AGENDA
CHASKA PARK & RECREATION COMMISSION
CHASKA CITY HALL - COUNCIL CHAMBERS & ZOOM
Tuesday, July 12, 2022
7:00 PM

1. Call to Order
2. Roll Call
3. Adopt Agenda
4. Visitor Presentation
5. Approve Previous Meeting Minutes
   - 5.A. May 10th Minutes
6. Receive Council and Planning Meeting Minutes
   - 6.A. City Council Meeting Minutes May 5th, May 16th and June 6th
   - 6.B. Planning Commission Meeting Minutes
7. Discussion Items
   - 7.A. Pedestrian and Bicycle Master Plan
   - 7.B. Community Center Master Plan
   - 7.C. Harvest West Neighborhood Park
   - 7.D. Chaska Miracle Field
   - 7.E. Department Happenings
8. Other Business
   - 8.A. Round Table
9. Adjourn

Chaska
Parks and Recreation Commission
Meeting Minutes
May 10, 2022

1. **Call to Order**

   The May 10, 2022, meeting of the Chaska Parks and Recreation Commission was called to order by Chair Downs at 7:00 p.m.

2. **Roll Call**

   Attendance: Chair David Downs, Vice Chair Jason Branch, Donelle Heieie, Georgiann Keyport, Zach Saueressig, Elizabeth Wyveen, Karli Cich, and Michael Heuer

   Absent: Terrence Schwerm and Roda Hassan

   Staff: Parks and Recreation Director Marshall Grange, Assistant to the Director Mary Monteith.

   IS Assistance Michelle Blasko

3. **Adopt Agenda**

   Motion by Wyveen, second by Keyport, to adopt the May 10, 2022, meeting Agenda.

   Roll Call for Approval

4. **Visitor Presentation**

   None in attendance

5. **Approve Previous Meeting Minutes**

   5A. Motion by Heieie, second by Cich, to approve the Chaska Park Board meeting minutes of March 8, 2022.

   Roll Call for Approval

6. **Receive Council and Planning Meeting Minutes**

   6A. <u>Council Minutes February 7, 2022</u>

   Saueressig asked about the cost of the Superlative Group for the naming rights. Grange stated it is the evaluation cost for Phase 1 of the project.

   6B. <u>Council Minutes February 28, 2022</u>

   Chair Downs inquired about the Chaska Tech Center. Keyport mentioned it is next to Formacoat and added it will be a multi-use facility with many different small business rental areas.

   6C. <u>Council Minutes March 7, 2022</u>

   6D. <u>Council Minutes April 4, 2022</u>

6E. Planning Minutes February 9, 2022

6F. Planning Minutes March 9, 2022

Chair Downs commented on the many plans and developments coming through for approval all going on at the same time, tomorrow night will be 9 development projects at the Planning Commission meeting. Will be a long meeting.

7. Action Items

7A. Recommendation Regarding Guardian Angels Gym

Grange presented this item along with a presentation. This is a concept plan for the redevelopment of the Guardian Angels school, it was presented to the City from the Community Asset Development group. The reason we are reviewing this, as you will see, is that there is a gym component, and recreational piece to this project. The developer approached the City to see if there would be interest in acquiring or leasing the gym. This is what prompted the discussion tonight. It's important to note here, that the City was not actively looking for a gym, the developer approached the City. This plan will also be reviewed tomorrow night at the Planning Commission meeting, as well as at the Monday night Council meeting.

Grange identified the location of where Guardian Angels Church and school are located as well as where the gym is on the site. It is between Cedar and Pine Street on the SW corner.

Grange referred to the City 2040 comp plan as it points out where the current parks, trails and open spaces are in the area. The red circles on the map identify search areas, or opportunities for us in the future. This has to do with our overall goal of having a neighborhood park within a ½ mile of residential homes. The gaps are where we identify future search areas. There currently are search areas on both sides of Highway 41. There is a mini park, Hickory, in the neighborhood. However, it doesn't meet the definition of a neighborhood park due to the small size. So there still is a search area identified for a neighborhood park.

The concept plan submitted, reflects the overview of the redevelopment site, and mentions the goal of maintaining and utilizing the gym as a community gathering space, and a strategy that the gym be owned or leased by a government entity or a community nonprofit, with a focus on providing activities for youth. That is why they approached the City. We wanted to at least explore the idea further.

Grange noted the gymnasium could serve a variety of purposes and events. The gym area would still contain the kitchen, stage, and restrooms.

The cost to purchase would be $350,000. There was also the option to lease, but we would not consider, as would want control of the space.

We had RJM Construction as well as some consultants do a walk through, as well as a facility assessment to upgrade things, such as, what would be the cost to move mechanicals and things to have a stand-alone operation. This came back at $2.35 million. The other piece of this would be the staffing costs to run it, as well as the cost to maintain it.

There also is some timing consideration to this as well. The city is starting a focus group embarking on a campaign for city facility improvements and renovations. A lot of our existing facilities are aging, and we are needing to reinvest in them. That plays into this along with the fact we are currently going through a community center master planning process. If we determined that there is a need for more gym space, we could possibly account for it in the plan. Plus, we have the future consideration for a neighborhood park in that downtown area.

Grange referred to the staff recommendation in the packet. That is to make a motion to the City Council recommending the City does not enter into an agreement with Community Asset Development Group to purchase or lease the Guardian Angels gym.

The Parks and Recreation Commission discussed the details of the concept plan as well as the apartment building, parking, and other details.

Motion was made by Saueressig, second by Cich, recommending the City does not enter into an agreement with Community Asset Development Group to purchase or lease the Guardian Angels gym.

Roll Call for Approval

8. Discussion Items

8A. Community Center Master Plan Update

Heieie and Saueressig updated on the first meeting of the Community Center Master Plan task force. It was a great meeting. The facilitators that lead the discussion were great. Our homework was to identify groups that would be good to have as part of this conversation. The Commission discussed the size and current condition of the building, needed repairs, and the City's current financial status. Heieie mentioned they were told, this was the meeting for a reality check, she didn't think in the end it was that bad. There certainly are expenses as it is an old building, but nothing unattainable. Saueressig noted this group will meet for approximately 8/10 months. Grange stated the next meeting will be May 18, 2022, to discuss defining objectives. The project website is: chaskacommunitycenter.com. The link is in the upper right corner.

8B. Facility Naming Rights and Sponsorship Update

Grange reported the Superlative Group put out a 50-page report and the plan is to review it with the City Administrator, bring it back to Chair Downs and Saueressig, discuss next steps regarding community engagement, and bring it to City Council for review. Heieie questioned the cost of the expansion of the Player's Lounge. Grange estimated it would cost two million dollars to update and renovate.

8C. Pedestrian and Bicycle Master Plan Update

Grange stated this is currently an internal draft plan and the engineering component of this plan requires a detailed discussion including how it coordinates with our previous plans, policies, and ordinances. Grange also mentioned May is National Bike Month and there were over 100 kids last week that biked to school at Clover Ridge. Chair Downs suggested putting this out on social media. Grange also stated May 20th, is Bike to Work Day and Grange encouraged City staff to participate. May 24, 2022, Parks and Recreation staff will host a free community bike ride starting at Lions Park.

8D. East Creek Canyon Park Update

Grange stated this park is due for playground replacement. The City conducted a neighborhood meeting on April 20, 2022. The meeting explained the project, install timeline, removal of the pea gravel, and replacing it with engineered wood chips. The Commission questioned if it is feasible to install a half-court basketball area or an additional concrete spot for 4 square. Grange stated he will look at the budget and talk with public works.

8E. Harvest West Development Park Update

Grange stated there will be a neighborhood meeting on Wednesday, May 25, 2022 on site. The intention is to bring residents together to introduce the project, highlight work already done with wetlands and upland restoration, lay out where the playground and other amenities would go and discuss trail alignment on that park site. Grange added the next step will bring a recommendation to City Council for approval this fall and install playground equipment next spring.

Father Tony Vanderloop from Guardian Angels arrived at the meeting and asked to speak. Chair Downs added to the conversation as well by stating the Parks and Recreation department have many projects going on and the renovations and updates needed for the building would cost too much money. Father Vanderloop expressed his desire to partner with the City and allow the parish to hold gatherings as they have in the past. Father Vanderloop also requested the conditions report when it is complete.

8F. Department Happenings

Grange highlighted the Parks and Recreation department along with Chaska Rotary, as they received grant funding for children’s water safety classes. There was enough funding to outfit each child that participated with a life jacket.

9. Other Business

9A. Round Table

Cich stated there were recently two prescribed fires that happened in Chaska. These should happen approximately every 3-5 years and is a practice that needs to happen to encourage the prairie ecosystem.

Heieie congratulated the SW Christian high school aviary unit that provided 3 beehives to supply the neighborhood with honey. She also shared that she participated in Christmas in May, was very inspired.

Saueressig mentioned the swim lessons completed and his daughter passed her class. Also expressed his excitement about the Community Center progress.

Vice Chair Branch mentioned youth softball night, 4:30 p.m. Thursday at the high school.

Wyveen mentioned Taste of Chaska on May 18, 2022, and the park run group, meeting every Saturday by the Courthouse.

Keyport reiterated the success of Christmas in May. A great day. Commented on the fitness equipment getting moved back.

Heuer thanked the public works department for getting the soccer fields prepped and ready. Next Tuesday, his girls' team will be cleaning up McKnight Park.

Chair Downs noted flag football had over 900 kids this year and thanked the coaches for their patience.

Grange mentioned the City open house dates are out on social media. They are Thurs. May 19th 5:30 p.m. and Sat. May 21st 10 a.m. to 12 p.m. These are at the Municipal Services building and City Hall. Tour through the areas to see current conditions and share feedback.

10. Adjourn

Motion by Wyveen, second by Cich, to adjourn the May 10, 2022.

Roll Call to Adjourn at 8:41 p.m.

Next meeting: June 14, 2022

- MINUTES -
CHASKA CITY COUNCIL
MAY 2, 2022

1. Call to Order
The meeting was called to order by Mayor Windschitl at 7:00 pm.

2. Pledge of Allegiance

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

Absent: None.

Also Present: Matt Podhradsky, City Administrator; Noel Graczyk, Administrative Services Director; Kevin Wright, Communication Director; Elise Durbin, Assistant Administrator; Parks and Recreation Director Marshall Grange; Nate Kabat, Community Development Director; Liz Hanson, City Planner; City Attorney; and City Engineer Matt Clark.

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

5. Visitor Presentation
None.

6. Consent Agenda
None.

7. Action Items
7.A. Adopt Resolution 2022-50, Award Bid for 2022 Downtown Street Project
City Administrator Podhradsky introduced this item. He noted they will be meeting with the developer regarding the timing of this project to make sure it doesn't impact certain events and peoples schedules.

Mayor Windschitl asked if they have figured out how many houses can potentially go in after this project is complete.

City Engineer Clark stated this project won't preclude housing from happening.

City Administrator Podhradsky stated they want the housing project to not be impacted by this project and instead have it go through the normal planning process and allow the Council to decide how to proceed.

Motion by Councilmember Grau, second by Councilmember Hubbard to Motion to adopt Resolution 2022-50, awarding the bid for the 2022 Downtown Street Reconstruction Project to GMH Asphalt Corporation, in the low bid total amount of $3,735,808.88.
Motion carried.

8. Bills
8.A. Accounts Payable Council Roster 5-2-2022

Council requested further information on page 3.

City Administrator Podhradsky provided further information regarding those bills.

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

9. Other Business
9.A. City Administrator's Report
9.A.i. Bi-Weekly Report May 2, 2022

9.B. Other Reports
9.B.i. Hawk Pride Recap

Councilmember Hatfield:
- Wished everyone a Happy Mother's Day on May 8th
- Noted this Saturday is Jonathan Spring Clean-up Day and Christmas in May
- Stated Thursday is the first Cubs game and has free admission
- Wished Councilmember Hubbard a Happy Birthday

Councilmember Hubbard:
- Stated the Carver County Leaders Group met recently and discussed redistricting and road work projects

Councilmember Huang:
- Noted the following events; May 7th Jonathan Spring clean-up day, May 14th Jonathan festival of Garage Sales, May 11th Taste of Chaska, May 13th Chaska Hawks Fundraiser, and River City Days on July 29-31 at City Square Park
- Thanked Kevin Abraham for his dedication to the City and hard work and wished him well in his retirement
- Congratulated Chaska Hawks Robotics Team for making it to semi-finals
- Congratulated the Knowledge Bowl Team on taking 3rd place at State
- Stated Chaska Theatre did a great job on the Sound of Music production
- Congratulated Kevin Krause on his new position as Fire Chief position
- SouthWest Transit has narrowed down to 3 candidates for CEO

Councilmember Grau:

- Acknowledged that May is Asian Pacific American Heritage month and today, May 2nd marks the end of Ramadan
- Wished Councilmember Hubbard a Happy Birthday

City Administrator Podhradsky:

- Congratulated Curlers Cole Thurston who won the Gold medal and is going to Worlds, and Ally and Brooke from the Sub Zero Team who won the Silver medal

Mayor Windschitl:

- Wished everyone a Happy Mother's Day on May 8th
- Stated Fishing opener is on the 14th
- Encouraged everyone to go and enjoy the Taste of Chaska events
- Noted the Rotary Club has a Shredding event this weekend from 4-8pm at the Athletic Center

10. Adjourn

Motion by Councilmember Hubbard second by Councilmember Grau to adjourn the meeting at 7:19 pm.
Motion carried.

- MINUTES -
CHASKA CITY COUNCIL
MAY 16, 2022

1. Call to Order
The meeting was called to order by Mayor Windschitl at 7:01 pm.

2. Pledge of Allegiance

3. Roll Call
Roll call was taken. Present: Councilmembers Hatfield, Hubbard, Huang, Mayor Windschitl, and Grau arrived late and recused himself from voting on 9A.

Absent: None.

Also Present: Matt Podhradsky, City Administrator; Noel Graczyk, Administrative Services Director; Kevin Wright, Communication Director; Elise Durbin, Assistant Administrator; Parks and Recreation Director Marshall Grange; Nate Kabat, Community Development Director; Liz Hanson, City Planner; City Attorney; City Engineer Matt Clark; and Water and Sewer Director Matt Haefner.

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

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

Mayor Windschitl read a Proclamation In Recognition of Chaska American Legion Auxiliary, Unit 57 declaring May 26, 27 and 28, 2022 as Poppy Days as a symbol of hope for all veterans who served this great country through military service and pay tribute to the war dead and aid the living veterans and their families.

