

**CHASKA PLANNING COMMISSION
MINUTES
APRIL 12, 2023**

1. Call to Order

Chairperson Brass called the meeting to order at 7 pm.

2. Roll Call

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

Members absent: None.

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

3. Adopt the Agenda

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

Motion carried.

4. Visitor Presentation

No one appeared under Visitor Presentation.

5. Approve Previous Meeting Minutes

A. Approve the Minutes of the February 8, 2023 Planning Commission Meeting

Motion by Commissioner Purdy, second by Commissioner Baswa, to approve the minutes of the February 8, 2023 Planning Commission meeting, as presented.

Motion carried.

6. Consent Agenda

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

- a. Recommend Approval of the Final Plat for Oak Creek 2nd Addition/DR Horton/PC #2023-11.

Motion carried.

7. Action Items

A. PUBLIC HEARING: Recommend Denial of the Variance to the Bavaria Road Setback at 1142 Rosemary Lane/Jimmy Son/PC #2023-09

City Planner Hanson presented the item to the Commission and noted that this item was scheduled to come before the City Council on April 17, 2023.

Commissioner Urbanski asked what the setbacks would be for an outdoor sport court.

City Planner Hanson explained that the setbacks would be similar to a regular patio setback which would be 5 feet on the sides and need to stay out of easements on the back property line.

Commissioner Olson asked what the classification was for Bavaria Road in the 2030 Comprehensive Plan.

City Planner Hanson stated that the classification for Bavaria Road was the same.

Commissioner Purdy asked if the plans were to widen Bavaria Road into two lanes each way.

City Planner Hanson explained that there is always that potential for any type of roadway but noted that there were no impending plans to do that to this section of the road.

Community Development Director Kabat noted that this section of Bavaria Road is interesting because to the south is a roundabout and there is also a portion of it that is a County road. He stated that the County does not currently have plans for it to become a County road, but it sets the context for its usage and noted that it is not just City traffic and is more local regional traffic.

Commissioner Baswa asked about the existing deck.

City Planner Hanson stated that the deck can stay because it meets the setback requirements, but explained that as soon as a building is added underneath, it triggered the variance request.

Commissioner Olson referenced the finding that stated there were other size options for the sport court that would stay within the setback. He asked what staff's opinion is regarding an addition that would fit the setback.

City Planner Hanson stated that if they planned the addition with the "L" shaped format, they would be able to stay within the setback of the roadway.

Commissioner Baswa asked about setbacks for other nearby homes and noted that on the map it appears that they are not the same.

City Planner Hanson stated that most along Rosemary Lane have been built pretty close to the 125 foot setback.

Community Development Director Kabat noted that there are no homes along this stretch that have a variance and are compliant.

Commissioner Olson noted that because the builder chose to put those homes right up to the setback it limits changes or additions that the homeowner is able to do.

Community Development Director Kabat agreed but noted that this is not an uncommon situation.

Commissioner Olson asked about safety concerns were for infringing into the 125 foot setback for this location.

City Planner Hanson explained that it is more of a welfare piece of the separation and volume that is associated with that road. She stated that with a road of this classification, having a larger separation from the road leads to better welfare for the person utilizing the property.

The property owner spoke from the audience and noted that there is a berm located on this property so the deck cannot be seen from the street.

Commissioner Aasen stated that he was in road design for over 30 years, and agreed with what the Planning staff was sharing with the Commission. He noted that he had seen too many situations where variances were allowed that ended up creating problems when they designed the roadway.

Chairperson Brass stated that he is not as concerned about safety and welfare in this instance but more that there is not an undue hardship present.

Chair Brass opened the Public Hearing at 7:32 p.m.

Jimmy Son, 1142 Rosemary Lane, stated that he understands that the City granting this request may be a long shot but explained that this has been a dream of his family for a long time. He stated that they love this community and the neighborhood, but winters can be terrible here. He stated that they have the resources to be able to do something like this for the kids in the community which is why they had requested it. He noted that they had tried to design it in a way that it would be minimally intrusive to everyone in the area.

