being in front of one of the homes that will then have numerous cars pulling up during the day to check their mail.

Commissioner Sailer stated that chances are the mail stops will be on the corner of two lots right in front of homes and explained that is how they are in his neighborhood.

Mr. Metzer stated that Commissioner Brass had stated that this development is 1 house under the low-density threshold. He explained that the City actually defines low density and this property is guided low density which is 2-5 units per acre and this development is at 2.46 units per acre which is well below the City's threshold for what the City would deem low density.

Commissioner Brass asked about the wetland areas and asked if they were just doing credits elsewhere.

Mr. Metzer stated that they are working with Riley Purgatory Bluff Creek Watershed District and the Corps to go through the wetland permitting process. He stated that there is a wetland delineation that was just completed this week that they will be sharing with the City. He stated that for anything that they will impact, they will be purchasing credits.

Commissioner Brass stated that he understands this is concept but the average number of children per family is 1.93 and there are 52 homes. He stated that if you imagine there are 100 children in this neighborhood, he would highly advise some sort of tot lot in the middle of the development which would mean losing at least one more lot. He stated that he thinks this is something that should at least be considered.

Mr. Metzer stated that they do not know the programming for the park that they are dedicating on the north side of the site. If this community becomes part of the Jonathan Association, they would have access to the park on Ironwood and Butternut.

Commissioner Brass stated that he thinks there is a whole other can of worms in that scenario with their association thing that comes up at a lot of meetings.

Mr. Metzer stated that perhaps he and Jeremy Ely from Jonathan Association need to have more conversations about this.

Commissioner Brass stated that if it is amenable to work with the Association, he thinks it would make sense in this development because it is surrounded.

Mr. Metzer stated that it was his understanding that if this neighborhood did join the Jonathan Association that the residents would have access to that park.

Chair Dahlke opened the public hearing at 10:05 p.m. and encouraged people to not to repeat comments that have already been made by somebody else.

Emily Rome-Welter, 2887 Ironwood Boulevard, stated that she is here representing her own family as well as 115 families out of 125 that live on the surrounding streets who are extremely concerned about the issues that have already been raised by the Commission as well as several others. She stated that the families are from Autumn Woods Drive, Burr Oak Circle, Red Oak Circle, Julian Drive, Forest Ridge, Butternut Drive, Ironwood Boulevard, and Timber View Trail. She stated that nobody is saying that they shouldn't build at all or that the Wagner's should not be selling their land. She stated that they understand that it is their land to sell, however, they do not feel it appropriate to balance the cost of this dense and extensive of a development solely on the backs of the people who have maintained and built additional value for this land over time. She stated that she, on behalf of the 115 families, takes great umbrage at the statement made by Mr. Metzer that some of this land was platted 25-40 years ago as if the contributions of the people living in and around here, who have invested in custom homes, preserved the trees, adhered to the Johnathan Association rules, and paid for parks and trails, is worth nothing and is irrelevant. She stated that they do not feel that is appropriate and is part of why they are all here tonight. She stated that she would like to begin with the density piece of the discussion and noted the location of Autumn Woods, Autumn Woods North, Autumn Woods East, Autumn Woods South. She stated that she does not want to repeat the concerns that have already been raised by the Commission and wanted them to know that the neighbors are very thankful for their detailed questioning. She stated that they have read the Comprehensive Plan documents which states that the primary mission of the City is to enhance and maintain the high quality of life of its "shareholders, the citizens of Chaska". It also says, "citizen efforts to maintain and strengthen their neighborhoods are encouraged". She stated that is what the neighbors are doing here at this meeting. She stated that the density piece is one of the overwhelming problems that drives the other problems that they see coming out of the concept plan. She stated that she is happy that Mr. Metzer brought up Autumn Woods South. She stated that it was built in the 1990s and it does abut what is referred to as Autumn Woods East and portions of Autumn Woods. She stated that by using simple math, Autumn Woods South is 41.2 acres including all lots and the green space, with 68 homes and 19.34 acres of parks and trails. This is the smallest of the Autumn Woods developments and the lot sizes range from .2 acres to just under .5 acres, but of those, every single one of them backs up to woods, Jonathan owned property, or wetlands and none of them are less than 70 feet wide. Autumn Woods homes are custom and is 31.4 acres, with 45 homes, which is the equivalent of .75 and Autumn Woods South would be .6. Autumn Woods East is also custom homes, 43.5 acres, with 60 homes, which comes out to

