

**CHANHASSEN PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 19, 2019**

Chairman Aller called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Andrew Aller, Mark Undestad, Steve Weick, Nancy Madsen, and Michael McGonagill

MEMBERS ABSENT: John Tietz and Mark Randall

STAFF PRESENT: Kate Aanenson, Community Development Director; MacKenzie Walters, Associate Planner; and Erick Henricksen, Project Engineer

PUBLIC PRESENT:

John Kunitz	6441 Bretton Way
Jerry Cone	6320 Minnewashta Woods Drive
Tony Fricano	980 Lake Lucy Road
Lynn Pelto	6581 Foxtail Court
Annette Stock-Lind	8104 Dakota Lane
Rodney Colson	6440 Pipewood
Colleen Johnson	5015 St. Albans Bay
Laurie Susla	7008 Dakota Avenue

PUBLIC HEARING:

CONSIDER A TWO-LOT SUBDIVISION WITH A VARIANCE FOR REDUCED LOT FRONTAGE AT 3800 RED CEDAR POINT ROAD.

Taping of the meeting started at this point in the staff report.

Walters: ...sewer access currently so from the north up here and the proposed Lot 2 on the south had utilities stubbed in in 1974 off of Red Cedar Point to the south. Sorry I'm having a little trouble changing slides for whatever reason. With regards to right-of-way streets and easements, no right-of-way dedication is being requested. The plan is for Lot 1 to be accessed via the existing driveway easement up through the vacated Kirkham Road onto Hickory. Lot 2 will have driveway access to Red Cedar Point and the applicant is going to dedicate a 5 foot side yard drainage and utility easements and then 10 foot easements along the front yard and they will be dedicating, asking for the designation of the northern lot line here as the front lot for Lot 1, Block 1. This is really slow. Sorry, bear with me a minute. Regarding the proposed variance request they are, they gave us a couple options to show the feasibility of doing the subdivision without a variance. That's shown as Concept A or Concept B. They're proposing again having zero feet actually on a strip public street because the front lot line would be where there is not a street.

The reason for this is the Kirkham Road is not improved. In order to do it without requiring a variance they could install a private street which would involve several thousand feet of impervious surface within the area. They could also dedicate land to the city right-of-way and conduct, construct a public street. They could also use a flag lot configuration which would involve having a 30 foot neck that would service this rear parcel off of Red Cedar Point. All of these would result in an increase in impervious surface within the subdivision and given that the lots exceed the minimum dimensions required and lot area required staff's preference would be to minimize the amount of impervious surface installed within the shoreland district. Staff has been contacted by several individuals in the neighborhood. Comments have fallen into two categories. One was concern that the subdivision not exceed two lots. Staff's reassured folks that what's being proposed is a two lot subdivision and there is no contemplation or potential for more than two lots to come from this. There has also been concern expressed over the subdivision's potential impact on the area's stormwater. Mainly staff's been informed that Hickory is a low point and there's concern that increased impervious would cause more runoff to be diverted into that area. Staff clarified that under the subdivision ordinance two lot properties are not required to install their own stormwater infrastructure or improvements and that the development would need to meet city and watershed requirements when they pull a building permit. So looking over the proposed subdivision it could go forward without a variance through the use of either a private street or a public street or through a flag lot which would require a variance from the subdivision ordinance but it would likely meet all of those criteria. All of the above mechanisms would require additional impervious surface. Staff as I mentioned believes it's important to minimize the amount of impervious surface within the shoreland district. Both of the proposed lots are significantly larger than the residential single family district's minimum lot width, depth and lot area requirements. Lot 1 will have access provided to a public road from the existing driveway easement which is a continuation of the current situation in the neighborhood and the subdivision meets all the requirements of the city code so for all of these reasons staff is recommending approval of the preliminary plat with the variance. I'd be happy to address any questions you have at this time.

Aller: Any questions of staff at this point? Commissioner McGonagill.

McGonagill: One question I had is mostly my own education on Lot 2 I notice they have a rock driveway going in.

Walters: That is conceptual for the construction so they, you know they can put the rock entrance so that they can get the construction vehicles there when building. So they showed that in the grading plan I believe on the plat.

McGonagill: Right, I was just wondering were they doing that to avoid an impervious surface or are they thinking about they'll pave it down the road?

Walters: It would be paved after construction. That would only be for like some of the grading activities as part of the construction.

McGonagill: Okay, thank you sir.

Walters: Yep.

Aller: Additional questions. Hearing none if the applicant would like to come forward and make a presentation that would be great. If you could state your name and address for the record sir.

Rod Colson: Sure Rod Colson with Colson Custom Homes, 6440 Pipewood Curve.

Aller: Welcome.

Rod Colson: Thank you.

Aller: Tell us about your project.

Rod Colson: Well it's a pretty straight forward two lot subdivision. There's nothing special about it.

Aller: There had been some concerns stated about the amount of water runoff and whether or not there's a storm drainage problem based on the fact that this property would be built or subdivided. Can you address those issues a little bit?

Rod Colson: Well I don't think that it's going to be creating more of a problem or making any problems that are there worst than already the, Hickory Road is the low point anyway so a lot of the water comes across and then it comes up from the lake when we have high water.

Aller: Will the property when you build the property it's going to have it's own drainage area or no drainage area? Is it going to have, what's it going to use to wick water away from your construction?

Rod Colson: We'll be well under the hard cover so it will, the soil's pervious will absorb the water. There'll be some runoff but that's normal. There's already runoff coming through from the lot to the west up high so.

Aller: Additional questions? Okay thank you.

Rod Colson: Thank you.

Aller: We'll open the public hearing portion of this item so this is again an opportunity for an individual that's present to come up and speak either for or against the item. Make a comment. The public hearing is now open. Seeing no one come forward I'll close the public hearing. And

entertain comments, concerns, questions, additional questions of staff or a motion.
Commissioner Madsen.

Madsen: Yeah it looks like a, as presented would be better than the flag lot or some of the other alternatives in trying to reduce the impervious surface and that would be with the recommendation that staff is proposing.

Aller: I see a lot of sense. Commissioner Weick.

McGonagill: And this will include the new address right?

Walters: That is one of the conditions of approval.

Weick: I was going to propose a motion.

Aller: Please do.