Scott Corbin, contractor for Mr. Son, stated that he does a lot of projects around the cities. He noted that he had done some research and found that the setbacks were created because of Chavelle and not knowing what it was going to be. He stated that for the next 15-20 miles from this location, there is just one development that will be built. He explained that they have worked really hard on their design to minimize the impact on the neighbors.

Mike Heuer, 1154 Rosemary Lane, stated that he was in favor of the City granting this variance. He explained that he did not believe the homes on Rosemary Circle had a setback of 125 feet. He stated that he feels the plans are great and do not obstruct any of the neighbors. He stated that there are few other neighbors that were unable to attend the meeting that were also in support of this request. He asked the Commission to consider allowing this variance request.

Mr. Corbin noted that there is a berm that has a very steep slope and noted that the water from the neighboring properties runs down into Mr. Son's backyard. He stated that it creates a muddy swampy mess, so if they want to use the backyard they need to go way back which means they are even closer to the road. He noted that because of the drainage issues he noticed when he was on site, he had planned to put in a sump pump to handle the water that collects in Mr. Son's backyard from the area.

Commissioner Urbanski stated that it sounds like Mr. Son has talked to his neighbors about his plans and asked if there were any that were opposed to the project.

Mr. Son stated that there were not and explained that they are a pretty tight-knit neighborhood.

Chair Brass closed the Public Hearing at 7:30 p.m.

Commissioner Olson asked how many homes along Bavaria Road back-up along to Rosemary Lane and Rosemary Circle. He stated that he looked at Google Maps and believes it is about 8 or 9 homes. He noted that one thing that he believes may make this situation unique are the homes situated on Rosemary Circle that have a larger gap and were not built right up against the boundary like those on Rosemary Lane. He stated that what he sees as unique is how the area was plotted because it makes it difficult for any changes to be made to the property. He noted that this property is not on a corner so it would not be in the direct sight lines of turning lanes and also the plans, as presented, show the ability to keep it hidden. He stated that anyone driving by would not be able to tell that something was built under the deck so it is hard for him to say that there would not be the opportunity to grant the variance in this instance. He clarified that he understands a variance would be required, but noted that the applicant is not trying to build out further and just plans to stay under the deck which keeps it in the confines. He stated that he feels the Commission should at least discuss the idea of recommending approval of this variance request.

Commissioner Baswa stated that he sees the same thing and noted that their proposal does not actually change the landscape or look of the property. He stated that he does not see any safety concerns, even if the road expands, because the deck is already there. He agreed with Commissioner Olson that he also feels the Commission should discuss the possibility of recommending approval for this variance request.

Chair Brass stated that he would agree that there is probably not going to be an issue with the road or safety, but in this case, there is not any undue hardships or practical difficulties. He stated that he is concerned about the precedent that may be set by granting this variance and stated that he feels there needs to be a legitimate reason to grant this request. He stated that while he thinks having a sport court is a great idea, he does not think this request meets the City's standards. He explained that he would like to be able to say yes, but does not think it works.

Commissioner Urbanski stated that he is a big proponent of private property rights and believes people should be able to do what they want with their property to a certain extent, but understands that at the same time, there needs to be rules and regulations in the City in order to look out for various interests. He stated that he would agree that this request does not necessarily fall into the category of a variance but also needs to fall under common sense, because this proposal does not change the footprint of the property. He explained that the proposal is to add a sport court underneath an existing deck and noted that if you were to look at a satellite photo a year from now you would not even see a difference. He reiterated that he did not feel the term 'variance' fit in this instance and would like to find another tool so the City could allow this project to move forward. He stated that these plans will blend in with the rest of the homes in the area.

Chair Brass asked what would happen if another neighbor wanted to do something in 6 months, but were not able to hide it like Mr. Son can.

