AGENDA
CHASKA PARK & RECREATION COMMISSION
CHASKA CITY HALL - COUNCIL CHAMBERS & ZOOM
Tuesday, January 14, 2025
6:30 PM

1. Call to Order
2. Roll Call
3. Adopt Agenda
4. Visitor Presentation
5. Approve Previous Meeting Minutes
   - 5.A. Meeting Minutes 12/10/2024
6. Receive Council and Planning Meeting Minutes
   - 6.A. City Council Meeting Minutes 11/18/2024,12/02/2024,12/16/2024
   - 6.B. Planning Meeting Minutes 10/09/2024, 11/13/2024, 12/11/2024
7. Action Items
   - 7.A. Recommendation for City Council Appointment of the 2025 Parks and Recreation Commission Chair
   - 7.B. Recommendation for City Council Appointment for the 2025 Parks and Recreation Commission Vice-Chair
8. Discussion Items
   - 8.A. Park Updates
   - 8.B. Department Happenings
9. Other Business
   - 9.A.
10. Adjourn

Chaska
Parks and Recreation Commission
Meeting Minutes
December 10, 2024

1. Call to Order

The December 10, 2024, meeting of the Chaska Parks and Recreation Commission was called to order by Chair Jason Branch at 7:00 pm.

2. Roll Call

Attendance: Chair Jason Branch, Vice Chair Elizabeth Wynveen, Donelle Heieie, Georgiann Keyport, Kevin Hill, Karli Wittner, Terrence Schwerm

Staff: Parks and Recreation Director Marshall Grange, Assistant to the Director Mary Monteith, Ashley Cauley City Planner, Michelle Blasko

3. Adopt Agenda

Motion by Heieie, second by Wittner, to adopt the December 10, 2024, meeting Agenda.

Roll Call for Approval

4. Visitor Presentation

None in attendance

5. Approve Previous Meeting Minutes

5A. Motion by Schwerm, second by Wynveen, to approve the Chaska Park Board meeting minutes of September 10, 2024.

Roll Call for Approval

6. Receive Council and Planning Meeting Minutes

6A. City Council Minutes August 5, 2024; August 19, 2024; September 9, 2024; September 16, 2024; October 7, 2024; October 21, 2024; November 4, 2024; November 13, 2024

Heieie asked about the City Council meeting on October 21st and the resident who asked the City Council to address electric scooters and electric bikes in pedestrian spaces.

Wynveen talked about the Pedestrian and Bicycle Masterplan and the 6E's surrounding the importance of education about the speed residents should be going on trails and when they should utilize a road instead. Some kids don't even know what side of the road to be on and what the rules are.

Grange noted the importance of educating people about the different classes of e-bikes. He said they are allowed to be on some trails, but there is the importance of educating how to co-exist with each other on trails. There is legislation that you must be 15 and older, so there is some level of enforcement that could be used with youth. He stated to Wynveen you are spot on with continued education of this with the community. Staff recently filmed some educational materials to show different scenarios of e-bikers on the trail. This filming was in follow-up to the comment at the Council meeting. We will continue to do these types of videos on-going.

Wynveen stated that the resident also asked about lighting at the smaller dog park. Grange responded that it would be difficult to add more lighting because there are residents living across the street, there is however some street lighting there.

Keyport asked about minutes from an August meeting on getting the second grant for the Big Woods. Grange said the first grant was a DNR outdoor grant, the second one was a significant grant submitted to legislation for preserving the Big Wood. It was submitted last fall but still needs approval from legislation in the next upcoming session. Grange explained the grant process for this one as it required staff to do a short presentation and involved citizens with reviewing the applications and approval to move it on for further consideration.

Heieie asked about the purchase agreement for a new Public Works site. Grange responded that they are working on a purchase agreement on another site to rebuild a new public facility. The current site would have to relocate a major power line, which would be costly. It is more cost-effective to purchase land and build a new facility. They will keep the current building for cold storage. Heieie asked where the new location will be. Grange stated the new location is off Creek Road down by the new roundabout.

6B. Planning Meeting Minutes August 14, 2024; September 11, 2024

Wynveen noted talk about the park dedication fees and infrastructure at the 4460 Spring Creek Drive development. This area is on the South side of Chaska Boulevard, there will be no park here. There was talk about tree preservation, the safety of crossing over the busy road to get to the new park, and the need for a tot lot.

Grange explained the location of the development and shared that the Chaska City Comprehensive Plan does not call for a park in that location, but it is necessary to consider whether residents can safely cross Chaska Boulevard to access the future park we are developing. Since staff could not require the developer to include a park, they discussed the option of including a tot lot to provide an option for the residents and attract others to live there.

Wynveen asked who was responsible for maintaining a tot lot. Grange responded that the developer was responsible for the maintenance, which normally goes to a Homeowner's Association.

7. Reports

7A. Resilient Communities Project Presentation – University of Minnesota Students

Grange spoke of the Resilient Communities Project (RCP) that students from the University of Minnesota have been working on over the last few months. He is excited to have the students here tonight to present their project along with their Professor Kayla Meyers from the Evaluation Course as well as Stina Kielsmeier-Cook, Resilient Communities Project Coordinator.

Grange also introduced Ashley Cauley, a City Planner who has been working with this project along with the students.

Cauley shared information on the RCP, it is there to help establish partnerships between local government agencies and students and faculty at the U of M. RCP is really amid at projects that are advancing community sustainability, equity, and resilience by way of access to the U of M students as well as faculty to help provide research and technical assistant.

Earlier this year the city of Chaska submitted a proposal for a variety of different topics. Their first partnership project was a program evaluation class. It is to develop an evaluation program and strategy to establish baseline data for the pedestrian and bicycle usage over time which gets to one of the 6'es in the recently adopted 2040 Pedestrian and Bicycle Master Plan. We plan to use the tool kit they put together to track infrastructure implementation throughout the city and track trail usage throughout the community so we can showcase and demonstrate the value of our trail network throughout the community.

Students Alishia Wright, Ian Klein, Hajar Chakkouri, and Leo Ndiaye introduced themselves to the group.

Klein explained the project background for the 2040 Pedestrian and Bicycle Master Plan. He reviewed the project goals and objectives. He discussed the methodology overview for the project.

Chakkouri described the project's logic model, including the short-term, intermediate, and long-term outcomes. She reviewed how they aligned questions with the data sources. The data sources included infrastructure metrics, a survey, focus groups, and City events.

Wright explained the customized tools for effective data collection. She reviewed the suite of tools for a holistic evaluation. She discussed how they build a cohesive monitoring system.

Ndiaye discussed the limitations and speculated the results of the project. He discussed how to turn the data into action, including enhancing the network, strengthening funding, and fostering community engagement.

Heieie thanked the students for their work and appreciated the four avenues for data collection. She asked if there was the smallest sample size in a three-year cycle that would be too small. Wright responded that the best practice is that 75 to 90 percent was a good response, but that would be difficult in such a large community like Chaska. She said it would be important to compare the response rate on a specific survey in comparison with the larger City of Chaska surveys. She said three to four focus groups were recommended per population. She said when you see the same responses within a community, there is data saturation, so the focus groups do not need to continue.

Ndiaye said that every citizen's comment and conversation counts, even if they do not reach the thirty-respondent threshold.

Keyport asked if there was any consideration in adding children to the survey. Wright responded that by adding minors as participants to the survey, the survey would need to receive permission from the Institutional Review Board to ensure the content is appropriate for minors. They could get around this by asking specific questions of adults to better understand how children use the trails.

Wynveen asked how long the program spanned. Klein answered that they started the work in September.

Grange thanked the students for their work on their project and what they have produced. It has been impressive from the start. He appreciates how they embraced the philosophy of Chaska and embraced the philosophy of what the ped bike plan is intended to do and then figure out the evaluation method to use that gets to philosophy of Chaska, to improve the quality of life and enhance our community over time.

He shared they are working with Stena on the next steps of the project, what resources may be available at the U of M to build the survey and figure out what platform to build it on and maybe next fall we can utilize a class to then analyze the data and see what the story is.

7B. Recreation Program – Staff Presentation

Erin Link, Recreation Manager, presented the Recreation 2024 Year of Review. The numbers here reflect the on-going efforts of the Recreation program team. Link reviewed the mission and vision of the City of Chaska Parks and Recreation Department. She also introduced the Recreation program team and said how proud she is of each of them. They provide professionalism, creativity, and top-notch customer service. She thanked long-term employees, Joan Seedorf and Sandy Jansen for each providing 23 years of service to the city and the team. Link stated that her staff serve not only Chaska and Carver residents, but also the communities around us. Our team serves families, preschool age kids, youth, teens, adults, and active older adults (55+) through many offerings. All ages, all abilities. Link then had staff introduce themselves as well as share what their role is.