6. Visitor Presentation
6.A. State of the Library 2022 Presentation - Heidi Hoks & Jodi Edstrom

Ms. Hoks and Ms. Edstrom addressed the Council and provided a presentation on the ways the library has changed in the past few years due to the pandemic and shared the events they have had recently.

7. Minutes
7.A. Approve April 18, 2022 City Council Meeting Minutes
Motion by Councilmember Hatfield, second by Councilmember Huang to approve the minutes of April 18, 2022 City Council meeting.

Motion carried.

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

A. 2022-2023 Liquor License Renewals

Motion to approve liquor license renewals as itemized on Schedule A attached, effective July 1, 2022 through June 30, 2023, with contingencies as noted.

B. Consider Letter of Support for SouthWest Transit's FTA Program Applications

Motion to accept the Letter of Support for SouthWest Transit's FTA Program Applications.

C. Adopt Resolution 2022-51, Accepting Gifts and Donations

Motion to adopt Resolution No. 2022-51 acknowledging and accepting gifts to the City of Chaska received during the period January 1, 2022 through March 31, 2022.

D. Adopt Resolution 2022-52, Interconnection Process

Motion to Adopt Resolution No. 2022-52 Rules Governing the Interconnection of Cogeneration and Small Power Production Facilities for the City's Electric Utility.

E. Adopt Resolution 2022-53, Ratifying 2022 Cogeneration of Small Power Production Tariff for the City's Electric Utility

Motion to Adopt Resolution No. 2022-53 Ratifying 2022 Cogeneration and Small Power Production Tariff for the City's Electric Utility.

F. Adopt Resolution 2022-54, Support the Laketown Township State Bonding Request for the "201" System Feasibility Study

Motion to Adopt Resolution No. 2022-54, supporting Laketown Townships in the request for funds to be appropriated for the study in the upcoming State bonding bill.

G. Adopt Resolution 2022-55, Fair Housing Policy

Motion to Adopt Resolution No. 2022-55, approving a stand-alone Fair Housing Policy for the City of Chaska.

H. Adopt Resolution 2022-56, Creek Road Sewer Phase II – Congressional Support

Motion to Adopt Resolution No. 2022-56, approving support for congressionally directed support for the Phase II Creek Road sanitary sewer project.

I. Approval of Adjustments to Pension Benefits for Chaska Fire Department Relief Association

Motion to approve a Chaska Fire Department Relief Association benefit structure and related By-Law amendments first payable as of June 1, 2022, based on a benefit of $3.4000 per month of service for the monthly benefit and a benefit of $9,304 per year of service for the lump sum benefit. Mayor Windschitl abstained voting on this item.

J. Adopt Resolution 2022-57, Approval for Tax Forfeited Land Sale Parcels

Motion to approve Resolution Number 2022-57 Providing approval for tax forfeited land sale parcels and authorizing the City Administrator to execute documents relates to sale of the parcels.

K. Property Easement Agreement - Creek Road Trunk Sewer Extension Street & Utility Improvements

Motion to Approve and Authorize Payment to Acquire Fee Title and Various Easement for Roadway, Sidewalk, Trail, Drainage and Utility Purposes Over Certain Property.

L. Adopt Resolution 2022-65, Authorizing the Commencement of Eminent Domain to Acquire Fee Title and Various Easement

Motion to adopt Resolution No. 2022-65, authorizing eminent domain acquire fee title and various easements for new street and utility improvements over certain property described herein.

M. Adopt Resolution 2022-58, Approving the Final Site & Building Plan and Final Plat for Chaska Creek Industrial Phase 3/Oppidan/PC #2022-29

Motion to adopt Resolution No. 2022-58 approving the Chaska Creek Industrial Phase 3 (aka Chaska Club West Industrial) (PC #2022-29).

N. Adopt Resolution 2022-59, Approving the Final Site & Building Plan, Final Plat and Sale of Excess City Land for West Creek Apartments/Community Asset Development Group/PC #2022-32

Motion to adopt Resolution No. 2022-59 approving the Final Site & Building Plan, Final Plat, and Sale of Excess City Land for West Creek Apartments (PC #2022-32).

O. Adopt Resolution 2022-60, Approving the Final Site & Building Plan for the Fieldhouse Addition at Southwest Christian High School/Southwest Christian/PC #2022-28

Motion to adopt Resolution No. 2022-38, authorizing City staff to send offer letters to the affected property owners for the Creek Road Trunk Sewer Extension Street and Utility Improvements Project.
Motion carried.

9. Action Items
9.A. Adopt Resolution 2022-61, Approving the Preliminary Site & Building Plan and Preliminary Plat for The Gallery Chaska Apartments/Chase Real Estate/PC #2022-21

City Administrator Podhradsky introduced this item and City Planner Hanson provided a presentation on this item.

Councilmember Hubbard asked how snow removal will be handled and why they don't have a playground in their plan.

Joe McElwain with Gallery Apartments and Chase Real Estate addressed the Council. He stated they will notify the residents a day prior to move the vehicles and if there is an ordinance or something prohibiting the parking on the streets they will address that accordingly. He stated they don't have a playground because their demographics don't support the need for a playground.

Councilmember Hubbard stated she feels strongly that they provide some sort of playground or tot lot for the residents especially because of the housing shortage there are many times families may need to rent short term and they should have a safe place to allow their kids to play.

McElwain with Gallery Apartments stated he understands her concern and will do some research and see what the costs and space needs would be to put in a tot lot and get back to the Council with that information.

Councilmember Hubbard stated they continually get emails and calls from residents saying they weren't aware this building was being put up and she would like to know what their plan is to inform people of these projects.

City Administrator Podhradsky stated they are planning to have a work session in the next month or two on this issue. He noted the Community Development staff has been extremely inundated the past few months. He stated its important to review this with the planning commission so they are all on the same page. He added it is important to note that even with plenty of notice and sending notices they will always get feedback that they didn't know. They are meeting with other cities now to see what they are doing to address this issue and will find a way to incorporate those ways in Chaska.

Travis Olson, 1439 Sofia Drive, addressed the Council and stated the issue he has is that the things that were originally approved by the Council in 2020 such as the wetland being deeded to the City are not part of the plan. He stated the communication has been lacking and the neighborhood meeting held recently was more of the developer explaining what they are going to do and not having a conversation with people to get feedback. He noted there is confusion regarding multiple parking lot proposals in the plans, the open spaces, trails that include stairs which means residents with disabilities wouldn't be able to use the trail, the absence of a tot lot, and the number of trees being preserved and planted.

Wade Sorenson, 1456 Sofia Drive, addressed the Council and stated the size of the building is gigantic and the location isn't appropriate for it. He stated the building size is too big for the parcel size they are building on and the open space requirements seem inconsistent with the ordinances. He stated a lot of people have invested a lot of money into their land and it is going to be ruined by this building.

City Engineer Clark stated it the 17 acres are a single parcel and one PID. He noted if they wanted to make it two they would need to go through the subdivision process.

Councilmember Hatfield stated she understands the building is bigger but it is the type of housing the City needs and they want to be able to provide housing for everyone.

Councilmember Huang stated there are statements of fact and statements of opinion, and he would like to see a clear transparent view of this plan. He stated he feels the building is pretty large and that is his opinion but if they can make it work in the space they are proposing, then that is good because it is something the community needs. He noted there are a lot of things that need to be cleaned-up so they can clearly see the plan.

Beth Sanchez, Sofia Drive addressed the Council. She stated she did get a notice about the Planning Commission meeting in April but wasn't ever notified about the meeting in May. She stated she took it upon herself to print out flyers with the information about this project and knocked on doors of neighbors to make sure everyone was informed of what was happening. She noted the crosswalks need to be looked at and trails. She stated a reasonable size is 3 stories for the apartment building.

Greg Butler, 1355 Romeo Court, addressed the Council and stated he is concerned about the amount of traffic that will be coming through his neighborhood as a result of this project. He stated he requested a copy of the traffic analysis study and upon review asked a few questions and received no response. He noted if they proceed with this plan based on the traffic study outcome, they would be approving a plan that is not accurate. He stated he finds it unusual that the traffic study was done in one day

Administrator Podhradsky stated even though they are done by the developers they are given to the City for their engineers to review for accuracy.

Councilmember Grau stated this conversation is very frustrating and wants to remind everyone why they are here, they all want the best for the City. He stated there is a lot of speculation being put out there and would like the tone to remain non-accusatory. He stated he is recusing himself from the vote since he was late to the meeting tonight.

Councilmember Hatfield stated it seems some people are splitting hairs over 3 units, and that won't make a difference. She stated the numbers will change again before the next meeting and it will be reviewed again, the pieces are always moving.

Community Development Director Kabat stated the purpose of the traffic study is to say that when at full capacity the roads could handle the amount of traffic there whenever that may be down the road in a year or two etc.

Jennifer Stoltz, Clover Preserve Drive addressed the Council. She stated she got the April notice in the mail about the meeting and that is the only communication she received for this building. She stated she is concerned about the traffic and speeding and adding the additional traffic. She noted she has seen Clover field grow over the years, and is all for growth but with the large proposed building there is going to be traffic and safety issues for their kids.

Jeremy Ely, 1368 Romeo Court, and Jonathan Board member addressed the Council. He stated he thinks the Council needs to understand that the sensitivity is coming from people not being informed of what is going on because they are not within the statutory distance to be informed of such projects. He stated he applauds the Council for addressing that issue. He stated he would like to know how he can help as an advocate and work with the City to help with safety of the kids in the area. He noted he doesn't think the building is too big and thinks the developers did a good job to match what the others look like in the area.

City Administrator Podhradsky stated they have spoke with Clover Ridge School and they discussed that the school has a high number of drop-offs and the traffic needs to be split between the north and south parking lot, so that is something they are working on and it should help.

Motion by Councilmember Hatfield, second by Councilmember Hubbard to adopt Resolution No. 2022-61 approving the Preliminary Site and Building Plan and Preliminary Plat for a 175-unit apartment building for the Gallery Chaska Apartments (PC #2022-21).
Motion carried.

Council recessed at 9:40 pm.

The meeting reconvened at 9:46 pm.

9.B. Adopt Resolution 2022-63, Approving the Preliminary Plat for the Eitel House/Jonathan Association/PC #2022-27
City Administrator Podhradsky introduced this item.

City Planner Hanson provided a presentation on this item.

Councilmember Hubbard asked if they would need a variance to build a garage.

City Planner Hanson stated no, the garage would sit facing the house.

Councilmember Hatfield stated she hopes they can sell to someone who is going to care and love the house.

Ely stated they are prohibited from selling to a company or corporation. As a homeowners association they would want to sell to a person not a company.

Motion by Councilmember Huang, second by Councilmember Hatfield to adopt Resolution No. 2022-63 approving the Preliminary Plat for the Eitel House (PC #2022-27).
Motion carried.

9.C. Adopt Resolution 2022-62 and Ordinance 1017, Approving the Preliminary Site & Building Plan and Zoning Ordinance Amendment (ZOA) for the Chaska Tech Center/Amcon Construction/PC #2022-26

City Administrator Podhradsky introduced this item and City Planner Hanson provided a presentation on this item.

The developer addressed the Council and thanked them for working with them and would like to ask that they can use a class 2 material to be used as a class 1 material. He showed the stone they would like to use.

The Council stated they would take it under advisement and let them know.

The Owner address the Council and stated they have seen a 28% increase on the materials and will need the proposed siding approved to move forward with the project, so he hopes they can make it work. He stated the next steps are that they will make a purchase agreement and developers agreement.

Motion by Councilmember Hatfield, second by Councilmember Huang to adopt Resolution No. 2022-62 approving the Preliminary Site & Building Plan for Phase III of the Chaska Building Center (Chaska Tech Center) (PC #2022-26).
Motion carried.
Motion by Councilmember Huang, second by Councilmember Hubbard to adopt Ordinance No. 1017 approving the Zoning Ordinance Amendment (ZOA) to PMD-21.
Motion carried.

9.D. Adopt Resolution 2022-64, Approving the Concept Plan for Kusske Estates Property (Extension of The Harvest Neighborhood)/Tradition Development/PC #2022-25

City Administrator Podhradsky introduced this item and City Planner Hanson provided a presentation on this item.

Pat Wrase with Tradition Development addressed the Council. He stated they have had some prelim grading done and they are showing the site is fairly balanced so they don't need to do any of that necessarily.

Motion by Councilmember Huang, seconded by Councilmember Grau to adopt Resolution No. 2022-64 approving the Concept Plan for Kusske Estates Property, based on the conditions listed therein.
Motion carried.

10. Bills
10.A. Accounts Payable Council Roster 5-16-2022

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

11. Other Business
11.A. City Administrator's Report
    11.A.i. Bi-Weekly Report April 4, 2022

11.B. Other Reports
    11.B.i. 1st-Qtr 2022 Investment Report dated May 16th, 2022
    11.B.ii. Financial Rpts-Q1

11.C. Other Meeting Minutes
    11.C.i. Planning Commission Meeting Minutes April 13, 2022
    11.C.ii. Human Rights Commission Minutes 12-16-2021
    11.C.iii. Human Rights Commission Minutes 02-24-2022

Councilmember Hatfield:
- Stated the Taste of Chaska is 5-9pm on Wednesday
- There is a Food Distribution at 12pm on Thursday
- Stated there are Open House tours Thursday 5:30-7:30pm and Saturday 10-12pm at City Hall
- Noted there is a Microchip, license Wellness and Vaccine Clinic for pets at Valley Free Church May 19th 3-6pm

Councilmember Hubbard:
- Stated there is a MN Arboretum open house on Thursday May 26th 4:30-6:30pm

- Noted she wants to send wishes and honor those who served and wish everyone a safe Memorial Day

Councilmember Huang:
- Thanked everyone for coming out and helping with Christmas in May
- Stated Chaska Bash fundraiser went well
- Noted June celebrates 50 years of Chaska women high school sports
- Stated they are having the CEO candidate interviews for SouthWest Transit on Thursday

Councilmember Grau:
- Noted the Chaska Classic went really well and thanked the parks and city works for cleaning up so well
- Stated congratulations to his son's team, the Chaska Boys 9AA team for winning

Mayor Windschitl:
- Stated on June 5th they are having a Fishing with Friends event
- Stated the Vets Club does a great job setting up Memorial Day events and encourages everyone to get out and see those starting at 10am

11. Adjourn
Motion by Councilmember Hatfield second by Councilmember Hubbard to adjourn the meeting at 11:24 pm.
Motion carried.