Commissioner Urbanski agreed that is where it can get a bit sticky because if they do it for one, they have to do it for another, but noted that he thought each project was supposed to be examined on its own merits.

Commissioner Olson stated that every variance request should be independent of everything else. He stated that he feels the Commission has learned that over the last few years and that the discussion should be about this property and these specific facts.

Commissioner Baswa stated that he agreed because he has seen variance discussions be around that particular situation.

Commissioner Urbanski asked if there was another tool besides a variance.

Community Development Director Kabat stated that staff wrestled with that idea. He stated that they are looking at a set of facts that pertain to this site and weighing them against the criteria as well as how State statute lays out with relation to practical difficulty. He stated that what he feels Commissioner Urbanski is describing is more of a policy question and noted that it feels like at the core of his comments is whether the setback should actually be what it is. He stated that he thinks that is definitely a legitimate question, but the reality is that the policy is what it is today. He stated that he did not think the discussion today should be whether the setback should change and should focus on the facts of the site in relation to what is proposed present a practical difficulty that warrants a variance. He explained that staff's analysis is that, in this case, the request did not meet the threshold for granting a variance. He reiterated that they are trying to evaluate what has been proposed against the regulations that exist right now.

Chair Brass noted that he just did not see the hardship in this situation.

Commissioner Olson asked Mr. Son if his basement was finished.

Mr. Son stated that his basement is finished.

Commissioner Olson stated that he feels Mr. Son is trying to find some safe space on their property to be able to exercise and they currently do not have a space to be able to do this. He stated that their proposed plans are to minimize the effects to anybody and in his opinion, he thinks it meets the requirements for recommending approval of their request.

Mr. Corbin noted that he was looking at information on the City website and believes he saw something about granting an extra 25 feet for probable cause.

City Planner Hanson stated that, off the top of her head, she was not familiar with what he may have seen or was referencing.

Mr. Son read aloud a portion of the Carver County Section 152.34 for a reduced setback.

City Planner explained that Carver County requirements were different than a City requirement.

Mr. Corbin asked if there was anything that he and Mr. Son could do to pursue this avenue of having a reduced setback requirement.

Community Development Director Kabat explained that he was not familiar with the Carver County code that was being referenced, but would assume that it was meant to apply to a County roadway and this particular road is a City road.

Commissioner Kerber asked what would happen if this is approved and the City ends up needing to revamp Bavaria Road.

Community Development Director Kabat stated that it is hard to wrestle with hypotheticals like that. He gave a general idea on what he felt was the best way to look at this type of request.

Commissioner Baswa stated that there are some rules in some situations where they can look at it on a case by case basis. He stated that in this scenario, he sees this as a situation where the City should be granting this variance.

Motion by Commissioner Brass, second by Commissioner Aasen, to recommend to the City Council denial of the variance request to encroach into the Bavaria Road setback 12 feet for the purpose of an indoor sport court (Section 15.28.100.A of Zoning Ordinance), based on the findings, as presented.

Roll Call Vote: Commissioners Aasen, Kerber, Brass, and Gaare in favor. Commissioners Purdy, Baswa, Olson, and Urbanski opposed.

Community Development Director Kabat noted that Commissioner Kerber is serving as an alternate, so although she can voice her vote, that vote does not officially count.

Motion failed. (3-4 Commissioners Baswa, Purdy, Olson, and Urbanski opposed))

Motion by Commissioner Urbanski, second by Commissioner Baswa, to recommend to the City Council approval of the variance request to encroach into the Bavaria Road setback 12 feet for the purpose of an indoor sport court (Section 15.28.100.A of Zoning Ordinance)/ Jimmy Son/ PC#2023-09.

City Planner Hanson stated that in order to recommend approval there needs to be findings.

Commissioner Olson stated that the Commission will not be able to come up with findings tonight, but has a motion on the floor that basically says that they do not agree with staff's opinion in this matter.