Sydney Seiffert-Recreation Supervisor. She reviewed the community event highlights from 2024. She shared this is her first year in her new role. She also shared that this year's Touch a Truck event was moved to the Chaska High School as the Middle School was under construction. This allowed for more event space, vendor space and additional space for families to play. Many attendees had positive feedback. Seiffert also stated that the Fire and Ice Festival was a big success this year, and shared that attendance was one of our largest crowds ever, 15,000. She mentioned that the entertainment for the 2025 Fire and Ice festival is already booked. She reviewed goals for next year, including growing the volunteer program to better support our events. Grow our business relationships and increase sponsorship opportunities. We would like to continue to provide community events and partner with others to do so. She also shared favorable testimonials from residents who attended community events this year. She highlighted the sponsors who helped enhance our events and provided additional opportunities for hosting free events.

Wynveen asked about the goals with volunteers. Seiffert responded that she wants to grow volunteers for our community events, recreation sports, and more. She would like to better promote awareness in the community of the opportunity to volunteer, as well as an easy way to sign up.

Branch thanked Seiffert for the hard work on the community events.

Sandy Jansen- Recreation Youth Supervisor- She summarized the youth program highlights, including childcare and enrichment. She explained the different opportunities with child programs, including the Young Chefs Cooking Class, Music Together in the Valley, and the Youth Theater Camp. She said one of her goals was to increase the enrollment of the Treks and Trails program, we saw decreased enrollment after COVID-19, so she would like to try and increase that population once again. She reviewed the positive responses to the Extreme Kids summer program; it is very popular, and enrollment fills up very quickly every summer.

Wittner discussed her experience working at a nature center that leader in training concept. While working at a nature center years ago that started a Junior Naturalist program. She said there was success in generating staff from the program. She encouraged Jansen to check it out.

Branch thanked Jansen for her work with the youth in the community.

Catherine McCarthy, Recreation Coordinator-She shared that she is one of the newer employees, has been with the city for about 11 months. She reviewed the teen program highlights, including the field trips to waterparks, Vertical Endeavors, and action-packed paintball. She summarized activities that were hosted with partnerships, Logo, Carver County Parks, Mercury Adventure Club, and Carver County Library. She explained her goals for the next year, including starting a middle school advisory group.

Wynveen asked about enrollment for teen programs. McCarthy answered that it varied by the day and time the events were offered. She did not know the schedule of students' availability, which made it hard to pick the dates and times.

Johnson talked about preschool and youth activities, which include rookie sports, gymnastics, youth sports, and homeschool gym. He said rookie sports and gymnastics fill up quickly. Youth sports continue to grow, and he thanked the coaches for the youth sports for doing a great job working with the children. He said the numbers for adult sports are not always consistent, but they continue to offer the opportunity. He presented the testimonials, which were great.

Heieie thanked Johnson for the timing and organization of the youth sports. She said the communication was well done.

Link was back up and explained the definitions of Adaptive Programs & Inclusion Support. She said that the adaptive programs continue to grow, with a 50 to 70 percent increase since 2022 in all areas. She highlighted the various partnerships to host a variety of events. She commented that they served 25 different cities. She read different testimonials to demonstrate the impact.

Hill asked how the word was getting out to residents of other cities. Link responded that there was a Facebook group for a network of these families to provide information. She also said she had an email list that she sends out the information to.

Link said that they receive volunteers from high school and middle school.

Seedorf reviewed the Active Older Adults program. She said that they offer some paid activities and many free opportunities. They have a strong sponsorship program that provides an opportunity to provide the activities at a reasonable price. She commented that the program reaches residents in Chaka and different cities. She reviewed the different special events and programs, which are daily and monthly activities, and health and wellness. Programming tries to hit different components, including social, physical, vocational, and educational needs. She said the partnership between the Lodge and the Chaska Community Center was positive. She summarized the day trips, education opportunities, and community outreach volunteerism. She discussed that they try to think outside of the book and provided examples.

Heieie asked if there had been any increase in Lodge participation with the construction of the Del Webb Community. Seedorf answered that the word was starting to spread, and she had seen an increase in participation from this community.

Heieie said that in a few years, residents could access the Lodge even easier with the construction to occur in the next couple of years.

Branch thanked Seedorf for all the work she provides.

Link highlighted upcoming new programs and events, including puzzle bowl, winter outdoor recreation events, summer concert series and community market, the youth fishing camp, the expanded teen programs, and new activities for the adaptive programs. She stated that there were five new pickleball courts constructed recently, that are used heavily. She highlighted the excitement for the upcoming Miracle League Field and Universal Design Playground. She said there had been expanded marketing over the course of last year.

Schwerm, this is a great Annual Report.

Grange thanked the Parks and Recreation team for their hard work on creative programming.

8. Discussion Items

8A. <u>January 2025 Commission Appointments</u>

Grange reviewed the terms for the different Parks and Recreation Commission appointments. He stated that Wynveen was coming off a second three-year term. He said that Schwerm and Heuer were coming off their three-year term. He stated that the deadline for applying was December 20. They received an application from Schwerm at that time. Grange commented that they would need to discuss re-appointments for the Chair and Vice Chair in January before submitting it to the City Council. The City Council will review the appointments in January and February.

8B. <u>Park Updates</u>

Grange discussed updates to parks. He said that the steering committee met about Meado Park to discuss challenges and feedback from residents. They received sketch concepts from their consultants and requested some changes. After they receive the changes, the residents and steering committee will review the concepts again in January before they request additional feedback from the area residents. He discussed the park development at Southwest Community Park as well.

Heieie said that if the name was actually Big Woods, there would be defacement to the sign every week.

Grange said that Link and Cauley would come to future sessions with the consultants for the Southwest Community Park. He said staff executed the Professional Services Agreement with Confluence. They would serve as the landscape architect and the project lead. They were utilizing Pros Consulting to identify the current park system and determine any gaps. This would provide a benchmark and context in the community engagement process moving forward. He will meet with a staff member from Confluence to identify the next steps to the project.

Grange thought the next steps were to get Pros Consulting started on their work. He thought they would get a community survey out to better understand what residents see in the park. Grange wants to bring Confluence into the February meeting to get feedback from the Parks and Recreation Commission.

Grange stated that the Creek Road Trail was completed and recommended the commissioners check out the trail. He said there was progress on the Minnesota River Bluffs Regional Trail connecting to the underpass. The bridge will be fabricated over the winter and installed next spring. Engler Boulevard will be reconstructed next spring and there will be a trail along the Boulevard. They worked with the County to extend the trail from Park Ridge Drive to Ravoux Road. The Highway 10 intersection would have two underpasses as well.

Hill asked about the intersections being completed. Grange answered that they would start on the west side with Bavaria, to White Oak, then Engler and 41, and then Park Ridge.

Schwerm said that the Creek Road trail connects with the Savanna trail to Savanna Oaks Park.

8C. Department Happenings

Grange said there was a free trial week at the Community Center, which was successful. There was a sale after that resulted in 100 new members joining the community center. The curling winter leagues are up and running. There was a Friday night beginners league established, and they saw eleven teams sign up. He commented that it might be difficult to integrate new people into curling, so they are trying to integrate new curlers into the mix. He said that the Curling Center partnered with the Twin Cities Curling Association to put on a workshop about how to deliver the curling stone.

Grange said that the Big Spiel would be January 9-12. The event is already full. He stated that the staff is working on setting up a live stream at the curling club. There were funds allocated for next year to enhance this livestream. He commented that the dueling pianos event was coming up. There was also a one-night choir on December 17 at the Chaska Event Center in partnership with the former choir director from Chaska High School. There also will be a Health and Wellness Expo at the Community Center on January 11 to showcase opportunities within the Parks and Recreation Department. This event would be hosted in partnership with the Southwest Chamber and the local business community. Grange commented that Santa was coming to town next Wednesday. There will be a map and a live Santa tracker available. Grange shared that his father-in-law had done a lot of conservation work over the years and was inducted into the Wisconsin Conservation Hall of Fame.

9. Other Business

9A. Round Table

Heieie said she was excited about next year and the construction that will be going on.

Wynveen reminded individuals to shop locally for the holiday season.

Keyport thanked the Parks and Recreation department for their hard work on the tree lighting.

Hill said his family took advantage of the free week at the Community Center.

10. Adjourn Meeting

Motion to Adjourn December 12, 2024, meeting by Keyport, second by Heieie

Roll Call to Adjourn at 9:36 p.m.

Next meeting: January 14, 2025

- MINUTES -
CHASKA CITY COUNCIL
NOVEMBER 18, 2024

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

2.Pledge of Allegiance

3. Roll Call
Roll call was taken. Present: Mayor Windschitl and Councilmembers Grau, Hatfield, Hubbard, and Huang.

Absent: None.

