

**CHASKA PLANNING COMMISSION
MINUTES
FEBRUARY 14, 2024**

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, Purdy, Kerber, and Chairperson Brass.

Members absent: Commissioners Baswa and Campbell

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

3. Adopt the Agenda

Motion by Commissioner Urbanski, second by Commissioner Olson 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 December 13, 2023 Planning Commission Meeting Minutes

Motion by Commissioner Aasen, second by Commissioner Olson, to approve the minutes of the December 13, 2023 Planning Commission meeting.

Motion carried.

6. Consent Agenda

None.

7. Action Items

- a. Recommend Approval of the Concept Plan for Ensconced Woods 2nd Addition/Matthew Reiland/PC #2024-01

City Planner Cauley presented the item to the Commission.

Commissioner Olson asked about the continuity of these neighborhoods and why the City wasn't trying to keep things consistent. He stated that he understood that this is a different developer but still questioned why they wouldn't want to keep things consistent.

City Planner Cauley stated that continuity, in terms of naming conventions, was not something that was really within the staff's role to even provide feedback on how a developer chooses names, but noted that they could provide that feedback if the Commission would like that to be done. She stated that the Commission could also share their opinion on continuity in setbacks with the applicant. She explained that staff felt their request was reasonable because, visually, 2.5 feet will not be significant and helps the applicant achieve a buildable pad that allows for greater preservation and protection from the steep slope.

Chairperson Brass asked about the ghost plat and whether it was just a place holder that did not have setbacks or anything officially established and simply shows how the lots could potentially be delivered when it is no longer landlocked.

City Planner Cauley stated that a good way to think about this in terms of level of details is that a ghost plat would be at the bottom which means it will be extremely general. She stated that level above the ghost plat would be the concept plan which would include a bit more detail.

Chairperson Brass stated that per Commissioner Olson's question regarding setbacks, he noted that they are slightly different than Rivertown Heights and the first Ensconced Woods and asked if they were within the required setbacks and just different from the surrounding neighborhood.

City Planner Cauley explained that those were the setbacks proposed by the developer and noted that there are other developments in the City that have a similar setback.

Commissioner Olson asked what the City's requirement was for setbacks.

Chairperson Brass stated that he thought the City had requirements for front, back and side yard setbacks.

City Planner Cauley stated that it was dependent on the particular zoning so this, as a PRD, they are establishing their own setbacks.

Chairperson Brass noted that he knows the City has done other neighborhoods with basically detached townhomes and he is sure that they have sold out.

City Planner Hanson noted that related to the question of what is required, the City has seen a mix of setbacks throughout different developments, including side setbacks all the way down to 5 feet so this request is not atypical of what they have seen in other developments.

Chairperson Brass stated that he wanted to know if the City had any established setbacks for this specific zoning because he wanted to know if they fell in line with that even though they were different than Rivertown Heights.

Commissioner Urbanski asked if he was trying to determine if they would be back to seek a variance at a later date.

City Planner Hanson stated that they would not require a variance for the setbacks.

Chairperson Brass stated that the market will dictate what people want to buy and explained that he would be more concerned about the slope and being able to move things 2 feet further away from that may be more important.

Commissioner Olson stated that he believes that there would only be 1 or 2 lots that would have that closer restriction. He stated that he would propose that the applicant follow the same setbacks as Rivertown Heights. He explained that he didn't feel there was any reason why they would have 23 feet versus 25 feet or 5 feet versus 7.5 feet other than they want to build a larger home on the lot.

Commissioner Gaare stated that her understanding was so they could have more behind.

Commissioner Olson stated that understands but it is 2 feet and reiterated that he felt there was no reason why this cannot be consistent because it is finishing up the loop for Rivertown Heights even though it is a different developer and land owner. He explained that he felt it was the Commission's responsibility to be the check and balance and be able to say what is the right thing for this specific development and reiterated that it is only a matter of 2 feet.

Dave Nash, Alliant Engineering, pointed out that Ensconced Woods had setbacks of 5 feet for both and believes there was a typo on the information presented by City Planner Cauley. He explained that they were matching what Ensconced Woods was approved for and noted that one of the reasons they were asking for the smaller setbacks is that D.R. Horton is a mass builder, not a custom builder, and they were planning to build custom homes on these lots. He noted that he felt that Ensconced Woods has proven that they can work with the smaller setbacks because it allowed them to get wider homes on the lots and not go as deep. He stated that even if it is only a few lots, they will still be fighting slope on the east side so they more they can make things wider and more narrow the better it will be kept off the slope.

Chairperson Brass asked Commissioner Olson if his concern was about the rear setback or others.

Commissioner Olson stated that it was that the front and side setbacks because they would be going from 7.5 to 5 feet and the rear would be going from 25 to 23 feet. He explained that the Commission was going by the table that had been presented to them and he had not gone back to look at Ensconced Woods or Rivertown Heights because he had expected the correct information to be provided by staff. He noted that if Ensconced Woods did have 5 foot setbacks that is fine, but it is not connected to Rivertown Heights and reiterated that this would finish up the loop.