Community Development Director Kabat stated that he felt it was important for the Commission to substantiate their rationale for approval. He stated that he did not think they needed to make another motion because the original motion was voted down and staff can carry that result to the

City Council. He reiterated that they could also have an affirmative vote on a motion, but felt it was important to substantiate their reasoning.

Commissioner Urbanski stated that he would like to keep the second motion because he feels it will give the Council more information. He stated that he wished there was another tool that could be used outside of a variance and explained that for findings, he would say that their proposal does not change the footprint or overall size of the structure from the way it currently sits.

Commissioner Olson stated that for him it comes down to the cluster of houses that are located on Rosemary Lane that are situated differently than the homes to the south on Rosemary Circle which he feels makes this unique because they are the only homes that are remotely close to the 125 foot setback.

Community Development Director Kabat noted that the City Council will make the final decision on the application.

Commissioner Baswa asked if his understanding was correct that when staff presented this to the Council they would have their same recommendation for denial but asked what would happen if the City Council also disagreed with staff's opinion.

Commissioner Urbanski stated that the City Council can approve it and noted that the Planning Commission was just a recommending body.

Motion carried (4-3 Commissioners Aasen, Brass, and Gaare opposed).

B. PUBLIC HEARING: Recommend Approval of the Preliminary Site and Building Plan, Preliminary Plat, Zoning Ordinance Amendment (ZOA) and Variance for Chaska Yards/ Carver County CDA/PC #2023-01

City Planner Hanson presented the item to the Commission and noted that this item is slated to come before the City Council on April 17, 2023.

Commissioner Olson stated that he is happy to see that improvements have been made since this was presented in February.

Chairperson Brass opened the Public Hearing at 8:45 p.m.

Todd Grover, MacDonald and Mack Architects, introduced himself and stated that he was available to answer Commission questions.

Commissioner Olson stated that the big change was the elimination of the HOA. He stated that his biggest concern about this project is the closeness of these homes without having an HOA. He stated that it will create a cluster of homes that are very close together that has no oversight and asked what would be put into place for conflict resolution or to keep issues from arising.

Chuck Swanson, Carver County CDA, explained that they were really trying to get away from having an HOA and had not put anything in place for conflict resolution. He noted that their thought is that it would not be any different than having any other neighbor because the lots are individually owned.

Commissioner Olson stated that most other situations where they are this close are with something like a townhome or apartment buildings.

Commissioner Gaare referenced row houses which you frequently find on the east coast and noted that in that situation they rely on the police department if things get bad. She stated that she would agree that this is not that different than that type of housing.

Commissioner Olson stated that he appreciated the creative approach to this site, but that one detail throws a bit of a wrinkle into his thoughts.

Mr. Swanson stated that they are also looking at this as a property rights issues as well.

Community Development Director Kabat stated that they have talked about having an easement or shared use agreement across the shared sidewalk and garage area. He explained that the idea would be to have this agreement in place to spell out how maintenance of those facilities will occur over time. He stated that this would be different than an HOA, but there would be a mechanism in place that speaks to how those shared facilities are maintained, for example if the garage needs a new roof.

Chair Brass asked if there would be any sort of declaration that would be able to stop someone from, for example, painting their home bright pink or have a shed in the backyard.

Mr. Swanson stated that would go back the City zoning rules and regulations.

City Planner Hanson noted that if the neighborhood wanted to, they could establish their own covenants to limit or even eliminate the use of things like sheds.

Commissioner Urbanski asked if covenants and restrictions would work well for a development of this size that everyone would agree to when they buy the property.

Community Development Director Kabat stated that would be something for the applicant to take into consideration.

Mr. Swanson explained that they have not really considered those kinds of details at this point and noted that it will be difficult to cover every type of scenario with a restrictive covenant.

Community Development Director Kabat stated that this site is downtown and there are no HOAs or covenants that exist downtown. He noted that these homes will exist within the environment in a similar way as the surrounding context.