Also Present: Matt Podhradsky, City Administrator; Kevin Wright, Community Engagement Manager; Elise Durbin, Assistant City Administrator; Liz Hanson, City Planner; Julie Grove, Economic Development Coordinator; Leah Sheveland, Councilmember Elect; and Michael Melchert, City Attorney.

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

5. Proclamation
5.A. Proclamation – Small Business Saturday 2024
Mayor Windschitl read a proclamation declaring November 30, 2024, as Small Business Saturday.

Councilmember Hatfield encouraged community members to support Downtown Chaska businesses.

5.B. Proclamation – Veterans Park Drive
Mayor Windschitl read a proclamation commemorating the dedication of Veterans Park Drive.

6. Visitor Presentation
Sam Bonnafus, representative of the Chaska RoboHawks, introduced himself. He explained the group consists of Chaska High School students. The team build robots, community outreach, and business and marketing. The primary aim is a six-week period to build a robot to play a particular game.

Mahi ____, RoboHawk team member, pointed out FIRST Lego League (FLL) is another organization for younger folks. The robots are made of Lego and the programming is simpler. Participants can be as young as preschoolers. Mr. _____ is the Head Coach of the Chaska FLL.

Wyatt ____, RoboHawk team member, noted he is part of the FTC team with 7th through 12th graders. It is an afterschool club coordinated through community education.

Mr. Bonnafus showed a slide with previous years' robots. He pointed out the team must build from scratch each year. He showed a photo of the most recent robot build where the robot launched rings or placed rings for the competition. A video of a recent match was shown.

Councilmember Hatfield pointed out the teamwork, comradery, and skills enhanced in the club are amazing.

Councilmember Hubbard asked how the team receives funding. Mr. Bonnafus has a sponsorship program where a team of students reaches out to obtain sponsors and funding. Individuals are responsible for paying for travel to competitions.

Councilmember Hubbard asked if any materials can be recycled. Mr. Bonnafus stated the motors and electronics can be recycled after the robot is disassembled. Materials can be ordered through the national organization's website.

Councilmember Huang agreed the technical and interpersonal skills learned are extremely impactful.

Mr. Bonnafus demonstrated the robot for the Council. Some coaches and parents provided comments on the program.

<u>7. Approve Previous Meeting Minutes</u>
<u>7.A. Approve the November 4, 2024, City Council Meeting Minutes</u>
Motion by Councilmember Grau, second by Councilmember Hubbard to approve the minutes of the November 4, 2024, City Council meeting.
Motion carried.

<u>7.B. Approve the November 13, 2024, Election Canvass City Council Meeting Minutes</u>
Motion by Councilmember Hubbard, second by Councilmember Hatfield to approve the minutes of the November 13, 2024, Election Canvass City Council meeting.
Motion carried.

<u>8. Consent Agenda</u>
Motion by Councilmember Huang, second by Councilmember Grau to approve the Consent Agenda Items A through B:

A. Adopt Resolution No. 2024-91 Bond Sale Reimbursement

Motion to adopt Resolution No 2024-91 establishing compliance with reimbursement bond regulations under the Internal Revenue Code of 1986.

B. Adopt Resolution No. 2024-92 Bond Sale Reimbursement

Motion to adopt Resolution No 2024-92 establishing compliance with reimbursement bond regulations under the Internal Revenue Code of 1986.
Motion carried.

9. Action Items

9.A. Public Hearing - Adopt Resolution 2024-89 Approving the City's application to MN Department of Employment and Economic Development for the MIF Program

City Administrator Podhradsky introduced the item to the Council and Economic Development Coordinator Julie Grove provided a presentation on it.

Amy Salzbury, 1000 Lake Hazeltine Drive, explained Beckman Coulter has been in the same location for years. They look forward to consolidating some manufacturing and growing organically.

Councilmember Huang thanked Beckman Coulter for their investment in the Chaska community.

Mayor Windschitl opened the public hearing at 7:59 p.m. and closed the public hearing at 8:00 p.m. as no one wished to address the Council.

Motion by Councilmember Huang, second by Councilmember Hubbard to adopt Resolution 2024-89 Approving the City's Application to the Minnesota Department of Employment and Economic Development on Behalf of Beckman Coulter, Inc. to the Minnesota Investment Fund Program. Motion carried.

9.B. Approve Resolution No. 2024-90 Denying a Major Variance for 2979 Hilltop Drive to Encroach into the Rear Yard Setback/Joe & Michelle Heiland/PC #2024-19

City Administrator Podhradsky introduced the item to the Council and City Planner Elizabeth Hanson provided a presentation on it.

Michelle Heiland, 2979 Hilltop Drive, thanked Staff and Council for their time. She pointed out the contractor failed to apply for a permit, and they moved forward in good faith assuming the contractor followed the proper channels. The current setback requirement does not allow a three-season porch, which is a common feature all over Chaska. The setback also doesn't allow the homeowners to enhance their living situation. The porch is 14 feet by 14 feet which is reasonably sized. Their lot configuration is unique. The porch aligns with the character of the neighborhood.

Ms. Heiland noted the average lot size of homes in their neighborhood is 15,000 square feet with the minimum lot size around 11,500 square feet per zoning. The City permitted the developer to create the lot in question smaller through an ordinance. The lot is 11,325 square feet which is a disadvantage.

Ms. Heiland added the porch does not inhibit any views or lighting. They have obtained letters from their neighbors in support of the porch. When they moved into the home in 2003, they planted trees which have now grown and provide additional privacy.

Ms. Heiland stated the Planning Commission cited concern that other homeowners would build before seeking approval. However, that was not their aim, nor would it be a reasonable choice considering the thousands of dollars that would go into the project.

Justin Ecklund, 121 West Street North Norwood Young America, explained, he as the contractor, submitted the permit. It was approved except there was a request for engineering plans. The engineering plans were submitted to the City. Staff reviewed the Site Plan after the other documents which impacted the timeline he normally operates on. He added the site survey is somewhat off as they measured the porch from the property lines and it encroaches four feet and two feet from each corner rather than the eight feet on the site survey.

Mayor Windschitl asked how the measurements could be so different. Ms. Hanson stated Staff completed their calculations based off of the scaled site map provided for the permit process.

Councilmember Huang stated either measurement is over the setback requirements.

Councilmember Hatfield asked why the work continued after the denial. Mr. Ecklund stated he continued with the project once Tony Zappa said the engineering drawings were approved. It was a couple weeks later that he was informed the application was denied.

Mayor Windschitl asked why Mr. Ecklund didn’t pick up the permit for the porch. Mr. Ecklund stated he didn’t receive an email notification that the permit wasn’t approved.

Councilmember Hubbard pointed out it is common practice to post the permit on the site. Mr. Ecklund stated it has been common practice, but many components of the construction process are going paperless.

Councilmember Huang stated the approval email went out May 3, 2024. Mr. Ecklund was informed in person of the denial towards the end of May. He asked how much construction happened between the end of May and when the homeowners became aware of the issue in July. Mr. Ecklund stated the porch was already framed, roofed, and shingled. Any progress after his notification was finishes. He wasn’t on the job site, so he can’t speak to why the project continued.

Councilmember Huang asked why the homeowners weren’t informed of the issue with the permit. Mr. Ecklund stated he didn’t have an answer for the question. This is the first time he has had an issue with permitting in his 18 years as a contractor.

Mayor Windschitl stated the Council is put in a hard spot when they shouldn’t have to be involved with the issue at all. If the Council approves the variance, it may set a precedent for future applications. A mistake of this nature shouldn’t be rewarded.

Mr. Ecklund explained he believed the project could move forward because they asked for the engineering plans. Mayor Windschitl stated the contractor shouldn’t have done a single part of the project without a permit in hand.

Councilmember Hubbard agreed the situation is difficult. The Heiland home is beautiful, and the porch is lovely. However, the Council must consider Code and setting a precedent.

Councilmember Huang noted he spent almost a decade handling variances at the County. Ultimately, one cannot create the circumstances under which a variance is granted. There were multiple opportunities for the contractor to properly obtain a permit. Due to State Statute, the Council cannot grant the variance. The situation is unfortunate.

Ms. Heiland pointed out the homeowner is requesting the variance, and they did not create the circumstances requiring a variance. Councilmember Grau stated the homeowner is still responsible for the actions of the contractor because they hired the contractor. The homeowner should have been more informed by the contractor, but the law states the contractor was operating on behalf of the homeowner.

Ms. Heiland asked if there is consideration for the lot size. She pointed out many of her neighbors have a similar porch. Councilmember Huang stated it would be a different conversation if the porch wasn't already constructed.

Councilmember Grau apologized for being unavailable to meet since receiving an email from the Heilands. It is entirely human to make mistakes, but they must comply with State law.

Councilmember Huang added violating Code can be a liability for the City as well.

City Attorney Michael Melchert recommended the Council if they have additional findings for the resolution state that before moving forward with the motion.

