

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

1. Call to Order

Chairperson Young called the meeting to order at 7:02 p.m.

2. Roll Call

Roll call was taken. Members present: Commissioners Huang, Kasper, Hewitt, Keyport, Personius, and Chairperson Young.

Members absent: Commissioners Broback, Ashley, and Miller.

Also present: Kevin Ringwald, Director of Planning and Development; Melissa Duchinsky, City Planner; and Luke Melchert, City Attorney.

3. Adopt the Agenda

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

Motion carried.

4. Visitor Presentation

Bob Roepke and Nicholas Mason, members of The Commitment to Community Task Force, presented their final report to the Planning Commission.

5. Minutes

Motion by Commissioner Hewitt, second by Commissioner Huang to approve the minutes of the November 18, 2009 Planning Commission meeting.

Motion carried.

6. Consent Agenda

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

- a) Receive the minutes of the November 30, 2009 City Council meeting.
- b) Receive the minutes of the November 30, 2009 EDA meeting.

Motion carried.

7. Public Hearing: Approve Preliminary Plat of the Re-Plat of a Portion of Chevalle 3rd Addition to Chevalle Pascolo Addition/PC No. 09-13/Chevalle Development

CONTINUED TO 01-13-10

Motion by Commissioner Kasper, second by Commissioner Keyport to continue the Public Hearing to the January 13, 2010 Planning Commission meeting.

Motion carried.

8. Public Hearing: Approve Zoning Ordinance Amendment – Section 10 of the Zoning Ordinance (Sign Ordinance)

The City Planner presented the item to the Commission.

The Public Hearing was opened at 8:07 pm. The following people were not in favor of the proposed amendments and appeared before the Commission:

John Lenzen of Lenzen Chevrolet
Terry Dircks of Cy's Bar and Grill
John Siegfried, former downtown business owner of J's Restaurant
Steve Nelson, representing the Chaska American Legion Post 57
Roxsie Schindler of Chaser's Beverage Center
Commissioner Dan Keyport, owner of Dolce Vita Wine Shop, spoke on behalf of his business
Brad White, manager of Tires Plus
Les Dahlberg, owner of Wally's Sports

The Public Hearing was closed at 8:40 pm.

The Planning Commission felt the overall sign ordinance is out of balance with the Community and Business Goals.

Motion by Commissioner Keyport, second by Commissioner Personius to deny all four Ordinance amendments regarding signage and recommend to the City Council that a task force be formed to draft a new Ordinance.

Motion carried.

Motion by Commissioner _____, second by Commissioner _____ to recommend approval of an amendment to Section 10.2 of the Zoning Ordinance (Definitions section of the Sign Ordinance), adding the following definition:

"Non conforming Sign: "Any permanent sign that was installed legally prior to the November 16, 1998, adoption of Section 10 (Sign Ordinance) of the Zoning Ordinance of the City of Chaska (Ordinance No. 643)."

Motion carried.

Motion by Commissioner _____, second by Commissioner _____ to recommend approval of an amendment to Section 10.11 h) of the Zoning Ordinance (General Regulations Section of the Sign Ordinance), to read as follows:

"PMD Zoning Districts: Signs in Planned Multiple-Use Development Districts shall be regulated by use, applying the standards provided in the most closely related district. In instances where permanent sign regulations are specified in existing or new Planned Multiple-Use Development Districts, those regulations shall supercede any regulations specified in the most closely related district. All temporary signs shall be regulated by Chapter 10 of the Zoning Ordinance."

Motion carried.

Motion by Commissioner _____, second by Commissioner _____ to recommend approval of an amendment to add the following definition to Section 10.2 of the Zoning Ordinance (Definitions section of the Sign Ordinance):

~~"District, Most Closely Related: The zone district that is most similar in intent and permitted use to the district in question. 'Most closely related' does not refer to physical distance, but rather the manner in which the property is used. For example, the 'most closely related district' to a PMD (Planned Multiple Use Development District) district that included commercial establishments (eating and drinking places, personal services, etc.) in the downtown area of Chaska would be the C-3 Downtown Commercial zone district. This is due to the a) intent of the C-3 district, "to recognize the existing 'downtown' area of Chaska and its dual function as a trade center and service center" and b) the permitted uses in the C-3 district, which include "retail establishments such as grocery, hardware, drug, clothing and furniture stores and eating and drinking places; personal services such as medical and dental clinic and attorney's offices; finance, insurance and real estate services; and repair services such as jewelry and radio and television repair shops, but not auto repair."~~

Motion carried.