- MINUTES -
CHASKA CITY COUNCIL
JUNE 6, 2022

1. Call to Order
The meeting was called to order by Mayor Windschitl at 7:00 pm.

2. Pledge of Allegiance

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

Absent: Councilmember Hubbard

Also Present: Matt Podhradsky, City Administrator; Noel Graczyk, Administrative Services Director; Kevin Wright, Communication Director; Elise Durbin, Assistant Administrator; Parks and Recreation Director Marshall Grange; Nate Kabat, Community Development Director; Liz Hanson, City Planner; City Attorney; and City Engineer Matt Clark.

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

5. Visitor Presentation
5.A. Growth Through Opportunity Youth Swearing in Ceremony
Police Chief Seibert addressed the Council and provided some information on the Growth through Opportunity Youth program who is working with the Empower Inclusion program and introduced both cadets of the program; Jordan Moore and Mitchell Scott.

Alex Oladoyin with Empower Inclusion addressed the Council and stated they are excited to partner with the City and noted it is going to provide the cadets with a great variety of job experience and exposure to many different City areas. She thanked the City and stated it is going to be a positive experience.

Mayor Windschitl swore in Jordan Moore and Mitchell Scott as honorary Police Cadets for the City of Chaska, County of Carver, State of Minnesota.

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

A. Temporary On-Sale Intoxicating for Chaska Rotary Foundation

Motion to approve Temporary On-Sale Intoxicating License TW 22.02 for the Chaska Rotary Foundation, that allows them to serve intoxicating beverages at Chaska City River Days, on July 29th – 31st, 2022.

B. Accept Human Rights Commission Resignation - Emily Filmore

Motion to accept the resignation of Emily Filmore from the Chaska Human Rights Commission and open the seat to applications.

C. Approval of 2021 Interfund Transfers

Motion to approve 2021 interfund transfers to be reported as Other Financing Sources and Uses in the 2021 Annual Comprehensive Financial Report.

D. Accept Terms of Mediated Settlement Agreement

Motion to approve the terms of the settlement and authorize the City Administrator to sign the Settlement Agreement once the final document is complete.

E. Adopt Resolution 2022-67, to Approve 2022 Bid for Lions Park Shelter

Motion to approve Resolution 2022-67 awarding the bid for the 2022 Bid for Lions Park Shelter to Theis Construction Co Inc. in the low bid amount of $446,951.19.

F. Letter of Support - Grant Application CSAH 11 & 44 Packet Page 1 of 101 Agenda Page 2

Motion to authorize the Mayor to sign a letter of support for Carver County's HSIP application for the CSAH 11 and 44 intersection.

G. Adopt Resolution 2022-68, Approving Plans & Specifications and Authorizing Bids Creek Road Trunk Sewer Ext Street and Utility Improvement Project

Motion to adopt Resolution No. 2022-68, approving the construction documents for the Creek Road Trunk Sewer Extension Street and Utility Improvement Project, and authorizing the solicitation of public bids.

H. Adopt Resolution 2022-69, Scheduling Public Improvement Hearing on July 11th Creek Road Trunk Sewer Extension Street and Utility Improvements

Motion to approve Resolution 2022-69 Scheduling the Public Improvement Hearing for the Creek Road Trunk Sewer Extension Street and Utility Improvements Project.
Motion carried.

7. Action Items

7.A. Adopt Resolution 2022-66, Award Bid for Hundertmark Tower Rehabilitation

City Administrator Podhradsky introduced this item.

Matt Haefner, Water & Sewer Director, provided a presentation and background on this item. He stated bids have been received and noted they came in lower than budgeted. He stated it will take 15 weeks to complete the project.

Motion by Councilmember Huang, second by Councilmember Hatfield to adopt Resolution No. 2022-66 awarding the bid for the Hundertmark Water Tower Rehabilitation, in the low bid of $1,297,700.000.
Motion carried.

8. Bills

8.A. Accounts Payable Council Roster 6-6-2022

Council requested further information on pages 6 and 14.

City Administrator Podhradsky provided further information regarding those bills.

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

9. Other Business

9.A. City Administrator's Report

9.A.i. Bi-Weekly Report June 6, 2022

9.B. Other Reports

9.B.i. Bi-Weekly Report 06-06-2022

9.C. Other Meeting Minutes

9.C.i. Human Rights Commission Minutes 03-24-2022

9.C.ii. Human Rights Commission Minutes 04-28-2022

Councilmember Hatfield:

- Thanked Officer Jenke and the Cert Team for their hard work
- Noted the Pride Picnic is this Sunday at 3pm, they need volunteers still
- Noted there is a Food Distribution on June 16th at 12pm

Councilmember Grau:

- Stated there has been resident outreach regarding the City putting a "how to read your bill" on electric statements so they can understand them better and he agreed that would be helpful and would like the City to look into that
- Noted he is very happy that the City is supportive and has a Pride Picnic and wished everyone a Happy Pride Month

Councilmember Huang:

- Stated the Memorial Day Ceremony at the VFW was a great event and thanked all who served the US
- Stated the Chaska Community Master Plan Open House is on June 15th from 6-8pm at the Community Center and added there will be free ice cream
- Noted the Picnic with the Police is on July 21st from 5:30-8:30pm at Veterans Park
- Stated August 2nd is Night to Unite
- Wished everyone a Happy Father's Day on June 19th
- Congratulated Stephen Kraus on his first day as Fire Chief
- Stated the Cert dinner was great and thanked the volunteers who contribute their time and energy to the Community
- Congratulated Eric Chiles for making it to the PGA Senior Tournament
- Congratulated Pam Schmillen, Chaska Girls Golf Coach was inducted in to the Minnesota Golf Hall of Fame
- Noted the Flags of Honor Car Show is on August 6th from 10am-2pm at City Square Park
- Congratulated the 2022 Graduates

Mayor Windschitl:

- Stated the Fishing with Friends Annual Clinic went really well
- Noted he attended the groundbreaking at Southwest Christian school for their field house
- Noted the Chaska Cubs are playing and you can visit chaskacubs.com for the schedule
- Congratulated all 2022 Graduates, his Grandson included
- Stated Chaska is in the Top 175 Workplaces again, thanked everyone for their input on the surveys
- Wished everyone a Happy Father's Day on June 19th

City Administrator Podhradsky:
- Congratulated the 2022 Graduates
- Stated they are looking for dates to hold the Engagement for Building Study; there will be 4 dates and they will be open houses in the park with ice cream and some sort of games and/or activities

10. Adjourn
Motion by Councilmember Huang second by Councilmember Grau to adjourn the meeting at 7:40 pm.
Motion carried.

CHASKA PLANNING COMMISSION
MINUTES
MAY 11, 2022

1. Call to Order
Commissioner Lacey called the meeting to order at 7 pm.

2. Roll Call
Roll call was taken. Members present: Commissioners Lacey, Olson, Rylee, Gaare, Urbanski, Aasen, and Baswa.

Members absent: Commissioner Brass and Chairperson Dahlke.

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

3. Adopt the Agenda
Commissioner Lacey noted that the agenda would need to be amended in order to appoint him as Acting Chair in the absence of both Chair Dahlke and Vice-Chair Brass.

Community Development Director explained that because Commissioner Lacey is the most senior member of the Commission, staff had made the recommendation for him to serve as the Chair.

Motion by Commissioner Urbanski, second by Commissioner Olson, to adopt the agenda as revised, appointing Commissioner Lacey to serve as Acting Chair.
Motion carried.

4. Visitor Presentation
No one appeared under Visitor Presentation.

5. Approve the Minutes of the April 13, 2022 Planning Commission Meeting
Motion by Commissioner Aasen, second by Commissioner Baswa to approve the minutes of the April 13, 2022 Planning Commission meeting, as presented.
Motion carried.

6. Consent Agenda
Commissioner Rylee noted that he had a question for the developer of the Chaska Creek industrial Phase 3. He noted that he was aware that they did not have tenants yet arranged for the property, but noted the importance of visual screening and also the noise aspect of the operation with respect to the residents. He asked if this was something that they would communicate to the potential tenants in this space because of their proximity to the homes.

Jay Moore, Otten Investment Company, stated that he was here representing the developer and explained that they have attempted to screen the residences as best as they can with landscaping and berming. He stated that because this product is probably about 2 years away from delivery, it is hard to say who will be there. He explained that he would lean towards staff for recommendations but assured the Commission that they are doing their best to protect the neighborhood and would follow all City codes related to noise.

Commissioner Rylee asked Mr. Otten to make sure that they do their research because noise falls under the MPCA standards and not the City's.

Mr. Moore explained that this is their third building in that business park and noted that they have very strong users lined up that are working on their leases. He noted that he thinks the City will be very pleased with the end result because they are national companies with very strong employment records. He stated that he does not foresee the use as being just 'trucks in' and 'trucks out' or something like welding, but should be more of a heavy finish/office type businesses that will enhance Chaska.

Motion by Commissioner Olson, second by Commissioner Aasen, to approve the Consent Agenda as follows:

a. Recommend Approval of the Final Site and Building Plan and Final Plat for Chaska Creek Industrial Phase 3/Oppidan/PC #2022-29.
b. Recommend Approval of the Final Site and Building Plan, Final Plat and Sale of Excess City land for West Creek Apartments/Community Asset Development Group/PC #2022-32.
c. Recommend Approval of the Final Site and Building Plan for the Fieldhouse Addition at Southwest Christian High School/Southwest Christian/PC #2022-28.

Motion carried.

7. CONTINUED FROM APRIL 13, 2022: Recommend Approval of the Preliminary Site and Building Plan and Preliminary Plat for The Gallery Chaska Apartments/PC #2022-21
Commissioner Olson recused himself from discussion on this item.

City Planner Hanson presented the item to the Commission and noted that it will appear before the Council on May 16, 2022.

Commissioner Urbanski stated that the Commission had received a few notes from Travis Olson related to some history on the property dating back to 2002. He asked for an explanation of the information they were given.

City Planner Hanson stated that her understanding is that this information was pulled from Clover Preserve 2nd Addition's plat. She stated that the wetland area was platted as an outlot for future development but also for wetland area and was retained by the property owner at that time. She noted that there has always been an intent to use this area for an apartment site.

Community Development Director Kabat noted that was something that came up and was discussed during the Concept Plan and reiterated that the intent was always for the wetland portion of it to become dedicated to the City.

An alarm was heard throughout the building and on phones.

Community Development Director Kabat explained that the area was currently under a Tornado Warning and noted that the recommendation was for people to take shelter. He recommended that the Commission enter into a recess in order for the Commission and the public to heed that warning.

Motion by Commissioner Rylee, second by Commission Urbanski, to recess the Planning Commission meeting at 7:34 p.m. in order to seek shelter from the potential storm.
Motion carried.

Acting Chair Lacey reconvened the Planning Commission meeting at 8:09 p.m.

Community Development Director Kabat stated that before the meeting was interrupted by weather, he had been explaining that it is very typical that the City would take an outlot that contains wetlands and the City ends up holding ownership, but noted they do not ever take outlots that have developable property on it.

Acting Chair Lacey asked if there was anyone present who would like to comment on this item.

Beth Sanchez, Sophia Drive, stated that she has a few concerns from the April meeting. She stated that the verbal summary provided by City Planner Hanson reflected that this was in accordance with the 2040 Comprehensive Plan, however the new road to the south of the railroad tracks connecting to Clover Preserve Drive, which impedes on the wetland, was never been included in the 2040 Comprehensive Plan. She explained that this was a new item proposed by D.R. Horton/Chase and stated that public comment for this item at that meeting was closed at 9:18 p.m. She stated that after this, the developer made his presentation to the Commission and exchanged communication with them for 43 minutes. She stated that it was during that time that she would have liked to have the opportunity to speak once again but felt she was unable to do so because public comment had been closed already. She explained that she would also like to address the timelines regarding meetings and notifications. She stated that she was notified of the April 13, 2022 Planning Commission meeting via mail and included the Oak Creek Addition and the Gallery Chaska Apartments development and to date she had not received any notification of tonight's meeting. She stated that the developer heard public comment at the April 13, 2022 Commission meeting and chose not to schedule a community meeting with the residents until less than 1 week prior to this meeting. She stated that notification by the developer was left at mail box sites on May 4, 2022 rather than mailing them to residents, for the May 7, 2022 meeting. She noted that she would not have found out about this meeting if a neighbor had not chosen to share it on social media. She noted that at the meeting the developer provided information and addressed concerns about the size of the building with a rebuttal rather than a solution. She stated that the meeting lacked any real solution related to the size of the building. She explained that due to lack of communication from both the City and developer, she personally distributed 50 flyers with information about the development and tonight's meeting and also knocked on doors and spoke with the residents. She noted that some residents were aware of the plans and told her that they felt their voice would not make any difference in the City's decision. She shared some of the concerns that had been raised by the people she spoke with including that it is not a part of Jonathan. She stated that her personal concerns are related to the size of the apartment building. She stated that she understands that Chaska may need more rental units but does not feel that should override the moral obligation to provide them in a manner that is best for everyone. She stated that for residents of Chaska, their landscape will never be the same, the lights will never completely turn off at night, the traffic will significantly increase, and those on Sophia Drive will receive the brunt of the noise for the complex. She stated that at the April 13, 2022 Commission meeting one of the Commissioners had commented on the Clover Ridge proposal that a lack of community input is reflective of little or no concern about the project. She noted that this comment contradicts the statement made at the start of the meeting saying that comments should be limited to 5 minutes and for residents to refrain from repeated what had already been stated. She stated that she had attended meetings for the Sagewood 2 and Oakwood Additions and has not spoken because of that opening statement as well as her fears related to public speaking. She stated that the last developments in this area have caused some people to move away prior to the development taking place in order to get more value for their home. She explained that she has spoken with neighbors that have not been present for the meetings who are concerned and upset for reasons unknown to her, have chosen not to provide public comment. She noted that most of the residents who will be living directly across from the apartments are not in place yet because two of the townhomes are still under construction. She asked the Commission to not take silence or absence as a sign of approval and reminded them that the community relies on them and their decisions.