Motion by Councilmember Huang, second by Councilmember Hatfield to adopt Resolution No. 2024-90 denying the major variance request to encroach into the rear yard setback 8 feet for the purpose of an existing porch addition (Zoning Ordinance 15.12.200) that did not receive a building permit.
Motion carried.

<u>10. Bills</u>
<u>10.A. Accounts Payable Claims Roster 18-11-2024</u>
The Council requested further information about bills on pages 3, 7, and 22.

City Administrator Podhradsky provided further information regarding those bills.

Motion by Councilmember Huang, second by Councilmember Grau to approve the bills as presented. Roll call was taken. Voting aye: Councilmembers Hatfield, Hubbard, Huang, Grau and Mayor Windschitl. Voting nay: None
Motion carried.

<u>11. Other Business</u>
<u>11.A. City Administrator's Report</u>
<u>11.A.i. Bi-Weekly Report 18-11-2024</u>
<u>11.B. Financial Reports as of 30-09-2024</u>
<u>11.C. Q3 – 2024 Investment Report Memo</u>

Councilmember Grau:
- Noted the Santa Parade will be on December 20, 2024.
- Congratulated the newly elected City officials.

Councilmember Huang:
- Congratulated Councilmember-Elect Benesh and Mayor-Elect Hubbard on their new positions.
- Noted the Veteran's Day Service was well done and thanked those who put the event together.
- Pointed out the Chaska High School production of *Annie* is underway.
- Stated the Hometown Holiday is December 7, and the Tree Lighting is December 8, 2024.
- Congratulated Chaska on receiving American Public Works Association Minnesota Chapter Best Project of the Year award and thanked Staff for their work.
- Encouraged current and future Councilmembers to participate in Metropolitan Cities' committee meetings to represent Chaska.

Councilmember Hubbard:
- Attended the Veteran's Day event hosted by the middle school.
- Noted Chaska Community Center is hosting a free week of membership November 18-24, 2024.
- Coffee with a Cop is November 21, 2024.
- Wished everyone a Happy Thanksgiving.
- Encouraged folks to shop small.

Councilmember Hatfield:
- Asked who represents Chaska at the Metropolitan Cities Policy Adoption meeting. City Administrator Podhradsky stated the meeting is online and anyone is welcome to attend. Councilmember Hatfield confirmed she would attend the meeting.
- Noted the nominations for Chaska Human Rights Award are open.
- Pointed out there are open positions on the Planning Commission, Parks and Recreation Commission, Human Rights Commission, and the Heritage Preservation Commission.
- Stated the Truth in Taxation hearing is December 2, 2024.

Assistant City Administrator Durbin:
- Noted Walnut Street south of 3rd will be closed for a couple of weeks for utilities to be installed for the new Chaska Yards project.

City Administrator Podhradsky:
- Pointed out the State of the City address is November 20, 2024.
- Provided an update on the Cooper site.

Mayor Windschitl:
- Reiterated his empathy for the Heilands.
- Noted his appreciation of the new pickleball courts.
- Discussed arrangements for Hometown Holiday.

- Stated the 100 Club purchases the lights throughout the City.
- Congratulated the new Councilmembers on their appointments.

Community Development Director Nate Kabat:

- Provided an update on the KFC site.

12. Adjourn

Motion by Councilmember Grau, second by Councilmember Haung to adjourn the meeting at 9:29 p.m.
Motion carried.

- MINUTES -
CHASKA CITY COUNCIL
DECEMBER 2, 2024

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

2.Pledge of Allegiance

3. Roll Call
Roll call was taken. Present: Mayor Windschitl and Councilmembers Grau, Hatfield, Hubbard, and Huang.

Absent: None.

Also Present: Matt Podhradsky, City Administrator; Noel Graczyk, Administrative Services Director; Krista Mark, Communications Coordinator; Elise Durbin, Assistant City Administrator; and Nate Kabat, Community Development Director.

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

5. Visitor Presentation
Mayor Windschitl encouraged all community members to stay off ponds and lakes. Woodbury has had two water rescues already.

Mayor Windschitl pointed out Councilmember Huang has been serving the City since joining the Planning Commission in 2009 and the City Council in 2018. He also served as Chair for the SouthWest Transit Board, Chair of Suburban Transit, and participates in the Metropolitan Area Water Advisory Committee. He is an asset to the community. Mayor Windschitl thanked Councilmember Huang for his commitment to the City and his active involvement.

Councilmember Hubbard agreed it has been a pleasure to work with Councilmember Huang. He is thoughtful, analytical, and an effective communicator.

Councilmember Hatfield noted her appreciation of Councilmember Huang's experience and background with Planning Commission. Councilmember Grau thanked Councilmember Huang for his thorough review of the bills.

City Administrator Podhradsky agreed Councilmember Huang is thoughtful, thorough, and attentive.

Mayor Windschitl added it is noble for Councilmember Huang to step down and prioritize his family's needs.

Councilmember Huang explained it has been a joy to work with the Council. There have been fruitful conversations filled with respect. The community members and Staff have also made the experience worthwhile.

No one wished to address the Council.

6. Approve Previous Meeting Minutes

6.A. Approve the November 18, 2024 City Council Meeting Minutes

Motion by Councilmember Hubbard, second by Councilmember Hatfield to approve the minutes of the November 18, 2024 City Council meeting.
Motion carried.

7. Consent Agenda

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

A. Adopt Resolution No. 2024-93 Authorizing Issuance and Sale of $11,300,000 General Obligation Bonds, Series 2024B

Motion to ratify the completed sale of the Chaska General Obligation Bonds, Series 2024B.

B. Approve 2025 Business License Renewals

Motion to approve the 2025 Business Licenses to include games of skill, refuse haulers, massage therapists, massage business, tobacco sales, solicitors/peddlers/transients effective January 1, 2025 through December 31, 2025.
Motion carried.

8. Action Items

8.A. Truth in Taxation Public Hearing-2025 Tax Levy and Budget

City Administrator Podhradsky introduced the item to the Council and provided a presentation on it.

Councilmember Hatfield pointed out the Chaska library serves a community beyond Chaska. Councilmember Hubbard added the library has grown to provide more than just books.

Mayor Windschitl asked if Staff have gone back to the County regarding the sales tax and funding a library improvement. Chaska shouldn't carry the burden for the County. Councilmember Hatfield stated a County Commissioner stated the County doesn't need a library in Chaska. Mayor Windschitl stated the culture needs to change. Chaska doesn't lose anything by asking.

Mayor Windschitl opened the public hearing at 8:51 p.m.

Randal Gast, 3016 Fairway Drive, explained he doesn't have a median-priced home. The presentation didn't mention anything about cyber security. As a retired individual, he is highly susceptible in the cyber security world. The Council likely has little knowledge in IT. Last year, Ridgeview Hospital was hit with a ransom demand. Chaska will be hacked. He encouraged the

City to consider cybersecurity funding. He shared other examples of poorly handled cyber security issues.

Councilmember Huang pointed out his day job is an IT Program Manager. Mr. Gast stated Councilmember Huang is an exception, and his fellow Councilmembers don't listen to him when he speaks about cyber security.

Councilmember Huang noted he has spoken in length with Staff regarding cyber security issues, so they are well-aware of the topic.

Mr. Gast stated the average tax increase is on average $10,000 for 119 homes near the Golf Course. He provided additional statistics about the property tax impacts within his neighborhood.

Mayor Windschitl added Staff is required to complete cyber security training.

Leah Sheveland, 2961 Canyon Road, stated she ran for Council to increase representation. Her neighborhood can afford their increasing taxes. Her mortgage company called her to tell her that they will be increasing her mortgage payments because the taxes increased so much. Both this year and the previous year, the property taxes increased around $500. When she moved in less than a decade ago, her property taxes were under $6,000, and they are now close to $10,000. While her family can afford the increases, others are not as fortunate. Chaska used to be an affordable community, and everyone was welcome regardless of income. She encouraged the Council to consider tax impacts on all community members and to better communicate plans and initiatives to the public.

Mayor Windschitl stated Chaska has done more communication regarding public building improvements than any other City. The Council has been extremely transparent. Ms. Sheveland noted the Council can educate newer community members. Mayor Windschitl pointed out they cannot make community members pay attention.

Councilmember Hubbard added the City responded to community feedback and spread out the project over four years in consideration of inflation. Councilmember Huang reiterated the numerous community engagement efforts the Council and Staff have initiated.

Councilmember Hubbard explained the Council is working to have hard conversations now to promote affordable projects and prepare for future generations of Councilmembers and residents.

Councilmember Hatfield pointed out there are people promoting division in the community, but they don't have the best interest of Chaska in mind. They are misinformed and spread incorrect information. She encouraged community members to seek out the truth from public documents, Staff, and other City representatives.

City Administrator Podhradsky noted only about 20 percent of the City's budget is funded by taxes.

