

**CHASKA PLANNING COMMISSION  
MINUTES  
SEPTEMBER 9, 2009**

1. Call to Order

Vice Chairperson Broback called the meeting to order at 7:00 p.m.

2. Roll Call

Roll call was taken. Members present: Commissioners Huang, Kasper, Broback, Ashley, Keyport, Personius, and Commissioner Miller (arrived at 7:15 pm).

Members absent: Chairperson Young and Commissioner Hewitt.

Also present: Kevin Ringwald, Director of Planning and Development; Dan Geiger, Electric Director; and Melissa Duchinsky, City Planner.

3. Adopt the Agenda

Motion by Commissioner Kasper, second by Commissioner Huang to adopt the agenda as presented.

Motion carried.

4. Visitor Presentation

No one appeared under Visitor Presentation.

5. Minutes

Motion by Commissioner Ashley, second by Commissioner Huang to approve the minutes of the August 12, 2009 Planning Commission meeting.

Motion carried.

6. Consent Agenda

Motion by Commissioner Keyport, second by Commissioner Personius to approve the Consent Agenda as follows:

- a) Receive the minutes of the August 31, 2009 City Council meetings.
- b) Receive the minutes of the August 10, 2009 Park Board meeting.
- c) Receive the minutes of the August 31, 2009 EDA meeting.

Motion carried.

Commissioner Ashley inquired whether the Park Board could include more details in their meeting minutes.

The Planning Director stated it is the Park Board's option to approve their own minutes.

7. Public Hearing: Wind Turbine -1085 Pioneer Trail  
Conditional Use Permit

PC. No. 09-07/MN Municipal Power Agency

The City Planner presented the item to the Commission.

Commissioner Keyport asked whether District 112 had given their approval, and was told they had approved the project.

Commissioner Personius asked about the location of the turbine.

Commissioner Huang inquired about the amount of power generated by the turbine.

The Electric Director explained that it is a small wind turbine and its generation would depend on several factors, such as the presence of wind.

Commissioner Ashley asked about security for the turbine.

Tim McCormick of Avant Energy stated the power lines would be underground and that everything else would be contained inside the turbine itself.

The Public Hearing was opened at 7:15 pm.

Jim Wise of 2747 Wagner Drive to comment that he felt the turbine is a substantial structure, that would impair his view, reduce his property values, and he was opposed to the project.

The Public Hearing was closed at 7:20 pm.

Commissioner Keyport said this is an important early step in reaching renewable energy goals.

Commissioner Kasper stated the Planning Commission had visited a turbine in Maple Grove which was taller and it did not have an impact on adjacent properties.

Commissioner Broback felt as if this was the best location in the City for the turbine and this is an important educational tool.

Commissioner Huang asked about the FAA requirements for the turbine.

The Planning Director said the turbine will be shorter than FAA requirements so it will not require lights.

Commissioner Ashley stated this is an exciting opportunity. She also asked about Mr. Wise's idea of installing a mock-up to show the height.

Commissioner Personius said she felt it would be good for the school and was more pleasing aesthetically than a water tower.

Motion by Commissioner Kasper, second by Commissioner Personius to recommend approval to City Council of the Conditional Use Permit for a Wind Turbine at the Pioneer Ridge Middle School, subject to the following conditions:

1. Approvals shall be based on the following graphic exhibits:
  - A. Title Sheet, Sheet T1.1, prepared by I and S Group for Avant Energy, dated July 21, 2009;