Weick: I don't want to rush anybody but the Chanhasen Planning Commission recommends that the City Council approve the preliminary plat for a two lot subdivision and approve a lot frontage variance for Lot 1, Block 1, Comer Addition as shown in the plans dated December 5, 2018 subject to the conditions of approval and adopting the Findings of Fact and Recommendation.

Aller: I have a motion. Do I have a second?

McGonagill: Second.

Aller: Having a valid motion and a second, any further comments or concerns? I just want to say that I think under our guides we are looking for what will be least impactful and a reasonable use of the property and when we look at the situation here we have an opportunity to create a situation where there's better stormwater management and reduction of the impervious surface so I think it's a good plan as well. Any additional comments?

Weick moved, McGonagill seconded that the Chanhasen Planning Commission recommends that the City Council approve the preliminary plat for a two-lot subdivision and approves a lot frontage variance for Lot 1, Block 1, Comer Addition, as shown in plans dated December 5, 2018, subject to the conditions of approval, adopts the findings of fact and recommendation:

Building:

1. Demolition permits required for the removal of any existing structures.

2. A final grading plan and soils report must be submitted to the Inspections Division before permits can be issued.

Engineering:

1. Lot 1 shall have a 10-foot drainage and utility easement along its front lot line (northernmost lot line) prior to recording of final plat.
2. An accurate soils report indicating soil conditions, permeability, slope, and groundwater elevations shall be provided upon the submittal of grading permits.
3. The contact information for the responsible person(s) for erosion and sediment control best management practices shall be updated on the plans prior to issuance of grading permits.
4. Review and approval of the use of silt fence and bio rolls for perimeter control shall be conducted by the city prior to the issuance of grading permits.
5. Add city detail 5302B – Erosion Control for Individual Lots, to the detail sheet.
6. If the 1974 sanitary and water services stubbed off Red Cedar Point Road that will service Lot 2 are inadequate for use, they shall be abandoned in accordance with city standards and re-installed.
7. The developer of Lot 2 will be required to pay all required city WAC and SAC fees associated with service connections for the rate in force at the time of building permit application.

Environmental Resources:

1. Any trees removed in excess of what is shown on the grading plan dated 12/5/18 will be required to be replaced at a ratio of 2:1 diameter inches. Additionally, a birch and maple on Lot 1 are not shown on the tree inventory, but are larger than the 10” dbh minimum for the inventory. They will be preserved on Lot 1.
2. Tree preservation fencing shall be installed around existing trees to be saved prior to any construction activities and remain installed until completion.

Fire Department:

1. The home on Lot 1, Block 1 must be addressed off of Hickory Road.

Parks:

1. Park dedication fees shall be paid for one lot at the rate in force at the time of final plat approval.

Planning:

1. An escrow of 110 percent (110%) of the estimated removal cost for the concrete pad on the interior lot line between Lot 1 and Lot 2 must be received, and the concrete pad removed within four months of the approval of the final plat.

Water Resources:

1. All permits and approvals must be received from other regulatory agencies prior to issuing permits.
2. The applicant shall pay the SWMP fee for 1.06 acres at the rate in force at the time of final plat approval.

All voted in favor and the motion carried unanimously with a vote of 5 to 0.

PUBLIC HEARING:
AMENDMENT TO CHANHASSEN CITY CODE PERMITTING CHICKENS IN RESIDENTIAL DISTRICTS.

Aller: Moving onto the amendments to the Chanhasen City Codes which have been put forward. Do you want to hit these one on one or would you like to take them as a group?

Aanenson: Yeah...

Aller: Okay so we'll hit item 2 which is an amendment to Chanhasen City Code requesting a permitting of chickens in residential districts.

Walters: Alright, so the first code before you is, and I do apologize. This is not working, there we go. Is again the question of allowing chickens. I'll maybe give it a minute until folks can. Alright the question is re-examining the City's policy on back yard chickens. Currently the City considers chickens to be farm animals. This is kind of reminiscent of if you'll remember the bee discussion we had last year. They're restricted to parcels, agricultural or 10 acres or larger. We've had a lot of people contact us express interest in having chickens on their properties. Staff looked at, I think we surveyed 62 different cities, 44 of which now allow back yard chickens. Looked at some literature and staff's belief is that they can likely be accommodated in residential districts so long as there are numbers of chickens. Limits on the number of chickens and then also some performance standards. So some stuff that we looked at, and I apologize, I put a lot of charts on this one slide but the different type of regulations that cities had. So I mentioned we looked at 62 cities. 44 of these permitted chickens to be kept in the back yard. Of those the most common limit was a limit on the number of birds. 40 of the 44 did that. About

half required that additional setbacks beyond the base zoning codes be applied to like the chicken coop or the chicken run. About half required licenses. The majority prohibited roosters. We saw that was pretty common. We looked at the maximum number of chickens. Four was the kind of the favorite number but there were a lot of different sliding scales and different systems used. What staff is proposing for the city of Chanhasen would be allowing them on any parcel. Parcels less than one acre, limiting them to 4 chickens. From the 1 to 2.5 acre range allowing up to 8 chickens. From 2.5 to 10, up to 16 chickens. If you have over 10 acres you can have a chicken farm so we didn't really see a reason to limit it at that point. Beyond that we'd like to go with a 25 foot setback from any adjacent residence not owned by the owner just to kind of minimize a chance for noise or odor impact. Standard 10 foot lot lines. Requiring that coops and runs be enclosed. That's mostly to prevent predators from eating the chickens and rodent proof food storage. Weekly waste removal again to deal with potential odor issues. Prohibiting roosters and crowing hens to prevent noise issues and no discernable odor at lot line were the performance standards and then probably requiring a permit similar to what was done with bees. \$25 lifetime permit as long as there's no violation no need to reapply every year. With that I'd be happy to take any questions. I know I through that quick and I can go into a lot more depth if you'd like.

Aller: Did we look at the, I know we use articulation in our buildings. Did we look at the type of coops? Are there differences in an open coop versus a closed coop for purposes of noise, odor and view?

Walters: Yeah we'd need, we'd require a fully enclosed coops because it allows better protection from the chickens from both predators and the elements but one of the things that folks would have to take into account as they designed them would be proper ventilation to prevent odor issues or you know disease for the chickens and also to make sure it's comfortable. But we didn't go into like super detail you know designing their coops for them. We did put a minimum of 4 square feet per chicken just to ensure the animals had room to be chickens in. That seemed to be a pretty common provision from some of the other cities we looked at.