Councilmember Hatfield explained the Council was elected to sit through hours and hours of presentations and make difficult decisions.

Councilmember Huang added residents prefer to digest summarized information rather than hearing each and every detail. It is difficult for the Council and Staff to distill such detailed, thought-out projects and efforts into a tidbit the public would care to understand.

Councilmember Hubbard quoted Councilmember Hatfield, "When you know more, you do better." The Council has to balance the various perspectives. There is no perfect community for all people. They aim to facilitate consistent, fruitful City services without getting luxe.

Councilmember Huang stated he has a table that calculates inflation amortization. For example, a $40 million building may cost $45 million after five years. Waiting five years also increases the loan amount. In the scenario of waiting five years to build a $45 million building, the City would be responsible for an additional $8.3 million for the loan.

Mayor Windschitl stated the roof leaks among other issues. They wanted to push back the project, but it wasn't the best decision financially. No one wants higher taxes, and the City should have planned lower increases over time to prepare for such projects. The timing is also difficult. After the recession, there was the pandemic. COVID-19 has changed the construction world. Overall, he has been comfortable with the decisions he has participated in throughout his time on Council.

Councilmember Hatfield pointed out the issues are not unique to Chaska. No one wants higher taxes, but the Council must consider both the present and long-term tax impacts.

Councilmember Grau added values and the City services used are personal to each individual, and the Council cannot accommodate all preferences.

Councilmember Hubbard thanked Ms. Sheveland for her comments and encouraged more residents to participate in City happenings. She noted that additional community members participate in different ways such as one-on-one meetings with Councilmembers, emails, and the like.

Mayor Windschitl closed the public hearing at 9:44 p.m.

Motion by Councilmember Huang, second by Councilmember Grau to establish December 16, 2024 as the date to consider the adoption of the 2025 budget and final tax levy.
Motion carried.

8.B. Public Hearing: Adopt Ordinance 2024-1052 Establishing 2025 Development Fees, Planning Application Fees, Building and Fire Permit Fees
City Administrator Podhradsky introduced the item to the Council and Community Development Director Nate Kabat provided a presentation on it.

Mayor Windschitl asked if the rates are comparable to neighbors. Community Development Director Kabat confirmed the proposal is comparable to existing rates of nearby cities.

Councilmember Hatfield asked how the City knows which homes are being bought for rentals. City Administrator Podhradsky stated they can obtain a list of properties that are not homesteaded. Those properties can be contacted regarding licensure. Councilmember Hatfield noted the importance of single-family homes being inspected to promote safety in Chaska.

Community Development Director Kabat pointed out that relying on the Fire Department would help inform the Fire Department of community needs and build capacity for firefighters.

Councilmember Huang asked how homesteaded properties used for Airbnbs are counted. Councilmember Hatfield stated only one property can be homesteaded. However, utility billing could also be reviewed for long-term stays.

Councilmember Huang noted some homes are rented out for a one-time situation such as a golf tournament. City Administrator Podhradsky stated those would be difficult to track, but it is likely fewer than they think.

Mayor Windschitl opened the public hearing at 9:53 p.m.

No one wished to address the Council.

Mayor Windschitl closed the public hearing at 9:54 p.m.

Motion by Councilmember Hubbard, second by Councilmember Huang to adopt Ordinance 2024-1052, establishing the 2025 Development, Planning Application, Building Inspection, and Fire Fees.
Motion carried.

9. Bills
9.A. Accounts Payable Claims Roster 2-12-2024
The Council requested further information about bills on pages 7, 18, and 19.

City Administrator Podhradsky provided further information regarding those bills.

Motion by Councilmember Huang, second by Councilmember Grau to approve the bills as presented. Roll call was taken. Voting aye: Councilmembers Hatfield, Hubbard, Huang, Grau and Mayor Windschitl. Voting nay: None
Motion carried.

10. Other Business
10.A. City Administrator's Report
10.A.i. Bi-Weekly Report 2-12-2024
10.B. Business Update

Councilmember Hatfield:
- Noted she participated in Small Business Saturday, and it was very popular.
- Stated Hometown Holiday will be December 7, 2024.
- Pointed out the Dueling Pianos event on December 12, 2024 is sold out.

Councilmember Hubbard:
- Noted she also participated in Small Business Saturday.
- Stated the Human Rights Commission is accepting nominations for their award through December 12, 2024. The nomination forms are available online.
- Explained the closing date for Boards and Commissions applications is December 20, 2024. There are a number of open positions.

Councilmember Huang:
- Pointed out three of the five Councilmembers started off serving on Commissions.
- Attended the Chaska High School production of *Annie*, and it was very entertaining.
- Stated the Santa Parade is December 18, 2024.
- Added there will be a one-night choir on December 17, 2024. The performance will be a free event.
- Noted Chaska was included on a list of Best Small Cities in America and ranked 12th in Minnesota.
- Asked for an update on the Cooper site. City Administrator Podhradsky stated the owner is working on financing. Community Development Director Kabat added Staff has reason to believe the KFC is structurally unsound, and it has been communicated to the property owner.

Councilmember Grau:
- Asked for an explanation on how City's holiday lights are paid for. City Administrator Podhradsky stated the 100 Club holds a fundraiser to pay for the holiday decorations throughout the community.
- Agreed the *Annie* production was well-done.
- Pointed out there are a number of volunteer-run organizations that help make Chaska what it is. He thanked the community volunteers for their contribution to the City.

Mayor Windschitl:
- Stated Chanhassen has a *Christmas Story* production coming up.
- Asked for an update on the Public Safety building. City Administrator Podhradsky explained several days were lost due to the summer's weather, and they haven't been able to catch up.
- Noted Savannah Way opened up.
- Pointed out there is a Chaska Santa in town that collects toys for children.

<u>11. Adjourn</u>
Motion by Councilmember Huang, second by Councilmember Grau to adjourn the meeting at 10:34 p.m.
Motion carried.

- MINUTES -
CHASKA CITY COUNCIL
DECEMBER 16, 2024

1. OPEN SESSION

2. CLOSED SESSION 5:30 - 7:00 PM

A. City Administrator's Annual Review

Under Minnesota Statute Section 13D.05 Subdivision 3(a) the City Council has the authority to conduct a closed session for the review of any employee under our direct supervision. The only topic of the discussion in this closed session will be the performance review of City Administrator Matt Podhradsky. The meeting will be taped, and the recording kept for three years, as required by the Minneosta Open Meeting Law. As is required by State Statute, a summary of conclusions regarding the evaluation will be given at the next open session of the Chaska City Council.

3. OPEN SESSION

4. Call to Order

5. Pledge of Allegiance

6. Roll Call

7. Adopt Agenda

8. Visitor Presentation

A. Eric Lembke - Awards Chair of American Public Works Association Minnesota Chapter, Downtown Highway 41 Public Works Project of the Year

9. Approve Previous Meeting Minutes

A. City Council Meeting Minutes from 12-02-2024

10. Consent Items

A. Resolution 2024-94 Approving an Agreement with Carver County for 2025 Assessment Services

B. Accept Public Improvements - Chaska Bluffs 2nd Addition

C. Adopt Resolution No. 2024-100 Amending Fund Balance Commitments

D. Adopt Resolution No. 2024-101 Bond Sale Reimbursement

E. Adopt Resolution No. 2024-103 Amending 2024 Fund Budgets

F. Adopt Resolution No. 2024-104 Establishing Finance Policies

G. Adopt Resolution No. 2024-105 Supporting Job Creation Fund Application for Beckman Coulter

H. Adopt Resolution No. 2024-106 Establishing Interfund Tax Increment Financing

I. Consider City Administrator Performance Based Salary Adjustment

J. Adopt Resolution No. 2024-108 Requesting the Chaska EDA Issuance of $6,080,000 Lease Revenue Refunding Bonds, Series 2025B

K. Authorize Agreement with Vertosoft for OpenGov

L.
Approve MnDOT Cooperative Construction and Joint Powers Agreements for County State Aid Highway 10 (Engler Boulevard)

i. Adopt Resolution 2024-110   Approving Cooperative Construction Agreement between State of MN and Carver County and City of Chaska for Construction on County State Aid Highway 10 (CSAH 10) Engler Boulevard.

ii. Adopt Resolution 2024-111 Approving Joint Powers Agreement between Carver County and the City of Chaska for Construction on County State Aid Highway 10 (CSAH 10) Engler Boulevard

11. Action Items

A. Adopt Resolution No. 2024-107 Approving the Concept Plan for Beckman Coulter at 316 Lake Hazeltine Drive/Beckman Coulter/PC #2024-23

B. Adoption of 2025 Tax Levy and General/ Enterprise Fund Budgets

i. Adopt Resolution No. 2024-98 2025 Tax Levy

ii. Adopt Resolution No. 2024-99 General/Enterprise Fund Budgets

C. Establishing 2025 Utility Rates

i. Adopt Ordinance 2024-1053 Establishing 2025 Electric Utility Rates

Adopt Resolution #2024-95 Summary of Electric

ii. Adopt Ordinance 2024-1054 Establishing 2025 Water Sewer Utility Rates

Adopt Resolution #2024-96 Summary of Sewer/Water

iii. Adopt Resolution No 2024-97 Establishing 2025 Storm Water Utility Rates

12. Bills

A. Accounts Payable Claims Roster 12-16-2024

13. Other Business

A. City Administrator's Report

i. Biweekly 12/16/2024

B. 2024 BWC Staff Memo and BWC Audit Report - Chaska Police Department

C. Financial Reports as of 10/31/2024

14. Adjourn

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 like 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 someplace 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 be 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 and 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 norther 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 their 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 ¾ 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.