.72. She explained that what is proposed in this situation, they want to put 102 homes on the same basic parcel size that she just described; 45.46 acres, 102 homes, which comes out to .44. She stated that it is clear the very little land they have dedicated to common space, green space, tot lots, or parks. She stated that looking at the traffic piece, she knows that there will be a traffic study, but would like to highlight some of their concerns. She stated that there are concerns regarding Butternut and entering onto Audubon have already been touched on so she won't repeat them. She stated that Lennar, even at this preliminary stage, during peak times is anticipating 80-90 cars trying to exit at one time. She stated that Butternut Drive is very small and only three houses long and the Autumn Woods Drive entrance onto Audubon is smaller than that with no light. She stated that will mean that if you are coming out of the development and going south on the new Ironwood Boulevard and get to Butternut, she asked if you would wait in the humongous line of cars that is there or if you would shoot through Ironwood over to Autumn Woods and dump out onto Pioneer Trail because you will be able to skip three traffic lights. She gave examples of going north and shooting down Autumn Woods Drive that have no sidewalks and the is the primary walking path for the entire development out to Pioneer Trail which also lets you skip three or four traffic lights. She stated that the traffic study is very important to the safety and livability of this whole development. She stated that what they want is a dramatic decrease in the density of these homes and asked the Commission to use the discretion and common sense that they referred to when they were discussing Mr. Lysholm's situation. She stated that the park issue is also similarly important which the Commission has already touched on. She stated that she is glad there is a park but would want the City to take the whole 10% in acreage now and just plan to pay for the park equipment later. She stated that she would also like the Commission to do what they can do ensure that this development becomes part of a Jonathan Association and add more green space because otherwise, the people that they would love to be neighbors with and welcome into the development will just pour down into their existing parks and trails and overwhelm them. She stated that this plan just packs houses in and funnels them out into the existing neighborhoods to walk and play. The Jonathan Association piece is not only important because of the parks, but also because of the fact that everyone who borders this land has followed the rules whether they have lived there for 4 years or 40 years. She gave examples of the rules within the Association. She stated that she understands the City cannot force them,but asked that the Commission do what it can to encourage it and to push them on all of these issues. She stated that to address the construction access on this and the right of way access, every development that was added had its own access when it was added, but somehow this development, which is the most dense by far, will not have its own access. She stated that they find that unacceptable and believe they should lose some lots or the County will only allow a right in/right out, but they should do whatever it takes to safely manage that traffic, they are asking the City to look at and push for. If the construction traffic will be coming in off of Butternut, she asked them to understand that there are 6 homes there, but the park that everyone in the community uses, is also right there and the construction traffic would be going right by the principal area where the children play. She asked that they not have this be the construction access point and rather use the access off the County Road from the existing long driveway. She stated that the existing neighbors are asking for the Commission's help and appreciation that it is clear that all of the Commissioners have read through the materials. She stated that they are the people that live here and reiterated that they are asking for the Commission's help to manage the traffic, safety, and density in this development so it makes sense for everyone, not just for Lennar.

Jeremy Ely, stated that he would like to respond to a few things from prior Planning Commission meetings. He stated that former Commissioner Cross had made a comment regarding the Board and the perpetuity of the Jonathan Association. He stated that the Jonathan Association has a very clear strategic plan that has been shared in the past with the Planning Commission and operate with a $1.1 million annual operating budget and have reserved funds of $1.4 million. He stated that they are happy to work with Lennar and welcome these kinds of developments. There was a comment made about the role of the Planning Commission and the HOAs and comments made by Ms. Rome-Welter, Commissioner Rylee and Commissioner Brass about this. He stated that he would ask that the Commission set aside the conversation about the formalities that they are responsible for driving and upholding the 2040 Comprehensive Plan as well as staff as employees of the City and remember that the role of the Commission is a volunteer role. He stated that he greatly respects that and noted that his role as President of Jonathan is also a volunteer role. They are all here to be stewards of the neighborhood to push things forward and protect our values, our City, and our neighborhoods. The Jonathan Association has always been and will continue to be great neighbors with residents that are non-members. He stated that they do open their parks and trails and have even paid for maintenance of things like City-owned or County-owned trails because it is the right thing to do. He stated that they want this to be a common-sense development and believes that Mr. Metzer understands that and is representing Lennar the best he can. He stated that Lennar is just a developer and is not a neighbor or in it for the long haul and are coming in to invest and to make money. He stated that the neighbors are here forever and their homes are their greatest assets and he feels it is the Planning Commission's responsibility to take that seriously and apply a common-sense approach, especially as the City continues to grow. He stated that he thinks it is important for the City to take into consideration the existing HOAs and ensure they and their members are protected. He stated that if this was to be a development within the Jonathan Association, things would be laid out very differently with green space, connecting trails that will go to the area where the park is proposed. He stated that he thinks it is a great idea and a great location to have a park and noted that the Jonathan Board agrees. He explained that their members on Julian do not have a park because this plot of land was intended to be developed some day as part of Autumn Woods and the park would be in the same proposed location. He stated that he would encourage the Commissioners to watch the video recording of last night's Park Board meeting because he thinks there are some misunderstandings of responsibilities and the Park Board does not think that they have the responsibility to make recommendations and the Planning Commission is thinking the Park Board does. He stated that when it comes to traffic, it is a huge concern and they want to make sure that the members are adequately represented with respect to the density issue, but also most important is safety. Because of how Autumn Woods was developed, and specifically, this last piece, that is supposed to be part of Autumn Woods, is not being planned out with the Jonathan Association and for example, they do not have a trail running through the backyards of the homes that are on Autumn Woods and the Wagner property. He stated that in a traditional Jonathan development, that is where the green way would be, or the trail would be. He stated that they have had conversations with Lennar but feels the Commission can take a strong approach in this situation to make a recommendation to the City in what could happen with the development of the property to really make it part of what is designed to be the Comprehensive Plan as well as support the existing shareholders of the community.

