

**CHASKA PLANNING COMMISSION
MINUTES
OCTOBER 9, 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, Baswa, Purdy, Kerber, Campbell, and Chairperson Brass.

Members absent: Commissioner Urbanski

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

3. Adopt the Agenda

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

Motion carried.

4. Visitor Presentation

No one appeared under Visitor Presentation.

5. Approve Previous Meeting Minutes

- a. Approve the September 11, 2024, Planning Commission Meeting Minutes

Motion by Commissioner Olson, second by Commissioner Kerber, to approve the minutes of the September 11, 2024 Planning Commission meeting as presented.

Motion carried.

6. Consent Agenda

Motion by Commissioner Brass, second by Commissioner Purdy to approve the Consent Agenda as follows:

- a. Recommend Approval of the Final Site & Building Plan for the Golf Performance Center/Hazeltine National Golf Club/PC #2024-18.

Motion carried.

7. Action Items

- a. PUBLIC HEARING: Recommend Approval of the Preliminary Site & Building Plan, Preliminary Plat, Zoning Ordinance Amendment (ZOA) and Conditional Use Permit (CUP) for CloudHQ/CloudHQ/PC #2024-13

City Planner Hanson presented the item to the Commission and noted that if the Commission moves this item forward it would go before the City Council on October 21, 2024.

Chair Brass asked about the homestead driveway and if this was something that the applicant would fill in for the neighbors or if the City would take care of it.

City Planner Hanson stated that right now it is within a City-owned outlot, however, that is a detail that they do not yet have specifics on in terms of how it would be finished out. She stated that may be something that the applicant had additional information about because it will be taken out as part of the project.

Chair Brass referenced the 20-year plan for trees and landscaping and asked if there would be any documents of enforcement drafted and because trees that may die and need to be replaced.

City Planner Hanson explained that the point of the 20-year plan was essentially what it would look like in 20 years in terms of the scale of the canopy. She stated that replacements would come at the same warranties that any other landscape plan would have.

Chair Brass stated that he felt that was important because there will be a lot of trees and should be something in the final development agreement that they have to replace trees or something of that nature. He asked if they chose to go the route of a tree fund/tree bank if that meant it had to be done in public places or if it could be used for adjacent neighbors, if they happened to have a dead tree. He explained that would be a way for them to get something in return with the excess trees, since they would be the ones that would be potentially affected by this project.

Community Development Director Kabat stated that is where the challenge could lie and noted that he appreciated the creativity of Chair Brass's thought process, but if they look at the purpose of the ordinance, it was really about the public benefit, so they would have to be careful when they think about the link between private and public.

Chair Brass suggested that perhaps they can look at public parks in the neighborhood and, if there was a need, those could benefit first.

Community Development Director Kabat stated that they had talked with the Public Works Director about how this may work but there were still details that needed to be ironed out. He noted that in the City's existing parks, they are dealing with Emerald Ash Borer and attempting to actively prepare for removal and replacement.

Commissioner Olson stated that, in the past, when the City has run into landscaping issues on the industrial side of things, the City has been a little lax on requiring the full allotment of landscaping. He stated that this one seems a little off because now the City is holding firm to their requirements and saying that you can't fill it in but you can fill the tree bank for trees for the City and it can be used somewhere else. He stated that he did not want to use the word dirty, but felt that it seemed off compared to any of the other projects that have come before the Commission because in those, the City required them to put the landscaping on their property and have not allowed them to create a fund in order for the City to put the plantings somewhere else. He reiterated that he felt that this was the first time the City was allowing a development

to come through and not hit their landscaping requirement, but provide an opportunity to fund a bank for the City to be able to use it a different way.

Chair Brass stated that he did not recall other developments that have been under.

Commissioner Olson explained that those others have hit their requirements, but this one cannot hit the requirements, so the City was saying that was okay.

Commissioner Kerber stated that she thinks they can hit their requirement, but the point is that they don't want to hit the requirements around the building, but want to hit the requirements so the neighbors have a berm.

Chair Brass stated that they could plant them on the other side of the berm but that would be worthless.

Commissioner Baswa stated that they should not be giving the opportunity for future developments to say that they cannot meet the requirement and will just put it in the fund and expressed concern that this may open up the floodgates for other developments to use this type of practice. He noted that the maximum always depends on the size of the building and they wanted to put in the maximum space for the building, but that was the reason that they could not put more trees.

Commissioner Olson agreed and noted that if their building was half the size, then they could put in the landscaping.

Chair Brass stated that he felt it was very similar to park dedication fees.

Community Development Director Kabat stated that Commissioner Olson was correct that this is a new thought process and explained that there have been other projects where; in order to meet the landscape requirement, it has been probably more than a healthy planting that has taken place on the site which has raised questions about the long-term sustainability of it. He explained that he felt staff had heard concerns about this raised by the Planning Commission and also the desire to seek balance. He noted that he wanted to give credit to CloudHQ in this situation for the idea of doing a tree bank, because the idea came from them. He explained that they have acknowledged that they could get all of the trees on the site, if that was what the City really wanted, but from their perspective, they would prefer to see the investment have more of a public facing benefit rather than landscaping on the interior of the berm in a location that was really not visible to anyone except people who have been visiting the site. He stated that CloudHQ suggested it but staff had analyzed it and felt it was a reasonable outcome.

Commissioner Baswa stated that he felt it was a good idea to have somewhere else but asked about the timeline because he felt that was important. He stated that the City needed to make sure that the tree bank was actually used at the right time and that it would help the City and residents.

Chair Brass asked if the tree bank would be more of a monetary contribution as a fund that the City would draw upon.

Community Development Director Kabat agreed that was the general idea which was similar to park dedication fees.

Commissioner Olson asked for clarity on the rationalization for allowing the doubling of the size from 36 to 72 feet. He noted that the PID was set for 36 feet which CloudHQ and staff knew when they came in.

Chair Brass noted that the Commission had approved the Concept.

Commissioner Olson stated that staff continued to allow that to come through and explained that he would like to know what staff's position was on that and how it came to be that way.

Community Development Director Kabat confirmed that this was something that was discussed at Concept.

Commissioner Olson stated that it was a side note with very little discussion and was brought up as one line saying that they would come through at Preliminary for an amendment and that was all that was discussed.

Chair Brass noted that he thought the Commission had seen renderings and berms at the Concept level.

Commissioner Olson reiterated that there was talk of it but only one statement that said that they would need an amendment.

Chair Brass stated that he felt the Commission was aware of the 72 feet.

Commissioner Olson stated that he felt the Commission was aware that it was tall and reiterated his question about the beginning of the process and wanted to know how this went from knowing that it was planned for 36 feet to ending up at 72 feet.

Community Development Director Kabat stated that at Concept, CloudHQ was very open with their intention that they would propose a 72-foot building. He explained that staff had informed them of the conditions within the current zoning and this was discussed at Concept and presented to both the Planning Commission and the City Council. He noted that renderings were provided that also showed the landscaping and berms so he felt staff was pretty upfront with CloudHQ that if they wanted to pursue that height of a building, the site lines would need to be a priority and to be sensitive to the outcome for the existing neighborhood. He stated that CloudHQ came forward with the building and noted that what was presented tonight was the same footprint and the same height, had the same berm, but with more landscaping than what had been presented at Concept. He noted that at Concept, what staff heard from the Planning Commission was a recommendation for approval, knowing that the building was what it was and that there would be a need for an amendment to the zoning. He stated that they had the same discussion with the City Council and they had also approved the Concept plan, which was why CloudHQ felt comfortable coming forward at the Preliminary stage with what had been approved at the Concept phase.