CHASKA PLANNING COMMISSION
MINUTES
NOVEMBER 13, 2024

1. Call to Order
Vice-Chairperson Urbanski called the meeting to order at 7 pm.

2. Roll Call
Roll call was taken. Members present: Commissioners Olson, Gaare, Aasen, Baswa, Kerber, Campbell, and Vice-Chairperson Urbanski.

Members absent: Commissioners Brass and Purdy.

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

3. Adopt the Agenda
Motion by Commissioner Olson, 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 October 9, 2024, Chaska Planning Commission Meeting Minutes

Commissioner Olson asked if the minutes had been attached to the packet.

City Planner Hanson stated that they should have been included in the packet.

Commissioner Olson explained that he had not seen them in the packet.

Vice-Chair Urbanski suggested that they carry this action over to the next meeting in order for everyone to be able to see the minutes.

Motion by Commissioner Olson, second by Commissioner Baswa, to carry approval of the October 9, 2024, Planning Commission meeting minutes to the December Planning Commission meeting.
Motion carried.

6. Consent Agenda

7. Action Items
a. PUBLIC HEARING: Recommend Denial of a Major Variance for 2979 Hilltop Drive to Encroach into the Rear Yard Setback/Joe & Michelle Heiland/PC #2024-19

City Planner Hanson presented the item to the Commission and noted that this item would come before the City Council on November 18, 2024.

Commissioner Olson asked if, for tax purposes, a three-season porch space would be considered living space.

City Planner Hanson confirmed that, per building code, it would be considered living space, but noted that she could not say what it would be considered for tax purposes.

Vice-Chair Urbanski opened the public hearing at 7:30 p.m.

Joe and Michelle Heiland, 2979 Hilltop Drive, stated that they were asking the City to consider approving their variance request that will allow them to complete a three-season porch addition on the back of their home where they have lived since 2003. He stated that they were never notified by their contractor, or the City, that the permit for the porch had not been approved until Tony Zappa had arrived at their home on July 18, 2024. He explained that they had been acting in good faith that all the necessary permits had been sorted out between their contractor and the City. He noted that if they had been made aware of the permit status on May 3, 2024, they would have put a stop to the project and explored other options. He explained that by the time the stop-work had had been issued, their project was about 80-90% completed. He stated that they felt that the City had the ability to approve their request without creating a precedent for future variances and explained that the smaller lot sizes that are permitted in their neighborhood have put their lots at a disadvantage when it comes to meeting the setback requirement which was not created by the property owners. He reiterated that they were not aware of the permit status until the porch was near completion.

Commissioner Olson asked how long the Heilands had been planning the transition from a deck to a three-season porch.

Mr. Heiland stated that it began around the beginning of COVID when they started taking the deck apart with the intention of just replacing the floorboards with a maintenance-free product and had talked to some friends in the construction industry who raised the idea of a three-season porch. He explained that because their backyard has limited space their idea was to be able to maximize the space as much as possible and have space that could also be used in the spring and fall months. He stated that when COVID hit, material pricing went through the roof, so the project essentially went into an unfinished mode until this spring, when they finally reached out to a contractor.

Commissioner Gaare asked if the Heilands were the original owners of the property.

Mr. Heiland confirmed that they had built the home in 2003.

Commissioner Gaare stated that if they had built the home then they should have been aware of the lot size and the setback.

Ms. Heiland stated that they were about 24 or 25 years old and saw a lot that hadn't been built on and thought it was amazing and when the house went up, she explained that she had ended up disappointed because of the end result in the yard space, but noted that was due to her own ignorance.

Commissioner Gaare stated that the 30-foot setback was not new and had been around for a long time.

Mr. Heiland stated that he believed that setback was established in 2003, the year that they moved in.

City Planner Hanson confirmed that it was established at the onset of building out there.

Vice-Chair Urbanski stated that he believed it was part of that PUD. He asked what the Heiland's contractor had to say about this.

Ms. Heiland stated that she believed he was in attendance via Zoom.

Vice-Chair Urbanski noted that all the letters of support that the Heilands had submitted were included in the packet.

Ms. Heiland stated that they had submitted letters from all of their neighbors who could actually see it and they were all in support of their request. She noted that they have put a lot of money into this project and it would be really sad to have to take the porch down and be out that much money. She stated that if they had been told 'no' at the very beginning, it would have been a non-issue, but they did not know anything and invested a ton of money.

Commissioner Gaare confirmed that the Heilands had stated that they were not aware of the issues until July.

Vice-Chair Urbanski stated that the Heilands also did not dispute the fact that their contractor knew about the issue much earlier than July.

Mr. Heiland stated that was true and noted that they found that out afterward.

Ms. Heiland stated that she thinks their contractor, initially, was going in good faith. She explained that initially he thought it had been approved and went ahead and got the engineering drawings done which he paid for. She stated that, at some point in the building process, he did find out and explained that there was work done after that point.

Mr. Heiland stated that was not their intent and explained that every communication with their contractor was that the permits had been taken care of. He stated that, in hindsight, he wishes that he would have had the contractor physically show them to him and reiterated that he thought it was all taken care of. He asked the Commission to put themselves in their shoes in this situation.

Commissioner Gaare asked if the contractor was online.

City Planner Hanson stated that there was one guest present online but wasn't sure if it was the contractor. She asked if the contractor was online to raise his hand so the City could give them the ability to address the Commission.

No hands were raised online.

Ms. Heiland noted that their contractor does have a child in the hospital, so if he wasn't online it was not just a simple 'no-show'.

Vice-Chair Urbanski asked if anyone else wanted to speak during the public hearing.

Brian Wisdorf, 2997 Hilltop Drive, explained that he reviewed the materials that were included in the packet and was here to express his support for the variance request. He stated that he disagreed with the analysis and recommendation within the staff report and that was based on his 20 years of real estate experience dealing with variances. He stated that he had reviewed the City code and the statute, and noted that the Chaska Heights development was associated with the plat that the developer used in order to build the number of units on this parcel that would allow them to maximize the number that could be sold. He stated that when it comes to practical difficulty, the plight of the landowners has to be due to circumstances unique to the property and staff focused on this particular PUD in their analysis. He stated that an interesting thing about Ordinance 746 is that it appeared that it was passed after the platting of the property when usually they go hand in hand. He stated that when looking at the City's ordinance requirements for this area, ultimately, under the current code it was a minimum of 11,500 sq. ft. with an average of 15,000 sq. ft. He noted that when Ordinance 746 was passed, they allowed the developer to create smaller lots of 11,200 sq. ft. for 20 of the lots within Block 5, which includes his lot and the Heiland's lot, and had allowed smaller lots within the R-1 district. He stated that when this development was approved, the City said that they would allow them to put houses on smaller parcels of property. He stated that this ultimately allowed the property owners to put in houses that did not meet the square footage that would otherwise be required. He noted that in this development there are 20 lots that are identified as R-1A and 6 of those are below the 11,500 sq. ft. that the current code would require. He stated that he felt that, in and of itself, made the property unique and noted that this was not a situation created by the property owner. He stated that allowing a smaller lot and keeping the setbacks that would normally apply to an 11,500 sq. ft. minimum requirement, created a crunching of the property for purposes of the property owner and made it more difficult for them to build what they are seeking to build. He stated that he felt that was what made this a practical difficulty and a unique situation and reiterated that it was not created by the property owner. He stated that he felt for those reasons, the Commission and the City Council have a basis to make a finding that this was a unique situation for the Heilands and permit them to move forward with their three-season porch. He stated that the Heilands were not informed in May when the building inspector had informed the contractor that the permit was approved and then told him that the permit was not approved anymore because he had looked at the setbacks. He stated that based on the sequence of events outlined within the staff report, nobody came out to the property to inform the Heilands that they shouldn't be doing anything on their property until the building inspector showed up in his driveway. He stated that he felt that also made this somewhat unique because it was not often that the contractor is informed that a permit has been granted and then later on informed that it was not granted. He stated that this was a difficult situation and, an after the fact variance was not ideal for anyone, nor was it to be promoted, but, when there are unique circumstances associated with the parcel itself, that would otherwise permit the variance to be granted, he would argue that it was a unique situation. He stated that he felt that by the City approving this request, it did not 'rubber stamp' anything for any of the other properties in the area.