Aller: And a coop would be considered an accessory structure.

Walters: Yes it would.

Aller: So for purposes of the code enforcement and that would limit an individual's use of their property is they decide to put in a coop for instance. That would be their accessory structure. They couldn't have another one on the other side of the property. Without acreage.

Walters: Yeah I mean they would still be, it would contribute to the 1,000 square foot accessory structure limit so if somebody already had 1,000 square foot garage they'd have to potentially choose between how to use it but that's similar to the choices they have to make for a lot of other features.

Aller: And we're talking about specifically keeping chickens outdoors versus indoors?

Walters: We did put a prohibition against having them indoors. The rationale behind that is there is some evidence that there's a lot of, there can be increased risk of transmission of illnesses from chicken to people when chickens and people live in very close confines. So just as a safety disease control we didn't necessarily think they'd be good household pets. That being said you know if someone wanted to convert a portion of their garage or something to a chicken coop, especially if it's like a detached garage I don't personally see an issue with that and we didn't address that in the code.

Aller: And then we're not looking at butchering or anything else on a property correct?

Walters: So the language that staff is proposing would say no outdoor butchering. What we, our approach was within the city of Chanhasen during a certain time of the year you can see deer hanging from trees. There's no prohibition about butchering a deer or any game animal that you may hunt. We felt the intent of like butchery bans was to avoid potentially offending the neighbors if in your garage you want to eat one of your chickens, we felt that was a choice chicken owners could make.

Aller: Alright.

Walters: Again any of these provisions could be obviously amended if the commission has different feelings on it.

Aller: Did we look at enforcement?

Walters: Enforcement would be similar to how we're planning on enforcing bees and other potential nuisances. If we receive a complaint we'll go out there. If we find that the chickens are being kept in violation of the permit it'd be grounds for revoking the permit which would prevent them from being issued a new chicken permit but yeah it's similar to any other part of the code. You know we would not be doing annual or surprise inspections. It would all be complaint response based.

Aller: And we were also looking at notification of neighbors with bees. Is that the same with chickens?

Walters: Yes it is. We actually adopted the exact same language on that again just to make sure everyone knows that there's going to be a change and has some forewarning.

Aller: Any additional questions? Commissioner Weick.

Weick: Did you, when you looked at the 62 other cities was there any information on the people that have chickens, what they're doing with them? Do they have them for eggs? Do they have them for pets? Do they have them because they're cute?

Walters: It honestly seems to be primarily eggs with a touch of good companion animals and cute. A lot of people think it's fun to watch them run around. They do also serve some ecological benefits. Their waste produces a really good compost so you know gardeners like that. They also eat a lot of garden pests so some people strategically place their coops and runs next to their garden so they eat insects before they even get to the gardens so a lot of kind of your green ecologically friendly motivations but I think egg production tends to be like the over riding factor.

Weick: And then a second question is it just, has there been any evidence of increased predator activity around chicken coops?

Walters: A lot of stuff eats chickens and if the chicken coops are not well designed and not properly enclosed your, everything from your neighbor's dog to an eagle is going to get a meal and that's one of the reasons why we adopted the provision that both the coops and the runs needed to be fully enclosed and well constructed and the hope there is if you don't have vulnerable chickens out where predators can get them hopefully they will not be attracting predators.

Weick: That's all I have.

Aller: Great. Commissioner McGonagill.

McGonagill: Question on the structures. I'm assuming the way this would work that, okay we would have a code that would approve it but they would still have to get their homeowner's association to approve it. Like for example you know patios have to be approved you know or you're painting a house sometimes has to be approved by a homeowner's association so they would have to submit, I'm assuming they'd have to submit their plan to their local homeowner's association board for approval.

Walters: If their homeowner's association had policies those policies would govern. From the city's perspective you know just with the examples you mentioned I do not ever, if someone applies for a patio and they meet the city code I issue a patio permit.

McGonagill: Right.

Walters: If their homeowner's association does not allow that that's for the homeowner's association to address and enforce.

McGonagill: Okay.

Walters: And you know most folks obviously are very good about doing their research and one of the things that the notification is hopefully it would make sure the homeowner's association knew chickens were in the plans.

McGonagill: Thank you. Thanks MacKenzie.

Aller: Additional questions or comments? Hearing none I will open up the public hearing portion of this item. So any individual wishing to come up and speak either for or against the item can do so. Seeing no one come forward I'll close the public hearing. Open it for discussion, comment or action.

Weick: I'm concerned about attracting predators. I don't know that, although we haven't heard from residents or anything I, it's just a, I mean we have issues now I think with you know putting bait in people's back yards potentially. That's my concern. I mean I don't have anything against chickens certainly and I think people will do it responsibly but that'd be my concern.

Aller: Additional comments, questions.

Madsen: I share that concern. I do like the fact that neighbors need to be notified. I do like the fact that there's a permit and so if there is an issue there's a real you know process where people can talk about it. Maybe find a solution so if there were predators, I mean I don't know what that solution would be except to remove the chickens if it was really bad but at least, and I like the requirement that it be all enclosed to keep the chickens as safe as possible so.

Aller: Well I'm not, I'm kind of on the chicken fence. I mean I'm just, I don't want to stop somebody from using their property reasonably. We do allow bees. We do allow for other pets but I agree with Commissioner Weick that we have to trust our citizens to act responsibly. I do think that as in the bees when we were looking to do a permit process that that's absolutely necessary. That there's notification to the neighbors. That there's a permit taken out so the neighbors have someone to turn to rather than creating a confrontation. You know as much as we love to have neighbors be able to talk to themselves that doesn't necessarily always happen and so this would give an opportunity for people to turn to their neighbors. I guess I have an additional question of staff. Is there any indication that this has been going on without being permitted?

Walters: I did receive a complaint about chickens in June of 2018 I believe was the date I listed. An individual was staying with their mother. Had brought their chickens. Had a kind of sub-standard fencing. Chickens got out you know. As always we find out about stuff when someone comes to us. You know if we did a proactive patrol it probably wouldn't surprise me if we found a few other properties with chickens but no I don't think there's like a huge number in the city. If that is...