Commissioner Olson stated that he feels it is unique because there are three houses on one parcel, so he did not feel that would be just like everything else downtown. He stated that he is

not saying that he thinks this approach is bad but wants to make sure that the City plans and thinks through these things because they do not want issues to arise. He asked if they had looked at ways for the sidewalk from Walnut to the alleyway not to become a thoroughfare.

Mr. Swanson stated that they could put up some sort of decorative gate since it will be private property.

Commissioner Olson stated that he would like to find a way to ensure that people know that this is private property.

Mr. Grover stated that there will be some limitations on the east side because of the historic district and noted the intent is to have some sort of elevation change so it will feel a bit more limiting. He explained that he wasn't sure they wanted to do something like put a gate there, but thinks there will be a way to delineate that people would be walking on someone's private property. He noted that he did not expect it to be a common practice where people from the general public would be trying to walk through this area.

Chair Brass asked if it became a problem if the landowners could then decide to erect a gate or some other measure to limit access.

Community Development Director Kabat stated that if the residents wanted to put in a gate, there is not an ordinance in place that would stop them.

Commissioner Olson shared a hypothetical scenario of someone choosing to cut through, falling, and breaking their leg. He raised questions about liability and whose insurance would pay in that situation. He stated that he was not expecting an answer tonight, but suggested that the applicant look into some of these odd details now that they have taken away the HOA and common space.

City Attorney Saufley stated that those are usually determined by the reciprocal easement agreements and handled among the property owners by a contract in lieu of an HOA.

Mr. Swanson assured the Commission that they are working with an attorney on their end of things for these agreements.

Community Development Director Kabat noted that one of the conditions of approval is that they will have these agreements in place.

Commissioner Urbanski stated that there are a lot of twin home developments that are set up similarly to this proposal.

Chair Brass closed the Public Hearing at 9:01 p.m.

Commissioner Olson stated that he thinks this proposal has made good progress and is something unique and needed in the City.

Motion by Commissioner Brass, second by Commissioner Gaare, to recommend to the City Council approval of the Preliminary Site and Building Plan and Preliminary Plat for 4 housing units on the Ess Lot and Ernst Home (Chaska Yards), subject to the following conditions:

1. Approvals shall be based on the following graphic exhibits:
 - a. Narrative (pgs 1-8), prepared by MacDonald & Mack, dated March 13, 2023 and March 29, 2023
 - b. Aerial Exhibit, prepared by MacDonald & Mack, dated March 10, 2023
 - c. Existing Conditions, prepared by MacDonald & Mack, dated March 10, 2023
 - d. Selective Site Demolition and Erosion Control Plan, prepared by MacDonald & Mack, dated March 13, 2023
 - e. Site Plan, prepared by MacDonald & Mack, dated March 10, 2023
 - f. Preliminary Plat, prepared by MacDonald & Mack, dated March 10, 2023
 - g. Landscape Plan, prepared by MacDonald & Mack, dated March 10, 2023 Page 103 of 199
 - h. Overlay Plan, prepared by MacDonald & Mack, dated March 10, 2023
 - i. Grading, Drainage and Erosion Control Plan, prepared by MacDonald & Mack, dated March 13, 2023
 - j. Utility Plan, prepared by MacDonald & Mack, dated March 13, 2023
 - k. Paving and Geometric Plan, prepared by MacDonald & Mack, dated March 13, 2023
 - l. Turning Movement Analysis, prepared by MacDonald & Mack, dated March 13, 2023
 - m. Civil Details (pgs 1-3), prepared by MacDonald & Mack, dated March 13, 2023
 - n. Storm Water Plan, prepared by MacDonald & Mack, dated March 10, 2023
 - o. Photometric Plan, prepared by Pulse, dated December 20, 2022
 - p. Chaska Yards – Concept Renderings (pgs 1-17), prepared by MacDonald & Mack, dated March 10, 2023
 - q. Chaska Yards – Fencing Spec, prepared by MacDonald & Mack, dated March 10, 2023
 - r. Ernst House – Building Elevations, prepared by MacDonald & Mack
 - s. Ernst House – Floor Plan, prepared by MacDonald & Mack
 - t. Chaska Yards – Unit Elevations, prepared by MacDonald & Mack
 - u. Chaska Yards – Floor Plans, prepared by MacDonald & Mack
 - v. Chaska Yards – Garage, prepared by MacDonald & Mack
2. Adherence with the City Engineers Memo dated April 5, 2023.
3. Adherence with the SHPO letter dated March 27, 2023.
4. Provision of 360-degree architecture be provided on the west and south facades of the detached garage by way of landscaping or architectural details.
5. Provision that mechanical equipment will be fully screened from view.
6. Provision of decorative garage doors to be used on the detached garage.
7. Compliance with applicable zoning requirements, in particular Chapter 15.28 (Special Regulations).
8. Provision that building code is adhered to for all buildings.
9. Provision to explore lighter color options for the new housing units, and to be addressed at final submittal.
10. Provision that any existing boulevard trees damaged or removed from this project be replaced prior to issuance of a Certificate of Occupancy.
11. Provision that the fence height does not exceed 4 feet and to obtain a fence permit prior to installation.
12. Provision that Unit 1's eastern fence is pulled back to be in line with the side elevation, and to be shown on the final plans.
13. Provision of continued coordination between the applicant and City regarding the project edge and paseo edge matching up adequately.
14. Provision of continued coordinate with the Engineering Department related to utility connections to the site.
15. Coordination with and approval by the Engineering Department on an adequate construction traffic plan.
16. Provision of a drainage & utility easement approved by the Engineering Department on the south property line to encompass the retaining wall, and to be shown on the final plat.
17. Provision of additional coniferous trees added to the north property line of Unit 3, and to be addressed at final submittal.