There being no additional comment, Vice-Chair Urbanski closed the public hearing at 7:50 p.m.

Commissioner Campbell asked if, when a permit was issued, signage was posted on the site that showed that it had been signed off for every step of the process.

City Planner Hanson stated that was correct.

Commissioner Campbell asked if the Heilands had not noticed the lack of signage that would usually be applied for this kind of project.

Mr. Heiland stated that they had seen it done before, but explained that they were not aware that it was a requirement to have it posted outside.

Commissioner Campbell stated that the contractor knew there was no permit but decided to go on his own and finish the construction.

Mr. Heiland stated that the contractor had done that unbeknownst to them.

Commissioner Olson asked what prompted the two-month gap between the visit between the contractor and the building inspector going to the site on July 18, 2024.

City Planner Hanson stated that once the message was given to the contractor that the building permit was not approved, the ball was back in their court to correct their plans and resubmit to the City. She stated that she does not know if that was something that had been mentioned by the contractor, but ultimately, the City was notified by an electrical inspector that the work was being completed, when they contacted the City to see if there was a permit on file for it.

Commissioner Baswa stated that this was really sad to see after the Heiland's had spent a lot of money, but if the City considers this lot as a special lot, it would be opening a can of worms, because someone else can easily build something and say that they have difficulties and my neighbor said to build what they wanted. He stated that they may give a free hand to the contractors who would go and do similar things to other residents and just ignore the process and go and build what they want. He stated that he thinks that the Commission needs to also consider aspect this as well and felt that they needed to make sure that the contractor was responsible for their actions and not just look at it from the resident's perspective.

Commissioner Olson asked what the alternatives were that staff has provided outside of tearing it all down or tearing half of it down and explained that he was trying to see what other creative things may be able to be done. He stated that he wanted to find a solution and a way to get through this and noted that they were putting this on the same footprint as the deck that was already there. He stated that if they can set aside the fact that this was already built and think about it as though it was just coming to them as a request for a variance, as a plan. He questioned what was really different from a deck and something that was the same measurement, but had walls and a ceiling and noted that he was kind of pushing on City code for that issue.

Commissioner Gaare stated that it was because it was a structure.

Commissioner Olson noted that they had said it was a permanent thing, but he felt a deck was also a permanent thing. He asked why there was a distinction between a deck and an enclosed porch and asked if there would be a difference if it was something that just had screens and asked where the delineation was between an enclosed porch, a three-season porch, and a deck.

Commissioner Kerber stated that she would like to know what qualified for the 30-foot setback and what qualified for the 20-foot setback.

City Planner Hanson stated that an unenclosed deck, without a roof and walls, is technically what would be considered for the 20-foot setback. She stated that whether something would be screened or walled, it would be put into the 30-foot setback requirement.

Commissioner Olson asked if someone had a deck and then put a pergola on top of it and whether it would be considered an enclosed deck.

City Planner Hanson stated that a pergola is an open structure, so it would not be considered an enclosed deck. She stated that she believed that the Heilands had a pergola on their deck before this structure.

Mr. Heiland stated that they had not had a pergola on their deck.

Commissioner Baswa asked what other options the Heiland's contractor had provided to them.

Ms. Heiland stated that she did not think there were any really good options. She stated that they could shorten it by 8 feet, but then it wouldn't be large enough for them to have a table out there. She noted that someone had mentioned the possibility of detaching it so it would just be an independent structure and asked if that may be an option.

Mr. Heiland stated that Mr. Zappa had brought up that idea the day he showed up in the driveway and explained that they hadn't explored that option. He stated that when they found out about things in July they asked City staff what options were available to them and the first option was for them to apply for the variance and explained that they had not really explored any other options with the contractor yet.

Commissioner Campbell asked if the deck was original to the house.

Mr. Heiland explained that the deck was built a few years after they built the home.

Commissioner Campbell asked if he had done the work himself or if he had gone through the building permit process.

Mr. Heiland explained that they did pull a permit but the work was kind of done with the assistance of a friend of his within the construction trade.

Commissioner Campbell stated that Mr. Heiland then knew what the setbacks were for the deck.

Mr. Heiland confirmed that he did know the setback requirements for the deck but was not aware that the setbacks changed once there were walls.

Commissioner Baswa stated that the City has seen similar cases when someone wanted to put in a sports court in place of a deck.

Commissioner Campbell stated that there was a letter in the packet from the house directly behind the Heilands who said that this was not a big deal and asked about the homes on the other sides of them.

Mr. Heiland stated that there should have been a total of 3 letters submitted and explained that they had received letters of support from the neighbors behind them as well as to their left and right. He noted that he had also included photographs that showed the view from the neighboring yards as well.

Vice-Chair Urbanski asked if it may be possible for the Heilands to purchase land from the home behind them in order to extend the lot but noted that he believed that lot may be located within a different township.

City Planner Hanson stated that technically that would be a possibility, but it could put that home in violation of where their setbacks sit in relation to their building.

Vice-Chair Urbanski stated that it may also be more expensive to go that route as well.

Commissioner Aasen asked what happened with insurance when there was no permit for a structure.

Community Development Director Kabat stated that would be a question for the insurance company.

Commissioner Aasen stated that his thought was that if there was no permit, then the insurance company may pull their insurance.

Commissioner Olson stated that it feels like staff has two different lanes, one for residential and one for industrial and commercial, when it comes to variances or doing something different for the property at hand. He stated that last month, with the CloudHQ application, the property was zoned for a 36-foot building, which the applicant knew, and yet the City approved something larger than that. He stated that the parcel was zoned and planned for something smaller, but they came in and wanted to build something larger, and the City let them. He stated that setting aside what the contractor did in this situation, the property owners were asking to put a three-season porch on the same footprint of the deck that previously had on the back of the house. He noted that the three-season porch would not change the character of the neighborhood, nor was it impacting anything and their neighbors were all in support of the request. He stated that what gave him the biggest heartburn was that it was an issue just because it was changing from an open deck to something with four walls.

Commissioner Baswa stated that everything was a different case and explained that he strongly disagreed with the point Commissioner Olson was making. He stated that with CloudHQ, there is a mitigation plan in place regarding its size and noted that the City has the option to say 'yes' or 'no' based on their discretion. He stated that he feels for the homeowners because they have been blindsided, but at the same time, tomorrow, or next month, the Commission shouldn't be hearing the same thing from someone else in this same situation asking for a variance because the City had granted it in this case. He stated that the CloudHQ situation was different than this situation and staff had provided information and did not feel that the Commission should be blaming them because they were just providing the facts.

Commissioner Gaare stated that she knows that Commissioner Olson stated that he was not overly concerned about setting a precedent but her concern was in where the City draws the line. She noted that these are houses in close proximity to one another rather than the situation with the CloudHQ building. She stated that she drove through the area to take a look at what they would be talking about tonight and noted that she felt it was incredibly unfortunate that the contractor was not up front with the Heilands, but she felt that she had to look at the precedent this may set.

Vice-Chair Urbanski stated that the way he looks at this is that there was not a mistake made, but a decision. He stated that the Heiland's were not the ones that made the decision, but there were two decisions made, one on May 3, 2024, when the contractor decided to disregard the e-mail and another when he came in to pay for the permit and made the decision not to tell the Heiland's that the permit had been denied and had essentially rolled the dice with the hope that he wouldn't get caught. He stated that his issue is that if the City approves this, the City would basically give all contractors across the City the right to come in and build something and then come back later and say that they were 'sorry' and that they would do it right next time. He stated that in that way, he felt this would set a precedent.

Mr. Heiland stated that he thinks that this issue could be fixed moving forward if the homeowners are included in the communication process. He stated that there was never any communication to them as the homeowners when the City communicated with the contractor.

Vice-Chair Urbanski explained that if the City does not issue a permit, it was not their job to go out to a house and see what was going on. He stated that the permit was intended to make sure that inspections take place during the building process in order to ensure that things like the framing, windows, and roof installation were all done properly and noted that in this case, none of those inspections were done for the Heiland's project. He reiterated that his big thing is the precedent that this would set for the rest of the City.

Ms. Heiland stated that she felt that if this was denied they would be the ones penalized and not the contractor because while he will be out some money, they will be out a lot more money.

Commissioner Olson stated that they should have legal standing in this situation, but understood that would also cost money.