Aller: Well I mean it cuts both ways. It's also telling that if we would suspect that it's out there and neighbors aren't complaining then it's kind of leads to the opinion that the neighbors don't have a problem with it so that may be an unwritten will.

Walters: In the one complaint we received the verbatim comment was I didn't care until they got in my garden which is understandable.

Aller: Based on those questions any additional comments? Questions. Concerns.

Weick: I'll probably oppose it, unless we considered maybe increasing the lot size so that it, because as I understand it there is no lot requirement so I would say if you mandated it on some lot size smaller than agricultural but you know with bigger than I don't know.

Aller: So could you put up the slide again with the different, there we go. If that will help your thought process at all.

Weick: Yeah because I'm just leaning if lot sizes are bigger there's just more space. There's more opportunity to you know create a coop or something that's, you know you're not going to have neighbors necessarily on top of you at that point. You know just thinking about the nuisance factor. Potentially smell and other stuff so if it was, I guess I'm most concerned about the you know chickens on less than an acre. I'm not sure. You know I'm just trying picturing my neighborhood right and if my neighbors had chickens I don't know if it'd really like that. I don't know.

McGonagill: I'm looking at your page 3 following up on your comment. It says that there's 7 cities that had minimum lot sizes. Do you remember what those were MacKenzie?

Walters: Not off hand. Most of them that had the minimum lot sizes did it by zoning district and I didn't necessarily cross check you know what those thresholds were.

McGonagill: Okay.

Walters: That's definitely something we could get back to you on if you wished.

Aller: My understanding is Rosemount allows for hens and no roosters and you have to get written permission from all your neighbors if that helps or perhaps taking the less than one acre and excising it and going 4 and 8 instead of 8 and 16 so something that's workable. I mean it's not that I'm pushing it at all but if you've got an idea that you want to put forward that's fine.

Weick: Yeah and you know this can certainly pass without me so you know I don't want to, I would just throw if several, I'm just trying to be open about it. If several of us are on the fence I would propose starting at one acre and then stepping it up from there. But if the consensus was

that you know to vote in favor of it I have no, you know that's perfectly fine as well. I just wanted to express my concern there that's all.

Aller: Your point's well taken. I mean people are discussing things for a reason because we have.

Weick: Right, right.

Aller: We don't want to disrupt our neighbors and our neighborhood and at the same time we want to make sure that our neighbors have an opportunity to have appropriate pets and to use their property accordingly so. Any comments or?

Undestad: I've got one more on the setbacks. So we're doing 25 feet on the sides for each residential. 10 feet from the lot line.

Walters: Yep. So the coop or run would not be able to be located within 25 feet of any of the neighbor's housing but could be 10 feet from any lot line and that was to try to guarantee that like on very close lots or lots where there wasn't a lot of space you know you couldn't put a coop right outside your neighbor's window.

Undestad: So I guess but you know looking at that too I guess I kind of agree with Commissioner Weick.

Aller: Go in the back yard.

Undestad: Yeah if you're just 10 feet, if you're in those smaller lots on there and you have you know if you don't like chickens and you've got them 10 feet away from your back yard and you've got only a 30 foot deep back yard, oh there's your chickens so. Maybe I guess that less than an acre might be a little tight for many.

Aller: So I'm hearing acreage as being the sticking point so to speak and what about any of the other conditions are concerning of anyone?

Undestad: Well I just would like on an acre or more you've got room to do this stuff with the coops and the runs and all that so.

Aller: So if that's the case would someone like to propose a motion regarding that or do you feel as though it's not worth it at this time and you want to send it back.

Weick: I'll propose it that way. I would say I'd still keep it at 8. Starting at 8.

Undestad: On one acre.

Weick: I think you put good research into that. That seems to be a good number. I mean I don't think we have to reduce the number of chickens people can have but I mean I can certainly give it a shot. I'll propose a motion.

Aanenson: Just so you can read the motion...

Weick: Okay the Chanhasen Planning Commission recommends that the City Council adopt the proposed ordinance amending Chapters 4, 5 and 20 of the Chanhasen City Code concerning chickens with the following modifications. The lot size requirement will start at one acre with 8 chickens being the maximum and scale up from there. So we would be removing less than one acre as a possibility.

Walters: Understood.

Aller: So we have a motion. Do we have a second?

Undestad: Second.

Aller: Having a motion and a valid second any further discussion?

Weick moved, Undestad seconded that the City Council adopt the proposed ordinance amending Chapters 4, 5 and 20 of the Chanhasen City Code concerning chickens with the following modifications. The lot size requirement will start at one acre with 8 chickens being the maximum. All voted in favor and the motion carried unanimously with a vote of 5 to 0.

Aller: Moving onto item 3. Item 2 having carried. Will that also be on February 25th?

Walters: No it will not. That would be March 11th.

Aller: So March 11th.

Aanenson: Can I just go back to that one because we didn't have a quorum last time we agreed to fast track the previous application because that was on last, 2 weeks ago.

Aller: So if all those that are watching at home and present would like to follow that item for final action that will be on March 11th before the City Council. Moving onto item 3.

PUBLIC HEARING:
AMENDMENT TO CHANHASSEN CITY CODE REVISITING THE COMMUNITY
COMMERCIAL DISTRICT SECTION'S FORMATTING.

Walters: Yep so for reasons unknown to staff the community commercial district is not formatted within the city code with the same break out of subsections as the other zoning districts. It just makes it a little challenging to read and find stuff in that. It also would hinder any future amendment to that section because instead of being able to call out a specific subsection for amendment you could have to wholesale amend the entire zoning district so staff you know we're just going through and we identified some ways we could improve the readability and usability of our code. This has been one that I wanted to change for a while and I would, staff's recommending that we just make it match to format of the others. And just so you know this is the location of the, oh no. It lost. I apologize. My graphic seems to have lost the little circle I drew around the commercial district which is unfortunate. But it is this section I believe.

Aanenson: I don't know if you recall we added this to the downtown when we did the Comprehensive Plan. We don't have anything that's in there but we proposed it for redevelopment to kind of continue the, to allow for some larger footprint commercial buildings in the downtown core. I think the only one that came under this one was the Walmart one which was denied. It needed variances which were not approved and so we want to make sure those standards in that zoning district are codified similar to the other ones so, again it would take a redevelopment project for somebody to go in there. There isn't any vacant lots in there right now but we've had other interests over the years to do redevelopment. Nothing at this current time

Aller: Alright questions of staff. Commissioner McGonagill.