Commissioner Olson stated that it was assumed going in that CloudHQ was going to be allowed to get an amendment because it was presented to the Commission and recommended to them that they should approve at Concept a 72-foot building.

Community Development Director Kabat stated that was correct.

Commissioner Olson acknowledged that this was presented to the Commission at Concept as a 72-foot building, but noted that was all it was, a concept.

Community Development Director Kabat clarified that staff can only present to the Commission what the applicant has asked for and reiterated that the Commission had recommended approval of what had been presented at the Concept phase, and the City Council approved it.

Commissioner Olson stated that staff knew what was zoned for that lot at the time, which was 36 feet.

Community Development Director Kabat stated that was correct and was presented to the Commission.

Chair Brass stated that they went through this and noted that he remembered the berm too because he had asked if some parts of the berm would be taller for some of the neighbors. He stated that it looks like some of the berm is taller in certain sections but was an average of 30 feet.

City Planner Hanson stated that the applicant could address that.

Commissioner Baswa stated that he remembers the Commission having a long conversation about this and had asked if there would be at least 5 more feet on the corners. He stated that if they could consider that he thinks it would be great because those are directly impacted because they have a direct line of site.

Commissioner Olson noted that they did not have a long conversation on the amendment side of things. He stated that within the 2040 Comprehensive Plan, the green belt actually touches this property and asked staff to comment on that because he had brought this up at the Concept phase, but it was not addressed.

Community Development Director Kabat stated that he felt it was important to understand the Comprehensive Plan, especially in areas that are undeveloped, because it is hard to know exactly where that line will fall on development. He stated that the intent for the area that is guided for open space and wetland is to incorporate areas that are wetlands or undevelopable. He explained that this was done by looking at aerial photos and trying to make a judgment call on where those lines may actually but noted that it wasn't until they got into the development process can they really fully understand where the delineation occurs.

Commissioner Olson stated that the green belt continues down towards Fleet Farm and when the City continues to develop, they will cross into the green belt area again, so he felt that they would

have this same conversation again. He stated that makes it seem as though it really doesn't mean anything. He stated that within the 2040 Comprehensive Plan it was presented as protecting the barrier around Chaska and it has been there for decades and now the first time the City actually comes close to it, they just plow right through it which concerns him.

Community Development Director Kabat noted that this particular parcel was not designed to be part of the green belt. He stated that much of the green belt and the tool that they use is guided rural residential and there are policies around how that can develop.

Commissioner Olson stated that it is very clear that the green belt crossed over the Laketown Township border and into this parcel within the 2040 Comprehensive Plan. He explained that he had concerns about what is going on with this parcel and how it conflicted with the 2040 Comprehensive Plan. He stated that he brought this up at Concept but it had still not been addressed. He noted that they seem to just be walking past it because they are developing the whole thing, but that goes against everything that Chaska has been for the last 30 years since the green belt was created which disappointed him.

Chairperson Brass opened the public hearing at 8:08 p.m.

Brett Burnette, Director of Development, Fairfax, VA, stated that he was here representing CloudHQ and explained that they are a hyper scale data center development company that is based in Washington D.C. and have projects throughout the United States as well as several international countries. He stated that he wanted to reiterate their excitement about developing in Chaska and explained that the data center world changes frequently and have a lot of items that need to be sorted out in order to do a project of this size. He stated that they have been working through them all, including power, but explained that they were committed to being part of this community. He noted that there were also additional team members present tonight to help answer questions. He stated that regarding the landscaping issues, he appreciated the commentary that took place and explained that this was a unique project for CloudHQ and was, by far, the largest berm that they have ever installed on a project. He stated that the plans call for 1,200 trees and 1,500 shrubs. He stated that it has been very collaborative and explained that the reason that they brought forward the alternative idea and concept was to present an array of options that they felt may be more beneficial to the public. He stated that this is a data center that will mostly house computer equipment and the humans that will be there are primarily on the northwest corner of the site, so they beefed up the landscaping in that area but a 30-foot berm was stepping down on the interior side on the north and east side of the site. He stated that they felt that was not providing a lot of public benefit to build the forest that they have on the residential side. He noted that he felt that the forest they were planning to build on the residential side was very warranted in this situation because there is a nice residential community already there. He stated that he wanted to reiterate that the plans they saw with the renderings that was from what they brought at Concept which was a 25% of code plan for trees and they are now at 61%, so it is double what they had originally shown. He stated that another thing he felt was important was the mix of trees was high on the 2-3 caliper inch on the original concept plan and they are now much heavier on the 3.5-4.5 caliper inch and have paid particular attention to not just the 20-year plan, but also to the day one plan and what it will look like for the residents when it was first built which he felt was important.

Chair Brass asked when they planned to begin work on the berm.

Mr. Burnette explained that the berm would have to be done before they start vertical construction on the building and hoped to begin on it at the end of 2024 or early 2025. He stated that they are anticipating that it would take no more than one year to complete and would likely be faster than that, but noted that it would depend on dirt availability because this is 300,000 cubic yards.

Chair Brass asked if they would do the berm in tandem with doing footings and foundation for the building, but the berm would be done before the vertical panels go up.

Mr. Burnette stated that was correct and noted that when they begin foundations would be dependent on when there is a tenant for the building because they are fairly customized buildings.

Chair Brass asked if this was basically a spec development.

Mr. Burnette stated that was correct and explained that they are a hyperscale single-tenant builder. He stated that there were only a certain number of these types of tenants that exist and explained that they were having really good conversations with several of them, but there is one that has shown the most interest. He explained that the building they have designed is based primarily on the design of the most interested party, but it could accommodate other tenants should they need to shift. He stated that they would likely begin the berm early in the process when they have a strong feeling that they are moving forward, but would not begin foundation or vertical work on the building without a signed tenant.

Commissioner Gaare stated that her big concern with data centers is the noise and noted that if he was from northern Virginia, he would know that is a big issue out there because of how tightly packed people are and how close some of the data centers are to residential areas. She stated that she would suspect that there will be people from the neighborhood who express similar concerns. She noted that she realized that the noise analysis was included in the packet which was based on computer simulations that talked about the decibel levels, but did not address the frequency. She gave the analogy of a jet engine being louder than a mosquito, but if that mosquito is in your ear 24/7, it can be pretty impactful. She stated that they will have the 30-foot berm which will be great for aesthetics to shield some of the neighborhood, but they have a lot of equipment on the roof of the building and asked Mr. Burnette to give the City some confidence that issue has been addressed and the people who live in the neighborhood would not be listening to it 24/7.

Mr. Burnette introduced Tad from Kimley Horn and explained that he was their sound expert. He stated that, in general, the projects that Commissioner Gaare referenced in northern Virginia do not have any sort of berm and also have much less landscaping than they have. He noted that the chillers that are on the roof are a different type of equipment than they are proposing to use in Chaska and noted that there have been a lot of advances in technology in terms of sound mitigation techniques that are available for mechanical equipment.

Tad Hardy, Kimley Horn and Associates, explained that he works out of the Charlotte, NC office. He stated that many of the things that are proposed for this development from a mechanical equipment standpoint are newer, more technologically advanced, and quieter in some sense. He

stated that the modeling that they did for this site took into account all the frequency spectra that the manufacturers provided to them and when that is put into the model they have been able to see what that looked like in the surrounding areas. He noted that the model also took into account the shielding that is provided from the barrier that is on top of the building and the berming. He stated that everything that is proposed for this site was included in their model so they have confidence that the noise levels would not be impactful. He noted that the coolers were set to be fit with low sound fans which would be another perk that was already added in and stated that all the generators on site would be upfit with hospital-grade silencers that reduce various frequencies from 35 decibels up to 45 decibels which will also keep the noise levels in check.