Wade Sorenson, 1456 Sophia Drive, noted that he had provided comments that have been included in the packet. He stated that he felt that there was a good open discussion last month with a lot of talk about the size of the building. He stated that, as proposed, it will be the largest apartment building in the City. He stated that he believes that 4 of the 5 Planning Commissioners were very concerned about the size of the proposed building and this item was not simply tabled for landscaping requirements. He stated that despite the fact that this was a large concern at the meeting, the developer has not addressed that issue or done anything about the size of the building. He stated that it feels as though in the last month the City and developer have spent their time reshaping things in order to make this fit but the building is still the exact same size. He stated that he would love to see the City take the side of the residents and not the side of the developer even though there would be financial benefit to the City to get this built. He stated that he believes the residents perspective should be primary in the City's actions which does not feel like it is happening. He noted that there is a new condition #14 that was added that he has not seen in any other documents. He read aloud the language from the condition and stated that he believes it is talking about Clover Preserve and Clover Ridge but feels it is vague. He stated that this property was developed as part of Clover Preserve 2nd Addition and one of the stipulations in there was that the outlot wetlands were supposed to have been deeded to the City back in 2002. He stated that if that had happened many of the issues being discussed today would not be issues and noted that he wished the City would have followed through on that at the time. He explained that he also has issue with the idea of 40 units/acre as the allowed density. He shared a portion of the language used at the concept plan and noted that it had failed to mention that the Clover Ridge concept plan also calls for 24 units/acre as the density. He stated that this information is taken directly from the Clover Ridge concept plan which the City approved in May of 2000. He stated that the City Code is pretty clear that when there are conflicting requirements you have to take the most restrictive, so he would argue that the appropriate density in this situation would be 24 units/acre, so their proposal would not be in compliance. He referenced comments in his correspondence that referenced various City Codes and reiterated that based on all of this information he feels that this proposal should be looked at with 24 units/acre and not 40 units/acre. He referenced City Code and City zoning definitions related to floor area ratio (FAR) and explained that it explicitly says that FAR is the total floor area on a zoning lot divided by the total lot area of the zoning lot, or in the case of a planned development, by the net site area. He stated that he would like to know what the developers net site area is because he feels they have been using the wrong metric in their calculations by saying this is a 27 acre lot when the zoning lot is only 5.58 acres. He stated that if the lot is 27 acres, he would like to know what the useable open space amount is because by his calculations it is about 4.2 acres. He stated he was begging the Commission to get clarity on the lot size, the gross site area, and the net site area. He stated that the wetlands and non-buildable areas need to be taken out of consideration and not included with the zoning lot number. He reiterated that he felt the FAR should be based on 5.5 acres which means this proposal does not meet that City requirement. He noted that he understands that this land has been zoned for apartments for the last 20 years and clarified that he was not saying that there shouldn't be an apartment here, but for that same time period he has expected the City to follow the zoning requirements that have been on the books for the length of time. He stated that if the City followed those requirements the outcome would be a very differently sized building than what has been proposed. He stated that he is not trying to imply that Chase is a bad company and noted that his home was built by them, but he feels this building just needs to be smaller. He referenced his written statement and noted that if this was 6.25 acres with 24 units/acre that would mean the building would be 150 units total which, in his opinion, is the maximum number that they should be targeting. He stated that it appears as though the City is trying to change the math in order to make this proposal work. He reiterated that he would like the City to find what will work for everybody and not just take the developer's side.

Travis Olson, 1439 Sophia Drive, noted that he wanted to touch on the platting from 2002 and explained that just the lower wetlands area was to be deeded to the City and not the higher area. He stated that it was just the outlot and the outlot for the Jonathan mailbox that was to be deeded. He stated that there are still clarifications that need to be made surrounding this issue. He expressed his appreciation to Chase for at least 'changing the lipstick on the pig' because the colors are more in tune with the City and it looks more appealing, but it is still too big. He stated that City Planner Hanson had touched on the communication side of things and noted that he felt the neighborhood meeting was not necessarily a 'listening' meeting but more of them telling the neighborhood what they were going to do. He stated that he also felt that they belittled the residents and attempted to make them not feel listened to and also spent time bashing the apartments to the north and Jonathan Flats about how unappealing they are. He stated that he didn't see any of that as very 'neighborly' but instead as somebody trying to build themselves up as better than everyone else which is just not Chaska. He stated that the timing for communication was awful and referenced the numerous irregularities that can be found in the narrative from Chase and gave the example of the parking lot being shown in two different ways so it is unclear which plan is being asked for approval. He stated that it feels as though this project is being rushed through. He noted the large elevation change from the street to the wetlands and while they have included sidewalks to go from their courtyard area to the regional trail, they will need to install stairs in order to get down to the regional trail which makes it difficult to be useable for anyone with limited mobility. He stated that in his opinion, they cannot really use that hill as their 'open space' because it is not useable for all residents. He reiterated that the wetland area should not be included in this discussion and should have been taken care of by the City 20 years ago and because it wasn't, it is allowing it to muddy the waters in this situation. He stated that they have the ability to stop it and noted that when they have come before the City they have made statements that there are no significant trees on that 5.6 acres, but now the latest information shows 148 caliper inches that were found that they are taking credit for in their required tree coverage. He stated that he also feels their math is wrong because if you add up all the caliper inches that are listed, it comes up to 456 not 488, and the trees that they are taking credit for are actually located in the wetland. He reiterated that they need to reduce the size of the apartment footprint to be able to get in line with the tree requirements. He stated that he is in the finance field and lives in the 'trust, but verify' mindset on information that is presented to him. He reiterated that irregularities that can be found in their narrative and numbers that bounce all over the place and noted that just throws up a lot of red flags for him at what they can be trusted about from what has been presented and 'sold' to the Commission and the Council. He stated that, as Mr. Sorenson stated, the neighborhood knows this will be an apartment complex and that is not what they are fighting against. He stated that they are only asking the City to make the project fall within the zoning requirements.

Greg Butler, 1355 Romeo Court, stated that mentioned in the presentation was that there are 313 parking spots which leads him to the assumption that there will be 313 cars cruising around the streets. He stated that the assumption that all those cars will go to Pioneer is probably not a good one because he thinks it will actually go down Clover Ridge to Hundertmark which means it will be where Clover Ridge Elementary, a condo, apartments and townhomes within a small roundabout circle. He stated that this area is already congested so this will create more of a problem in that area, especially when there are young students in the area. He stated that there is also a roundabout at Clover Ridge and Shakespeare which is great for a small residential community, but is ill equipped to accept another 300+ vehicles. He encouraged the Commission to listen to what he and the others have been saying about this project and realize that by approving it, this may create an unsafe traffic situation that the City enabled. He stated that he encouraged the Commission not to approve to size of this plan.

Steve Dummer, 2913 Clover Preserve Drive, stated that he echoed Mr. Butlers' sentiments because some of this area is already an urban race track and adding 300+ vehicles to the neighborhood does not make sense to him. He stated that he agreed with the statements that had been made that this proposal is just too big with too many vehicles for the size of what is there.

Jennifer Stoltz, 2901 Clover Preserve Drive, noted that most of the things she wanted to say have already been said. She stated that traffic is a huge concern because of all the youth in the neighborhood and does not feel the road or infrastructure could support adding 300+ cars and their guests. She stated that the size of the building is way too large and stated that she would like to know what the true buildable area is on the lot. She stated that people keep hearing the reference made to 27 acres, but asked how much of that area was actually buildable and noted that she feels that is where everything should be calculated from, not on the non-buildable area. She stated that the neighborhood knows that an apartment building will be going in and noted that she supports growth because she has been a lifetime resident of Carver County, but stated that the plans need to take into consideration that this should fit in with the townhomes and the single family homes that are there and not just bring in a giant apartment complex and not have it stick out like a sore thumb.

Danelle Goemer, 1452 Sophia Drive, expressed her concern with the amount of traffic this proposal would bring to an area that has this amount of children that walk along that street in the mornings and afternoons for school. She stated that it is already a little bit scary so bringing in a huge, monstrous apartment with all those cars is even scarier to her as a parent.

Acting Chair Lacey asked if there was a representative from Chase present that could address the Commission.

Joe McElwain, representing Chase Real Estate, noted that he thinks it is important to discuss the acreage because that appears to be one of the primary concerns being raised. He referenced the diagram on their plat that had been submitted to the City and stated that this is a 27.6 acre lot, less the D.R. Horton inroad which is 4 acres, and 18 acres of wetland and trails that is being dedicated back to the City, which is a net of 5.6 acres. He stated that based on meetings with City staff, engineers, and the watershed district, the decision was made that they will be dedicating the 18 acres and noted that originally this site was a net 9.9 acres. He explained that they were originally going to buy 9.9 acres up to the wetland boundary, but through their City meetings, it did not make sense to include all of the setback for the trail, the trail right-of-way, and the south man made pond. He stated that he could plat the property as a 9.9 acre parcel and provide an easement for the trail and the man-made pond, but they felt it did not make sense. He stated that the first plan they had presented in December was for 240 units because they were looking at an almost 10 acre site. He stated that then they met with the City and reviewed the comments that had been made, they moved forward with a 160 unit building which is what they presented at sketch plan. He stated that footprint was 47,000 square feet which is still the same as what they are presented today, but is now 174 units because he has a few smaller apartments mixed in, but reiterated that the overall footprint remains the same. He stated that they worked through many of the comments made by the Commission such as setting back a lot of the court to make sure that there was less of the building facing the wetlands. He explained that they had kept the building at 4-stories, because the Code allows for 4-stories and noted that they felt a pitched roof made more sense with their architecture. He stated that he understands that what he is saying is not what everyone wants to hear, but he feels he showed the City their best plan first because he took the responses from December. He noted that their setbacks are proposed at 80 feet back from the street when they could be as close as 30 feet back from the street.

Acting Chair Lacey stated that many of the residents have expressed their concerns about the size of the building and traffic which are very important issues to the people that will be their neighbors. He stated that their original proposal in December was for around 160 units and tonight the neighbors have stated that something in the 150-160 range would be appropriate and stated that he is curious to see what the developer response would be as to why that cannot be accomplished.

Mr. McElwain stated that they can always consider less apartments or more apartments and explained that the unit mix that fit the footprint that was approved is what they based their building on so there was a certain mix of 1 bedroom, 2 bedroom, and 2 bedroom plus units. He stated that one of their questions from the neighborhood meeting was whether the thought was that it was too big square footage wise, or too big apartment units-wise.

Commissioner Rylee explained that his goal as a Commission is to answer questions for residents that are here at the meeting that are concerned about the project. He asked about the plans for the parking lot configuration and if there was a loop or not.

Mr. McElwain explained that there are many technical reasons for why those types of things change in the plans, in this case it was because they could not fit their stormwater so the pond had to get larger and they also wanted more landscaping. He stated that they reduced the parking lot size, but their plans do currently meet fire safety code because there is a drive-thru and they can back in.

Commissioner Rylee asked about access to the regional trail and the statement made about stairs versus an ADA compliant ramp.

Mr. McElwain stated that he will not be able to get a building permit without meeting accessibility code. He noted that at the neighborhood meeting he tried to add a dog park, but their architect said it wasn't accessible. He stated that they have more work to do in order to meet accessibility code. He explained that they did have stairs that come off the pool due to egress from people who are on the patio. He stated that accessibility will be for people from the elevators down to the path and noted that they will have to build a ramp somewhere off of their main hallway.

Commissioner Rylee stated that he does have more positive things to see about this proposal than he did last time, so he recognizes the fact that the developer had addressed a bulk of the comments that were made at the last meeting, for example providing something that is architecturally more in line with Clover Ridge. He stated that one of the design details that he would like to make a suggestion on is changing the balcony hand rails to white rather than black to match. He stated that in his mind, he thinks the developer has come about 95% of the way to the goal.

Commissioner Baswa stated that at the last meeting they were asked about a tot lot and asked if they had changed any of their plans to accommodate that possible use.

Mr. McElwain stated that he called all of their property managers to gather information. He stated that they build their buildings based on data and gave the example of their 470 unit property in Victoria Park that only has 4 families in residence. He stated that in their 8 years, they have never had the request to have children's playground equipment because their demographics do not support it.

Commissioner Baswa stated that it is not possible to know who will actually be the residents and expressed concern that if it was not added now, it would be too late to add it later if they, for example ended up to 20-30 families with children that moved into the building.

Mr. McElwain explained that they do have things like a yoga room that has play mats so it can be used for that purpose as well as the pool and the courtyard with bag games. He reassured the Commission that they will always want to meet their residents needs and explained that their number one request is to add dog runs to the property.

Commissioner Baswa asked for details of the traffic study that was noted at the last meeting since there is so much neighborhood concern about the traffic.

Community Development Director Kabat stated that there was a traffic study done which included the D.R. Horton single family neighborhood project, this apartment complex and also the apartment complex that is proposed north of the tracks. He stated that the conclusion of the traffic analysis was that there would be increased traffic, but the existing road network was designed to accommodate that traffic.

Commissioner Baswa asked if there was any consideration given to children traveling to and from school and asked if there were any plans to address those concerns.

Community Development Director Kabat explained that he lived in the neighborhood and he has learned to take a different route when kids are heading to school and believes that some of this retraining will occur because he would agree that it is very busy there. He noted that the City has been working with the school district, in particular the elementary school, on some safe roads to school measures. He stated that they are not ready to implement anything yet, but it is definitely a discussion that has been occurring. He reiterated that the traffic study analysis determined that the existing road network can accommodate the increased traffic.

Acting Chair Lacey asked if there were any additional meetings planned with the neighborhood.

Community Development Director Kabat stated that for developments that are proposed, it is a situation where there is 'strong encouragement' that neighborhood meetings be held, typically along with the concept plan. He explained that this process is a bit different in that the developer was not yet identified when the concept was presented. He stated that there was a neighborhood meeting that happened at the concept plan phase and then the developer recently held another meeting. He reiterated that holding neighborhood meetings are not a requirement but are always encouraged. He noted that typically, as a project heads into the final stage, there isn't another neighborhood meeting that is held because it is really getting into finishing up the details.

Acting Chair Lacey stated that he thinks neighborhood meetings are very important because there have been some very specific and passionate concerns raised about the project as proposed. He stated that he understands that everyone will not agree on everything, but feels it is important to align as closely as they can because it will be to everyone's benefit, so his recommendation is that they continue holding neighborhood meetings for this purpose.

Commissioner Urbanski asked about the mix of apartments.

Mr. McElwain stated that he doesn't have the exact number off the top of his head, but in general, there are about 45 - 2 bedroom units on each corner that are 1280 to 1400 square feet and a lot of 1 bedroom plus den units because there is a large market now for people who want to work from home.

Commissioner Urbanski stated he would like to know, from an affordable housing standpoint, how many small units they will have available.

Mr. McElwain stated that they do not do the super small units and are planning 12 units that are 19 feet wide by 35 feet deep.

Commissioner Urbanski stated that he appreciated those plans because he feels it is a style needed in the community.