McGonagill: A question, you know this is mostly again mechanics. You all spend a lot of time and work doing exactly what you said, the commercial district. You did a lot of mission work. What should be down here. Realize this is code but how does that get rolled into this? I mean you talk about what's permitted but you all did a lot of work on the intent of what you wanted downtown to look like and where it wanted to go so how does that drive what people are allowed to do? You understand my, where I'm going with the question. It's almost like the Comprehensive Plan itself.

Aanenson: Yeah.

McGonagill: How does that plan get included in the direction you would give to someone?

Aanenson: So the Comprehensive Plan describes land uses. When it says commercial. Then you go to the zoning ordinance. Within the zoning ordinance there's a subset of types of commercial like you have the central business district. You have highway business. You have as MacKenzie talked about the regional commercial zoning district. This is what we added a number of years ago. The central, or community commercial.

McGonagill: Right.

Aanenson: Which allowed for larger footprint of buildings. So if you look at like Target or a grocery store, we didn't have an opportunity for some additional, adjacent to the core of downtown so it would kind of extend that so it has permitted uses within that district.

McGonagill: But you all did write a document. I know around that kind of stuff if I recall what you wanted in the commercial district.

Aanenson: Absolutely. In this community commercial district.

McGonagill: Right. So can the code point to that and said you know reference this, use this, you know it's like.

Aanenson: Yes it's currently in the code right now.

Walters: Yeah if you, sorry if I may jump in. If you check the staff report we actually pulled the code for community commercial and you'll notice the first section is intent and I think that gets to what you're getting at. Where we looked at the Comprehensive Plan and then within the zoning code we said this is what this zone is designed to do. To clarify the channel...

McGonagill: Let's see it's 20-741.

Walters: The changes here are purely cosmetic and for readability. They don't change any of the intent or.

McGonagill: So that's how you're rolling in the direction you want to take it.

Aanenson: Correct. Yep. So again the intent of this wasn't to you know to do a lot of smaller type businesses but to provide the opportunity for some larger accessory offices or something like that. Yes.

McGonagill: So based on the code, this is, I know I'm off base here if you're talking just formatting.

Aanenson: Correct.

McGonagill: I'm trying to educate myself a little bit. If someone came in with a smaller footprint, as a real small deal you could deny it because it doesn't meet this?

Aanenson: Well once this is the total building on any single level could be no more than 65,000 square feet and then you could have one at 15,000 square feet. At a time there was a lot of fast foods that wanted to come in and that wasn't what we wanted to see in this district so we tried to

say there had to be a minimum of tenant space of 15,000 or up to 65,000 which would prevent a larger warehouse type thing.

McGonagill: Alright got it. Okay that answers my question, thank you.

Aller: Additional questions? Alright. I'll open up the public hearing portion of this item. Having heard the request and the comments so far anybody will come forward and speak either for or against the item and make a comment? Seeing no one come forward I'll close the public hearing. I think the discussion that was just had shows the need for the clarification and the fact that the ease of readability and the assistance that it will give an individual looking at the code and pointing those things out is beneficial so thank you for requesting the modification. With that any other comments so I'll entertain a motion.

Undestad: I'll propose a motion. The Chanhasen Planning Commission recommends that the City Council adopt the proposed ordinance amending Chapter 20 of the Chanhasen City Code concerning community commercial district formatting.

Aller: I have a motion. Do I have a second?

Madsen: Second.

Aller: Thank you Commissioner Madsen.

Undestad moved, Madsen seconded that the Chanhasen Planning Commission recommends that the City Council adopt the proposed ordinance amending Chapter 20 of the Chanhasen City Code concerning community commercial district formatting. All voted in favor and the motion carried unanimously with a vote of 5 to 0.

Aller: Motion carries. Again that will be heard on March 11th. So anyone wishing to follow that item before the City Council for final action will be March 11th. Moving onto item 4.

PUBLIC HEARING:
AMENDMENT TO CHANHASSEN CITY CODE TO ALLOW CONTINUING CARE RETIREMENT FACILITIES IN HIGH DENSITY RESIDENTIAL DISTRICTS.

Walters: So one of the things staff does is we periodically review the code for internal consistency and one of the things we noticed in our last round of reviews was that the continuing care retirement facility performance standards set a maximum bed limit of 6 beds per acre and specifically mentioned that they were allowed in high density districts so the R-12 and R-16 districts. Districts guided for up to 16 units an acre. However when we cross checked those districts it's not listed as a permitted use within any of the high density districts so I did a little research. Looked at the initial proposal. How it ended up being passed and it looks like what happened was when the original code went through it was paired with the Beehive development

that was in a medium residential district and essentially in one of the revisions the R-12 and R-16 was omitted and it was passed just narrowly targeted to that one development instead of with the bigger all over arching intent of the initial draft. So staff is proposing to bring it in line with the listed performance standards and add continuing care retirement facilities as permitted uses in high density residential districts in line with the original intent of the drafted ordinance before it was you know combined with a specific project, if that makes sense.

Aller: Questions of staff? I think it's pretty straight forward the way you presented it. You're to be commended on the report. Any individual, I'm going to open up the public hearing portion of this item. Any individual again wishing to speak either for or against this item or make a comment can come forward and do so at this time. Seeing no one come forward I'll close the public hearing portion of this item and open it up for discussion or action.

Undestad: I'll propose a motion.

Aller: Commissioner Undestad.

Undestad: The Chanhasen Planning Commission recommends the City Council adopt the proposed ordinance amending Chapter 20 of the Chanhasen City Code concerning continuing care retirement facilities.

Aller: I have a motion. Do I have a second?

Weick: Second.

Aller: Commissioner Weick. Having a motion and a second any further comment or discussion? Okay I, I'm glad to see this before us. I think that our city has taken strides in the last couple of years to make sure that we've been taking care of our elderly and making sure that our housing program fulfills the mission of Chanhasen becoming a life long community so an individual can literally have their starter home here and then move into a facility like this and be present in Chanhasen for the remaining days so I think it's incumbent upon municipalities like the City of Chanhasen to step up and make sure that these things are taken care of in code and I think that we're doing so, so I would at this point in time request a vote.