Chair Dahlke asked if the Commission had any questions for Mr. Ely.

Commissioner Brass stated that in other meetings that Mr. Ely has been involved with, he has always, in the past, taken the stance that the Commission's role is not to get involved in the HOA and does not need to influence that decision. He stated that he is not sure how much influence the Commission should or shouldn't have, but he would like to say that his stance in this situation, is that Jonathan Association is all around this development, so if he ever saw a development with the need to be incorporated into Jonathan and use their input, this would be it. He stated that he does not think the Planning Commission has the authority to 'necessitate' that, but he wanted to say it on record that this one would be one that really makes sense. He stated he was very impressed by Ms. Rome-Welter's presentation and the way she represented the neighborhood. He stated that he feels it was a good point that the Autumn Woods South homes may be smaller, but he hadn't noticed that there are a lot of open spaces. He stated that the actual lot may be .2 acres, but there is green space and open areas with ponds and trails which makes it feel like the backyard space is bigger than it is. He stated that he thinks that was a fair point raised by Ms. Rome-Welter that he had missed in his analysis.

Chair Dahlke asked that the additional comments not be repetitive.

Doug Schoen, 3095 Autumn Woods Drive, stated that he has been a resident for 34 years. He stated that he wanted to thank Ms. Rome-Welter for her presentation. He stated that he would like to comment on the street perspective of Autumn Woods Drive. In the 34 years he has lived here, it has been very obvious to him that Autumn Woods Drive and Acorn Road has become nothing more than a short cut for people who want to avoid stop lights. He stated that they also get numerous people driving through their neighborhood because it is a winding, scenic drive. He stated that they don't really want to attract additional traffic just driving through their neighborhood, and unfortunately has also attracted people that they do not want driving through at all which are those that consume alcohol. He stated that a few years ago someone drove through at 60 mph and leveled their mailboxes out in front. He stated that he walks his dogs and makes a consistent habit of picking up empty alcohol bottles, such as vodka, Bacardi rum and Miller Lite cans, while he walks. He stated this roadway just attracts a lot of additional traffic and wanted to emphasize those points that he sees on a daily basis because they probably would not be reflected in an official traffic report. He stated that he is fearful for people who use the street to walk their children in strollers and ride their bikes. He noted that it was previously mentioned that they do not have sidewalks, so the street is their only means of getting around with a vehicle. He thanked the Commission for paying attention to the traffic issue and believes that it is a density issue and does not want to see the street behavior deteriorate by this many homes being put in. He asked that the Commission do everything it possibly can to not increase the traffic and to somehow control the speed.

Kevin Wright, Communications Manager, asked to read a statement into the record from Melissa Stauffer, 2871 Ironwood Boulevard. Ms. Stauffer stated that she wanted to voice her concerns as an absolute echo to Mr. Rome Welter's talking points.