Commissioner Rylee stated that there were a number of comments related to traffic and one made by Mr. Dormer touched on it being a race track coming down Clover Preserve Drive which hit home with him. He asked if there was an action item that the City could take from that comment to look at some traffic calming measures for this area.

Community Development Director Kabat noted that the opportunity to implement traffic calming is usually through the reconstruction process. He stated that what they could do in the interim period is utilize the speed trailer.

Commissioner Rylee stated that he thought one of the other neighborhoods where traffic calming was discussed had talked about doing things like narrowing of lanes or using speed bumps.

Community Development Director Kabat stated that the Clover Ridge neighborhood already has some of the most narrow streets in the City so there would not be a lot of wiggle room to narrow them further.

Commissioner Rylee noted that he was not asking staff to solve the problem tonight, but would like them to work with the residents to address their concerns. He stated that the comments made by Ms. Sanchez are recurring with regard to public notifications and feels the current practices do not meet with the modern day and age. He stated that this same issue has come up frequently in his short time serving on the Commission and asked that the City begin posting stuff on the website and allow it to be picked up by Chaska Uncensored, Life in Chaska, as well as social media. He stated that he would like the City to give developers that conduit and forum to get notifications of neighborhood meetings out so they are not just sticking notes in mailboxes. He stated that if residents walk into the meeting feeling like the City or the developer are hiding things from them or didn't really want them to show up, he feels it sets the whole process back. He stated that he understands that the notification of people within 350 feet of the subject property is done with a mailing list and the newspaper, but he feels, as a community, Chaska can do better than that. He stated that he would also like to address the arguments made by Mr. Sorenson and Mr. Olson and asked why Outlot A, as part of Clover Ridge 2nd Addition, had a condition that it would be deeded to the City but did not happen.

Community Development Director Kabat stated that this was also a topic of discussion at the concept plan and again this evening before they recessed the meeting because of the weather. He explained that his understanding is that at the time the Outlot was not designed in a way that it was delineating the wetland from the developable area, so the decision made at that time was to wait until development was occurring and it would be delineated and the appropriate piece of property would then be deeded to the City. He noted that the City's intent is never to take developable property in those situations. He stated that there is not a requirement that the developer deed the wetland to the City.

Commissioner Rylee stated that the math has gotten 'fuzzy' and noted that he thinks that is something that does need to be reconciled. He stated that he thinks it was a good thing that the driveway has been taken down the north side to address the concerns about Sophia Drive but thinks that mixing the wetland into the calculations makes the math fuzzy and believes the math should be redone without it.

Anthony Nagassar, 1475 Sophia Drive, stated that the main concern that they all have is with the size of the building and stated that it seems to be the elephant in the room that nobody is talking about. He stated that that Mr. McElwain had stated that they could reduce the number of units but would maintain the size of the building footprint. He asked if anything would be done to reduce the size of the building which is what the neighbors are concerned about because they feel the proposed building is just too huge for this location.

Mike Benson, Chaska Investment Limited Partnership, stated that he worked with the original development team on this project. He stated that the Cloverfield master plan was conceptualized in 2000 and his land planning architect, DSU, created this concept with the guidance of City staff. He stated that it had originally been designed as transient oriented development with a diverse mix of housing from affordable up to multi-family and included the donation of land that his group made to the City for the elementary school, wetlands, and various tot lots. He stated that he personally traveled to Calgary with former Community Development Director Ringwald to view similar developments with this same theme. He noted that the Clover Ridge 2nd Addition was zoned PMD 15 at the time and noted that the explanation from Community Development Director Kabat about why the land was not deeded to the City at the time is completely accurate. He stated that relating to the request to go back and redo the math, he would ask that it be made clear to the Commission, the City Council, and the public exactly what the Code says. He explained that his understanding, based on 10 acres, is that the guidelines are 18-24 units/gross acre. He asked if his understanding was correct that it is for gross acreage and if that included wetland.

City Planner Hanson stated that it is gross acreage and does include wetland.

Mr. Benson stated that he wanted to make that very clear to everyone and noted that the math referenced by Mr. Sorenson was not correct. He noted that in December of 2021, he put forth a concept with a 4-story, 162 unit building which was approved by the Planning Commission and the City Council. He stated that at the time he did not have any developers interested in the project and did not anticipate developing or selling the land for 2-3 years which was based on a market study conducted by Maxfield Research. He stated that in January and February his phone started to ring with multiple offers which was unanticipated and he eventually reached an agreement with Chase. He stated that D.R. Horton had approached his group earlier in 2021 about the access road bifurcating the property and intersecting with Clover Ridge Drive. He stated that he had originally rejected the idea because he was afraid that it would affect the buildability of Outlot A, however, at the request of former Community Development Director Ringwald and D. R. Horton, they suggested a meeting to try to come up with a solution where he could develop an apartment building, D.R. Horton could have a new access that satisfied traffic concerns. He stated that in attendance at these meetings were the Kelzer family and City staff who recommended that he engage the services of an architect to further study the parcel. He stated that the idea was that if he could design an apartment building that the City would support and meet his development expectations and the vision that they had in 2000, this would be a win/win situation. He stated that what is being presented is very much in line with what they have had envisioned for the last 22 years and meets all the regulatory and Code requirements. He stated that the project also has full City staff support as well as support from the Jonathan Association. He explained that he feels it will be a wonderful project that will complement the housing mix within Clover Field and complete the vision and master plan of Clover Field.

Commissioner Rylee stated that this is a beautiful community and expressed his appreciation to the Kelzer family and City staff because this neighborhood is something that Chaska can be really proud of and it has enriched the lives of many families, which is why there is this kind of turn out by the residents, because they want to protect it.

Commissioner Urbanski stated that in 2004 he lived in a different city and served on their city council and explained they took a bus tour to Clover Field so they could try to emulate it in their city. He stated that he has been involved in a lot of these kinds of discussions over the years and has seen the kind of results that come from the developer and the feedback from the residents. He stated that he commended the developer for coming up with ideas that mean this neighborhood is going to look pretty good and noted that the Commission is a bit handcuffed in what they can say yes or no to.

Motion by Commissioner Urbanski, second by Commissioner Aasen, to recommend to City Council approval of the Preliminary Site & Building Plan and Preliminary Plat for a 175-unit apartment building, subject to the following conditions:

1. Approvals shall be based on the following graphic exhibits:
    a. Narrative (pgs 1-11), prepared by Chase Real Estate, dated March 1, 2022
    b. Title Sheet (pg C1.0), prepared by James R. Hill, dated March 23, 2022
    c. Existing Conditions (pg C1.1), prepared by James R. Hill, dated March 23, 2022
    d. Site Information – Drainage Maps (pgs C1.2-C1.3), prepared by James R. Hill, dated March 23, 2022
    e. Preliminary Plat (pg C2.0), prepared by James R. Hill, dated March 23, 2022
    f. Erosion & Sediment Control (pg C3.0), prepared by James R. Hill, dated March 23, 2022
    g. Erosion & Sediment Control Notes (pg C3.1-C3.2), prepared by James R. Hill, dated March 23, 2022
    h. Erosion & Sediment Control Details (pg C3.3), prepared by James R. Hill, dated March 23, 2022
    i. Grading & Drainage Plan (pgs C4.0-C4.2), prepared by James R. Hill, dated March 23, 2022
    j. Utility Plan (pg C5.0), prepared by James R. Hill, dated March 23, 2022
    k. Site Plan (pg C6.0), prepared by James R. Hill, dated April 6, 2022
    l. Overlay Plan (pg C6.1), prepared by James R. Hill, dated March 23, 2022
    m. Construction Details (pg C7.0), prepared by James R. Hill, dated March 23, 2022
    n. Landscape Plan (pg L101-L103), prepared by KW Architects, dated May 5, 2022
    o. Landscape Details (pgs L104-L105), prepared by KW Architects, dated May 5, 2022
    p. Turning Movement Exhibit, prepared by James R. Hill, dated March 23, 2022
    q. Photometric, prepared by Davis & Associates, Inc., dated February 25, 2022
    r. Site Sections, undated
    s. Exterior Elevations (pgs 1-2), prepared by KW Architects, undated
    t. Exterior Materials, prepared by KW Architects, dated March 12, 2020
    u. Exterior Materials – Precedents (pgs 1-2), prepared by KW Architects, undated
    v. Floor Plans (pgs 1-5), prepared by KW Architects, dated March 23, 2022
    w. Gallery Chaska – Monument Sign Design, dated March 2022
2. Adherence with the City Engineer's Memo dated April 13, 2022.
3. Adherence to the City's Boulevard Tree Policy and local street section design.
4. Provision that boulevard trees are placed between the sidewalk and street.

5. Provision of sidewalks on both sides of all local streets.
6. Adherence to the following setbacks for The Gallery Chaska Apartments:
    a. Front: 30 feet
    b. Rear: 20 feet
    c. Side: 20 feet
    d. Side (corner): 20 feet
    e. Wetland: 30 feet
7. Prior to final plat approval, developer shall enter into an agreement with the City for the provision of necessary infrastructure and associated development costs, including parkland fees.
8. Provision of a storm water management plan meeting City and Carver County WMO standards.
9. Provision of meeting all wetland conservation act requirements prior to final submittal.
10. Provision that all mechanical equipment will be fully screened from view.
11. Provision that section 15.28 Special Regulations are complied with.
12. Provision to obtain a variance for the parking allocation under requirements for multi-family use, and to be applied for at final submittal.
13. Provision of a Conservation Easement over the preserved wetland area, and to be addressed prior to final plat recording.
14. Provision to comply with any applicable and surviving requirements imposed by prior developer's agreements for Clover Field, Clover Preserve, and Clover Preserve Second Additions.
15. The resolution of any items of concern identified by the City Planner, City Engineer, or City Attorney prior to approval of the final plat.

Motion carried 6-0-1 (Commissioner Olson abstained).

Commissioner Olson returned to the dais.

<u>7B. PUBLIC HEARING: Recommend Approval of the Preliminary Site and Building Plan and Zoning Ordinance Amendment (ZOA) for the Chaska Tech. Center/Amcon Construction/PC #2022-26</u>
City Planner Hanson presented the item to the Commission and noted that this item would come before the City Council on May 16, 2022.

Acting Chair Lacey asked about the Class 1 masonry and if it was already a requirement.

City Planner Hanson confirmed that it was already a condition of approval.

Commissioner Urbanski asked about the location where the truck lane will come back out and whether it would interfere with the 6 or 7 spots in front of the liquor store.

City Planner Hanson stated that it would not interfere and explained that as of right now, those stalls will remain and the truck access will not impede or impact the layout.

Commissioner Urbanski stated that he knows 18 wheelers can take corners really wide and wanted to make sure it didn't end up causing problems.

Acting Chair Lacey opened the public hearing at 9:36 p.m.

There being no one present or on-line who wished to comment, Acting Chair Lacey closed the public hearing at 9:37 p.m.

Motion by Commissioner Rylee, second by Commissioner Gaare to recommend approval to the City Council of the Preliminary Site & Building Plan for Phase III of the Chaska Building Center (Chaska Tech Center), subject to the following conditions:

1. Approvals shall be based on the following graphic exhibits:
    a. Project Narrative (pgs 1-3), submitted by Amcon Construction, dated April 27, 2022.
    b. Existing Conditions Plan (pg A103), submitted by Amcon Construction, dated April 27, 2022
    c. Site Forces Exhibit (pg A102), submitted by Amcon Construction, dated April 27, 2022
    d. Existing Condition Survey, submitted by HTPO, dated April 5, 2022
    e. Grading & Erosion Control Plan (pg C1), submitted by Elliot, dated April 27, 2022
    f. Site Utilities & Stormwater (pg C2), submitted by Elliot, dated April 27, 2022
    g. Overlay Plan (Landscape and Site Utilities) (pg C3), submitted by Elliot, dated April 27, 2022
    h. Landscape Plan (pg L1), submitted by Elliot, dated April 27, 2022
    i. Site Plan (pg A100), submitted by Amcon Construction, dated April 27, 2022
    j. Site Photometrics, submitted by Aid Electric, dated April 8, 2022
    k. Elevations (pg A301-A302), submitted by Amcon Construction, dated April 27, 2022
    l. Perspective (pg A303), submitted by Amcon Construction, dated April 27, 2022
    m. Floor Plan (pg A101), submitted by Amcon Construction, dated April 27, 2022
2. Adherence with the Engineers Memo dated May 11, 2022.
3. Compliance with the County Memo dated February 2022.
4. Provision/modification of any drainage and utility easements as required by the City Engineer in the course of his review.
5. Provision of easements for the private drives (vehicular cross access easements) and utilities (utility easements) that service this lot, to be recorded with the plat.
6. Coordination with the City Engineer with regard to utilities, grading and drainage.
7. Installation of all site lighting at a 0 degree angle with the light source fully concealed.
8. Utilization of modular face brick or natural stone as a Class I material.
9. No exterior storage will be permitted.
10. Provision of the required 50 feet setback from the edge of the top of the creek bank to all buildings and impervious surfaces.
11. Provision of hydrant placement needs to accommodate City standards for hydrant placement and fire code standards.
12. Provision to submit Utility and Site Plan As-Builts prior to issuing a building permit.
13. Any and all building signage shall be submitted separately, meet the sign ordinance, and shall obtain sign permits prior to installation.
14. Provision that signage for all tenants to use similar signing methods and design.
15. Provision that monument signage adhere to 10 foot property line setbacks.
16. Provision of a storm water management plan meeting City and Carver County WMO standards.
17. Compliance with applicable zoning requirements, in particular Section 15.28 (Special Regulations).
18. Provision that all mechanical equipment will be fully screened from view.

19. Compliance with Section 15.28.120 Building Design/Materials and Site Design and to be shown at final submittal.
20. Coordination with Electric Department on service locations.
21. Elimination of un-used driveway accesses on Chaska Boulevard or Fire Lane prior to issuance of a Building Permit.
22. Final Plat to list City of Chaska as a part of the plat.
23. Provision to provide accesses into the site consistent with Carver County's guidance and requirements.
24. Provision of a truck lane on the north side of the site to be at least 24 feet wide.
25. Provision of a truck turning exhibit to be submitted at final.
26. Provision of irrigation for the landscaped and sodded areas of the site.
27. Provision that boulevard trees are shown between the Fire Lane sidewalk and curb, and to be shown on the final plans.

Motion carried 6-0-1 (Commissioner Aasen abstained).

Motion by Commissioner Olson, second by Commissioner Urbanski, to recommend approval of the Zoning Ordinance Amendment (ZOA) to PMD-21.

Motion carried.