Chair Brass asked if, outside of an emergency scenario, the generators would run every so often.

Mr. Hardy explained that every generator has to be tested annually for a few hours at a time, but noted that they only happen one at a time.

Chair Brass asked if, in an emergency situation, because the generators have medical grade silencers if that meant they were still below the threshold for statutory guidelines of a residential neighborhood.

Mr. Hardy stated that the Minnesota state rule has a limit of 50 for L50 during the night time which means 50% of a given hour you cannot be above 50 and they were below that if everything was operating for an entire hour.

Commissioner Olson asked if CloudHQ had actually installed any of the chillers that the modeling was based on in any of their other data centers.

Mr. Hardy stated that he was not sure if they had installed this specific model.

Mr. Burnette stated that they have a project called LC4 that has the chillers that they are proposing for this site. He noted that there is residential right across the street without a berm and they have not had any issues.

Commissioner Olson asked how adjacent the residential area was.

Mr. Burnette stated that it is across a 4-lane highway.

Commissioner Olson stated that the residents wouldn't really know any difference because there is a 4-lane highway already there and explained that a 4-lane highway would be a lot different than Schoolmaster Drive. He asked if CloudHQ had any other comparable sized data centers that was right next to residential with this proximity.

Mr. Burnette stated that they have one in Ashburn and their predecessor company had also done two in Illinois in Chicago. He stated that one was directly adjacent to residential and the other across a 2-lane roadway and they have not had any noise complaints even during outage situations. He stated that their program was a bit different than other developers because they have the generators in enclosed structures which gives them more options for noise mitigation

because they are encased in concrete, but you can build in other types of systems that are different than what you would use, for example, in a container in a mechanical yard.

Chair Brass asked if they could give a 'for instance' kind of comparison with the noise modeling data.

Mr. Hardy stated that when they were wrapping up the modeling, the overall noise level for the typical operation scenario was about 47 and that would be like a dishwasher running in the kitchen while you are around the corner. He explained that it would be similar to the interior of a home without having something like a football game playing on the television.

Chair Brass asked if Mr. Hardy was confident that the noise will be contained.

Mr. Hardy confirmed that it would be contained and over time, with the maturing of the landscaping, the environmental noise that would be part of the ambient noise environment within the trees would likely to be more dominant. He noted that this was also the largest berm he had modeled as well, he noted that he did a 25-foot berm for an industrial area that has worked wonders. He noted that the berm proposed for this project is larger, has more landscaping, and is above and beyond what he has seen in his 12 years doing acoustic work.

Commissioner Olson stated that this is just modeling and that is only as good as the information that is put into it. He stated that he feels that you can make any kind of answer that you want when using a computer model and noted that CloudHQ wrote Mr. Hardy's paycheck, so they are getting the answer that they want. He stated that he would be the skeptic on this item and noted that a dishwasher running all the time in his backyard was probably not something that he would want to hear. He stated that he understands that they are trying to do everything they can with the landscaping and berming, but there is still the uncertainty of what if the model is wrong or the chillers don't work. He stated that those 'what if' scenarios are what he was concerned about. He stated that he would love to cut the building in half, reduce the sound and the berm, because he thinks a lot of these issues would go away.

Chair Brass noted that they could have a manufacturing facility here stamping metal.

Commissioner Olson stated that he felt the City needed to make sure that they put assurances in that the sound side of things will not be a problem.

Chair Brass noted that there are laws related to sound.

Commissioner Olson stated that the State Statute laws were based on information before there were data centers.

Commissioner Baswa stated that he believed that there were already a couple of data centers.

Chair Brass agreed and noted that there were 4 of them there.

Commissioner Baswa noted that he believed the biggest one is probably one-third of the size of this proposal, but acknowledged that they were older, so the technology has definitely advanced.

Chair Brass stated that he lived with the United Health data center in his backyard for years and it was fine for him, and it was much older.

Commissioner Baswa reiterated that with the advanced technology and modernized techniques of the newer equipment, it most likely would not be an issue.

Mr. Burnette stated that his commitment to the Commission is that throughout construction and operations they will have both vibration and noise monitoring systems in place. He stated that he would welcome anyone to come out with them and test either of them at any time and if they are not in compliance with the City codes, they will have to rectify it.

Chair Brass stated that there will be concerns from neighbors about construction activity and things like dust mitigation controls and asked if they had a system in place.

Mr. Burnette stated that they are working with well-known contractors in the area that have worked on big projects near residential areas so they are very familiar with the City and State level requirements during construction including hours of operation and mitigation techniques. He reiterated that they appreciate that this project is right next to a very nice residential community and they want to be good neighbors. He stated that they have committed to monitoring the project e-mail address for any questions that arise and noted that they check it daily.

Chair Brass asked if that meant that they would have a public e-mail address so people can e-mail them if they have an issue or complaint.

Mr. Burnette explained that they already have a public e-mail address for that purpose and noted that the e-mail was chaska-info@CloudHQ.com and explained that it has been live since they first began this project in early 2022 and noted that they have received about 10-12 e-mails thus far.

Chair Brass noted that he was not aware of the e-mail and felt it was a pretty good idea.

Commissioner Olson noted that for the landscaping, he would like to see more of the large caliper trees and that they be started early in the process.

Commissioner Baswa cautioned that they cannot put too many in the same place though.

Chair Brass stated that the City would work with the applicant on determining the final ratio of caliper and those details in order to ensure that there is not the potential for mass death of trees.

City Planner Hanson stated that they have had a few conversations with their landscape architect team to understand, from their point of view and expertise, about what is the most sustainable caliper inch that they can get out there that would sustain long-term. She noted that the message that they have gotten from them is that 4.5 caliper inch is probably the largest, but if the Commission had further questions on that she would ask the applicant to answer those questions.

Commissioner Olson stated that he was asking how the City can get more of the 4.5-inch caliper trees and less of the smaller caliper trees.

Mr. Burnette noted that for parking, the LC4 building he had mentioned earlier has similar square footage to this project and has 150 parking spaces which has been plenty for that location. He stated that they were proposing 235 spaces for this project.

Chair Brass asked if there was anyone in the audience who would like to address the Commission.

City Planner Hanson noted that there is one individual online who has their hand raised.

David LePage, 1987 Schoolmaster Drive, stated that his property abuts the farm and was concerned about the berm in relation to irrigation. He stated that when there is a berm and it rains he felt that water would run off down into his culvert and asked if any considerations had been given to irrigation with the presence of a berm.

Chair Brass asked if he meant water run-off controls.

Mr. LePage agreed that was what he was concerned about. He explained that he bought his home 17 years ago and most of the water runs off of the back 40 in his backyard and flows from one side to the other. He stated that he felt that a berm would provide a lot more water for his back 40.

Tricia Sieh, Civil Engineer, Kimley-Horn, Eden Prairie, explained that on the back side of the berm, there will be a pretty significant swale that will collect the run-off from the residential properties and also off of the berm. She noted that on the ends of the swale, it will come around to the stormwater treatment ponds or through the middle of the berm on the north side because there will be culverts that will bring the stormwater through. She stated that this has been very thoroughly engineered so the swales will either carry the water around or through.

Mr. LePage stated that if they were surveying from the street level in front of his house they would find that he was already about 25 feet above the ground. He stated that if the point with the 30-foot berm was to hide CloudHQ, 30 feet will not cover it on Schoolmaster Drive.