- B. Title Sheet, Sheet T1.1, prepared by I and S Group for Avant Energy, dated July 21, 2009;
  - C. Title Sheet, Sheet T1.1, prepared by I and S Group for Avant Energy, dated July 21, 2009;
  - D. Title Sheet, Sheet T1.1, prepared by I and S Group for Avant Energy, dated July 21, 2009;
  - E. Title Sheet, Sheet T1.1, prepared by I and S Group for Avant Energy, dated July 21, 2009;
  - F. Title Sheet, Sheet T1.1, prepared by I and S Group for Avant Energy, dated July 21, 2009;
  - G. Title Sheet, Sheet T1.1, prepared by I and S Group for Avant Energy, dated July 21, 2009;
  - H. Narrative & Photos, dated July 30, 2009
2. Execution of an easement agreement between MMPA and Independent School District No. 112 (ISD 112) for the placement and operation of the wind turbine.
  3. Extension of the proposed drainage and utility easement to include leftover land between the existing easement and the proposed easement.
  4. MMPA shall cooperate with ISD 112 and the City of Chaska to develop an educational component at the wind turbine and an educational plan shall be submitted to the City of review.
  5. Provision of a temporary barrier for safety purposes until the excavation for the foundation is complete.
  6. The wind turbine output shall not cause any power quality problems with the existing electric distribution system, and any such problems that may arise will be the responsibility of MMPA.
  7. Pavement of the gravel driveway leading up to the wind turbine.
  8. Overall maintenance of the wind turbine and the private driveway shall be the responsibility of the MMPA.
  9. Any and all signage shall require permit submittal and approval by the Director of Planning & Development prior to installation.

Motion carried.

8. Public Hearing: Brickyard Villas – North of Clayhole Lake b/n Hwy. 41 & Yellow Brick Road  
Preliminary Plat & Rezoning  
PC. No. 09-05/DDK Construction

The City Planner presented the item to the Commission.

Commissioner Personius asked if Phase I of the development had changed.

The City Planner said they had eliminated two units along the west side of Yellow Brick Road.

Commissioner Miller inquired about the storm sewer.

The applicant, Dave Pokorney, stated there is existing storm ponds and that treatment will occur on site.

Commissioner Miller also asked about the layout of a typical boulevard.

The City Planner said sidewalks are five feet wide and the area for plantings are 7 ½ feet.

Commissioner Keyport inquired about the house layout and shared driveways.

Commissioner Ashley asked about the apartments and whether they will be market rate.

Pokorney said he was not sure but intended to sell the apartment site.

The Public Hearing was opened at 8:50 pm.

Jennifer Riggs of 383 Brickyard Drive expressed concern over safety and property value issues.

Pokorney said the original plan was for all multi-family. Reducing the units and adding owner occupied units was the desire of Council and Staff.

The Public Hearing was closed at 8:51 pm.

Commissioner Kasper asked about the three isolated units.

Commissioner Keyport commented that trail connections would be great.

Acting Chair Broback said the houses and added parkland would be an improvement to the area.

Commissioner Miller stated he like the three on the south side of the addition and he would like to see trees at the edge of the site toward Highway 41.

Commissioner Huang asked about a homeowners association and the square footage of the units.

Pokorney stated there will be one and it will plow snow and take care of the yards.

Commissioner Ashley said she supported the project on the west side of Yellow Brick Road but no the apartments.

Commissioner Personius said she is on the fence about the project but understands that the economics work. She also was happy that two homes had been eliminated out of the plan.

Commissioner Miller asked if the City has a tree re-plant policy.

The Planning Director said they do not have a specific policy.

Commissioner Keyport thought the project had a great plan.

Motion by Commissioner Keyport, second by Commissioner Miller to recommend approval to City Council of the rezoning of the Klein Brickyard Fifth Addition (Brickyard Villas) from PRD-6 (Planned Residential District No. 6) to PRD-57 (Planned Residential District No. 57).

Motion passed. 6-1. Commissioner Ashley voting nay.