Mark Lundgren, 3075 Autumn Woods Drive, stated that he would like to speak to the density issue. He stated that the density issue has gotten to be a large issue because it will drive the traffic issue. He stated that he has lived here 34 years and was told many years ago that development would be coming which they didn't have a problem with. He stated that they were told, historically that the developments in the adjoining lots would be very similar or identical to theirs. He stated that he brought this point up at the initial meeting with Lennar and was told that the definition of 'similar' is different now than when he had built his home. He stated that if he looks at the definition is Webster's dictionary it simply says, identical, matched, consistent, equal, and even close. He asked City Planner Hanson if she could show the proposed layout and noted that on the west end, specifically Lots #57-#64, these average 9,146 square feet. The five lots in the current Autumn Woods that adjoin this, average 19,500 square feet which is not close or similar. He gave a visual representation of the differences in those two measurements by using jars full of sand. He stated that he appreciates Commissioner Rylee's comments regarding the agenda item relating to Mr. Lysholm that there is history and that is important. He stated that many of those who signed the petition have lived and worked in this area for a long time and would ask that the Commission consider the lot sizes and think about whether they would want a lot in their backyard that is half the size of their lot.

Communications Manager Wright, noted that he had another comment to read into the record from Rick Saffron, 2860 Timber View Trail, stated that he had to get up early so he submitted his comment in writing. Mr. Saffron stated that he 100% agreed with Ms. Rome-Welter and is also concerned about the plans to remove 100+ trees because when he bought his property the City told him the trees were under a preservation plan and asked how healthy trees could be cut down.

Kirsten Taylor, 2893 Forest Ridge, noted that many of the other speakers have already touched on many of her key points. She stated that Ms. Rome-Welter had covered everything very eloquently. She stated that to expand on Mr. Schoen's comments, their neighborhood sits squarely between Chanhassen High School and Chaska High school and many of the high school students use this as a thoroughfare so the traffic and the speed is a concern. She stated that her other main concern is that the 2040 Comprehensive Plan document states that open space, green space, trails, and parks are a priority for the City. She stated that she is concerned that there just isn't enough of that in this proposed new development and would ask that the City scale this development down significantly so it is more in line with the surrounding area.

Nicole Lodine, 2867 Ironwood Boulevard, they have only lived here 4 years and noted that she has three little boys and one of the things that attracted them was a neighborhood like this that was designed like this and feels there is a lot of value in what has been done and what has been done well. She stated that she appreciated everyone's hard work and putting a lot of thoughtfulness and mindfulness into what gives value to the citizens. Things like what makes a community welcoming, friendly, promotes disease prevention, mental health benefits, parks, walking trails, and getting to know your neighbors so they can look out for you. She stated that she thinks this is a great chance where the Commission can shift the plans with sidewalks and parks and extra fields and really make a difference for the new neighborhood as well as setting more precedent for what she loves Chaska for.

Ms. Rome-Welter stated that she did not mention specifics of what the estimated traffic load would be. She stated that on a weekly basis, the estimated load coming out of that dense of a neighborhood is 6,146 car and truck trips. She asked the Commission to keep that number in mind when she referred to the cut throughs.

Mr. Metzer asked her to repeat those numbers so he could write them down and confirm the information.

Ms. Rome-Welter noted that she took her information directly from the report Mr. Metzer presented at the neighborhood meeting. She explained that he had stated that there would be 878 trips/day and she just multiplied that out to a weekly number.

Community Development Director Ringwald noted that one of the conditions of the preliminary is for a construction management plan for traffic and that they would provide how construction traffic gets to the site so it can be analyzed.

Gretchen Kleinsausser, 2868 Ironwood Boulevard, stated that she would like to highlight two points around kid safety. She stated that she thinks it is important that part of the traffic study is to note that on Ironwood Boulevard, the main road that goes through and connects to Pioneer Trail, there are multiple bus stops for different schools and those kids are on corners all along Ironwood. She stated that she wants to make sure that the number of kids and the amount of cars going by is taken into consideration because it is a huge concern for families on that street. She stated that she would highly recommend that they think about that other entrance. She stated that Ironwood is curved, so there is no a straight sight line for anyone on the street which is why they would push for them to have their own entrance.

Kip and Amy Dunkleberger, 2909 Butternut Drive, asked the Commission to look at the aerial photo of Butternut Drive and notice the median that separates the road that currently has trees in it and explained that the traffic ends up funneling down into single lane traffic. He stated that Commissioner Brass already addressed the issue with regard to the backup of that traffic. He stated that the median is behind their driveway and explained that they have to loop around the median to loop into their driveway. That issue, along with the fact that there are cars coming south on Audubon, that when they hit a red light and want to keep going, take a right turn onto Butternut loop around the median and then take a right back onto Audubon. He stated that he noticed this when he was home working from his office during COVID and would estimate at least 20-40 cars/day took that loop around the median in order to short circuit the light. He stated that he would anticipate this getting worse if more cars are added with this development.

