

WACONIA PLANNING COMMISSION
THURSDAY May 5, 2022

Pursuant to due call and notice thereof, a regular meeting of the Waconia Planning Commission was called to order by Chairperson Grohmann at 6:30 p.m.

CALL MEETING TO ORDER.

MEMBERS PRESENT: Sherman, Sarcletti, Leshner, Zellman, Grohmann
MEMBERS ABSENT: Ludford-absent
ALTERNATE: Ludford-absent
STAFF PRESENT: Braaten, Nelson, Stein, Havlik
VISITORS: See attached sheet
CITY COUNCIL LIAISON: Sorensen

No changes to the agenda.

2. ADOPT AGENDA: MOTION BY SARCLETTI, SECOND BY SHERMAN TO APPROVE THE AGENDA AS PRESENTED. ALL PRESENT VOTED AYE. MOTION CARRIED.
3. ADOPT MINUTES: MOTION BY SHERMAN SECOND BY ZELLMAN TO APPROVE THE MARCH 3, 2022, PLANNING COMMISSION MEETING. ALL PRESENT VOTED AYE. MOTION CARRIED.

ADOPT MINUTES: MOTION BY SARCELETTI, SECOND BY GROHMANN TO APPROVE THE APRIL 7, 2022, PLANNING COMMISSION MEETING. ALL PRESENT VOTED AYE. MOTION CARRIED.

4. NEW BUSINESS:

**1) SITE PLAN AND DESIGN REVIEW – WACONIA FIRE STATION
LOCATED AT 10451 10TH STREET WEST.**

Braaten introduced the site plan for the property located at 10451 10th Street West. The application proposes the construction of a new fire station on the subject parcel. Braaten stated that based on a staff review of the plan set provided by the applicant for the fire station, the site plan and the building design requirements stated in the zoning district and the design district meet the City standards.

Bruce Schwartzman and Mike Healy from BKV Group.

Mr. Schwartzman and Mr. Healy explained the process the City has taken to get to this point. They explained the current deficiencies in the existing fire station and how the new fire station will function at its proposed location.

Discussion followed.

MOTION BY LESHER, SECOND BY LUDFORD TO RECOMMEND APPROVAL OF THE SITE PLAN AND DESIGN REVIEW APPLICATION FOR THE NEW WACONIA FIRE STATION AT 10451 10TH STREET ALONG WITH THE 5

RECOMMENDATED CONDITIONS OF APPROVAL. ALL IN FAVOR VOTED AYE. MOTION CARRIED.

**2) PUBLIC HEARING TO BE CONTINUED TO THE JUNE 2ND, 2022
PLANNING COMMISSION – WOODLAND CREEK 5TH ADDITION
PRELIMINARY PLAT.**

Staff reviewed the proposed Preliminary Plat and PUD Rezoning applications submitted by Hartman Communities, LLC and have noted revisions will be necessary. The applicant is currently working through revisions and is not ready for Planning Commission review. Staff recommends the Planning Commission continue the Public Hearing to June 2nd, 2022, regular meeting.

MOTION BY GROHMAN TO OPEN THE PUBLIC HEARING.

No comments.

MOTION BY LESHER TO CONTINUE THE PUBLIC HEARING UNTIL JUNE 2, 2022, SECOND BY SCARCLETTI. ALL IN FAVOR VOTED AYE. MOTION CARRIED.

**3) PUBLIC HEARING – WINDMILL CREEK 8TH ADDITION PRELIMINARY
PLAT – OUTLOT A, WINDMILL CREEK.**

Braaten displayed the proposed subdivision. The property is currently undeveloped but was anticipated to develop in association with the Waterford residential development directly to the east.

The applicant is proposing access to the development via Longmeadow Lane, which is consistent with the previous Waterford 7th Addition approvals.

Braaten talked about the three lots and the setback requirements from the existing wetlands. The property is guided L, Low Density Residential and located within the Shoreland Overlay District. The property is zoned R-1, Single Family Residential and the three (3) proposed parcels meet minimum sizing requirements identified in the aforementioned districts.