Chair Brass asked if he had switched his question topic to visibility.

Mr. LePage stated that he was just trying to make a point. He stated that will most likely be selling his house fairly soon because he was not super fond of the proposed plans. He stated that he felt that this was kind of encroaching on his property and was concerned with their plans.

Ms. Sieh stated that she can address Mr. LePage's question about the visibility issue and also answer the question raised by the Commission earlier in the meeting about the berm height. She stated that the berm is 30 feet +/- 1 foot and noted that if you are looking at it from the horizon it will look like it is going up and down because that is how the existing grade was and clarified that they were measuring from the northern property line. She stated that from the property line it will be 30 feet and noted that if they look more closely at some of their renderings to see what they did with some of the cross sections, they show the line of sight from the main floor. She

noted that they tried to be considerate and take that into account because they know a lot of these are walkouts so they did consider the line of sight from, for example, a kitchen window.

Chair Brass stated that the 30-foot height would follow the natural grade.

Ms. Sieh stated that was correct and noted that she felt it would look nice too because it would not be just straight across.

Chair Brass stated that it would provide some natural variation along with adding trees in at different heights.

Brent Shimek, 1957 Schoolmaster Drive, stated that the building was going to be 72 feet high and asked if that included the equipment, such as the chillers, that would be on the roof or if those were on top of the 72 feet.

City Planner Hanson stated that the 72 feet would include everything.

Mr. Shimek asked if there were any lights that would be at the top of the building and if there would be a lot of lights that will light up the sky in the neighborhood.

Carlos Cutting, CloudHQ, stated that for lighting, in general, they try to match sustainability concerns and some of those require things like downlights and considerations for bird control. He stated that there would be considerations taken, as the design progresses, to address some of the lighting pollution.

Chair Brass stated that he thought he saw something in the packet that stated that the maximum height would be about 28 feet and would be downlighting.

City Planner Hanson stated that the photometric plan now did not show lights at the top of the building. She stated that they will be doing downlighting that was at the mid-height of the building or lower.

Mr. Burnette noted that there were minimal life safety lights.

Mr. Shimek stated that he wanted to echo the comments made by Mr. LePage and how things are set up right now, all of the lots slope down and explained that all the lots next to him have drainage issues that is a huge problem so he was glad that was being addressed. He stated that frequently when it rains, many of the backyards flood, and if the berm ends up causing extra rainwater that will be a huge problem. He stated that for his property, it drops down about 20 feet, so there would really not be much of a berm there and even with the trees, he will be able to see CloudHQ from his bedroom window. He stated that the trees will not be mature for another 15 years so he finds this a huge problem. He explained that a 30-foot berm sounds huge, but in reality, it will not be that big because they would be starting from a pretty low spot and he can kind of look down on the site because it is kind of in a valley as it is today. He suggested that they take a look holistically at the whole gradient because he thinks some areas are going to have a full view of the CloudHQ building.

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

David Rylee, 1977 Schoolmaster Drive, stated that he wanted to share his screen.

City Planner Hanson stated that they did not have the capability, from a policy standpoint, for his screen to be shared.

Mr. Rylee stated that was unfortunate because he had about 25 slides that he wanted to share with the Commission. He stated that he would go ahead and make his statements but explained that it would have been better if they could see his information. He explained that he was a civil engineer that has been registered and professionally licensed in the State for the last 22 years and noted that he had also served on the Planning Commission for 3 years. He stated that this is a 3 step process from Concept to Preliminary to Final and in addition, there are things like the zoning amendments that require public hearings. He stated that the commitment the Planning Commission makes is that they do not pre-judge and it sounds as though some on the Commission have already pre-disposed an opinion that is not their charter. He stated that this was a public hearing and the developer is at risk because if there is an open mind and the Commission hears the neighbors and the information that they are telling them, they should be unbiased and objective, which means that there is more than a 50% chance that the Commission will not recommend approval of their requests, particularly their zoning amendment requests. He asked the Commission to listen with an open mind to what he was about to tell them. He stated that there was a discussion about the 72 feet being talked about at the Concept level and stated that he would have been at that meeting, if possible, but he was on a cruise in a different time zone and had relied upon the Commission to do what was right and vet this project. He stated that they may have discussed the building being 72 feet for 5 or 10 minutes, but he has lived on this property for 17 years and has followed this process closely and felt that 17 years was worth a lot more than 5 to 10 minutes of discussion at that meeting. He stated that he wanted to tell the Commission a little bit about Clover Ridge.

Chair Brass noted that the Commission had read and reviewed the information Mr. Rylee had submitted but there was a packed crowd in the chambers and appreciated his input.

Mr. Rylee stated that he would not be cut off because this was a public hearing. He explained that he had spent a significant amount of time communicating with staff and this is now his opportunity to address the Commission. He stated that he would proceed as efficiently as possible.

Chair Brass stated no one was allowed to have endless time to address the Commission and asked him to stick to the main points.

Mr. Rylee stated that he had personally gone door to door with the neighbors and he speaks for them. He stated that if the Commission hears him out, this meeting will go more efficiently.

Chair Brass answered that if Mr. Rylee just tried to talk over him it would not go more efficiently. He reiterated that there was a crowd present at the meeting and there were other items on the agenda who are patiently waiting their turn. He suggested that Mr. Rylee get to the things that are a problem, that have not yet been discussed because they would love to hear them.

Mr. Rylee stated that he has lived here for 17 years, this is in his backyard, and he planned to tell the Commission what he wanted to tell them. He stated that some things that he felt the Commission needed to understand was that the size of this building is massive and noted that this building's square footage is 2.5 times the size of U.S. Bank Stadium. He stated that his neighbors had made great points that all of their homes at the street level are higher, so when you think about a 30-foot berm with landscaping on top, the visuals that they have provided were not to scale or representative.

Chair Brass asked if Mr. Rylee was saying that the applicant had misrepresented the scale.

Mr. Rylee stated that he felt that they had misrepresented the scale. He stated that PID-7 is a commitment to the neighborhood to provide an area for offices that are clean and quiet, industrial-related uses that can be developed and operated in a high-quality physical environment that complements and is compatible with the natural beauty found along west Chaska Creek and the adjacent residential developments. He stated that this building is massive and also 7 stories tall and gave the example of the 212 medical center which is 6 stories tall. He stated that from what the neighbors have been telling the Commission is that just from common sense, they will see probably the top 25 feet of this building for the foreseeable future and possibly forever. He stated that the size of this building is essentially like looking at a wall and noted that the zoning was in place in order to protect them from this type of scenario. He stated that the zoning was put into place in order to find a compatible use of the property with their residential neighborhood. He stated that before they bought their house he called the former City Planner and had a conversation about what would happen in the field in back and was specifically told 300-foot buffer, 30-foot tall berm that would be landscaped, and the building height would be limited to 36 feet. He stated that his wife is present in the chambers tonight and she can attest that when they were with their realtor, they stood up in the upstairs bedroom, and he described that scenario to her and that they would look over the top of the building, so it would be okay. He stated that now it is 17 years later and they have seen 3 other data centers get built out there and every time he has had a conversation with her that it would be okay, because they would build the berm and they would look out over the top of them, but that is not what has been proposed. He stated that CloudHQ now has a berm with the top 20 feet of a wall that they will look at and asked the Commission not to come to this with a pre-disposed position because they had a 5 to 10-minute conversation about it at the Concept level. He stated that up until the time CloudHQ came, the restriction was for 36 feet, so they came into this with their eyes wide open. He stated that he appreciated the discussion about the noise and that they had made the commitment to meet the DBA requirements. He noted that the low frequency is a big deal and hoped that Mr. Hardy was taking 50 DBZ into consideration during his modeling where the DBA is weighted for the protection of workers and not environmental noise. He noted that in relation to the timing of the construction of the berm, he referenced condition #4, and stated that he felt the intent was correct, but would like the Commission to add, 'and prior to commencing building foundation construction'. He stated that the neighborhood wants to make sure that the berm is built and landscaped before the building begins. He moved on to construction impacts and noted that Mr. Burnette had mentioned that there was 300,000 cubic yards of earthwork, which is a big project, and felt the City had foresight 20 years ago when they laid this all out to incorporate the berm. He stated that what it means to them as neighbors is that for an average tandem axle dump truck, it would be 20,000 loads of dirt that will come into that site and noted that they are planning

to do it in 10 months. He stated that breaks down to a truck entering that site every 3 minutes for 10 months during the work day and asked the Commission to think about that.