Lee Isaacson, 2980 Autumn Woods Drive, stated that he was here along with his parent, Mike and Tracy who live at 3025 Autumn Woods Drive. He thanked those that have already spoken. He stated that he went to Chaska High School and graduated in 2004. His lot is 1.5 acre and his simple to the point comment is that if Lennar is really going to come in and want more space, they can have his lot too because he will leave. He stated that if this is approved as presented, it would be very sad. Sad that they are doing this to the community and that people have to be at this meeting at 10:30 at night to discuss it. He stated that it is sad people are wasting their time because all you have to do is look at what Lennar did over by Chaska Town Courts where there are houses built right next to the trains. He stated that the proposed plans are not for the people of the community and people who have lived in Chaska for their whole life like he has, but only for wealth. He stated that this plan is obviously wrong.

Mr. Metzer stated that there are some items that he would like to address, but he want give others time to comment first.

Matt Douglas, 2857 Ironwood Boulevard, stated that one of the comments that was made regarding the previous development with regard to an earlier agenda item was that the Commissioner made a point to ask how the community felt based off of the meeting. He stated that he thinks it is important to note that Lennar said they hosted a meeting for the neighborhood and the number of people that were invited to that meeting by them or communicated with was extremely small. He stated that his understanding was that they only sent letters to people within 350 feet of the property line. He stated that he is not seeing any demonstration from Lennar of wanting to work with the community to make this work. The citizens are having to exercise their rights through City Council meetings and other meetings like this versus trying to partner with the community. He stated that if there is a way to influence when they will host meetings, he would like them to let anyone who is impacted know because that would be helpful.

Joanna Douglas, 2857 Ironwood Boulevard, stated that if this development does not have their own exit and entrance, there will be at least 200 extra cars coming through. She stated that Mr. Metzer stated at the meeting that they were not invited to, that would mean every 40 seconds a car will come through Ironwood and Butternut because they don't have their own exit. If they have this much density, they need to have their own exit and entrance onto Audubon which she understands will be more difficult because it will have to go through the County but thinks it needs to be done.

Genevieve and Andrew Armstrong, 2925 Autumn Woods Drive, stated that all of her immediate neighbors have been here for 30+ years, so they are in the original neighborhood but are the new kids on the block because they have only lived here 7.5 months. She stated that she submitted a letter to the City and is very emotional about her concerns. She stated that she has a 4.5-year-old daughter who is in a wheelchair and there are no sidewalks. She stated that Autumn Woods South that has the higher density and the large amount of green space, but they also have sidewalks. She explained that she has been trying to get versed with the community vision although she has not read the entirety of the 2030 and 2040 Comprehensive Plan and what they saw then they chose to move here 7 months ago. One of the first things she read was the housing vision in the 2040 Comprehensive Plan which was for all ages and socioeconomic people. She stated that what she has learned about her neighbors is there are beautiful homes on beautiful estates and people take drives down this road. She stated that they were impacted when they found this place to be their forever home which is why she is so emotionally affected by this concept. She stated that the whole time she hears people speaking she just imagines what is being jeopardized. She and Mr. Armstrong spent so much time trying to find this beautiful place that all these people have built with the Jonathan Association and everything has brought about by following the rules. She stated that when Mr. Metzer was speaking, he said that part of the thing was to be able to provide the housing to meet a socioeconomic need for some smaller houses with the narrower lots. She stated that she also thought she heard him say they really would not be offering that anyway because they are all custom build which is a big concern to her. She stated that with her daughter in a wheelchair, they cannot live on a busy street so she would have to agree with Mr. Isaacson that if this development comes in as proposed, they will have to move. She showed a picture of the owl that lives in the area and stated that she knows his home is one of the trees that is about to be cut down. She stated that she apologized for the emotional stance she brought to the meeting, but this is her whole family's life going forward.

Communication Manager Wright, read a comment submitted by Kirsten Taylor that stated she would like to ask the Commission to review the Park Board meeting recording. She stated that many of the neighbors also attended that meeting and Marshall Grange indicated that most City parks average 3-15 acres and the Park Board recommendation is only 2.65 acres and wanted to encourage the Commission and the Council to use the full 10%.