Mr. Nash noted that the intent of this development, even though it is connected to Rivertown Heights they plan to do everything they can to segregate this and identify it as a different development than Rivertown Heights, with something like a monument sign, which is important to Johnson Ryland, the builder.

Chairperson Brass asked for clarification and whether they were really trying to make it separate somehow.

Mr. Nash stated that it will be separate because it will be a separate plat that has separate ownership.

Chairperson Brass stated that when you drive into a neighborhood it is essentially one loop.

Mr. Nash stated that they proposed plans show a monument sign coming into it in order to identify it as a new neighborhood.

Commissioner Olson asked if this would be done for both ways.

Mr. Nash stated that they can do both, but were only proposing one right now with the anticipation of where most of the traffic would come from.

Commissioner Olson explained that this was why this was difficult because of the piece meal of how this is getting developed and how it has been sold. He stated that the question becomes what the City can do in order to make it look like it is supposed to be one rather than piece meal with two different neighborhoods with two different names.

Commissioner Gaare stated that this will be a completely different style of home and everything else, so she can understand why they would want to have some difference.

Mr. Nash stated that once the houses are built and the product difference, they will understand that it is truly different.

Commissioner Gaare stated that the product style difference is deliberate.

Commissioner Olson asked how the City can make it so that it is still cohesive.

Chairperson Brass stated that he believes the point being made by the applicant is that they don't want it to be cohesive. He noted that this is a unique circumstance where it basically a continuation of a road where they are proposing different neighborhoods.

Commissioner Olson stated that the Commission did not know that when the ghost plat came through with Rivertown Heights and just knew that it was going to be developed. He stated that he believed he saw something in the write-ups about sport courts in the backyards and asked how many homes in Enskonced Woods have sport courts.

A gentleman from the audience stated that there were no sport courts in Enskonced Woods.

Commissioner Olson stated that if there are no sport courts in Enskonced Woods, using that as a reason for the variation in the setbacks, does not really hold up for him.

Paul Reiland, Johnson Reiland Builders, stated that they had a different layout where they were going to loop the road differently and come into the future phases, but that did not work from an engineering perspective with the steep slopes. He explained that they have worked really hard at trying to create a separate identify for the neighborhood even though it is one City street. He noted that one of the unique things about Chaska that is driving buyers here is that they can

develop more of the available land on their lots when other communities have very restrictive rules on things like impervious surface. He stated that being able to have the 20 foot setback will be important for some of the lots that are right up against the steep slopes. He noted that everything he has seen from D.R. Horton are very similar 2-story homes and they are building more rambler/1-story homes, which is what 50% of the buyers in the current Ensconced Woods have done. He explained that this style of home tends to take up more width and an extra 5 feet really helps quite a bit. He noted that this is the same product as what has been built in the current phase, so the Commission can see what those look like.

Commissioner Urbanski asked if the plan was to try to keep a lot of the trees in there to kind of separate this neighborhood from Rivertown Heights in a visual way.

Mr. Reiland stated that he understands that looking at this from an aerial view it all looks like the same thing but this piece of ground is actually very different in terms of trees, slopes, and vistas because most of the lots on the outer edge will have view of the river valley and Rivertown Heights does not. He stated that the trees in the wooded steep slope areas are protected by Code but noted that they will do everything they can to protect more trees like they did in the first phase. He noted that he believes they were able to provide with the original Ensconced Woods development how 5 foot setbacks can be successful with the customization of homes and dropping garage elevations along with landscaping.

Chairperson Brass stated that this is a unique situation because it will be a separate neighborhood within one horseshoe roadway. He stated that he does understand where the developer is coming from with the argument that there are other neighborhoods in the City that have 5 foot setbacks and they also look like detached townhomes. He noted that he did understand Commissioner Olson's concerns about continuity, but thinks that ultimately that is not what the landowner is going for which is what makes this unique.

Commissioner Urbanski stated that they are also working with a really unique contour of land in this location as well.

Chairperson Brass agreed and noted that he did not personally have an issue with the 5 foot setbacks because it has been done before. He stated that he also would be fine with the 23 foot setback rather than 25 feet and believes it comes down to whether the Commission is okay with it not being visually a bit different, which is what the applicant's goal is.

Commissioner Kerber asked if they would be dealing with any type of associations.

Chairperson Brass stated that he did not think so and noted that if there was he thinks it would be for something minor like the mailboxes.

Commissioner Olson stated that the houses they will be building will be what sets it apart. He stated that he had already voiced his opinion when it comes to the naming and consistency side of things. He explained that he lives in a neighborhood that is very disjointed because of how things came together. He noted that when it comes to the requirements of what the City will hold them to, he questions whether the City would have said yes to D.R. Horton if they had come in and asked for a 23 foot setback rather than 25 feet. He stated that they approved the

Rivertown Heights development and 7.5 and 15 feet is more the norm, not 5 feet. He noted that the Del Webb development was referenced but does not believe that would be a fair comparison because it is a retirement community.

Chairperson Brass noted that there were other developments besides Del Webb.

City Planner Hanson agreed and explained that there are other developments that have implemented a 5 foot setback.

Commissioner Olson stated that he would still like to see the setbacks be at 25 and 7.5 feet like Rivertown Heights.