Chair Brass asked Mr. Rylee if there was something he wanted addressed.

Mr. Rylee explained that he wanted fugitive dust addressed.

Chair Brass reiterated that for the sake of time, he asked that Mr. Rylee not continue with his narration of the dump trucks coming to the site and get to his concerns.

Mr. Rylee stated that he felt it was important to provide color because there may be people on the Commission that do not understand that perspective and for them to make a full and informed decision he felt he needed to be heard.

Chair Brass stated that he heard what Mr. Rylee was trying to say and explained that he was not trying to be confrontational, but he would like him to get all of his concerns out.

Mr. Rylee explained that he was probably $\frac{3}{4}$ of the way there if Chair Brass would stop cutting him off.

Chair Brass reiterated his request that Mr. Rylee share his information with less narration.

Mr. Rylee stated that he was concerned about fugitive dust and asked Kimley-Horn to make sure that there is strong language with the general contractor to ensure that is addressed along with the construction noise. He stated that he felt that they needed to have things in their specs outlining things like, no back up alarms, which are 95-110 decibels. He asked that they make sure the tailgates on the trucks have padding and are being diligent with the truck drivers that they are coming to a stop before they bring the bed down and that they are careful with vibratory equipment out there and do not use them on dump truck beds. He stated that he would also ask that they not use tracked dozers because they are tremendously loud and asked that they include stipulations in their contract to ensure that they are using rubber-tracked equipment. He stated that for foundations he would ask that they not use driven pile and instead use something like micro pile. He stated that the things, as a neighborhood, that they want are to have a monthly meeting with the applicant and their general contractor at City Hall with representatives from the neighborhood so they can have a relationship through the course of construction. He asked the Commission to not approve the zoning amendment request and noted that this was driven by the availability of the power, which is tremendous, but it cannot be done at the cost of the residents and break what they see as the covenant of the zoning that includes the 36 feet. He asked that the Commission revise condition #4 as he had outlined earlier in his comments, and to include a condition for the 50 DBZ into this which protects them, into the future. He stated that this was not onerous or something that was being imposed upon the applicant. He stated that he asked that they keep the trees on the site on the back side of the berm because they do have value because they attenuate noise and aren't just there for the visual, but also the noise. He stated that having an additional 150 feet of trees is valuable to the neighborhood and asked that they not just put the trees in west or southwest Chaska somewhere because it would take away part of the noise mitigation that those trees were intended for. He asked Kimley-Horn to ensure that they are putting in state-of-the-art technology and strong specifications that protect the

neighborhood but should also be for their client because the developer's reputation is important. He stated that the last thing they would want is for their neighborhood to document a poor experience with them that would carry forward into their future development opportunities. He apologized if he came across as confrontational with Chair Brass, but stressed that this was important and hopes that it reflects how critical this is to him, personally, as well as his neighbors.

There being no additional public comment, Chairperson Brass closed the public hearing at 9:09 p.m.

Chair Brass noted that he thought the point about the use of backup alarms was a good point.

Commissioner Gaare stated that she thought that was a DOT requirement.

Commissioner Aasen stated that it was an OSHA requirement.

Chair Brass stated that he did not think it was actually possible, but suggested that they make note of it.

Community Development Director Kabat stated that one of the things they talked about with the CUP that was awarded for the berm was circulation through the site in order to limit the need to back up.

Chair Brass stated that they had already discussed the berm and it appears that it would be done before any panels go up, but wasn't sure about the concern raised by Mr. Rylee related to the foundation, and suggested that the City work with the developer on that to work on the timing.

Community Development Director Kabat explained that was the nature of the condition so if the Commission wanted to get more specific with it they could give that direction.

Commissioner Olson noted that they had stated that the berm would be done before the walls went up.

Chair Brass stated that the berm was more of a sight line thing, and some of the noise, but noted that he hated to get into dictating how their construction project goes. He stated that he has the same thoughts about not doing piles because he felt that was outside of the Commission's jurisdiction to tell the applicant how they can construct a building.

Commissioner Olson stated that if that was the case, he questioned why they would have it as a condition.

Chair Brass clarified that he was referring more to the construction itself related to how it was completed. He asked about the idea of installing more trees on the site and if the sound attenuation expert felt that it would help, and if so, then perhaps they should put more on the other side of the berm, but clarified that he was out of his league on that issue.

Commissioner Olson asked if staff was looking for a direction from the Commission on which direction they want staff to go on the issue of having more trees on the lot versus the tree bank concept.

Community Development Director Kabat stated that it was always helpful if the Commission provided their input.

Chair Brass stated that he was fine with either way, but felt that the sound experts should look into what would benefit the sight better and then go that direction.

Commissioner Olson suggested that they take the portion about the tree bank out of the condition.

Chair Brass explained that he just wanted whatever would help the site and be better for the residents.

Commissioner Kerber stated that she felt both sight and sound were important.

Commissioner Baswa stated that it should be sight, sound, and sustainability.

Mr. Hardy stated that the operational equipment is elevated so additional trees along the berm would not do anything in this case. He stated that if the equipment was ground mounted then it would be a different density of vegetation that could reduce noise further, but in this case, being set up at the top of the berm and down helps because of the way the noise travels and explained that the way they have it set up now in their proposal is ideal because it didn't waste landscaping and trees on the back side.

Chair Brass stated that with the silencers, decibel levels, and statutory codes, he did not think he could overrule that and put something in and asked if the equipment would be heard.

Commissioner Olson stated that he had previously stated that it was going to hit 47 decibels.

Chair Brass asked if it would be able to be heard past the berm.

Commissioner Olson stated that it would be heard past the berm.

Mr. Hardy stated that technically it can be heard just given the fact that it is a new thing but in comparison to the existing noise levels that were measured in the field a few years ago, it is compatible.

Chair Brass confirmed that Mr. Hardy was saying that trees on the inside of the berm would not greatly help sound attenuation.

Mr. Hardy stated that it would be very minimal.

Chair Brass stated that if it helps he would be all for putting them there, but if it doesn't he felt that the City should use them elsewhere.

Commissioner Olson stated that based on Mr. Hardy's modeling, the berm, trees, landscaping, mechanicals, and silencers would ultimately be no increase in the decibel level with the data center to the neighbors.

Mr. Hardy stated that the predicted increase was just under 2 decibels, which, to the human ear is deemed barely perceptible.

Commissioner Olson asked what it would take to make it so there would not be any difference and asked if that was on the low-frequency side of things as well.

Mr. Hardy explained that the model factored in the manufacturer's frequency data from a noise emission standpoint, so it would look at all of that.

