

PLANNING COMMISSION MEETING
February 28, 2011
7:00pm

1) **Call to Order:** Commission members present: Chair Heck, Pollmann, Watson, Strandell, Sandholm, and Stulberg. Commission absent: Warner. Staff present: Senior City Planner Breanne Rothstein, Assistant City Planner David Abel, Council Liaison Mayor Fischer.

a) **Approval of Agenda**

Chair Heck stated, hearing no objections the agenda is adopted.

b) **Approval of Minutes** - January 24, 2011

Motion by Stulberg and second by Sandholm to approve the January 24, 2011 Minutes as presented. Motion carried 6-0-0.

2) **Public Hearings:**

a) **EXCAVATION/FILL PERMIT: Application from GMH Asphalt to place approximately 8,000 cubic yards of fill at 675 Clarence Avenue, SDD zoning District, PID # 01-117—24-33-0014;**

Abel stated the applicant, GMH Asphalt, is seeking an excavation/fill permit to add approximately 8,000 cubic yards to fill to raise the elevation back to previous conditions of the owners' property from 30 years ago. GMH Asphalt is seeking a permit for the 2011 season to use the sight for fill. This plan was approved in 2009, however, the contractor never ended up bringing in fill and the previous permit has expired. Abel presented the staff report dated 2/28/11. The cost of the permit is \$400.00.

Brandon Butorac (408 Pleasant Lane, Chaska, MN) stated he does not have any fill lined up at this time and he is here tonight because last year this permit took a while and he needed to find another sight. The haul will be clay material and former sub-base.

Chair Heck opened the public hearing at 7:06 p.m.

Hearing nothing, Chair Heck closed the public hearing at 7:06 p.m.

Motion by Sandholm and second by Stulberg to recommend to City Council approval of the EXCAVATION/FILL PERMIT: Application from GMH Asphalt to place approximately 8,000 cubic yards of fill at 675 Clarence Avenue, SDD zoning District, PID # 01-117—24-33-0014 with conditions listed in the staff report. Motion carried 6-0-0.

b) **VARIANCE/SIMPLE SUBDIVISION: Application from Jonathan and Carrie Giles to allow a lot line adjustment and a variance for lot size to 9 acres in the Agriculture District, A zoning district, PID# 17-117-24-13-0004;**

Abel presented the report found in the Planning Commission packet dated February 28, 2011.

John Giles (1755 Chateau Way) stated when the home was purchased it was inspected and the inspector had said the septic needed to be replaced. He was told they could not do the mound system and with adding the acreage it would allow them to put in the mound system.

Chair Heck opened the public hearing at 7:19 p.m.

Hearing nothing, Chair Heck closed the public hearing at 7:19 p.m.

Motion by Stulberg and second by Strandell to recommend to City Council approval of the variance/simple subdivision application from Jonathan and Carrie Giles, and Elizabeth Jerome to allow lot line adjustments and a variance to the lot size at 1755 Chateau Way, A zoning district, PID # 17-117-24-12-0004 subject to four conditions listed by staff and adding a fifth condition stating the findings of fact are that all the variance criteria are met. Motion carried 6-0-0

c) CONDITIONAL USE PERMIT AMENDMENT: Application from Creekview Investments LLC, for a conditional use permit amendment for increased grinding frequency for the Mulch Store located at 4275 Creek View Circle; PID # 36-117-24-14-0004;

Rothstein presented the report as found in the February 28, 2011 Planning Commission packet.

Kevin Norby (5970 Link Linden Court, Shorewood) stated he has owned the store for 10 years. He has been involved with the Department of Agriculture to get rid of the Emerald Ash Borer and if it is not ground within a specific timeframe they can be fined \$7,500.00 per day. He stated his need to grind additional hours spans a four month period per year. Strandell questioned if the material can be used after it is grinded. Norby stated it can be used as mulch or compost. He stated the larva is killed and when the material is ground it is headed up to 130 degrees. Pollmann felt this would open the door for removing all grinding restrictions.

Chair Heck opened the public hearing at 7:31 p.m.

Hearing nothing, Chair Heck closed the public hearing at 7:31 p.m.

Motion by Strandell and second by Watson to recommend to City Council approval of the conditional use permit amendment for increased grinding frequency for the Mulch Store located at 4275 Creek View Circle, C-2 zoning district, PID 32-117-24-14-0004. Motion carried 5-1 (Pollmann nay).

d) MULTIPLE DOCK LICENSE: Application from Palmer Heights, LLC, for 6 slips at 4750 Palmer Point Road, R-3 zoning district, PID# 36-117-24-34-0034;

Rothstein presented the report as found in the Planning Commission packet dated February 28, 2011.

Sandholm questioned the city dock standards. She stated this property has been rezoned to PUD and under PUD regulations there is flexibility to deviate from the standard. She stated the developer also has to get LMCD approval.