18.Provision of a shared maintenance agreement for the garage and sidewalks is established prior to issuance of a building permit. Page 104 of 199

19.Provision of adequate cross access easements for shared walkways and driveways to be established prior to issuance of a building permit

Motion carried.

Motion by Commissioner Olson, second by Commissioner Urbanski, to recommend approval of the Zoning Ordinance Amendment to PRD-74 based on the draft ordinance.

Motion carried.

Motion by Commissioner Urbanski, second by Commissioner Baswa, to recommend approval of the Variance to Section 15.16.020.F.1. PRD Building Setbacks and Building Separation to reduce the building setback from 30 feet to 7 feet 8 inches and the building separation from 25 feet to 8 feet, based on the following:

1. The property in question cannot be put to reasonable use under the current setbacks and building separation. The property currently is vacant on the north side and contains the historic Ernst Home on the south side. The unique physical constraint on the property comes from the existing Ernst Home which has set a precedence for the setback from the streetscape (Walnut Street), plus establishes a significant building separation limitation on the vacant lot to the north. The national Walnut Street Historic District would be severely hampered if the vacant area is not filled in, and the Ernst Home is not occupied.
2. Characteristics unique to the property and not created by the applicant present practical difficulties in complying with the zoning ordinance. Specifically, the existing placement of the historic Ernst Home, which was a part of a larger community objective to preserve the building and facilitate a downtown redevelopment site (Firemen's Park). The national Walnut Street Historic District also emphasizes the importance of a consistent streetscape. Adhering to the PRD building setbacks and building separation would conflict with such emphasis.
3. The proposed use of the property is reasonable and consistent with the general purpose and intent of the comprehensive plan, downtown master plan and zoning ordinance. The Comprehensive Plan guides this area to be Downtown Mixed Use, which promotes a density of 12-40 units per net acre for residential uses. The project will be 6.6 units per net acre and create a configuration that will be harmonious with the surrounding context and national historic district. The proposal will further reinforce the Downtown Master Plan's redevelopment project of Firemen's Park in providing a use that will save the Ernst Home.
4. The proposed use, if granted, will not alter the essential character of the locality because the reduction in the setback and building separation will allow the site to provide a configuration and density that is consistent with downtown Chaska and necessary for the national Walnut Street Historic District. The essential character will be negatively altered if a variance is not granted.