Chair Brass stated that Commissioner Gaare had stated that she went out to the existing data centers. He explained that he used to live next to one and he never heard anything.

Commissioner Gaare noted that she had and all she heard was Angler.

Commissioner Olson explained that the reason why he was saying this was because this is a large data center. He stated that he thinks that they should put a stipulation that says that they should be held to make sure that they do not increase the decibel level. He explained that he was not talking about the statutory levels and was talking about the decibel level of the current neighborhood.

Chair Brass stated that if it is determined later that trees in that location would be impactful to help the sound whether staff would have the discretion to put more trees there as part of the landscaping plans.

Community Development Director Kabat stated that he thinks the intent was that there were some areas that staff had identified and worked on from a visual perspective. He stated that he felt he was hearing the Commission say that if there is an opportunity for the landscaping could further assist with the reduction of noise, their preference would be that more landscaping be added to the site. He stated that he felt they could work with CloudHQ to test that in their modeling, but it sounded like it was unlikely.

Commissioner Baswa stated that 36 feet is allowed and they are proposing an additional 36 feet and that is the reason why the Commission was discussing the berm. He stated that if they just wanted to go with 36 feet they may not make any effort to put the berm there. He stated that he remembers the Commission had discussed this quite a bit and he felt that staff had provided enough information.

Commissioner Olson stated that he wanted to come back to the sound side of things and make sure that they include in the amendments within the zoning side of things. He explained that he would recommend that they put in something that measures something right now to create a threshold or baseline where the neighborhoods that abut this property using current data as the baseline.

Commissioner Purdy questioned why they would need to worry about it if it was already under the threshold.

Commissioner Gaare stated that she agreed and noted that was why the law was put into place.

Chair Brass noted that the City did not do that for industrial properties or logistic centers.

Commissioner Olson explained that those were set before data centers. He asked the Commission to imagine this going into their backyards and would not be in their presence every day.

Commissioner Purdy stated that there are agencies that control that.

Commissioner Olson asked what Minnesota had right now to regulate data centers.

Chair Brass noted that it was not just for data centers and was just sound, in general, for anything.

Commissioner Olson stated that it is now specifically a data center.

Chair Brass noted that he did not believe it mattered what it was.

Commissioner Olson asked if cities that have had data centers have not had sound problems and noted that they had talked about one earlier this evening.

Chair Brass stated that if there is a problem it will get regulated.

Commissioner Baswa stated that it is a State-level issue and noted that he didn't think the City could put any additional conditions on this level because they are not the ones who define those numbers.

Commissioner Purdy stated that he felt there was already over-regulation and asked why the City needed to be involved in even more regulation.

Chair Brass noted that when the industrial buildings went in, the City did not tell them that they could not have industrial activity here and that they had to have the same sound as there was before.

Commissioner Olson stated that when they created the PID they said 36 feet for buildings and now the applicant is coming in with plans for a 72-foot building.

Commissioner Purdy suggested that the Commission put it to a vote.

Motion by Commissioner Brass, second by Commissioner Baswa, to recommend to the City Council approval of the Preliminary Site & Building Plan, Preliminary Plat, and Conditional Use Permit for CloudHQ, subject to the following conditions:

1. Approvals shall be based on the following graphic exhibits:

- a. Narrative (pgs 1-5), prepared by Kimley-Horn, dated September 4, 2024
- b. Narrative (pgs 1-2), prepared by LandDesign, dated September 30, 2024
- c. Acoustical Analysis Summary (pgs 1-4), prepared by Kimley-Horn, dated October 1, 2024
- d. Existing Property Aerial Image, prepared by CloudHQ, undated
- e. Kelzer Addition Plat (pgs 1-2), prepared by EFN, undated
- f. Cover Sheet (C000), prepared by Kimley Horn, dated August 5, 2024
- g. General Notes (C100), prepared by Kimley Horn, dated August 5, 2024
- h. Alta Topographic Survey (C101), prepared by Kimley Horn, dated August 5, 2024
- i. Site Demolition (C200), prepared by Kimley Horn, dated August 5, 2024
- j. Site Demolition – Enlargement (C201-C204), prepared by Kimley Horn, dated August 5, 2024
- k. Site Dimension Plan (C300), prepared by Kimley Horn, dated August 5, 2024
- l. Site Dimension Plan – Enlargement (C301-C304), prepared by Kimley Horn, dated August 5, 2024
- m. Site Details (C305-C306), prepared by Kimley Horn, dated August 5, 2024
- n. Grading and Drainage Plan (C400), prepared by Kimley Horn, dated August 5, 2024
- o. Grading and Drainage Plan – Enlargement (C401-C404), prepared by Kimley Horn, dated August 5, 2024
- p. Grading Details (C405), prepared by Kimley Horn, dated August 5, 2024
- q. Storm Sewer Plan (C500), prepared by Kimley Horn, dated August 5, 2024
- r. Storm Sewer Plan – Enlargement (C501-C504), prepared by Kimley Horn, dated August 5, 2024
- s. Utility Plan (C600), prepared by Kimley Horn, dated August 5, 2024
- t. Utility Plan – Enlargement (C601-C604), prepared by Kimley Horn, dated August 5, 2024
- u. Utility Details (C605-C606), prepared by Kimley Horn, dated August 5, 2024
- v. Fire Truck Turn Exhibit (EX-1), prepared by Kimley Horn, dated August 27, 2024
- w. Truck Turn Exhibit (EX-1), prepared by Kimley Horn, dated August 27, 2024
- x. Snow Storage Plan (C300), prepared by Kimley Horn, dated August 5, 2024
- y. Photometric Plan (E00-21-E00-22), prepared by Corgan, undated
- z. Tree Preservation Plan (L001), prepared by LandDesign, dated August 28, 2024
 - aa. Tree Inventory (L002-L003), prepared by LandDesign, dated August 28, 2024
 - bb. Site Constraints (L004), prepared by LandDesign, dated August 28, 2024
 - cc. Overall Planting Plan (L101), prepared by LandDesign, dated August 28, 2024
 - dd. Planting Plan – Enlargement (L102-L105), prepared by LandDesign, dated August 28, 2024
 - ee. Planting Island Plan (L106), prepared by LandDesign, dated August 28, 2024
 - ff. Planting Schedule + Notes (L107), prepared by LandDesign, dated August 28, 2024
 - gg. 20 Year Tree Canopy Exhibit (L201), prepared by LandDesign, dated August 28, 2024
 - hh. Seeding Plan (L202), prepared by LandDesign, dated August 28, 2024
 - ii. Seeding Schedule + Notes (L203), prepared by LandDesign, dated August 28, 2024
 - jj. Details – Planting (L301), prepared by LandDesign, dated August 28, 2024
 - kk. Overall Grading Plan Section Map (EX-1), prepared by Kimley Horn, dated August 27, 2024
 - ll. East Section View Profile (EX-2), prepared by Kimley Horn, dated August 27, 2024
 - mm. South Section View Profile (EX-2), prepared by Kimley Horn, dated August 27, 2024
 - nn. West and North Section View Profile (EX-3), prepared by Kimley Horn, dated August