Strandell questioned how the docks would be used. Rothstein stated that the allocation of docks is a responsibility of each Home Owners' Association. The city does not regulate the slip width and length or track how the docks are divided up. Strandell also questioned if the residents of Palmer Pointe have access to the gazebo on the other area of the development. Mr. Pat Hart (10750 North Shore Road, Waconia) stated they are two separate developments and the residents on the point have no use of their facility.

Chair Heck opened the public hearing at 7:44 p.m.

Hearing nothing, Chair Heck closed the public hearing at 7:44 p.m.

Motion by Stulberg and second by Watson to recommend to City Council approval of the multiple dock license application for Palmer Pointe, LLC with conditions. Motion carried 6-0-0.

3) Business Items:

- a) **SKETCH PLAN REVIEW: Application from Community Bank Corporation for a sketch plan review for Hunters Pass to develop 280 housing units on the 52 acre property located at 4655 County Highway 92, R-5 zoning, PID # 31-117-24-44-0003;** Abel presented the report as found in the February 28, 2011 Planning Commission Packet. Additionally, he pointed out that Community Bank's sketch plan application was submitted prior to entering into a purchase agreement with the Waconia School District at the end of January. As the purchase is subject to a referendum, the applicants wanted to proceed with the sketch plan review should the referendum fail.

John Volgerbacher and Mr. Hughes (Community Bank), stated this process is a good process to go through to identify any potential issues. He stated in the event the referendum does not pass they have the ability to proceed quickly with a development plan.

Tom Hughes (2010 Zenz Avenue, Chaska), stated they would like to see the sale of the school occur and they do not intent to proceed to preliminary plat until the first referendum occurs.

Commissioners had numerous questions about density, Comp Plan compliance, building height, wetland mitigation, ponding, access to County Road 92, and more. In addition, they expressed concern about the applicants moving forward if there were going to be drastic changes with the Preliminary Plat. Rothstein stated if there are major changes it would most likely come back to the Planning Commission. Abel stated most land use applications are good for one year.

Donna Garhoffer (4505 Co. Rd. 92) felt the high density was on the high top of the hill and she questioned how that would be graded because her property joins that area. She questioned the old Townsedge Road and road access to the wetland and what they are going to do with the southwest corner. She stated concern with the emergency vehicle access through the development. She stated the wetlands are drained through their property and go then into Six Mile Creek. She stated the pond in the high density would be on the top of the hill.

Strandell questioned if the notices being sent out were changed to 1000 feet. Rothstein stated that was for PUDs. Strandell felt there needed to be more neighborhood notification. The Planning Commission concurs on increasing the notification. Stulberg felt the type of request needed to be looked at and considered.

Motion by Pollmann and second by Strandell to recommend that the City Council direct the applicant to move forward to preliminary plat, with the changes, comments, and submittal requirements, as outlined in the staff report and any other comments discussed. Motion carried 6-0-0.

b) EXCAVATION/FILL PERMIT: Application from Bradley Stannard to dredge approximately 600 cubic yards of material out of channel in front of the property located at 830 County Road 110 North, R-1 zoning district, PID # 12-117-24-22-0004;

Abel presented the report found in the February 28, 2011 Planning Commission Packet.

Chris Topkin (810 Co. Rd. 110) stated this is a maintenance permit. He stated they were not aware there was a dredging ordinance. It was noted the responsible agency is the watershed district.

Mayor Fischer questioned why only the two places are being dredged. Mr. Topkin stated it mainly has to do with the financing. He stated they prefer to do this in the winter so they do not run into road restrictions.

Stulberg questioned if the notification that went out stated 600 cubic yards or 1,275 cubic yards. Abel stated he would check into this.

Motion by Strandell and second by Watson to recommend to City Council approval of the EXCAVATION/FILL PERMIT: Application from Bradley Stannard to dredge approximately 600 cubic yards of material out of the channel in front of the property located at 830 and 810 County Road 110 North, R-1 zoning district, PID # 12-117-24-22-0004 with the four conditions listed in the staff report. Motion carried 6-0-0.

4) Informational Items:

a) Staff Reports:

- i) Trista Day (Booth Discussion)
Rothstein will call Warner to talk to him about Trista Day and this will be discussed further at the next Planning Commission meeting.

b) Council Reports

Mayor Fischer stated she had a meeting with Mound Mayor and Administrators about the macro-view of police service. The meeting would be continued in two weeks. A grant was received to look at fire services. If the school district buys property a building would most likely not be put up for 10 years. Mayor Fischer stated this parcel would also be taken off of the tax role and the density would have to be put somewhere else. Staff will be meeting the new Metropolitan Council Chairperson in April.

5) Adjournment:

Motion by Strandell and second by Watson to adjourn. Motion carried 6-0-0. The meeting adjourned at 9:21 p.m.

Respectfully submitted,

Terri Haarstad
City Clerk