<u>7C. PUBLIC HEARING: Recommend Approval of the Preliminary Plat for the Eitel House/Jonathan Association/PC #2022-27</u>
City Planner Hanson presented to the Commission and noted that this will appear before the City Council on May 16, 2022.

Commissioner Aasen recused himself from the discussion.

Acting Chair Lacey asked if the design of the garage was being done preemptively for the potential buyer.

City Planner Hanson stated that this will be a private home and explained that the design of the garage is currently not defined and believes they just wanted input on the general location of it because ultimately, it will be based on whoever ends up buying it.

Acting Chair Lacey stated that he wonders how littered the path may be for someone to get this approved because it is a historic home and if it may effect the sale.

City Planner Hanson stated that this information would be one of the things that would need to be disclosed to a potential buyer.

Community Development Director Kabat noted that one of the steps that occurred before this meeting was that this was taken before the Historical Preservation Commission and they have already weighed in on the location.

Commissioner Rylee asked if the process was for the potential home owner to go the Historical Preservation Committee and once they received approval from them, they could receive a building permit and it would not need to come before the Commission.

City Planner Hanson confirmed that this was correct.

Commissioner Olson stated that this is a unique situation and trying to make something out of it which is interesting to see. He asked how the proposed driveway will interact with the trail and how they will delineate between their front yard and the park space.

City Planner Hanson stated that speaking to the trail component, they have generally shown where the driveway could go which would be parallel to the trail but noted that there will need to be some 'rejiggering' of where the pedestrian trails flank the site.

Community Development Director Kabat noted that this is one of the items that is listed within the conditions.

Acting Chair Lacey opened the public hearing at 9:51 p.m.

Jeremy Landkammer Ely, 1368 Romeo Court, President of Jonathan Association, stated that he wanted to highlight the community involvement with their members that led to this decision. He explained that it had been about a year since the Eitel House Committee was formed and through their work, they heard loud and clear that the community loves the house and does not want to see it torn down. He noted that the reality is that the house has no useful function for the Jonathan Association anymore and they ended up landing on the idea of having some preservationist come in and to the work to preserve it and become a member of the Jonathan Association. He stated that he just wanted to make sure the Commission knew about their efforts to listen to the community. He explained that they are working on the trail piece of the puzzle and noted that it is challenging in the neighborhoods that do not have sidewalks. He stated that they have been having discussions about how they connect the trail to the tot lot and it may be a sidewalk. He noted that there is also a bit of a retaining wall issue that they have to work with in order to make the connection but assured the Commission that Jonathan Association is willing to do the work to make sure that this all ends up making sense for all parties.

Commissioner Rylee commended the maintenance forces from Jonathan Association that were out sweeping sidewalks today. He stated that it is nice to see that they really care.

There being no additional comments, Acting Chair Lacey closed the public hearing at 9:55 p.m.

<u>7D. Recommend Approval of the Concept Plan for Block 42 in Downtown Chaska/Community Asset Development/PC #2022-30</u>
City Planner Hanson presented to the Commission and noted that this would come before the City Council on May 16, 2022.

Acting Chair Lacey asked if the use of the gym would remain as a gym or if it would be remodeled into a rentable event venue and asked how that may impact the residents that live there as well with things such as parking.

Commissioner Urbanski asked if it may be possible to have a long-term maintenance agreement with Guardian Angels that they would be responsible for the upkeep of the gym until an end user comes in and purchases it. He stated that there are a few private residences here and asked how they felt about this concept plan.

City Planner Hanson stated that they have been hearing from the developer that they have been working together with those property owners and support the project.

Commissioner Rylee asked for clarification about the statement made regarding working on the Comprehensive Plan guidance for the site.

City Planner Hanson stated that it basically means how the City will guide this site because right now, the way the Comprehensive Plan guides it is public and semi-public as well as medium density residential. She stated that that the question is with the school no longer being there what the main goal is for the site.

Commissioner Rylee asked about the meaning of R-2 Medium Density residential.

City Planner Hanson explained that it is a spectrum and can range from single family to multi-family.

Commissioner Olson stated that what they are proposing to put into the block seems excessive and asked about the expectation and what is allowed when it comes to use of on-street parking for covering their needs for parking requirements.

City Planner Hanson stated that anyone can use on-street parking because it is public, but noted that there is not a defined understanding of how that will factor into this project yet because they do not know the end user, specifically for the gym space.

Commissioner Olson stated that he wants to make sure that it is very clear to the developer what is expected from them going forward.

Community Development Director Kabat stated that he believes that is something that has been expressed to the developer and there are a number of items included in the conditions of approval that also address this concern. He noted that staff does have concerns about a possible large traffic generator moving into this space, because that will impact on the neighborhood.

Acting Chair Lacey asked if there was a current traffic analysis related to the on-street parking and how it is currently utilized.

Community Development Director Kabat stated that is part of why they are asking for a parking needs analysis so they can see how it is used today and what the proposed use is expected to generate.

Commissioner Olson asked about the school portion and the apartments related to privacy and keeping it open because the apartments will actually be below grade.

Commissioner Rylee noted that he sees about 3 very different architectural styles and he feels that it should be consistent and respectful of the Guardian Angels school and that the developer should project some of those features through the townhomes and apartment buildings as well, such as the red brick.

Dave Pokorney, Community Asset Development Group, explained that Community Asset Development is the master developer which means they have site control for all of the property and they would be the purchaser. He gave an overview of the history on how they got involved in this project via discussions with the church about finding a final product that preserved the buildings but also allowed the church to be financially viable and noted that is one of the reasons that the gym area is very important to them. He stated that their vision is that when this project is done, it wouldn't really look any different than right now. He noted that they will need to find a way to install an elevator on the exterior but noted that they would like to bring back some of the historic feel. He stated that they feel the gym has been a key community gathering space and has been used that way since it was built in the 1950s. He noted that the Park Board had recently determined that they did not want to purchase it and explained that while they don't have final agreements in place, they do have 2 very interesting scenarios for its possible use. He stated that the required parking for this type of use would be 43 spaces which is their target, which means it will not be an event center or special occasion venue. He explained that they are not interested in tearing down the gym and mentioned that if this project is approved, their apartment building will be the only one in downtown that meets their parking requirements on site rather than using on-street to meet those requirements. He stated that they agree with all of the conditions suggested by staff except the condition of requiring the school parking. He stated that the plan for the school building would be more affordable rents, but not subsidized and gave the example of a 2 bedroom unit costing between $1,200-$1,300. He explained that the 44 unit building is what he calls a 'boutique' apartment that is upscale and its biggest amenity is that people will be able to walk to places downtown. He noted that this building would be a mix of 1 bedroom/den and 2 bedroom units with rents on the higher end of the Chaska market. He reviewed the expected materials that they would use on the project and noted that the only thing they are asking is that the City permit 12 of the parking spaces for the school to be on site. He noted that the highest probability for use of the gym is for it to be owned by a local non-profit that will be geared towards youth athletics.

Commissioner Olson asked about what feedback Mr. Pokorny had gotten from the convent about this becoming office space and storage for the second level.

Mr. Pokorney explained that the convent is a 3-story building, with about 2,000 square feet on the first floor and would be a very functional office space. He noted that the second floor contains the 'cells' where the nuns lived which consists of about 12 rooms that are 8 x 10 so they do not foresee them being used as office space but instead could be used as storage. He stated that the 3rd floor is a large open space that was the gathering place for the nuns to congregate but explained that they do not have plans for this space yet. He noted that the gym, the school and the convent are right now just one building with one mechanical system and one fire protection system so keeping them under one ownership will be important, but noted that the gym may be able to be separated.

Commissioner Urbanski asked if there had been any neighborhood meetings held.

Mr. Pokorney stated that they did hold a neighborhood meeting last Friday. He stated that the feedback they received was that everybody would like to see the buildings stay and that they were concerned about parking and what activities would take place there.

Acting Chair Lacey opened the item up for public comment.

Jan Cody, 108 Cedar Street S, stated that she was concerned with parking because it is already a problem with the church and worries that people will just park in front of her house. She stated that she is concerned about the proposed density and the height of the building for the apartments. She stated that the amount of traffic this development will bring into the City will completely change the neighborhood and comment that if she wanted this high of density, she would move to Minneapolis.

Jim Fink, 205 Elm Street N, stated that he has been a member of this community for a long time and lives about a block away from this project. He stated that he was not aware that there had been a neighborhood meeting and noted that his home and property has been in his family since the 1800s. He stated that he is happy that there are plans to preserve the school, but is not happy that there will be some historic homes torn down. He stated that he also has concerns about the height of the apartment building and agreed that he also has issues with people parking in front of his home when the church has had events. He stated that it does not create a problem for him, but knows a lot of the neighbors have concerns about that item.

Commissioner Rylee asked if it was common in the neighborhood that their primary parking spot was in front of their home.

Mr. Fink stated that it is common and explained that he had a driveway, so it did not cause him any problems. He questioned why when these types of things are going on in the community, people are not invited to the meetings and stated that he felt that was a big problem. He stated that he found out about this problem one of the neighbors. He stated that he also feels that there should be a different set of rules for the downtown area and feels that the City has already lost a lot of buildings so he is happy that they want to preserve some of the buildings. He noted that many of the homes are built right up to the property line and noted that his garage is built 8 inches off of the property line.

City Planner Hanson noted that there was someone on Zoom who has asked to speak.

Jeannie Madigan-Florea, 300 West 2nd Street, stated that they had lived there for about 20 years and agreed with the other commentors that she is happy that they are preserving the school. She stated that they also had not heard about the May 6, 2022 neighborhood meeting, but did receive a letter referencing tonight's meeting. She stated that she does not feel that the neighborhood was properly represented at the neighborhood meeting. She explained that she was concerned about traffic and parking and was under the impression that the density for residential was 24 units/acre which if followed would only be 48 units and not the 73 that is being proposed. She stated that it is already hard to park and this plan will create a lot of traffic and noise and reiterated that there are a lot of concerns here and asked the Commission to consider the people that have been living here for many years. She stated that they have been paying taxes for a long time and want to preserve the downtown Chaska feel of the neighborhood.

Brad Geshtact, 16980 County Road 40, Carver, stated that he is a parish councilmember and a parishioner of Guardian Angels and explained that his family has been involved there for a long time. He stated that his family name is included on one of the windows so he has a vested interested in preserving the historic nature of everything. He stated that he opposes this plan because he would like to see the school reused as more of a parish community center rather than the proposed development. He stated that he is also a member of the Knights of Columbus and they hold 3 fish fries there every year. He noted that until Covid, there used to be beef and sausage dinner that has happened for the last 75 years each January, so there is a long heritage of community events that have happened in those buildings. He stated that he would like them to be preserved and used more as an event center than as a gym. He stated that there are other groups it could be rented out to such as the Boy Scouts. He explained that there is also a playground in the corner that nobody has mentioned even though there is no other children's play area in this section of the City. He reiterated that he would rather see this preserved as it is and for the parish to fix it up and maintain it as a community center. He stated that they are currently using the convent space as an office and the school is being used weekly for religious education and choir practice. He stated that the gym is used off and on for events but noted that in order to still hold those events they will need to have the kitchen space as well.

Leo Parvis, 320 West 2nd Street, stated that he and his wife have lived in downtown Chaska for 20 years. He stated that he is about 100 yards away from this project and stated that as mentioned by his neighbor on Zoom, parking is a major problem. He thanked the Commission and staff for sharing all the information they shared today because he had previously not had any of it. He stated that he has seen one inconsistency that is not in sync with the master plan of the City. He explained that, in his opinion, preserving downtown Chaska is not bringing in 24 units and townhomes that will add to the population, environmental pollution, hazards, and noise. He noted that nobody has talked about the length of construction. He stated that they did not mention the multiple people that could be in these units and the number of family members and guests that could be coming to visit them. He reiterated that there is already a parking issue in downtown Chaska and these plans are not preserving downtown Chaska. He stated that he agreed with some of the issues already brought up, but would not waste time repeating them.

Julie Parvis, 320 West 2nd Street, stated that she agreed with everything that has already been said but wanted to reiterate the communication problem because as the Zoom caller stated, they also did not know about the May 6, 2022 neighborhood meeting. She stated that they also had not received the letter about tonight's meeting until last Saturday. She noted that in the body of the letter, if she were someone who was not familiar with this type of thing, she doesn't think she would have gotten past #2 because it stated that this would not be a public hearing. She explained that she would not have known that a public hearing is a legal term for a certain kind of meeting unless she had called the City. She stated that she suspects that is what happened with many of the neighbors and why they were not present tonight even if they received the letter. She noted that they talked to many neighbors who had not received any notifications. She stated that the letter does say toward the bottom that people would be allowed to be heard in person, but if they stopped at #2 they would not have known that. She stated that she and her husband made copies and distributed the letters themselves and there were other neighbors who posted on Facebook. She stated that she thinks there also would have more people present tonight if not for the weather conditions. She noted that she feels this project is being pushed through in a hurry and stressed that she felt another neighborhood meeting was needed where more people are actually informed and can get involved and represented. She explained that they had moved downtown because they wanted to be in an old, small, downtown quiet neighborhood. She stated that they wanted to know their neighbors. She stated that they do park in front of their house and walk along the sidewalks and noted that they practically known everyone all around them and watch out for each other. She stated that if this complex is allowed to move forward she feels the City would lose a lot.

Acting Chair Lacey explained that he wanted to allay any fears that this project is a slam dunk and noted that the concept plan is the 1st part of a 3 part process for projects to move through the City.

Ms. Parvis stated that she still felt another neighborhood meeting was necessary.

Another member of the audience agreed and noted that they had also not been informed or invited to a neighborhood meeting.

Acting Chair Lacey noted that, as previously brought up by Commissioner Rylee, the system for notification of these types of meetings needs to be strongly studied and improved. He assured the residents that their voices were important.

Commissioner Urbanski asked if a neighborhood meeting was required at the concept plan phase.

City Planner Hanson explained that it is not required, but staff heavily encourages it. She noted that communication about a neighborhood meeting would be conducted by the developer and not the City. She stated that the City does help them put together the mailing list, but the developer is responsible for mailing them out.

Commissioner Rylee stated that staff has had quite a bit of success bringing various projects through this 3 step process and in some cases have had various delegates from the neighborhoods that are willing to spend the time to work with City staff and hold meetings to identify priorities and incorporate them into the process. He stated that just because there was a 'neighborhood' meeting held last week, that part doesn't have to stop. He stated that staff has demonstrated many times in the past that they want to work with citizens, especially if they can designate 2 or 3 individuals to work with the City and the developer to sort out these issues. He noted that he has seen this be successful and by the time the project gets to the final stage, everyone on both sides is happy. He encouraged the residents to get together and find 2 or 3 individuals that are passionate about this issue and have the time to invest in some meetings and assured them staff would be available to help guide this process.