27, 2024

- oo. Proposed Berm Connection, prepared by Kimley Horn, dated August 27, 2024
 - pp. CHQ Chaska – Schematic Elevations East and West Facades, prepared by Corgan, undated
 - qq. CHQ Chaska – Schematic Elevations North Façade, prepared by Corgan, undated
 - rr. CHQ Chaska – Schematic Elevations South Façade, prepared by Corgan, undated
 - ss. CloudHQ – Floor Plans (pgs 1-3), undated
 - tt. Architectural Façade Details, prepared by CloudHQ, undated
 - uu. Fence Detail
 - vv. Ref. Rendering 1 – Main Façade & Entry, prepared by CloudHQ, undated
 - ww. Ref. Rendering 2 – Side Façade, prepared by CloudHQ, undated
 - xx. Render #1 – View from East, prepared by CloudHQ, undated
 - yy. Render #2 – View from North, prepared by CloudHQ, undated
 - zz. Render #3 – View from Northwest, prepared by CloudHQ, undated
2. Adherence to the City Engineer's memo dated October 2, 2024.
 3. Provision to limit wall pack lights to 18 feet on the west façade, and to be addressed at final submittal.
 4. Installation of berm and its landscaping to be completed prior to or at same time of the building's site construction.
 5. Compliance with applicable zoning requirements, in particular Chapter 15.28 (Special Regulations).
 6. Provision of a storm water management plan meeting City and Carver County WMO standards.
 7. Provision of a drainage and utility easement to encompass the trunk watermain extension, to be reviewed and approved by the engineering department, and to be shown on the final plat prior to recording.
 8. Provision to coordinate with the City Engineer on the design of the north terminus of West Creek Lane, and to be finalized prior to issuance of a building permit.
 9. Provision to coordinate with Carver County Public Works on construction routes prior to issuance of a grading permit.
 10. Provision to coordinate with Xcel Energy regarding site layout and construction.
 11. Provision that the developer will need to work with neighboring property owners to ensure final grading is seamless to established property line elevations and to ensure stormwater is sufficiently conveyed.
 12. Provision to further explore additional trees on the city owned area east of the site and south of the Xcel easement, and to be addressed at final submittal.
 13. Provision to enter into an agreement with the city for the provision of cash payment to satisfy deficient landscape quantities (overstory trees, understory trees, shrubs) that would be used towards tree installation in public areas, and to be completed at final submittal.

Motion carried 7-1 (Commissioner Olson opposed).

Motion by Commission Purdy, second by Commission Aasen, to recommend approval of the zoning ordinance amendment (ZOA) to PID-7, based on the draft ordinance.

Motion carried 7-1 (Commissioner Olson opposed).

- b. PUBLIC HEARING: Recommend Approval of the Zoning Ordinance Amendment (ZOA) to PMD-20 for a Baseball Training Facility at 1230 Chaska Creek Way/DBAT/PC #2024-16

City Planner Hanson presented the item to the Commission and noted that if this moved forward it would come before the City Council on October 21, 2024.

Chairperson Brass stated that he was very familiar with this type of use and noted that it exists all across the Twin Cities. He stated that he felt this type of use moving into a warehouse building was appropriate and suggested that going forward the City have it be a conditional use rather than having to go through the zoning amendment process. He stated that he would also like it to be expanded to say 'recreational sports' rather than just baseball/softball and gave the example of a gymnastics facility coming in.

Commissioner Purdy noted that this particular location has been empty for quite a while.

Commissioner Olson asked about other tenants and if staff knew details about employee counts and average wages.

City Planner Hanson stated that she did not have that information off hand.

Commissioner Olson stated that he was trying to make the point about what the City was giving up by allowing this special use. He stated that the alternative would be to not allow this and put in what the intended use was for this space. He stated that was why he felt it would be good to know what was actually in the space and what it actually brought in.

City Planner Hanson stated that may be something that the applicant could address.

Chair Brass stated that from his personal experience, generally speaking, these uses are heavily more employed and would suspect that they may offer more jobs than a warehouse.

City Planner Hanson stated that the applicant has stated that they were planning for 20-25 employees and may also bring in additional specialty instructors.

Chair Brass opened the public hearing at 9:44 p.m.

Matt Croon, 7201 61st Street, Cottage Grove, stated that he was the owner of D-BAT in Lake Elmo. He noted that they are not affiliated with a club or associations and are open to the public. He stated that they have kids from 5 years old all the way up to 80-year-olds that come into their facilities. He stated that they typically have about 20-25 employees and noted that many are independent contractors who come in and handle instruction. He explained that at their Lake Elmo facility, they have a few people who played in the major leagues for years down to D-3 former college players who give instructions. He stated that the pay rates are anywhere from \$25-\$50/hour and they also have some management positions, so they are pretty good paying jobs.

Commissioner Kerber asked if this was the type of facility that a local organization could come in and rent.

Mr. Kroon confirmed that they could rent out the space and noted that it happens frequently in Lake Elmo.

Commissioner Olson asked if the jobs were more contractors and not necessarily local people.

Mr. Kroon stated that there will be about 15 that will be independent contractors and 5-7 that will be full-time employees.

Commissioner Kerber asked if there would be any concerns by the neighbors about the balls being hit constantly.

Chair Brass stated that would be between the landlord and their tenants. He reiterated that this type of use is extremely common in the Twin Cities and should be considered as a CUP for the future.

Commissioner Olsons stated that this building was built for a special purpose for office/warehouse space and to create jobs in those areas which is the area where he didn't think the City could lose sight of why the buildings were built.

Chair Brass stated that all the buildings in the Twin Cities that he was referring to were built for that warehouse/office/distribution use and yet, over time they have found these tenants going into these buildings. He stated that it was essentially a retrofit like many of the office buildings in downtown Minneapolis would be retrofitted into apartments.

Commissioner Baswa agreed and stated that things are changing rapidly and noted that they used to have big box stores and now they are not really big.

Commissioner Olson stated that the dust had barely settled on the construction of this building.

Commissioner Kerber asked City Planner Hanson to speak about how this was set up and the requirements that have been met

City Planner Hanson stated that there is the Comprehensive Plan guidance for business parks which list out a layer of uses within it and supportive uses that are defined in there include healthcare and fitness. She noted that the TIF district is the piece that limits the types of qualified and unqualified uses, so there is another layer on these buildings, and explained that there is a 15% maximum of unqualified uses.

Commissioner Kerber stated that this would then bring the use to 8%.

City Planner Hanson confirmed that the whole development would be brought up to 8% if this was approved.

Community Development Director Kabat noted that the public hearing was still open.

Joe Jetland, Forte Real Estate Partners, stated that D-BAT has 150 locations across the country and sound has been something that is always brought up as a concern, but they have never had to add any additional sound attenuation or remediation. He stated that the question related to job creation, they are above the threshold for jobs per square foot and the employee pay rate was also above the threshold required within the TIF district.

Commissioner Olson asked what the wage threshold was for the TIF district.

City Planner Hanson stated that she was not as familiar with that piece of this.

Jay Moore, Oppidan Investment Company, stated that he was the original developer of this project and was here representing the ownership of Chaska Industrial. He explained that they were here tonight because they developed these two buildings and have 5 really solid tenants that they are proud of. He noted that one of the criteria for them to move forward with this investment was to have a TIF district created because it helped with some of the funding for the infrastructure. He explained that the requirement was 20 jobs and a wage requirement of \$17.50/hour which they have greatly exceeded. He stated that they have a vacancy in this building with a complementary use that would not be during business hours and will benefit the community. He stated that they are protective of the TIF district and were okay with this one use that gets up to 8% and assured the Commission that they would not be here next month with a pickleball court.

Commissioner Olson asked if Mr. Moore had knowledge of the pay rates and employee counts for the other tenants.

Mr. Moore stated that he did, but Julie at the City also had all that information.

Commissioner Olson explained that he was trying to understand how this space compared with the other occupied spaces when it comes to employee counts and pay rates.