Motion by Commissioner Miller, second by Commissioner Keyport to recommend approval to City Council of the Preliminary Plat for Klein Brickyard Fifth Addition (Brickyard Villas), subject to the following conditions:

1. Approvals shall be based on the following graphic exhibits:
  - a. Cover Sheet, prepared by Steven J. Broyer, dated July 21, 2009, Sheet 1 of 8
  - b. Overall Site Plan, prepared by Steven J. Broyer, dated July 21, 2009, Sheet 2 of 8
  - c. The Klein Brickyard 5<sup>th</sup> Addition Preliminary Plat, prepared by Steven J. Broyer, undated, Sheet 3 of 8
  - d. Site Plan, prepared by Steven J. Broyer, dated July 21, 2009, Sheet 4 of 8
  - e. Utility Plan, prepared by Steven J. Broyer, dated July 21, 2009, Sheet 5 of 8
  - f. Site and Utility Details, prepared by Steven J. Broyer, dated July 21, 2009, Sheet 6 of 8
  - g. Grading Plan, prepared by Steven J. Broyer, dated July 21, 2009, Sheet 7 of 8
  - h. Brickyard Villas – East, as prepared by City of Chaska
  - i. Brickyard Villas – West, as prepared by City of Chaska
  - j. Brickyard Villas – Overview, as prepared by City of Chaska
2. Provision of a soils report and, if determined as required by the report, subsequent soils correction.
3. Adherence to the City Engineer's memo dated September 4, 2009.
4. Adherence to the City of Chaska Boulevard Trees policy.
5. Provision of a trail connection from Highway 41 to the north side of Clayhole Lake as well a trail connection to Yellow Brick Road and the future Fire Lane extension.
6. Provision of a pedestrian connection from the sidewalks within the development to the trail system around Clayhole Lake, as approved by the Director of Public Works and the Director of Planning and Development.
7. Provision of a crosswalk across Yellow Brick Road to the future Fire Lane extension.
8. Individuals, builders or groups of builders shall not construct single-family home styles having substantially similar appearance (including two or more the following factors; articulation of front wall, number of full stories above grade, principal roof type, materials, and garage type) from the street to other single-family homes within two lots on each side, directly across or diagonally across from the same unit. No building permit shall be issued for a single-family home inconsistent with this requirement.
9. The following ratios are to be used with respect to the positioning of the garage on all single-family lots, except those zoned RR-2:
  - a. A minimum of 50 percent of the single family homes will have garages that are recessed at least six feet from the front wall of the house, including a substantial porch; and
  - b. No garage shall protrude in excess of six feet beyond the front wall of the house, including a substantial porch, or side-load garages on lots that are wide enough to support such garage. Except, for walkout ramblers, where no garage shall protrude in excess of twelve feet beyond the front wall of the house, excluding the porch.

- c. Substantial front porch shall be: unenclosed; have a minimum depth of 8 feet; extend across 50 percent of the front of house, excluding garage; and be located adjacent to the garage.
  - d. Side loaded garage shall: be designed to provide for dormers, bays and other architectural elements to be utilized to break up the mass of the garage and the roof line; not to exceed 25 feet in depth; be perpendicular to the right-of-way; not visually terminate at a roadway.
10. Garage walls shall not exceed 50 percent of the length of the front wall of the house. The length of the garage wall facing the street shall not be greater than fifty percent (50%) of the length of the entire front facade of the house; except on lots that are 60 feet in width or less, which shall not exceed sixty percent (60%) if they comply with all three of the following conditions:
  - a. The second floor living space shall extend over the two-car portion of the garage; and
  - b. The garage doors shall be decorative and shall provide for strip windows along the upper edge of the garage door; and
  - c. Houses that provide for a three-car garage shall break the garage into two-car and one-car sections with the one-car section being recessed.
11. 360-degree architecture shall be provided for all corner lots and all lots whose rear or sides are visible from public right's-of-way or across from open spaces, as identified by staff in the review of the application.
12. Sanitary Sewer and water supply shall be coordinated with the City Engineer and the Water & Sewer Supervisor.
13. Provision of a phasing plan.
14. Provision of a temporary turn-around at the end of Brickyard Drive and at the end of share driveway off of Yellow Brick Road, as approved by the City Engineer and the Fire Marshall.
15. The platting of Yellow Brick Road as public Right-of-Way, with the inclusion of a 10 feet utility easement on each side of the Right-of-Way.
16. Further evaluation of wetland areas and steep slopes with regard to minimizing impact of these areas in the case of future development of Outlots A, C and D.
17. Adjustments of the property lines of Outlots A and B as needed in relation to the location of environmental features and future trails.
18. Disposition of outlots is as follows: Outlot A shall be for future single-family residences; Outlot B shall be deeded to the City of Chaska; Outlot C shall be for future single-family residences; and Outlot D shall be for three multi-unit apartment buildings totaling 180 units.
19. Provision of a 20 feet wide outlot for trail access within the driveway/utility easement in shared driveway off Yellow Brick Road.
20. The shared driveway as shown serving Lots 1-3 of Block 1 will need to be realigned to accommodate the 20 feet trail outlined in Condition No. 21.
21. Provision of utility easements, as required and determined by the City Engineer.
22. Provision of public Right-of-Way on Brickyard Drive of 30 feet as measured from the centerline of said roadway, rather than the 25 feet shown on the Preliminary Plat.
23. Provision of a typical City of Chaska residential street section on all streets, including Brickyard Drive.