Lisa Van Hofwegen, 301 West 2nd Street, stated that in evaluating the parking, she asked that they take into consideration the activities that are going on at Guardian Angels on a daily basis. She stated that the area is already congested and asked that the City consider this overall use when they are looking at parking.

Tom Brinda, 205 1st Street West, stated that he moved to the City in 2014 and came here purposefully because of the character of the town and what had been done. He referenced the curling center, and other buildings that have multiple uses, the parks, and open spaces and noted that he saw the commitment that the City had to those kinds of things. He stated that he was eager to be part of something like that and purchased his home which is an 1895 Chaska brick home that has been restored. He stated that he is passionate and has time and offered to serve in the capacity suggested by Acting Chair Lacey. He stated that he is near the playground and has a beautiful view of the steeple, which looks like it will disappear if he has understood the concept correctly with the building massing, which is he does not like. He stated that he feels there are some things that can be done architecturally and with landscaping to maintain some of the character of the residential neighborhoods and still accommodate the higher use residency that is being proposed.

Brett Amundson, 105 North Elm Street, stated that he feels a bit like the glass is half-full with this project. He stated that if they are able to keep the Guardian Angels building even if it is not economically profitable for the developer, he feels that it is central to downtown and thinks it would be fantastic to be able to keep it. He stated that parking is a problem, like others have already stated, especially when there are services and when there are Chaska Cubs games. He noted that in the summer, often times there are community events held in the town square which also create parking problems. He stated that in his opinion making an exception on the parking requirements would perhaps not be the best thing to do and would be very unpleasant if there were a bunch of extra cars trying to park every day. He stated that to him, if it was economically feasible, it feels like the best thing to do would be to make the new buildings just a little bit smaller and suggested 35 units rather than 44 and noted that the massing of 4 stories feels out of proportion and a 3-story building would fit better. He noted that he owns a high-end design building and remodeling firm that mostly work on historic homes in Minneapolis and St. Paul and the surrounding areas. He stated that the proposal just 'feels' too big and too tall, in particular. He stated that the City, thus far, has done a wonderful job keeping the character of the downtown area and stated that if they can keep the character, the massing, and address the parking, he thinks this project has potential to be a pretty good thing. He stated that he is very happy that the apartment building on 2nd and Pine may not be there. He stated that with this proposal, he thinks there are couple of bright spots in their plans, but also a few challenges and bumps in the road.

Acting Chair Lacey closed the public comment portion of the meeting at 11:18 p.m.

Commissioner Urbanski asked when the City has had the opportunity to redevelop and entire block of the City.

City Planner Hanson stated that the closest example would probably be The Landing building in downtown or perhaps the Chaska Event Center.

Community Development Director Kabat noted that there is one that is being pursued at the City Square West redevelopment project.

Commissioner Urbanski stated that this is a unique opportunity and he understands that there is both excitement and nervousness surrounding it. He stated that he would like to get more community input on this project before it moves much further forward.

Commissioner Rylee asked if he was saying that he did not think this project should move past the concept phase.

Commissioner Urbanski stated that at this point he would have a hard time voting to move it forward to preliminary.

Acting Chair Lacey stated that he agreed because he believes there are some issues that really need a second look such as parking and the gym usage.

Commissioner Baswa stated that there have been multiple instances reported that neighbors were not informed and able to give them input. He stated that he understands holding neighborhood meetings are not compulsory, but feels the City can help with some guidelines. He stated that the way people communicate has changed and now people are mostly using social media, such as Facebook and asked the City to find more ways to reach the neighbors and give them enough time to respond. He stated that he realizes that the City cannot enforce what the developers do for the neighborhood meetings, but feels like they can give guidance and find additional avenues of communication that will be more successful.

Community Development Director Kabat suggested that the Commission could take a look at conditions of approval and perhaps add items that would address some of the concerns and expectations being shared by the Commission. He noted that if the Commission thinks the things they are concerned about are too far away, then they could also consider tabling this item. He cautioned that if they do that they need to make sure that they are clear about the reason and what items they would want to see before it comes back in front of the Commission.

Commissioner Gaare stated that the concern she has is that this block is right in between the very historical part of the City and the newer development towards the river. She stated that she thinks there needs to be some sort of compromise and while she thinks it is great that they will keep the school building, with the addition of the townhomes and the apartment buildings, she is not sure that strikes the balance that she is looking for. She stated that there is an opportunity to save this piece of real estate and she does not want to lose that opportunity, but feels there is still some work that needs to be done.

Acting Chair Lacey reiterated that he thinks it is very important for the neighbors to be involved in this process and asked about the suggestion by staff to add additional stipulations and for this to move forward.

Community Development Director Kabat noted that he had jotted down the things he has heard from the Commission such as: parking; a desire to work with the neighborhood; and a need to work on the design to ensure that it ties in and complements what exists with the historic nature of the school and convent and the surrounding neighborhood. He stated that if these were the concerns he believes that they can be incorporated into the conditions.

Commissioner Olson stated that he agreed with the three things mentioned by Community Development Director Kabat but noted that on the design side of things, his concern is that it would also include not having a 44 unit apartment building and is something that is more cohesive with the surrounding neighborhood. He clarified that as long as that point is part of the 'design' condition then he could agree with it, but if 'design' is just changing the shape and color, his answer would be no because putting an L-shaped 44 unit apartment building with underground parking whether it is 3 stories or 4 stories, does not fit into the neighborhood that is currently there. He stated that he thinks the City needs to be mindful of the residents that are immediately surrounding this project. He stated that this is unique and the Commission is here to figure out the first step of many to figure out how this all will work. He reiterated that unless part of the 'design' condition would include eliminating the 44 unit apartment building and replacing it with something that is cohesive with the neighborhood, he would not vote for approval.

Commissioner Rylee stated that he agreed and noted that he wants them to go through concept, but does not want this to get to the preliminary phase and everyone ends up fighting over the 4-story building.

Mr. Pokorney stated that he has heard two significant issues being raised related to parking and the massing/size of the building. He stated that if they cannot solve the parking issue, they will not move ahead and do the preliminary site and building plans because that is a timely and expensive process. He stated that he would suggest that the Commission either vote to deny the concept plan or table it and give them time to address the parking issue better. He noted that if it turns out that there can be little or no redevelopment, this site has little or no value to a potential buyer and reiterated his suggestion for tabling or denial and noted that he would be fine with either decision.

Motion by Commissioner Urbanski to table discussion of the Concept Plan for Guardian Angels School & Convent Buildings and Block 42 until the next meeting, to allow for time for the developer to address the concerns raised by the Commission and ask that they ensure that the neighborhood can be more involved in the process.

Commissioner Olson asked if a month would give the developer long enough to address the concerns that have been raised.

Mr. Pokorney stated that the believes they will be able to address the parking situation and take a closer look at the gymnasium in a month but noted that a month may be too short of a time to look more closely at the architecture and design issues. He noted that there are some time constraints in their purchase agreement with the church, so they would like to find the concept that will work sooner rather than later. He stated that they will try their best to address as much as possible within the next month.

Commissioner Gaare seconded.
Motion carried.

Commissioner Gaare recused herself from the next agenda item.

7.E. Recommend Approval of the Concept Plan for Kusske Estates Property (Extension of The Harvest Neighborhood)/Tradition Development/PC #2022-25

City Planner Hanson presented the item and noted that it will be presented to the City Council on May 16, 2022.

Acting Chair Lacey asked about the reclamation process and asked when it was expected to be completed and questioned what the noise level of this operation would be.

City Planner Hanson explained that the best information that they have given the City is a 5 year time frame and their understanding is that once that is done they would pursue the easterly portion for development.

Pat Rossi, Tradition Development, explained that they would not be hauling material in on a daily basis and does not expect there to be a lot of noise other than an occasional dump truck coming in and a small bulldozer to spread things out. He stated that they are hopeful that they get through tonight's meeting with an approval and will then move on to prepare their preliminary plans and specifications within the next 1-2 months and be able to get started on the grading this summer and the streets by the fall. He noted that they have had a lot of success in the area and stated that they had done 10 phases in the Club West area and they feel this is a natural expansion of that development area and would like to begin this year.

Commissioner Urbanski asked if they foresaw using any of the soils, as they are grading, to go into the reclamation, or keep them all there for the development.

Mr. Rossi stated that they just received some of the initial earth balance work within the last few days and it looks like the site is a pretty close balance, so they do not intend to move anything offsite other than a few loads here and there.

Commissioner Rylee stated that it looks like this is a challenging site from a drainage standpoint and asked if they expected to be able to route the drainage in this project without it going into the reclamation area.

Mr. Rossi stated that they will have the temporary cul-de-sac and curb line and a boulevard on the downward side so there will be some depth there to contain the water. He stated that when they look at the stormwater design for the site they will have to take a look at the inlets and catch basins to ensure that they get enough of them in so they can handle the bigger storms.

Commissioner Olson stated that it will be interesting to see how the plan progresses and how the stormwater ponding as well as how they find the balance of tree preservation to the south. He stated that they will need to find a way to maximize what will go there while balancing it with the water and the trees.

Mr. Rossi stated that they will make every effort to save the trees but does not believe that have yet completed the tree survey on the site.

Commissioner Olson stated that they had provided the ghost lots for the extended phase and asked if the assumption was that there would not need to be any ponding with the 2nd phase.

Mr. Rossi noted that he was fairly certain that there would be ponding required with the next phase. He explained that they usually plan on about 10% of the area being devoted for stormwater ponding. He stated that they can show some general areas where ponding may appropriate.

Commissioner Olson asked if the homestead was a separate parcel that would be included in the next round.

Mr. Rossi stated that he believes it is all one parcel right now as an outlot from the Kusske Estates and thinks would need to be subdivided.

Community Development Director Kabat noted that he was looking at the County's GIS for the site and the house up against the road is its own parcel and the pole barn is on a separate parcel from the house. He stated that currently, everything today that Tradition is proposing to develop where it is ghost platted and the areas for preservation is all a single parcel.

Commissioner Olson stated that in order to connect to Creek Road they will have to get that other parcel.

Community Development Director Kabat noted that ownership is all the same but that is outside of what is being proposed.

Commissioner Olson stated that he wanted to ask because he wanted to make sure the Commission understood what the future will hold even if they do not yet know all the details.

Commissioner Rylee asked that the developer make sure that they are not creating slope stability problems in the future.

Motion by Commissioner Olson, second by Commissioner Urbanski, to recommend to City Council approval of the Kusske Estates Property Concept Plan for a 19-lot subdivision on 10.4 acres of land, subject to the following conditions:

1. Approvals shall be based on the following exhibits:
    a. Concept Site Plan Narrative (pgs 1-7), prepared by Patrick Wrase, Tradition Development, dated April 25, 2022
    b. Concept Plan, prepared by Alliant Engineering, dated April 25, 2022
    c. Existing Conditions, prepared by Alliant Engineering, dated April 25, 2022
    d. Site Features Map, prepared by Alliant Engineering, dated March 29, 2022
    e. Club West – Adjacent Property Layout, prepared by Alliant Engineering, dated March 28, 2022
2. Adherence with the City Engineer's Memo dated May 11, 2022
3. Provision of a 60 feet Right of Way width for all local streets.
4. Adherence to the City's Boulevard Tree Policy and local street section design.
5. Provision of sidewalks on both sides of all local streets.
6. Provision of a connection to the planned regional trail on Creek Road, to be addressed as preliminary plat submittal.

7. Adherence to the following building setbacks:
    a. Front (house): 23 feet
    b. Rear: 30 feet
    c. Side: 7.5 feet
    d. Side (corner): 20 feet
    e. Wooded Steep Slopes: 50 feet building setback and 30 feet no grade/no mow setback
    f. Wetlands: 30 feet
8. Prior to final plat approval, developer shall enter into an agreement with the City for the provision of necessary infrastructure and associated development costs.
9. Compliance with the City's anti-monotony and design requirements zoning ordinance (Section 9.28).
10. Provision that the wooded steep slopes and their applicable setbacks are delineated in the field and reviewed and approved by the Planning Department prior to preliminary plat submittal.
11. Preservation of the wooded steep slopes, including 30-foot buffer and a 50-foot setback from that wooded steep slope if present on site.
12. Provision of a wetland delineation report to be completed and provided at time of preliminary submittal.
13. Provision of a storm water management plan meeting City and Carver County WMO standards.
14. Provision that adequate maintenance accesses are provided for the stormwater ponds, and to be shown on the plans at preliminary plat submittal.
15. Provision for trail access points into the areas designated as open space to the north, south, and east.
16. Provision to further evaluate wooded steep slopes, bluffs, and tree preservation efforts in the proposed development area of the site as directed in the Wooded Steep Slopes, Bluffs, and Tree Preservation section of this report, and to be addressed at preliminary plat submittal.
17. Provision to provide examples of floor plans and elevations for the housing products that will be pursued.
18. Provision to work with staff to evaluate the existing Land Excavation/Reclamation Permit for the adjacent mining reclamation operation on the site, and evaluate needs to accommodate adequate future development on the site, and to be addressed at preliminary submittal.
19. Provision of screening between the proposed residential development and the adjacent mining reclamation operation on the site.

Motion carried 6-0-1 (Commissioner Gaare abstained).

Commissioner Gaare returned to the dais.

<u>7.F. Recommend Denial of the Concept Plan for Outlot H Chaska Creek Center/Wabash Chaska Farms, LLC/PC #2022-31</u>

Community Development Director Kabat presented the item to the Commission and noted that it will be presented to the City Council on May 16, 2022.

Commissioner Olson noted that he has served on the Planning Commission for 4 years and thinks this may be the first time he has seen a Concept Plan come with a recommendation of denial from staff. He asked why this was coming in front of the Commission.

Community Development Director Kabat stated that he cannot speak to the motivation of the applicant. He stated that staff has met with them on multiple occasions and the feedback from staff has been consistent and what was presented tonight to the Commission had been discussed with them on multiple occasions. He stated that it is very rare that this sort of recommendation comes before the Commission because usually when they indicate to the applicant that staff will not be recommending approval, they typically choose not to move forward. He stated that in this case, the applicant has elected to attempt to move forward and they will have to speak to their own rationale for that decision.