Motion by Commissioner _____, second by Commissioner _____ to recommend approval of an amendment to add the following definition to Section 10.2 of the Zoning Ordinance (Definitions section of the Sign Ordinance):

~~"Permanent Sign: All signs except temporary signs."~~

Motion carried.

9. Public Hearing: Approve Zoning Ordinance Amendment – Section 3 of the Zoning Ordinance (District Regulations)

The City Planner presented the item to the Commission.

The Public Hearing was opened at 9:15 pm.

No one appeared before the Commission.

The Public Hearing was closed at 9:16 pm.

Motion by Commissioner Kasper, second by Commissioner Huang to recommend approval of an amendment to Section 3.2 of the Zoning Ordinance, to add the following language:

"I) In all R, RR-1, RR-2, R1, R1-A, R1-B, R-2 and PRD zone districts, the maximum building height for all principle structures shall be 35 feet, unless otherwise noted

Motion carried.

10. Approve Brickyard Villas/Final Plat/PC No. 09-05/DDK Construction

The City Planner presented the item to the Commission.

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

1. Approvals shall be based on the following graphic exhibits:
 - a. The Klein Brickyard Ninth Addition Final Plat, prepared by Sathre-Bergquist, Inc., Sheets 1-3, dated November 23, 2009
 - b. Cover Sheet, prepared by Steven J. Broyer, dated November 23, 2009, Sheet 1 of 8
 - c. Overall Site Plan, prepared by Steven J. Broyer, dated November 23, 2009, Sheet 2 of 8
 - d. Site Plan, prepared by Steven J. Broyer, dated November 23, 2009, Sheet 4 of 8
 - e. Utility Plan, prepared by Steven J. Broyer, dated November 23, 2009, Sheet 5 of 8
 - f. Site and Utility Details, prepared by Steven J. Broyer, dated November 23, 2009, Sheet 6 of 8
 - g. Grading Plan, prepared by Steven J. Broyer, dated October 9, 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. Correction of the spelling of "Klien" on the Final Plat documents to "Klein".
3. Provision of a soils report and, if determined as required by the report, subsequent soils correction.
4. Adherence to the City Engineer's memo dated September 4, 2009.
5. Adherence to the City of Chaska Boulevard Trees policy.
6. 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.
7. 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.
8. Provision of a crosswalk across Yellow Brick Road to the future Fire Lane extension.
9. 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.
10. 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.
11. 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.
12. 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.
13. Sanitary Sewer and water supply shall be coordinated with the City Engineer and the Water & Sewer Supervisor.
14. Provision of a phasing plan.
15. 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.
16. 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.
17. 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.
18. Adjustment of the north property line of Lot 1, Block 1, to avoid encroachment into the wetland.
19. Adjustments of the property lines of Outlots A and B as needed in relation to the location of environmental features and future trails.
20. Adjustment of the rear lot lines of Lot 1 of Block 2 to reflect a rear lot line that is synonymous with the 30 feet setback from the top of the steep slope.
21. 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.
22. Provision of a 20 feet wide outlot for trail access south of Lots 1-3 of Block 1, as approved by the City Engineer.
23. Provision of utility easements, as required and determined by the City Engineer.
24. Provision of a typical City of Chaska residential street section on all streets, including Brickyard Drive.
25. Provision of sidewalks with a minimum width of 5 feet on both sides of the street throughout the development.
26. Provision of the Right-of-Way for the future Fire Lane extension during the platting process.

27. Provision of a 10 feet utility easement on the north side of the future Fire Lane.
28. Adherence to Ordinance No. 833 (Planned Residential District No. 57).
29. The City shall resolve issues with the applicant with regard to the underlying "Parcel 6" in the plat prior to recording.

Motion carried.

11. Other Business

- ✓ Commissioner Huang stated that it had been a pleasure and honor to have served on the Commitment to Community Task Force.
- ✓ Commissioner Kasper inquired about signs at the Courthouse and the City Planner said the County is working on the issue.
- ✓ The Planning Director stated that Commissioner Ashley, who was absent this evening, had wanted to congratulate the Commitment to Community Task Force, compliment the Planning Commission on their meeting last month, wanted it on record that she is opposed to the Brickyard Project, and reminded residents of the new Tommy's Malt Shop in town.
- ✓ Chairperson Young asked if a Work Session had been scheduled yet.
- ✓ The Planning Director stated there would be a Work Session in January and reminded the Commission of the Downtown Master Plan kick off meeting with the Council, Heritage Preservation Commission, Park Board, and Planning Commission on December 21st from 4:30 to 6:30 pm.

12. Adjourn

Motion by Commissioner Kasper, second by Commissioner Hewitt to adjourn the meeting at 9:30 pm.

Motion carried.