Mr. Metzer stated that there was a question about a construction entrance and noted that they believe that they will be able to use the existing driveway off of Audubon as a temporary construction entrance, but explained that would need to be confirmed with the County. He stated that they would prefer that option over going through the neighborhood. The notice that was sent for the neighborhood meeting was the same radius that the City uses to notify residents of public hearings. He stated that he believes they sent out 136 notices and weren't trying to keep people from being notified about the meeting. He stated that they have asked the County about the access which is where he provided the information that at most, it will be a right in/right out and even if that was requested, there is still a chance that the County would decline that given the access. He stated that one of the residents asked about the affordability of the smaller home along Audubon and noted that he had not stated that these would be custom homes. There are set floor plans that people can select as well as set exterior elevations that they can choose from so there are not traditionally what would be called custom homes. He stated that he does not want to belabor the density issue, however one of the things, especially with Autumn Woods East, if you look at an aerial photo with the lot lines, they were platted in 1994 and if it were to be platted today, these lots would not be his large because they are platted into wetlands and would be protected which means it is skewing the size of the lots a bit. In Autumn Woods South, it has a lot of green space, but he believes the reason a lot of the space is open is because the area has a significant amount of wetland. He stated that he suspects that there are trails adjacent to some of the wetland areas is because there are not sidewalks in the community. He noted that his community will be providing sidewalks on both sides of the street. He stated that they are planning to dedicate at least 2.6 acres of the land for park and are preserving 3.56 acres of wetland and only proposing to impact 1.4 acres of wetland. They are also proposing to preserve about 75% of the trees along the south property line. He stated that there was a comment made that a car would be going by Butternut and Ironwood every 40 seconds which is not accurate. He stated that based on some traffic calculations put together by their engineer using industry standards, they estimated that the peak a.m. hour would have projected trips during that rush hour is 87 trips which breaks down to approximately a car every 40 seconds. He stated that there would be potentially be a vehicle leaving the community every 40 seconds, but not necessarily at the intersection of Butternut and Ironwood.

Communications Manager Wright stated that there are four more people with their hands raised and he has one more comment to read into the record. He stated that the comment was in relation to the notices, from Matt Douglas, he stated that he would imagine a majority of the notices went to the townhouse community and not the homes in the neighborhood.

Camille Wickstrom, 2874 Ironwood Boulevard, encouraged the Commission to take this opportunity since they have gotten a lot of input from the community about this development. She stated that she feels this is a great opportunity to find ways to incorporate the best of Chaska and welcome this brand-new neighborhood with some diversity, socioeconomic diversity, and to integrate the neighborhoods together so they become one big meshed group as was the original forethought on how this land would be developed in the future.

Mr. Rome-Welter stated that she is mindful of the open meeting laws as she makes the invitation to the Commission but noted that if there is a way for them to do this without having a violation of the open meeting law, the neighborhood would invite them to come and stand in her front yard just to explain and show them more about what is being discussed tonight. She reiterated that there are a lot of people really concerned, but if it would be helpful for the Commission to understand what the neighbors are facing by having them come, she encouraged them to reach out because they would love to speak further in any way that would be helpful.

Lee Isaacson, asked how many people are on the call and asked why they have to sit and listen to someone who has never been in their neighborhood. He stated that there is a reason people are concerned and to be sitting here and told that they don't really know what is going on or that the count may not be accurate is both disgusting and sad. This development, as proposed, will affect every single person here which is why everyone, including himself, who is a doctor and has to get up early tomorrow, is still awake for this meeting. This community will be massively affected by this development and stated that he does not want to sit and listen to Mr. Metzer say things that are not correct and feels that he is belittling the people in the neighborhood. This is their lives and their community and there is a reason that they are all so upset. This development will affect their lives every single day and for somebody who is basically a PR person to come and ram it down their throats that this is okay, he is here to say that this is not okay. He asked that the Commission and Mr. Metzer not belittle the people in the neighborhood because there is a valid reason that they are all still at this meeting.

Andrew Armstrong, 2925 Autumn Woods, asked if the traffic study would include extra ambulatory and emergency vehicle traffic that would be included in the new housing for all the extra people that would be added.

Genevieve stated that because of the increased numbers of people coming and going, she is now concerned that emergency vehicles will have difficulty getting into the neighborhood or would be hampered and slowed down by the increased number of vehicles. She stated that they want to make sure the traffic study takes that into account because there are not many access points.

Chair Dahlke explained that part of the traffic study and part of what staff does on these neighborhoods is the police department, fire department and medical personnel all have input on the plans.

Communications Manager Wright stated that he had one more statement to read into the record from Chad and Jennifer Wendolick, 2859 Timber View Trail, stated that the peak travel time is right when kids are lining up for the bus on Ironwood Boulevard.

There being no additional public comment, Chair Dahlke closed the public hearing at 11:09 p.m.

Commissioner Rylee stated that there is a lot of information to digest.