Dave Pokorney, Community Asset Development Group, explained that they have been working since the beginning with Wabash Capital on the development of this property. He stated that they are here seeking approval of a concept plan and noted that it is 100% consistent with the City's Comprehensive Plan because it guides this as business park. He read aloud specific language from the business park definition. He stated that Community Development Director Kabat said a number of times in his presentation that this site was guided for office and explained that it was not guided for office but for business park. He stated that in the world of development, legally for land use, being 'guided' is a key definition because it means that it is consistent with the Comprehensive Plan. He noted that the other key legal document that is out there is zoning and this property is zoned Open and within that it specifically says that this land will be rezoned to be consistent with the Comprehensive Plan, not the concept plan. He stated that Community Development Director Kabat had reviewed some of the history of the parcel starting with the concept plan, but noted that he was old enough that he remembers some other concept plans because this property came available for development about the time that the freeway was announced. He explained that the very first concept that came to the City consisted of Fairview Hospital and Cub Foods which didn't happen and the next concept plan came in 2007 with the Bioscience Zone which had a mixture of small industrial buildings and then the plan changed in 2010 and the City approved a plan for a college campus which also did not happen. He explained that in 2011 they came to the City in partnership with Opus with the concept plan mentioned by Community Development Director Kabat. He noted that there is nothing in City Zoning Code that says a concept plan has any legal entitlements. He stated that he found it interesting that the Commission recommended approval of the small office/warehouse on old 212. He stated that he read through the staff report of the concept plan when that was approved and did not see where it was consistent with the 2019 concept plan that was approved. He explained that it wasn't because they did the concept plan for that parcel and half of the site was office and the plans were changed, which they should have because there was not market for office/condos. He noted that Community Development Director Kabat used the term 'guided' 12 times during his presentation and reiterated that this parcel is not guided for office but is an office within the 2013 concept plan but is guided as business park. He gave a rebuttal to some of the points presented by Community Development Director Kabat and explained why he felt the Commission should recommend approval. He stated that as a land owner they have the right to develop based on the City's Comprehensive Plan and the City has the right to tell them they cannot do it, if it doesn't meet the Comprehensive Plan. He stated that if there is a conflict between zoning and the Comprehensive Plan, the Comprehensive Plan is the thing that prevails. He reminded the

Commission that concept plans are working documents that change over time, as the market changes. He stated that throughout the metro area, there is only one office space being built, in Minneapolis, so if the City thinks they are going to get corporate office on this parcel, he does not feel it will happen. He reiterated that this concept meets the City's requirements and noted that if approved he would not be surprised by the need for a list of conditions, but for the City to say outright that they cannot have a use that is permitted under the Comprehensive Plan, should not be done. He stated that he felt developers and cities need to be partners so their hope is that the Commission will recommend approval of the concept plan and noted that they have had quite a bit of interest in this site.

Commissioner Rylee asked if Mr. Pokorney had a particular timeline that he wanted for moving forward.

Mr. Pokorney stated that based on where things are today, he doesn't think that they will be able to build until next year and will probably allow Oppidan time to fill up their buildings before this one goes on the market.

Acting Chair Lacey asked about the final conversation Mr. Pokorney had with staff about the concept plan.

Mr. Pokorney stated that they just do not agree with staff's interpretation of this situation. He stated that to them, it is very clear that they have the right to follow the City's Comprehensive Plan. He stated that if they could sell this as a corporate headquarters even within a 5 year horizon, they would do it, but reiterated that they do not think it will ever happen.

Commissioner Rylee stated that in addition for it being unusual to have a recommendation from staff for denial, it is also unusual for the City Attorney to be present at the Planning Commission meeting and asked if there was anything that Mr. Pokorney has stated to the Commission that has not already been discussed with staff.

Mr. Pokorney stated that he had never discussed it with the City Attorney and noted that he assumed that would be the staff's job. He stated that he had not seen the statements from Community Development Director Kabat that he presented his rebuttal on tonight until they had sent out their staff report.

Christine Eid, 125 Main Street, Minneapolis, explained that she is an attorney for the property owner who had requested that she attend tonight's meeting and review the materials provided by staff. She stated that in reviewing the bullet pointed list explaining staff's rationale for denial of the concept plan, it appeared to her that the majority were factually erroneous. She stated that the Planning Commission has to make a decision based on the record which has to be supported by the law and fact. She stated that the Comprehensive Plan guides this parcel for business park and not for office. She stated that City staff is proposing that this small parcel be isolated for office use. She referenced the change in work locations and habits based on what has happened with the pandemic and noted that most people are not going into the office as much as they did in the past because many have transitioned into working from home. She stated that she does real estate, land use, and office leasing and explained that this is a crisis of epic proportions for office tower owners. She stated that no office buildings are being built right now and probably would not be for the foreseeable future unless there is some other type of major world event. She explained that her concern for staff's recommendation to deny this concept plan is that it would be inconsistent with the Comprehensive Plan guidance and the Open district zoning. She noted that the zoning code clearly statements that market conditions are a factor that must be considered when determining what zoning district this will eventually be in. She stated that this is not a situation where a landowner is asking the City to change the zoning or the Comprehensive Plan. She stated that this use is permitted and noted that it is almost like staff is trying to isolate this one particular parcel for office use and no other use. She stated that the statements made by Mr. Pokorney responding to staffs bullet point list was their attempt at stating, one-by-one why they felt it was factually inaccurate or simply not lawful or untrue. She stated that at a minimum, they would be looking for a recommendation of approval of the concept plan, with conditions, in order to satisfy concerns such as those related to the visual aesthetic of the building.

Acting Chair Lacey stated that the Commission is getting two sides of a coin in this situation and asked for some clarity from staff including the City Attorney.

Community Development Director Kabat asked if there were specific areas that the Commission would like clarity.

Commissioner Gaare stated that her take away from the summary from staff is that the City is 'hoping for better' for this site but nothing that has been said tonight is saying to her that their proposal should not move forward. She stated that from what she can tell, this is a legitimate proposal that should probably move forward and should at least be looked at, but staff seems to be saying that this doesn't fit the mold.

Community Development Director Kabat stated that staff's analysis of business park guidance is looking at the area as a whole and trying to have a variety of uses. He stated that there is plenty of guidance for this location as it comes out of the other guiding documents that he noted that talk about how it relates to 212 and the interchange.

Commissioner Gaare asked if anyone else was lined up at the gate to buy these parcels to build and noted that Hy-Vee has just pulled out.

Community Development Director Kabat stated that Hy-Vee just made that announcement but had not put anything in front of the City yet. He stated that from a staff perspective they are looking at the long range and trying to achieve what has been stated through all the guiding documents on this location. He reiterated that from staff's standpoint, an industrial building that is very much like what Oppidan is already doing doesn't get to the diversity of uses that a business park is desiring to achieve and this location is set up to do that. He stated that he does not doubt that people are not currently looking for office space, but he also does not think it is fair to say that no other use can happen on this location or that they cannot look at another concept plan that achieves many of the goals that were stated and reiterated that from staff's analysis, what this proposes does not really get to that end.

Commissioner Gaare asked if the City was being realistic given the situation that has been laid out related to office buildings which she feels is a very legitimate argument.

Commissioner Rylee stated that it is also a sizeable burden because they are paying about $260,000 per year in taxes.

Commissioner Olson asked how this would compare with a situation like the Hazeltine apartments by Kohl's. He stated that it appears to be the same kind of situation where the landowner had tried to market it for what it was desired to be which in that case was retail, but nothing happened. He stated that they realized the market was hot for apartments and presented that to the City and staff recommended approval and noted that it had also required rezoning. He stated that he personally had voted no, but it did pass through the Commission as a concept plan and asked how this situation is different than that one.

Community Development Director Kabat stated that they talked about how that site relates to the primary corridor and how it is set back. He stated that the setup of that site is a bit different and that site also has been about 20 years since something has been developed there and has sat vacant. He stated that what they are seeing on this site is that the time has not really passed that they would recommend taking a different look at how the site should work. He stated that the City has made substantial investment in this site and it was not until recently that many of the things have gone in. He explained that staff's analysis of this is that it would be wise to take more time. He stated that he is not here to suggest that there is no other option for this site but they have had the conversation with the applicant that this is an industrial building that is very much like what Oppidan is proposing and the City would like to see more diversity in this location and something that would take better advantage of the proximity to 212.

Mr. Pokorney stated that he does not want to get into an argument but feels he needs to respond to that statement. He stated that Ms. Eid is really correct when she said what is really happening is that they are coming in wanting to do what the Comprehensive Plan says and the City staff is wanting to do something other than what it says. He stated that the apartment referenced by Commissioner Olson required a rezoning and an amendment to the Comprehensive Plan and reminded the Commission that they were not asking for either of those in this application. He gave examples of other uses that they could try to bring in that would require a Comprehensive Plan amendment and noted that they have to do what is in the Comprehensive Plan. He stated that this has been frustrating for them because the response from staff has been 'well, you can do something else'. He stated that if the City wanted to see something else, then they should have put it in their Comprehensive Plan. He gave a history of the investment and expense they have had on this property and noted that it has been a total of $6.6 million and stated that they cannot wait forever to develop it.

Commissioner Urbanski asked if the City Attorney had any thoughts on this item.

City Attorney Jacob Saufley stated that he has not worked with the applicant, but has worked with staff on this item. He stated that everything that he has heard from staff tonight is accurate.

Commissioner Olson confirmed that he has only interacted with what he had been told to him by staff and the documents that had been provided by the applicant, but there had been no direct communication with the applicant or their attorney.

City Attorney Jacob Saufley stated that was correct.

Acting Chair Lacey stated that he feels like the Commission is right in the middle of two opposing forces. He asked if there was a possibility for the City Attorney and the applicant's attorney to discuss this issue because everyone can have opinions on it, but there can only be one fact and he feels something is missing from the conversation tonight that he is not getting. He stated that he would like to see some more discussion because it is very difficult for the Commission to attempt to arbitrate and determine what is opinion and what is fact.

Commissioner Rylee agreed and stated that he did not think the Commission was qualified to arbitrate in this situation.

Acting Chair Lacey asked if the Commission could table this item to give the two attorneys time to discuss this situation and at least get 'closer to the pin' about what is fact and what is fiction.

City Attorney Jacob Saufley agreed that would be possible procedurally.

Ms. Eid stated that she has not heard the City Attorney or staff say what the law is and noted that she is just hearing that they want it to be something other than what has been presented. She stated that she is happy to have a conversation with the City Attorney, but she is not sure what the actual legal dispute is because they are saying that the Comprehensive Plan trumps the concept plan and both the zoning and the Comprehensive Plan permit this use. She stated that they feel they should be entitled to use the land for that purpose.

Acting Chair Lacey reiterated that the Commission is hearing two different things and he feels that they are not qualified to make a determination tonight on this issue. He stated that he thinks there needs to be another conversation between the two parties to decide on what the facts are and whether the current code allows for this use, or not.

Commissioner Urbanski stated that it would also give the City Attorney some time to review the proper documentation.

Commissioner Baswa stated that with the 12 bullet points staff presented, he would suggest that they also sit down and discuss what the facts are in those instances as well.

Ms. Eid stated that, to her, it seems like this matter is for the Planning Commission to decide whether this property can be used for something other than office. She stated the property owner has already spent a lot of money in attorney's fees and more meetings would involve more money to try to prove their lawful right to have something other than office with something that is permitted by the Comprehensive Plan.

Commissioner Urbanski stated that he did not disagree with Ms. Eid, but would like to get a legal opinion and have some time to research the information on his own. He stated that he hates to table things, but it is already 1:09 a.m. and admitted that everyone is probably not getting his best at the moment.

Commissioner Olson stated that the Commission is providing a recommendation to the City Council and he feels the recommendation may be that the Commission doesn't necessarily agree with City staff. He stated that the Commission does not make the decision, they just make recommendations.

There was discussion among the Commission about their opinion on whether to agree or disagree with staff's recommendation.

Motion by Commissioner Aasen, second by Commissioner Gaare to recommend City Council approval of the concept plan for a 115,000 square foot industrial building with loading docks and truck/trailer parking on Outlot H of the Chaska Creek Business Park.

Community Development Director Kabat stated that normally with a motion to recommend approval, there are conditions attached and reminded the Commission that the applicant had already acknowledged conditions may be necessary. He stated that because staff had recommended denial, they had not identified conditions for approval.

Motion failed.

Motion by Commissioner Aasen, second by Commissioner Gaare, to recommend City Council approval of the concept plan for 115,000 square foot industrial building with loadings docks and truck/trailer parking on Outlot H of the Chaska Creek Business Park, subject to conditions related to adequate screening, adequate parking, setbacks, preservation of wooded steep slopes, lighting plan, clarification on lawful uses, that there be no acquisition of City-owned land and green space, architectural compatibility with the rest of the business park, adequate stormwater and water management, that there be a report from the City Engineer, as discussed.

Motion carried.

<u>8. Other Business</u>

8.A. Receive Other Meeting Minutes
8.A.i. Receive the March 7, March 21, and April 4, 2022 City Council Meeting Minutes

Commissioner Urbanski

- Stated that he serves on the Community Center Task Force and they had their first meeting last month which he missed because he was ill, but will report on the next meeting which happens next week.

<u>10. Adjourn</u>
Motion by Commissioner Urbanski, second by Commissioner Olson, to adjourn the meeting at 1:22 am.
Motion carried.

MUSIC .FOOD .BEER
FIREWORKS

JULY 15-16, 2022
FIREMEN'S PARK

CHASKA Curling ESTABLISHED 2015 CENTER

CROOKED PINT ALE HOUSE

chaskafireandicefestival.com

CHASKA COMMUNITY FIRE AND ICE FESTIVAL

FRIDAY, JULY 15

Food and Beverage Vendors
6:00 PM-10:00 PM

LIVE MUSIC
Pandora's Other Box
6:00-8:00 PM

Reverend Peyton's Big Damn Band
8:30-10:00 PM

Fireworks
10:00 PM

Crooked Pint Ale House
Schram Haus Brewery, Chaska, Minn
Sumo Egg Rolls
YoUniverse Foodie Waffles
Divine Swine Catering

SATURDAY, JULY 16

Fun in the Park Activities
12:00-5 :00 PM
Inflatables, Kids Dance DJ (2-5 PM)
face painting, games and more!

Food and Beverage Vendors
12:00-11:00 PM

Bean Bag Tournament
1:00 PM

LIVE MUSIC
Bluewater Kings Band
6:00-8:00 PM

The Hype
8:30-10:00 PM
After Fireworks until 11:30 PM

Fireworks
8:30pm