Mr. Moore stated that this was a completely different use but the wages outlined exceeded the requirements within the TIF district and noted that this use would be outside of the TIF district, so he couldn't comment on that.

Community Development Director Kabat clarified that administration and oversight of the TIF district are all the functions of the Chaska EDA board. He stated that it may be relevant or helpful information for the discussion, but ensuring compliance with it was not the responsibility of the Planning Commission.

Chair Brass closed the public hearing at 9:55 p.m.

Motion by Commissioner Brass, second by Commissioner Kerber, to recommend to City Council approval of the Zoning Ordinance Amendment (ZOA) to the Planned Multi-Use District (PMD-20) to include a baseball/softball/sports facility use within the 1230 Chaska Creek Way building, subject to the following conditions:

1. Approvals shall be based on the draft ordinance.

2. Approvals shall be based on the following exhibits:

- i. Narrative (pgs 1-3), prepared by Forte Real Estate Partners, dated September 3, 2024
- ii. Chaska Creek Industrial parking and truck turning exhibits (pgs 1-4), prepared by Sambatek, dated August 5 & 6, 2024.

Motion carried 7-1 (Commissioner Olson opposed).

c. Recommend Approval of the Concept Plan for an Early Education Center & Preschool (Goddard School)/Goddard School/PC #2024-17

City Planner Cauley presented the item to the Commission.

Commissioner Purdy noted that he liked the idea of putting sidewalks on both White Oak and Meadow.

Commissioner Kerber noted that her fear was regarding people going through the neighborhood to get to it which is something that they don't want.

Chair Brass stated that he felt that instead of dropping off and exiting the same way they could potentially loop out.

Commissioner Purdy agreed and noted that it would be like the schools do it.

Chair Brass stated that was one reason that he would be in favor of the second access, but noted that it may cause some weird congestion. He asked if they had a rendering of the potential southern access point yet.

City Planner Cauley stated that the concept from 1990 showed the secondary access.

Commissioner Kerber stated that she would be curious to see what the surrounding neighbors think.

Chair Brass noted that this was not a public hearing, but he would open it up for people to come and give their input.

Commissioner Olson asked if there was concern about the traffic congestion right there coming off. He stated that he used to take his kids to Step by Step so he knows the area very well and can imagine what may happen if people are diverting right there. He explained that it was not a big concern but was wondering what kind of issues may happen there and if there would be something that the City could do to make sure that there is adequate space so people can get in and out off of White Oak.

Chair Brass stated that one of the good things would be that it is a 'right in' and having the extra access point so people could egress out onto Meadow would help a lot.

Anthony and Laura Miller, 5026 Boulder Lane, stated that they are the applicants and have lived here since 2020. Mr. Miller explained that they would love to bring a premier daycare facility to the area. Ms. Miller stated that their partners could not make it to the meeting tonight and noted that they have owned Goddard's for the past 15 years. Ms. Miller explained that they had taken into consideration much of what was shared at the neighborhood meeting. She noted that in their Medina location, there is a one way in and one way out setup like the Commission was suggesting which has worked well.

Shari Ahrens, Westwood Professional Services, Minnetonka, explained that she was a civil engineer for the project.

Chair Brass asked if Ms. Ahrens had considered the City's potential request of a second access point.

Ms. Ahrens stated that they did look at that and explained that, operationally, it worked best to have the front of the buildings face White Oak Drive. She noted that to get the drive on the other side they would have to totally flip the building which would put the parking against the residential neighborhood and the playground by White Oak Drive. She stated that the preference was to have the front of the building facing White Oak Drive as their 'storefront' and have the playground on the backside, away from the traffic.

Chair Brass stated that coming off the parking lot with an access would end up too close to the intersection.

Ms. Ahrens stated that they need to have at least 400 feet from the intersection.

Chair Brass noted that he did not want the playground to be located on the busy roadway and would prefer it to be tucked behind the building.

Commissioner Olson stated that he would also like it to be kept away from the public service building too and noted that there are tight confines here.

Chair Brass agreed and noted he brought his child to Step by Step for years that was kind of the same thing, but he made it work, even though it wasn't ideal.

Commissioner Kerber noted that there is another facility kind of kiddy-corner from this which means at peak times they would have drop-offs and pick-ups for two facilities.

Chair Brass stated that he felt that this facility would end up being full.

Commissioner Kerber clarified that she was not implying that there was not a need for this type of facility.

Chair Brass asked where City staff had thought the exit would go.

Community Development Director Kabat noted that this was not an issue that could be resolved this evening. He explained that there was a condition within the Concept approval to study the

access and believes that is what needs to be done. He noted that he did not think staff actually had a recommendation for a solution tonight and was just saying that as it moves into the Preliminary phase that this was something that needed to be studied in order to determine the best configuration.

Commissioner Kerber asked if the neighborhood had any concerns.

Mr. Miller noted that the neighbors were just glad that they weren't planning to put in a Taco Bell.

Motion by Commissioner Brass, second by Commissioner Aasen, to recommend approval of the concept plan for the Goddard School, subject to the following conditions:

1. Approvals shall be based on the following exhibits and plans unless modified by the conditions below:

- a. Concept Site Plan Review – Project Narrative
- b. Existing Conditions, dated Aug. 29, 2024
- c. Concept Plans and Views, dated Aug. 29, 2024
- d. Landscaping Plan, dated Aug. 29, 2024
- e. Building Elevations and Exterior Materials, dated July 26, 2024
- f. Floor Plans, dated Aug. 27, 2024

2. In addition to the items required by City Code Sec. 15.36.050, the following must be submitted for a subdivision application to be complete:

- a. Tree inventory and preservation plan;
- b. All plans must:
 - i. Include the northerly portion of the property and existing building unless included as a detail plan.
 - ii. Accurately depict property lines and items related to the upcoming County project, including (1) trail and reconfigured sidewalk; (2) easements (temporary and permanent); and (3) roadway.
 - iii. Adjust the interior lot line should be adjusted to eliminate the need for a setback variance for the existing building.
- c. A plan identifying property lines, existing and proposed utilities, existing and proposed easements, grading, and retaining walls for the entire site.
- d. Landscaping plan. This plan must:
 - i. Meet landscaping requirements outlined in Sec. 15.28.070: Landscaping and Screening and
 - ii. Provide buffering to adjacent residential properties.
- e. Site circulation plan. This plan should consider:
 - i. Improve the pedestrian experience within the site and connectivity to the exterior network.
 - ii. Secondary access onto Meadow Lane, as originally contemplated for the site in the 1990s.
- f. Stormwater plan meeting city requirements.

3. Compliance with the City's Engineering Memo dated Oct. 2, 2024.

4. Compliance with City Ordinances, including:

- a. Sec. 15.36.080, Subdivision Design Standards.
- b. Sec. 15.28.110, Exterior Storage, Screening.

- c. Sec. 15.28.120, Building Design; Materials
 - d. Sec. 15.58.250, Exterior lighting.
 - e. Sec. 15.28.210, Fences.
5. Prior to final plat, the following is required:
- a. Cross-access agreements and easements, as required by the city engineer.
 - b. Easements over public infrastructure, as required by the city engineer.
6. Prior to release of permits:
- a. Sign permits will be required for all exterior signs.

8. Other Business

9. Receive Other Meeting Minutes

- a. Receive the August 19 and September 9, 2024 City Council Meeting Minutes
- b. Receive the September 16, 2024 EDA Meeting Minutes

10. Adjourn

Motion by Commissioner Aasen, second by Commissioner Baswa, to adjourn the meeting at 10:23 pm.

Motion carried.