Motion carried.

C. Recommend Approval of the Concept Plan for 3740 Chestnut Street/Audrius Asakenas/PC #2023-11

City Planner Hanson presented the item to the Commission.

Commissioner Urbanski stated that the driveway is currently shared with the dance studio.

Community Development Director Kabat noted that it is shared amongst the other tenants in the area and not just the dance studio.

Commissioner Urbanski asked if there would be a loading dock for semi-trucks.

The applicant stated that, at this time, they are not planning for a loading dock. He stated that there will only be people using their own vehicles or small delivery trucks. He stated that they are not expecting to use any semi-trucks.

Commissioner Urbanski stated that when he looks at this conceptually, his only concern would be the possibility of using semi-trucks and having enough room to maneuver without having to back out on Highway 41.

Chair Brass stated that he is an industrial broker and this kind of project coming through makes him very happy. He stated that he really likes this project and noted that there is a high demand and is usually cost prohibitive for small spaces.

Commissioner Olson stated that staff had noted in their report the need to allow access for the property owner to the north and asked if that information was known prior to the purchase of the property.

The applicant shook his head, no.

Commissioner Olson asked if that was a requirement from staff or just a request.

City Planner Hanson explained that she believed it was purely coming from the physical limitations that exist on the property to the north. She noted that it is completely separated from the other portion of TEL today and with the limitations of MnDot's access requirements, staff sees this as a conversation that will come up.

Commissioner Olson asked why that requirement would be placed on this property owner for the use of their own property. He asked when the meeting regarding access would be held with MnDot.

City Planner Hanson stated that she was not sure about the schedule for those meetings but knows that the conversations have been ongoing and they are still actively planning. She noted that staff has also engaged MnDot as part of this concept plan, but have not yet received comments.

The applicant stated that they have no problem extending their parking or drive aisle stubbing up to the TEL property.

Commissioner Olson asked if the proposed retention pond needed to right as someone enters the property.

The applicant stated that their concept plans show it in that location because of natural elevations. He stated they do not know its actual size yet because they have not studied the amount of hard surfaces and other calculations. He stated the way it is currently depicted is what they feel is the best, known location based on the topography of the site.

Commissioner Olson stated that he has been driving in and out of that parking area for 14 years and would like to see them find a way to make it more visibly attractive if this is the location that the retention pond will be.

The applicant stated that they plan to make it an amenity with landscaping because it will be right at their front door.

Commissioner Urbanski confirmed with the applicant that the spaces will be leased and not a condo.

Motion by Commissioner Urbanski, second by Commissioner Olson, to recommend approval of the Concept Plan for 3740 Chestnut Street, based on the following conditions:

1. Approvals shall be based on the following graphic exhibits:
 - a. Project Narrative (pgs 1-4)
 - b. Aerial Exhibit, submitted by Moore Engineering, Inc.
 - c. Site Exhibit (pg 1), submitted by Moore Engineering, Inc., dated January 16, 2023
 - d. GIS Slope Analysis, submitted by Moore Engineering, Inc., dated December 14, 2022
 - e. Existing Conditions (pg 3), submitted by Moore Engineering, Inc., dated February 21, 2023
 - f. Future Conditions (pg 4), submitted by Moore Engineering, Inc., dated February 21, 2023
 - g. Concept Development Plan (pg 5), submitted by Moore Engineering, Inc., dated January 23, 2023
 - h. Turning Movements, submitted by Moore Engineering, Inc.
 - i. Schematic Floor Plan (pg SD01), submitted by Thielen & Green, dated January 20, 2023
 - j. Schematic Elevations (pg SD02), submitted by Thielen & Green, dated January 20, 2023
2. Adherence with the Engineers Memo dated April 4, 2023.
3. Compliance with the MnDOT memo when made available.
4. Provision/modification of any drainage and utility easements as required by the City Engineer in the course of their review.
5. Provision of easements for the shared access (vehicular cross access easements) and utilities (utility easements) that service this lot, to be recorded with the plat.
6. Coordination with the City Engineer with regard to utilities, grading and drainage.
7. Installation of all site lighting at a 0 degree angle with the light source fully concealed.
8. Provision of a material board to be submitted at preliminary submittal.
9. Utilization of modular face brick or natural stone as a Class I material.
10. No exterior storage will be permitted.
11. Provision of a wooded steep slope field walk with staff to determine the wooded steep slope delineations prior to preliminary submittal.
12. Provision of a 50 foot building/parking setback and a 30 foot no grade/no mow setback from the edge of 18% wooded steep slopes.
13. Provision of hydrant placement needs to accommodate City standards for hydrant placement and fire code standards.
14. Provision to submit Utility and Site Plan As-Built prior to issuing a building permit.
15. Any and all building signage shall be submitted separately, meet the sign ordinance, and shall obtain sign permits prior to installation.
16. Provision that signage for all tenants to use similar signing methods and design.
17. Provision of a sign plan to be submitted at preliminary.

- 18.Provision of a storm water management plan meeting City and Carver County WMO standards. Page 169 of 199
- 19.Compliance with applicable zoning requirements, in particular Section 15.28 (Special Regulations).
- 20.Provision that all mechanical equipment will be fully screened from view.
- 21.Compliance with Section 15.28.120 Building Design/Materials and Site Design.
- 22.Provision to further explore more building design elements in line with the context of Chaska, and to be addressed at preliminary submittal.
- 23.Provision to further explore more design methods to allow a more cohesive look with the material applications, and to be addressed at preliminary submittal.
- 24.Provision to further explore design methods on the east façade so it can read like a “front” façade, and to be addressed at preliminary submittal.
- 25.Coordination with Electric Department on service locations.
- 26.Provision of decorative front doors and overhead doors on the south and north facades, and to be shown on the elevations and as specs at preliminary submittal.
- 27.Provision that planting islands are provided in the parking lot areas that meet Section 15.28.070.E.4 and to be shown on the landscape plans at preliminary submittal.
- 28.Provision of a tree preservation plan to be submitted at preliminary.
- 29.Provision of a fire truck turning exhibit to be submitted at preliminary.
- 30.Provision of a truck turning exhibit showing back-ups from overhead doors
- 31.Provision to further explore vehicle circulation through the site, and the elimination of dead-end parking lots, and to be addressed at preliminary submittal.
- 32.Preservation of a vehicle access for the northern TEL property through the 3740 Chestnut Street site, and to be shown at preliminary submittal.
- 33.Provision of irrigation for the landscaped and sodded areas of the site.

Motion carried.

8. Other Business

A. Receive Previous Meeting Minutes

8.A.i. March 6, 2023 and March 20, 2023 City Council Meeting Minutes

9. Other Business

Commissioner Aasen

- Asked if there was anything the City could do with relation to parking restrictions for the contractors working on the apartment building north of the railroad tracks on Clover Ridge.

Community Development Director Kabat stated that staff is continuing to work with them and explained that the objective would be for them to be concentrating their activity on the site.

Chairperson Brass

- Asked what was going on with ‘the bump’ near Target

Community Development Director Kabat stated that he was not sure.

Commissioner Aasen stated that he thinks it may be possible that they put in a utility line too shallow and the fluid had penetrated the surrounding ground. He explained that what can happen in that situation is that when it freezes, it bubbles up.

- Asked if Costco was still moving forward.

Community Development Director Kabat explained that project continues to move forward and noted that staff has been seeing permitting come through from all the involved players. He stated that now that the weather has begun to change he expects to see a more visible change for this project area.

10. Adjourn

Motion by Commissioner Urbanski, second by Commissioner Purdy, to adjourn the meeting at 9:36 pm.

Motion carried.