Motion by Commissioner Olson, second by Commissioner Gaare, to recommend denial of the major variance request to encroach into the rear yard setback 8 feet (Zoning Ordinance 15.12.200) for the purpose of an existing porch addition that did not receive a building permit, to the City Council based on the following findings:

FINDINGS:

1. The property in question can be put to reasonable use under the current regulations and setbacks. There are no unique physical constraints on the property which would put the applicant in a position of not reasonably using their property per this request.
2. The variance is greater than necessary to reasonably use the property. There are reasonable alternatives for a building addition meeting setbacks that should be explored.
3. The variance, if granted, will alter the essential character of the area by allowing a smaller rear yard setback. A rear building addition encroaching into the minimum building setback would set a negative precedence for other homes that have the same rear yard setback.
4. The variance, if granted, is contrary to the City's zoning ordinance (Section 15.12.200), which requires a 30-foot rear yard setback.
5. The variance, if granted, would set a negative precedence for projects that do not obtain a building permit.

Motion carried.

Mr. Heiland asked what happened next.

Community Development Director Kabat explained that the Planning Commission was making a recommendation to the City Council, so the next step would be at the City Council meeting on November 18, 2024. He stated that the City Council will be the one making the ultimate decision and will take into consideration the recommendation from the Planning Commission. He noted that it would not be a public hearing, so they were not obligated to take public comment, but explained that the Council did typically take it, so he would expect that the Heilands could make a statement at the meeting if they would like.

8. Other Business

9. Receive Other Meeting Minutes

a. Receive the September 16 and October 7, 2024, City Council Meeting Minutes

Vice-Chair Urbanski noted that the other meeting minutes were also not attached to the packet and asked those to be brought forward to the next meeting.

10. Adjourn

Motion by Commissioner Aasen, second by Commissioner Baswa, to adjourn the meeting at 8:16 pm.
Motion carried.

CHASKA PLANNING COMMISSION
MINUTES
DECEMBER 11, 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, Baswa, Purdy, Kerber, Campbell, and Chairperson Brass.

Members absent: None.

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

3. Adopt the Agenda
Motion by Commissioner Aasen, second by Commissioner Kerber to adopt the agenda as presented.
Motion carried.

4. Visitor Presentation
No one appeared under Visitor Presentation.

5. Approve Previous Meeting Minutes
   a. Approve October 9, 2024 and November 13, 2024 Planning Commission Meeting Minutes

Motion by Commissioner Brass, second by Commissioner Urbanski, to approve the minutes of the October 9, 2024 Planning Commission meeting.
Motion carried.

6. Consent Agenda

7. Action Items
   a. Recommend Approval of the Concept Plan for Beckman Coulter at 316 Lake Hazeltine Drive/Beckman Coulter/PC #2024-23

City Planner Hanson presented the item to the Commission and noted that this item would come before the City Council on December 16, 2024.

Commissioner Olson stated that City Planner Hanson had said that originally the previous owner had an expansion plan for the building and asked what the square footage was for that plan.

City Planner Hanson stated that the square footage was roughly 50,000 sq. ft.

Commissioner Olson stated that this plan would be about 40% more than those plans.

Chair Brass referenced the back area and the nook that was created and asked if they had plans for outside storage in this location or if it was intended to just be an open area for trucks to turn around in.

City Planner Hanson suggested that the applicant could respond to that question and noted that at this time there was not a proposal for exterior storage. She stated that the assumption at the concept level was that it was intended to be more of a loading area for the additional warehouse portion of the addition.

Chair Brass noted that they are short about 100 stalls.

City Planner Hanson stated that they are short by a bit under 100 stalls right now and explained that there are ways to look at proof of parking on the site that they don't think would be insurmountable.

Amy Salsbury, representing the applicant, introduced herself.

Chair Brass reiterated his question relating to the back area.

Ms. Salsbury explained that area was intended to be used for truck turn around space and noted that they have faced the opening to the receiving docks to the south in order to help.

Chair Brass asked if the receiving docks and shipping docks were on opposite sides.

Ms. Salsbury stated that was correct and explained that they would flow their manufacturing from west to east.

Chair Brasse asked about their anticipated start time.

Ms. Salsbury explained that their anticipated start time, if everything was approved, would be the spring of 2025 for their groundbreaking.

Commissioner Gaare asked about parking for the additional 300 employees and if the facility would be done via shift work.

Ms. Salsbury stated that they will have multiple shifts for their workforce.

Chair Brass asked how many employees they were expecting to be on site for each shift.

Ms. Salsbury stated that they were estimating about 250 people at the maximum for each shift.

Commissioner Urbanski asked if all of the jobs would be manufacturing.

Ms. Salsbury stated that they would be manufacturing and manufacturing support jobs.

Commissioner Olson stated that it seemed like the size of the facility was limiting the ability to fit both the parking and the landscape requirements within City code and asked how they planned to deal with that.

Brian Wurdeman, Kimley Horn, stated that at this point they feel good about their ability to meet the parking requirements through a few different avenues, including proof of parking on the site. He noted that there were other facilities owned by Beckman in the area, so they could create a bit more of a comprehensive parking evaluation in order to balance out some other properties in the area. He stated that for landscaping, they recently had conducted a tree survey in order to better understand the existing trees and what may be able to be preserved in order to work that into the City code requirements. He clarified that he did not have that information at the Concept Plan stage, but do expect to continue to layer in more information for those items as they progress towards the Preliminary stage.

Commissioner Olson stated that buildings may change hands, so while today their plans for parking may all work, later, when the facility may not be part of the same ownership, it may not work and wanted to make sure that they were not losing site of the future.

Chair Brass asked about the parking requirement versus what was provided and asked if that had taken into consideration the existing building as well as the new building.

City Planner Hanson stated that it took into consideration everything that would be on the site.

Chair Brass asked if their manufacturing would be two-stories.

Ms. Salsbury explained that they plan to do the light manufacturing on the second floor and the heavier manufacturing on the first floor. She noted that the warehouse would have a raw materials side and a finished goods side.

Chair Brass asked if they planned to have any clean areas.

Ms. Salsbury answered that they would not have clean rooms, but may have a small HEPA hut.

Chair Brass asked what they would be manufacturing in this facility.

Ms. Salsbury stated that they will have different product lines but would all be instruments, and noted that the current campus produces immunoassay instruments and they will be bringing in some hematology and microbiology instruments.

Motion by Commissioner Brass, second by Commissioner Baswa, to recommend approval to the City Council approval of the concept plan for the building addition at 316 Lake Hazeltine Drive, subject to the following conditions:

1. Approvals shall be based on the following graphic exhibits unless modified by the conditions below:
a. Narrative (pgs 1-9), prepared by Beckman Coulter, dated November 5, 2024 and revised November 18, 2024
b. Existing Conditions Photographs, prepared by CRB, dated November 5, 2024

c. ALTA/NSPS Land Title Survey (pgs 1-3), prepared by EFN, undated
d. Site Plan, prepared by Kimley Horn, dated October 25, 2024
e. Grading Plan, prepared by Kimley Horn, dated October 25, 2024
f. Utility Plan, prepared by Kimley Horn, dated October 25, 2024
g. Landscape Plan, prepared by Kimley Horn, dated October 25, 2024
h. Existing Site, prepared by CRB, dated November 5, 2024
i. Space Function Diagrams Level 1, prepared by CRB, dated November 5, 2024
j. Space Function Diagrams Level 2, prepared by CRB, dated November 5, 2024
k. Building Materials and Precedents, prepared by CRB, dated November 5, 2024
l. Renderings, prepared by CRB, dated November 5, 2024
m. Elevations New Building Addition, prepared by CRB, dated November 5, 2024
2. Adherence to the City Engineer memo dated December 6, 2024.
3. Compliance with City Code Sec. 15.28 (Special Regulations), including but not limited to the following, and to be submitted with the preliminary site plan application:
a. Tree inventory and preservation plan;
b. Landscaping plans in conformance with City Code Sec. 15.28.070;
c. Grading plans;
d. Stormwater plan; and
e. Wetland Mitigation Plan
f. Truck turning exhibit
g. Fire truck turning exhibit
4. Coordination with:
a. City Engineer regarding utilities, grading, access, and drainage.
b. Electrical department on service requirements.
5. Setbacks are as follows:
a. Front yard setback (south property line): 30 - feet
b. Side yard setbacks (east & west property lines):
i. Interior: 15 – feet
c. Rear yard setback (north property line):
i. Property Line: 20 – feet
ii. Railroad ROW: 50 - feet
d. Wetlands: Varies based on wetland type
6. Development standards are as follows:
a. Floor Area Ratio (FAR) maximum: 0.5
b. Building Coverage maximum: 50%
7. Provision of a storm water management plan meeting City and Carver County WMO standards.
8. Provision of a wetland mitigation plan to be completed and approved prior to issuance of a grading permit and prior to final submittal.

Motion carried.

8. Other Business

a. Receive the November 18, 2024 City Council meeting minutes

9. Adjourn

Motion by Commissioner Brass, second by Commissioner Kerber, to adjourn the meeting at 7:26 pm.
Motion carried.