Undestad moved, Weick seconded that the Chanhasen Planning Commission recommends the City Council adopt the proposed ordinance amending Chapter 20 of the Chanhasen City Code concerning continuing care retirement facilities. All voted in favor and the motion carried unanimously with a vote of 5 to 0.

Aller: Motion carries and again that will be on March 11th so any individual wishing to follow the item for final action it will be heard on March 11th before the City Council.

Aanenson: Chair I'd just like to add a couple things. I think sometimes we're moving through this, just for clarification for everybody so we added this definition. If you remember we had that kind of that remnant piece along Highway 41 that we were trying to find a use for so we thought that would be a good use so we added this as a new definition as MacKenzie talked about. The Beehive because they're living in a group home. They don't really have individual kitchens and everything so there's a new definition added so we've got this one and then shortly after that we had the one that came down off of Lyman Boulevard. The Olive, so that's our second one so this is a little bit different where we, there was new introducing to the city and as a need and so what we're seeing now is to codify that with some of the other senior housing that we looked at that there may be some other uses coming down the road and so it's just codifying all that but up until Beehive came in we didn't accommodate that type of use.

Aller: Thank you.

PUBLIC HEARING:
AMENDMENT TO CHANHASSEN CITY CODE TO UPDATE SIGN DESIGN AND CONSTRUCTION STANDARDS REFERNCE (BUILDING CODE).

Walters: This is another example of checking for internal consistency. We were contacted with a request to provide the 1997 Uniform Sign Code and we do not have a copy of it and so we spoke with the building inspectors and the people who actually inspect commercial signage and they recommended that we adopt Appendix H of the International Building Code. It's a much more common document. Much more easily attainable. It's one that we feel sign contractors and our inspectors are both more familiar with and so staff is proposing that the section of the code that requires all commercial signage to meet the 1997 Uniform Sign Code standards be replaced with requiring them to meet Appendix H of the International Building Code which also has construction design standards and is on file with the City.

Aller: Great. Any questions of staff?

McGonagill: One question.

Aller: Commissioner McGonagill.

McGonagill: We adopt Appendix H, do you know of any violations of Appendix H that already are out there that we would have to deal with?

Walters: Not to my knowledge.

McGonagill: Okay thank you.

Aller: Any additional questions? Commissioner Madsen.

Madsen: So is Appendix H similar to what you remember that the 1997 edition was?

Walters: I must confess I have never read the 1997 edition of the Uniform Sign Code. Could not comment on that. We did look, we did read Appendix H. I did go over it with Eric Tessman who is the City Building Official. It from our perspective seemed to be comprehensive. Seemed to discuss wind load. You know proper securing. All the things we'd want to protect the safety and welfare of our citizens. It is somewhat difficult for me to imagine that there were meaningful standards that were different between the International Building Code and construction standards in another sign code manual but again I have not personally read it.

Aanenson: Just to be clear all building permits for signs go through the building department so they are inspected and reviewed for compliance. This just documents that, what we're using for that compliance.

Aller: Which is going to just a follow up question if I might and that is in your discussions were there any concerns that this subdivision would leave out something that they would want to have in?

Walters: No. This is what the inspectors asked me to propose.

Aller: Okay. Additional questions, comments? Hearing none open the public hearing portion of the item. Again having heard the request any individual wishing to come forward and speak either for or against the item or just give a comment can do so at this time. Seeing no one come forward we'll close the public hearing portion of the item. Open it up for discussion, comment or action. Have you done one yet today?

McGonagill: I'm getting ready to.

Aller: Commissioner McGonagill.

McGonagill: I was getting ready to read it. May I?

Aller: Absolutely. Commissioner McGonagill.

McGonagill: Thank you. I'd like to propose a motion that the Chanhasen Planning Commission recommends that the City Council adopt the proposed ordinance amending Chapter 20 of the Chanhasen City Code concerning sign design and construction standards.

Aller: I have a motion. Do I have a second? No race this time.

Madsen: Second.

Aller: Commissioner Madsen, thank you. Having a motion and a second, any additional comments, questions or concerns?

McGonagill moved, Madsen seconded that the Chanhasen Planning Commission recommends that the City Council adopt the proposed ordinance amending Chapter 20 of the Chanhasen City Code concerning sign design and construction standards. All voted in favor and the motion carried unanimously with a vote of 5 to 0.

Aller: That motion carries and again that item will be forwarded to City Council on March 11th.

PUBLIC HEARING:
AMENDMENT TO CHANHASSEN CITY CODE CLARIFYING TRASH STORAGE ENCLOSURE EXEMPTION.

Walters: So this is another housekeeping internal consistency and making sure the code reads like we want it to. I was reviewing the trash enclosure section of the code and I noticed that the way it was structured we have a section that requires all trash containers to be stored within basically a self contained building and then we have an exemption from that that says single family properties don't have to do this. So the goal was this, the enclosure provision was designed to regulate industrial and commercial properties. We wanted to make sure it didn't also regulate single family properties so they exempted them from it. However the first sentence of that section also is a section that prohibits the exterior incineration of trash so by exempting single family residences from the enclosure provision it also exempted them from the provision preventing them from exterior incineration of trash. Now I don't believe anyone but myself and now yourselves noticed this so no one has yet made the case that they're allowed to burn in an enclosed trash container in their yard but we thought it would be wise to separate this out and fix the problem before it occurred. So staff is proposing to break that into 3 subsections. One subsection prohibiting the exterior incineration of trash. The other exempting single family residences from the enclosure provision. Does that make sense?

Aller: Yeah.

Walters: Yeah, okay.

Aller: Questions?

McGonagill: Another educational question.

Aller: Commissioner McGonagill.

McGonagill: What is the code on burning leaves? I wanted to ask that because I really don't know.

Walters: I would, I wish the Fire Marshal was here. I'd defer to that but I believe you are not supposed to burn yard waste. Nope.

McGonagill: Okay.

Aanenson: You can get a burning permit but it's highly regulated so you're not supposed to burn.

Aller: I was going to say when in doubt call the fire department and ask to speak with them and see what you need to do to get a permit.

McGonagill: Thank you very much.

Aller: Commissioner Madsen.

Madsen: Now if you happen to be in an association that requires that it be inside a garage or have some sort of covering in front of it, would that pre-empt this?