Commissioner Olson stated that he appreciated the time the neighbors put in to attend tonight's meeting, even those that did not speak and that they had a spokesperson speak for the majority of the neighbors. He stated that the neighborhood concerns are similar to the concerns that the Planning Commission has. He noted that he was in this same situation about 3 years ago with a development that went into his back yard and was the thing that spurred him to join the Planning Commission. He stated that this is just the concept plan and he feels that both the Commission and Lennar Homes has heard the neighborhood group loud and clear. He stated that there are the expectations for the next round to really button down what is really needs to look like with relation to safety, density, trees, parks which all has to come together in the next plan or it won't, but they will have to be addressed.

Chair Dahlke stated that there is a City Council meeting on Monday night where residents will be able to voice their concerns. He explained that the Planning Commission does not set any policy and just makes recommendations to the Council. He stated that there will be many more opportunities for the neighborhood to express their opinions.

Commissioner Rylee stated that from hearing the neighbors 'loud and clear', he would like to add some conditions as this goes to Council. He stated that he would like to propose adding a condition that approval of the development is contingent upon a dedicated access to the County road; that trail continuity be implemented in partnership with the Jonathan Association; that the construction access has to be off the County road; and that the parkland to be implemented into the development and not a fee in lieu of parkland.

Chair Dahlke stated that he agrees with those suggestions and believes that Mr. Metzer and Mr. Ely need to get together and talk. He stated that he thinks it is imperative that this neighborhood becomes part of the Jonathan Association and therefore characteristics of the current Jonathan Association are incorporated into this new development. He stated that the proposal looks vastly different than everything that is around it. He stated that the 350-foot radius for meeting notification is standard. He stated that he would like to see the construction access by the current driveway and work with the County on a minimum of a right in/right out access to this neighborhood. He stated that the County may not give them full access, but he feels that the question needs to be asked.

Commissioner Urbanski stated that he agreed with what the other Commissioners have stated and also expressed his appreciation to the residents for spending time at the meeting. He stated that there are always people that will be opposed to a new development, but in this case, where it is surrounded on 3 sides by a very light community, he would like to see this plan reengineered to have the streets and lot layouts match the existing developments.

Commissioner Lacey stated that he would also recommend to Mr. Metzer that he exceed the minimum of 350 feet radius for notifications in the future in order to incorporate more of the community feedback which may positively affect the next round of his planning.

Commissioner Sailer stated that he thinks there has been a lot of great ideas and feedback shared. There is a lot of work to do on all sides and noted that his only concern with adding the right in/right out access as a condition is what would happen if the County doesn't allow it whether that would make the parcel undevelopable and questions if that condition could have other ramifications. He stated that he thinks right in/right out is probably a good idea, but if the County says no what would that do going forward for the next person that would like to try to develop this land.

Community Development Director Ringwald stated that this is the first step and if that is what the Commission thinks should happen, then they should include it. He noted that there will also be a traffic study conducted. He noted that at this point, the Commission is not providing any entitlements to the property and are providing direction which he feels can be stated strongly, because that may also influence the County. He reiterated that stating it strongly at this point is a good idea and they can report back in their preliminary plan and say, this is what you told us to do, and this is what we did and then the Commission can judge it on its merits at that time. He stated that it will give flexibility, especially at the concept level.

Commissioner Rylee noted that traffic engineering is not completely engineering and is also political will. He stated that he would like to see the Commission put in strong wording and use the word 'shall' to show that this is important to the Community because that will have bearing on traffic impact analysis.

Commissioner Brass stated that he agreed with Commissioner Rylee that it should use the word 'shall'. He stated that at this stage he would like the Commission to put it out there and see if the County will listen to their direction. He noted that he appreciated all the comments from the neighbors and noted that there are a lot of issues that need to be worked out on the property but reiterated that it is just a concept and it will come back at the preliminary stage. He stated that he agreed with the recommendations made by Commissioner Rylee for additional conditions.

Community Development Director Ringwald asked to read aloud what he believes the additional conditions that the Commission would like added: access shall be provided to the County Road; the trail connectivity should occur in cooperation with the Jonathan Association; parkland in lieu of a fee; incorporating within the Jonathan Association; the plans should be more reflective of the properties that lay to the north, south, and west of the subject property; consider incorporating more comments and using the people who participated and signed the petition for doing the next notices and meetings from a public perspective for neighborhood meetings.

Commissioner Rylee stated that he would also like to add a condition that the construction access needs to be off of the County Road.

Mr. Metzer asked about the condition relating to the trail connectivity.

Chair Dahlke stated that he believes that condition could be rolled into the item that relates to getting involved with the Jonathan Association to get their input into how the trail system should be incorporated into the new neighborhood.