Motion by Commissioner Purdy, second by Commissioner Gaare, to recommend to the City Council approval of the Concept Plan of Ensconced Woods Second Addition, subject to the following conditions:

1. Approvals shall be based on the following graphic exhibits unless modified by the conditions below:
 - a. Narrative, revision dated Jan. 30, 2024
 - b. Location and adjacent property map, submitted Jan. 30, 2024
 - c. Site features map dated Dec. 28, 2023
 - d. Existing conditions dated Jan. 18, 2024
 - e. Concept plan dated Aug. 1, 2023
 - f. Sanitary sewer and grading concept dated Nov. 15, 2023
 - g. Ghost plat dated Jan. 18, 2024
 - h. Monument and house exhibits submitted Jan. 2, 2024
2. In addition to the items required by City Code Sec. 15.36.050, the following must be submitted for a preliminary plat application to be complete:
 - a. Tree inventory and preservation plan;
 - b. Grading plans; and
 - c. Landscaping plans in conformance with City Code Sec. 15.28.070.
3. Coordination with:
 - a. City Engineer regarding utilities, grading, access, and drainage.
 - b. Electrical department on service locations.
4. Compliance with City Ordinances, including:
 - a. Sec. 15.28.290, Anti-monotony and Design requirements: including LP Smartside on front elevations and 4-inch window trim on all windows.
 - b. Sec. 15.28.100, Setback from Steep Slopes: including 50 feet from the edge of the 18-percent slope and 30-foot "no-grade/ mow" zone adjacent to the 18-percent slope for purposes of erosion control.
 - c. Sec. 15.36.080, Subdivision Design Standards: including streets and sidewalk
5. Setbacks are follows:
 - a. Front yard setback: 23 - feet

- b. Side yard setback: 5 – feet
 - c. Rear yard setback: 20 – feet
 - d. Steep Slope: 30-foot buffer and 50-foot setback from the wooded steep slope
6. The entrance sign must comply with City Code Sec. 15.32.030. As shown, the sign is located in a drainage and utility easement which may contain utilities, landscaping, and pedestrian improvements.
7. Adjust the rear lots lines on Lots 1-5 and Lots 7-11 to the 30-foot no-grade/ no-mow setback line.

Motion carried 6-1 (Commissioner Olson opposed).

- b. PUBLIC HEARING: Recommend Approval of the Zoning Ordinance Amendments to Non-Conforming Structures & Uses, Non-Conforming Lots of Record, and Variances/City of Chaska/PC #2024-03

City Planner Hanson presented the item to the Commission and noted that if this moves forward it will come before the City Council on February 26, 2024.

Chairperson Brass opened the public hearing at 8:14 p.m., being there was no one who wished to comment, he closed the public hearing.

Motion by Commissioner Brass, second by Commissioner Kerber, to recommend approval of the ZOAs to Section 15.04.050 (Non-Conforming Structures and Uses) and Section 15.04.060 (Non-Conforming Lots of Record) based on the draft ordinance.

Motion carried.

Motion by Commissioner Brass, second by Commissioner Aasen, to recommend approval of the ZOA to Section 15.08.080 (Variances) based on the draft ordinance.

Motion carried.

Community Development Director Kabat outlined the way staff was planning to continue to move through the upcoming Zoning Ordinance Amendments.

Chairperson Brass noted that tonight's amendments were pretty straight forward because they were things copied from State statute. He asked that when they are further along with the more complicated or in-depth amendments, he would suggest that the City Attorney be present for those discussions.

8. Other Business

- a. Recommend Appointment of Planning Commission Chair and Vice-Chair to City Council

Motion by Commissioner Brass, second by Commissioner Purdy to recommend to the City Council the appointment of Commissioner Urbanski to serve as Vice-Chair of the Planning Commission.

Motion carried.

Motion by Commissioner Purdy, second by Commissioner Urbanski to recommend to the City Council the appointment of Commissioner Brass to serve as Chair of the Planning Commission.

Motion carried.

9. Receive Other Meeting Minutes

- a. Receive the December 4, 18, 2023 and January 8, and 22, 2024 City Council Meeting Minutes

Commissioner Purdy

- Noted that there was a lot of beautification work being done in the City and asked what would happen with the KFC building because it has been sitting empty for 16 years.

Community Development Director Kabat stated that would be at the discretion of the owner and explained that his understanding is that it had recently been purchased by somebody who owns and operates a number of Mexican restaurants. He noted that he did not believe that anyone had staff had spoken to the new owners yet to find out their proposed plans for the site or the building.

- Explained that he had heard that Red Bench is opening a Speak Easy behind them.

City Planner Hanson confirmed that this is what they were planning.

Chairperson Brass

- Noted that Coopers would be closing sometime in March and asked if staff had heard about any inquiries into the property.

Community Development Director Kabat stated that he was sad to see Coopers go but noted that staff would continue to work with the owners to see what opportunities may be. He noted that, from the City's perspective, getting a grocer in there would be the ideal outcome.

10. Adjourn

Motion by Commissioner Urbanski, second by Commissioner Olson to adjourn the meeting at 8:29 pm.

Motion carried.