Walters: Yes. So as always association rules can be more stringent than the City but not less stringent. So the City also just for full discussion we have another provision in our general code that says trash containers must be kept out of public view except on day of pick up. And so obviously if your association also had an additional provision defining what out of public view meant like in garage, behind wall, whatever it may be that would not be affected by this change. All this would do is guarantee no one can ever make the argument it's okay I lit my trash container on fire because of X.

Madsen: Okay thank you.

Walters: Yeah.

Aller: Additional questions, comments? Hearing none I'll open up the public hearing portion of the item. Again it's the last opportunity of the evening. Any individual wishing to come forward speak for or against the item. Seeing no one come forward we'll close the item. We'll bring it up for discussion, comment or action. Anyone?

Madsen: No.

Undestad: Then I'll make the motion.

Aller: Commissioner Undestad.

Undestad: The Chanhasen Planning Commission recommends the City Council adopt the proposed ordinance amending Chapter 20 of the Chanhasen City Code concerning trash enclosures.

Aller: I have a motion. Do I have a second?

McGonagill: Second.

Weick: Second.

Aller: Commissioner McGonagill got it.

Weick: You got it.

McGonagill: I sure did.

Aller: Thank you. Having a valid motion and a second, any further discussion or comment?

Undestad moved, McGonagill seconded that the Chanhasen Planning Commission recommends the City Council adopt the proposed ordinance amending Chapter 20 of the Chanhasen City Code concerning trash enclosures. All voted in favor and the motion carried unanimously with a vote of 5 to 0.

Aller: Motion passes. That concludes our public hearings for today's meeting and we'll open up request for approval of the Minutes.

McGonagill: A lot of good work MacKenzie by the way on going through all this stuff.

Walters: Thank you. I have a whole other 40.

McGonagill: Okay.

APPROVAL OF MINUTES: Commissioner Madsen noted the verbatim and summary Minutes of the Planning Commission meeting dated January 15, 2019 as presented.

ADMINISTRATIVE PRESENTATIONS. CITY COUNCIL ACTION UPDATE.

Aanenson: Thank you Chairman, members of the Planning Commission. So on January 28th the City Council took under advisement during the work session the Galpin site. They also discussed it again on February 11th and you will be seeing it on your March 5th meeting. It's not a public hearing because you held a public hearing on it. There were specific directions given to you and I'll be working with the City Attorney's office on that formatting how that meeting is

going to go. Wanted to see you know what the reception is for the redesign and the other is reception or thoughts about preservation of the open space so I'll be structuring that.

McGonagill: So you said we will get instructions on how that will go.

Aanenson: Absolutely, yep. We're working on the staff report now, yep.

McGonagill: So it will come in...

Aanenson: What you're doing is, it's remanded back to give some additional information back to the City Council.

McGonagill: Okay.

Aanenson: Not formalizing correct.

McGonagill: So very, very specific.

Aanenson: Correct because to have the public hearing would be different notification and then in addition to that would be all the engineering plans that you approved so those would just be revised as it moves forward to City Council. The City Council will be making a recommendation also at their March 11th meeting so it's going to be a quick turn around from that with all their engineering so there'll be specific instructions regarding that and it is being noticed, a flyer attached in the Villager and there's information out on the City's website too for anybody that wants to come comment on the project. So that was one of the issues to make sure we had additional.

Weick: But they can't comment though right?

Aanenson: Pardon me?

Weick: There was no public hearing I thought.

Aanenson: Well it's public comment.

Aller: It's not technically a public hearing.

Aanenson: What they want is input but it's not a public hearing. The legal form when you do notice to everybody within 500 feet.

Aller: So there won't be Findings in there and there don't have to be notices.

Weick: So you will open it for public comment?

Aanenson: That's the whole purpose correct.

McGonagill: So will we or will we not be voting on it? I just want to be sure.

Aanenson: Well that's what I'm trying to formalize yet. How that works.

McGonagill: Okay.

Aller: We left them with a 3-3 the last time.

McGonagill: Yeah.

Aanenson: Yep so or summarizing what the majority of the comments were and that sort of thing so that's what we're working on yeah so.

McGonagill: Okay.

Aller: So they want.

Aanenson: More to come.

Aller: They want more. They said go back to work.

Aanenson: So right now at the, that's the only item on for that meeting. We were going to try to put some additional code amendments. As you know with the Comprehensive Plan there's some other code amendments that will be coming too. Mostly regarding stormwater management. A big chunk of them but so right now we'll just put that item on because I don't know how many people are going to be here and that want to be heard on that so we're just kind of leaving that open just for that item as long as we had nothing external. It would just be internal things that we'd be bringing forward to have more flexibility. So with that also at that, the 11th meeting you know there's discussion of the Applebee's site so there was a desire for redevelopment on the site. The council encouraged the developer to find a different type of business for that site so they're ongoing with that one too. Again there's been a lot of work trying to find restaurants and they've struggled to try to find a restaurant to go in there and it is permitted for some other type of commercial uses would be permitted in there too so we'll see what happens with that. So that's all I had for council updates.

YEAR END REVIEW/2019 WORK PROJECTS ANNUAL REPORT.

Aller: Great. So then we would move onto our year end review.