24. Provision of sidewalks with a minimum width of 5 feet on both sides of the street throughout the development.
  25. Adjustment of the rear lot lines of Lots 1-8 of Block 2 to reflect a rear lot line that is synonymous with the 30 feet rear setback.
  26. In the cases where the revised rear lot lines referenced in Condition No. 27 encroach on the "no grade" bluff setback, the developer shall provide a Conservation Easement in favor of the City of Chaska.
  27. The language for said Conservation Easements as referenced in Condition No., 28 shall be drawn up by the developer, with the decision of the final approval resting with the Director of Planning & Development.
  28. Provision of the Right-of-Way for the future Fire Lane extension during the platting process.
  29. Removal of the word "Proposed" in "Proposed Right of Way" on the plat for future Fire Lane.
  30. Provision of a 10 feet utility easement on the north side of the future Fire Lane.
- Motion passed. 6-1. Commissioner Ashley voting nay.

9. Athletic Park Local Historic Resource Classification – 725 First St. W.  
PC No. 09-09/Chaska Heritage Preservation Commission  
The City Planner presented the item to the Commission.

Commissioner Keyport questioned if the City would be required to follow the City's Historic Preservation Ordinance.

The City Planner said yes.

Commissioner Huang questioned the difference between our designation and national designation.

The City Planner described the difference.

Motion by Commissioner Huang, second by Commissioner Kasper to begin the formal 60-day review period, per Chapter 10.5 of the Code of Ordinances, which would begin today, September 9, 2009.

Motion carried.

10. Other Business

- Commissioner Personius commented that the address of the wind turbine was incorrect and should be fixed.
- Commissioner Ashley stated that she felt there was a lack of programming reruns of the Planning Commission and Council meetings on cable TV.
- Commissioner Broback agreed with Commissioner Ashley.
- Commissioner Kasper said the PGA had been wonderful and the City did a great job.
- Commissioner Miller thanked the City for cleaning up the trails after the recent hard rain and asked about updating the landscaping at Athletic Park.
- The Planning Director said that was not in the five-year CIP but there is a Master Plan, although he was unsure of the exact implementation.

- Commissioner Miller asked if water quality is addressed in the Comp Plan.
- The Planning Director said he would ask the City Engineer to respond to his inquiry.
- Commissioner Huang offered his congratulations on a successful PGA event. He also stated the Commitment to Community Task Force has been making good progress and a report would be available in October.
- Commissioner Broback thanked the Mayor for his years of service and added that the City needs to continue to look for opportunities to build community, such as with the recent Chaska High School football game activities.

11. Adjourn

Motion by Commissioner Miller, second by Commissioner Huang to adjourn the meeting at 9:00 pm.

Motion carried.

Motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_,  
to

**BE SURE TO CHANGE DATE!**