Motion by Commissioner Olson, second by Commissioner Sailer, to recommend to City Council approval of the Wagner Woods Concept Plan for a 102-lot subdivision on 45 acres of land, subject to the following conditions:

1. Approvals shall be based on the following graphic exhibits:
    a. Narrative (pgs 1-5), prepared by Josh Metzer of Lennar, undated
    b. Wagner Property Tree Survey (pgs 1-26), prepared by ISG, dated March 24, 2021
    c. ALTA Survey (pgs 1-3), prepared by Pioneer Engineering, dated January 25, 2021
    d. Existing Conditions, prepared by ISG, dated April 28, 2021
    e. Site Forces, prepared by ISG, dated April 28, 2021
    f. Tree Survey, prepared by ISG, dated April 28, 2021
    g. Proposed Layout, prepared by ISG, dated April 28, 2021

h. Park Exhibit, prepared by ISG, dated April 28, 2021
i. Proposed Layout with Tree Condition, prepared by ISG, dated April 28, 2021

2. Adherence with the City Engineer's Memo dated May 5, 2021.
3. Adherence with the Carver County Public Works memo dated May 7, 2021.
4. Provision that all lot lines are outside 30 foot no grade/no mow setback of wooded steep slopes and to be shown on the preliminary submittal.
5. Provision that all lot lines are outside of wetland areas and their required buffers and to be shown on the preliminary submittal.
6. Adherence to the City's Boulevard Tree Policy and local street section design.
7. Provision that boulevard trees are placed between the sidewalk and street.
8. Provision of adequate berming and landscaping along east edge abutting County Road 15 to be addressed at Preliminary submittal.
9. Provision to further evaluate tree preservation efforts for trees 1208, 1215, 1220, and 1221 around the public park entrance, and to be submitted with a Tree Preservation Plan at preliminary submittal.
10. Provision of sidewalks on both sides of all local streets, and to be shown on plans at preliminary submittal.
11. Adherence to the following building setbacks:
    a. Front (house): 25 feet
    b. Rear: 25 feet
    c. Side (Landmark Series, 65-foot-wide lots): 7.5 feet
    d. Side (Venture Series, 50-foot-wide lots): 5 feet
    e. Side (corner): 20 feet
12. Adherence to the 125-foot centerline building setback from County Road 15, and to be shown on all preliminary plans.
13. Prior to final plat approval, developer shall enter into an agreement with the City for the provision of necessary infrastructure and associated development costs.
14. Compliance with the City's anti-monotony and design requirements zoning ordinance (Section 9.28).
15. Provision of LP Smartside used on all front elevations, and 4-inch window trim on all windows.
16. Preservation of the wooded steep slopes, including 30-foot buffer and a 50-foot setback from that wooded steep slope.
17. Provision of developer responsibility to remove any hazardous trees or limbs on site as determined by the Public Works Director, prior to issuance of a building permit.
18. Provision of a storm water management plan meeting City and Carver County WMO standards.
19. Provision that adequate maintenance accesses are provided for the stormwater ponds, to be located in separate outlots, and to be shown on the plans at preliminary submittal.
20. Provision that stormwater ponds are located in separate outlots, and to be shown on the plans at preliminary submittal.
21. Provision of a wetland delineation report to be completed and provided at time of preliminary submittal.
22. Provision of a construction traffic plan to be submitted at preliminary submittal.
23. Provision of a traffic study to be submitted at preliminary submittal.

24. Direct access onto County Road 15 (Audubon Road) shall be provided.

25. Provision of trail continuity with Jonathan Association trails in Autumn Woods.
26. Provision to include the Wagner Woods development into the Jonathan Association.
27. Provision of construction access to come directly from County Road 15.
28. Provision that Wagner Woods development be more reflective of the characteristics (i.e., trails, streets, open space, and lot layouts) of the Autumn Woods development.
29. Provision of parkland implemented into the development, not as a fee to the city.

Roll Call Vote: Ayes – all. Motion carried.

8.Other Business
8.A.Receive Other Meeting Minutes

8.A.i. Receive the April 5th draft EDA Meeting Minutes

8.A. ii. Receive the March 9th 2021 Park Board Meeting Minutes.

8. A. iii. Receive the April 5th and April 19th 2021 City Council Meeting Minutes

Chairperson Dahlke

- Noted that River City Days will return the last weekend in July and should be a big blow-out because it is the first event that will happen this summer.

Community Development Director

- Stated that the tentative plan is to move back into live, in-person meetings sometime over the summer and will begin with the City Council, but noted that they will probably retain the Zoom option because it can be helpful.

9. Adjourn
Motion by Commissioner Urbanski, second by Commissioner Brass, to adjourn the meeting at 11:33 pm.