Aanenson: Yes. So for everybody's edification, not just the Planning Commission but we at the end of every year do an annual report and this is also the City Council. This is in the By-laws of, and the duties and powers of the Planning Commission to get an annual report. So this is this year's annual report and the first thing we'll talk about is a population projection. As of April 1st will be 26,355 so we are continuing to grow. Having problems with our power point here. I'm just going to kind of go through the, maybe MacKenzie can just kind of scroll along. Go through kind of what the 2018 year in review and kind of what we see anticipating or what we anticipate for 2019. So for 2018 the conditional use permits, 3 of those. Four planned unit developments, PUD's. One rezoning. Three site plan reviews. Again site plan review is either an office, commercial or industrial. Four subdivisions so those can be a one lot subdivision, two lot and then 9 variances so that added up to 20 cases. And also in 2018 we had a record number of 373 dwelling units which is typically about double what we usually do and again those were driven by two, the senior housing project down it's now called Riley Crossings Senior Housing which formerly was called the Mission Hills down at 101 and Lyman. If you've driven by and seen that. And also the Venue downtown. So we see about a 2 percent increase in the housing stock. Again we're predominantly and will always be predominantly single family residential as our largest portion of the housing stock. We also permitted, the average is 132 single family and 69 attached so attached can be a townhouse or a tri-plex or the like. So again there's a slight deficiency of approved lots available for development with lot inventory of 103 platted lots. We keep that report in there too. That's one of the things Bob's done a great job of tracking all that so we track all the permits that come through so we're always looking at our land inventory. That affects prices and fluctuation and when developers want to increase their stock so the one that we went through pretty quickly because there was some pent up demand for that price point was the townhouses down at 101 and Lyman, just north of the Kwik Trip there. Those went through pretty quickly and then scattered 61 single family lots. So you can see there the projects that went through. The Arbors 2nd Addition and then Red Cedar Point, just a two lot subdivision. The Arbors a 3 lot so those were some of the smaller ones. The ones on 101 and Lyman, kind of the cottage type homes those are still working their way through the permitting. Again market based. So what we do anticipate in 2019, some of the big projects coming through is Avienda. They were going to go to the Planning Commission, go to that one slide right here. So that's the lot information right there. That's hard for you to read but we keep that internally and we keep track of how many vacant lots are per subdivision. We get that request from developers when they're out doing some of their market studies so we know on the top half of that is actually the single family and the bottom half is the multi-family so it kind of, when a subdivision comes in not always get final platted as you know. They bring in so many lots. Put the infrastructure in and then they'll do phases on those so that helps us kind of keep track of that. That also happened on the townhouse projects so this is typical in multi-family too. Typically it's not on an apartment. They pull a permit and that's what kind of skews your numbers so an apartment like senior, the senior hill, the senior housing and the Venue downtown, those permits for you know 130 approximately in each of those units get pulled all at once. Typically that doesn't happen in other types of multi-family or single family so those are the things that we keep track of on an annual basis and helps us understand what's happening in the marketplace. What's moving. So going back to what we see happening next year, you approved as did the City

Council the Avienda project and that project, the lifestyle center has made some changes to it. They got their grading permit at the end of last year. They came in for final plat and now they're going to make some changes to that. They are working in getting their grading permit tied to the preliminary plat. That's not uncommon that we do that. They would still provide security for that project. They still have to dedicate the 23 acres of the wooded knoll. They had that all staked and there's some other requirements that were tied to the wetland permit. Wetland banking. Also some additional money for acquisition on Lyman Boulevard so those things will happen before they get the grading permit. I'm working on that with Project Engineer Erick Henricksen on that and they're hoping to start grading on that sometime in April. Meanwhile they're going to make some changes to the project itself. Some of the internal things. You know there's a hotel. Some senior housing also in that project. Some smaller lot housing in there. Some office and as I mentioned retail so some of those are going to move around a little bit so, because they're amending that PUD that does require a public hearing back before the Planning Commission so you'll see that. But before it comes back to you it will start at the top at the City Council. They'll present to the City Council what they're thinking about those plans before you see that but we do anticipate that sometime this spring again. Kind of all the same time they'll be coming forward with the grading permit so that will probably be a pretty large discussion on that meeting too kind of going through all the idiosyncrasies so when we do a big PUD like that, that also has design standards so we put together the architectural package which I think they might be making some tweaks. As you recall that had a unique attributes to their sign package so that's a pretty large development so we'll be going through all that again with you so have an opportunity for input on that.

Aller: So this will be a reverse concept process. It's going to go by City Council first for comment and then come back to us.

Aanenson: Correct yep, yep. Yep, yep so they'll get a chance to see it. I think they were anticipating that they might be on this coming up council meeting but I think they wanted to refine a few things before they come back before the council. I know we've got a lot of requests from neighbors that think that that project went away. It's not. I think some of the changes are really for the better. Making not only architecturally but some of the uses and the location of some of those uses so anticipating bringing that forward to you. Again looking at our growth rate, about a 2 percent growth rate. We talked about the city code with the changes with the Comprehensive Plan. We did get some feedback on the Comprehensive Plan. It seems like every city got some minor tweaks that we've had a little angst over. We have a nuance wording that we're working through right now on getting those changes. Some of it also involves some watershed district comments so we've got our consulting engineers working on that so we're anticipating that going back up to the Met Council for a final review and then once we get that in place then the clock's ticking for us to do some more code amendments so you'll be seeing that. Although the watershed or the wetland actually goes first because we have a shorter window when those changes need to be made. So I think we'll spend some time with you on that. Education. We talked about that before we spent a lot of time last year on that. The four different watersheds. How we make our rules align so our residents aren't bumped around

between all the different rules and we're taking back the permitting on that so there will be a little bit more education on that moving forward so we'll spend some time on that. Comprehensive Plan we talked about that. What else am I looking up there? Joint commission tours. So we'll plan that again. And then also we have our typically our meeting in April is a work meeting because we have our new commissioners that would be involved in that so we're looking through, kind of thinking of some ideas that we might want to spend some time doing a deep dive on some educational things and if you have suggestions we'd love to hear about that too. So and then also for our tour but those are really the big things we've got going. I don't know what I missed on the slides there that Bob had put together but again it's in a formalized report. We'll make sure this gets out online. It tells you kind of where we are in the permits. We also have good numbers in here. What's our valuation. Our housing valuations compared to other cities and that sort of thing. What our building permit valuation is and that's total number of inspections. We have a lot more detail on there too so that will be out on the website too so again we just want to share that with you. Be happy to answer any questions that you might have about it.

Aller: Any questions or comments at this point? Other than you know thank you again for providing us with a really deep dive report on the status of planning in Chanhassen. Keeping up with it is a bear just on a bi-weekly basis for us but you keep track of everything so we appreciate it and the fact that it will be put on the website. It gives the public an opportunity to deep dive on their own and take a look at ask questions and be prepared to come in and give their ideas on where they want Chanhassen to head in their planning. So thank you. And is that it for our agenda? Any correspondence? None. Okay so I'll entertain a request for adjournment immediately following the meeting or after a short break I believe there'll be a work session for interviewing commission applicants so we look forward to doing that.

Aanenson: Yep.

Aller: And what that I'll entertain a motion to adjourn.

Commissioner Undestad moved to adjourn the meeting. All voted in favor and the motion carried unanimously with a vote of 5 to 0. The Planning Commission meeting was adjourned at 8:10 p.m.

Submitted by Kate Aanenson
Community Development Director

Prepared by Nann Opheim