City Ordinance requires at least 10% of the gross land in a subdivision shall be dedicated for parks, schools, playgrounds, and open space. Braaten informed the Commission that the staff report was incorrect, and the applicant/property owner would be required to either pay park dedication or provide land, which is dependent upon the recommendation of the Park Board.

The proposed landscape plan appears to conform to City Ordinance requirements. Outlot A is heavily wooded and the future development of said parcel will require compliance with City code pertaining to tree replacement and restitution. Braaten stated that this parcel was part of the overall Windmill Creek development and could not be developed under the City's wooded lot standard.

Sarcletti asked if there should be a conversation with Trumpy Home Builders regarding the comment of the areas identified as floodplain be platted as an outlot and deeded to the city. Braaten stated that he had conversed with both representatives from Trumpy Homes

and the DNR as staff was now comfortable with the lots as proposed as the drainage and utility easements and buffers necessary have been identified on the plat.

Sherman inquired about the proposed lot size. Braaten mentioning the Shoreland Overlay maximum impervious surface of 25% and the limited building envelope due to setback requirements from the identified wetlands would significantly limit the development on each of the parcels.

Grohmann asked if the City had received any comments from the DNR regarding the proposed subdivision. Braaten mentioned that the DNR stated that it appeared to meet all requirements and therefore had no comment.

GROHMAN OPENED THE PUBLIC HEARING.

Tim Zhorne, 843 Goldfinch Drive, Waconia, MN 55387

Comments and Concerns:

- Protect the wetlands, marsh, and wildlife in this area.
- Quality of life to have this nature in the back yard.
- Concerns that there will be more than the three homes.
- Concern about retaining the large tree.
- Wants to know the timeline of this project.

Cara Otto, Otto and Associates

Comments and Concerns:

- This development is proposed to be served by the planned Waterford road system. The development includes three lots and a heavily wooded outlot A. Cara stated that a timeline is to continue final plat through this summer.
- Trumpy is a small local builder that builds custom homes that build a couple homes per year.
- Trumpy does a couple homes per year and is in no hurry to build.

Jodi Berg, 843 Goldfinch Drive, Waconia, MN 55387

Comments and Concerns:

- Asked for clarification regarding where the closest home to their property would be located. Cara Otto explained the proposed location, indicating the proposed home would be a walk out and the wetland in between the proposed development and their stormwater pond would not be touched.

MOTION BY SARCELETTI, SECOND BY ZELLMAN TO CLOSE THE PUBLIC HEARING. ALL IN FAVOR VOTED AYE. MOTION CARRIED.

Most of the Commissioners concerns were answered.

Outlot A would remain undeveloped for the time being. The city previously adopted a definition for a wooded lot. This parcel would not meet that standard as it would be considered part of the Windmill Creek Development. It is staff's intent to identify this in the future Development Agreement for Windmill Creek 8th Addition. They would need to meet our tree preservation and restitution requirements rather than the wooded lot standard.

Braaten stated that if the Planning Commission decides to recommend approval of the preliminary plat staff would recommend a 15th condition of approval be added that

would require the payment or dedication of the required park dedication per the recommendation of the Park Board.

Leshner commented that he remained concerned that the developer is squeezing three homes in small building envelopes on each of the parcels.

If the Planning Commission recommends approval of the Windmill Creek 8th Addition Preliminary Plat, staff has included the following conditions for consideration:

1. The Windmill Creek 8th Addition Preliminary Plat shall be completed as approved and as conditionally revised by the Planning Commission and the City Council.
2. All applicable permits are applied for by the applicant with all supporting documentation and issued prior to the start of construction.
3. The applicant shall obtain Carver County Watershed Management Organization (CCWMO) approval and permitting for erosion control and stormwater management. A copy of any approvals or permits shall be submitted prior to any land disturbing activities.
4. The applicant shall obtain a General Construction Stormwater Permit (NPDES) from the Minnesota Pollution Control Agency and submit a copy to the City prior to any land disturbing activities.
5. All indirect costs related to the permitting, review, and plans associated with engineering and administrative costs shall be paid by the applicant/owner.
6. The City shall provide the necessary street signage. The applicant shall provide the necessary escrow funds to cover all street signage and installation costs.
7. The watermain, sanitary sewer, grading, and stormwater issues shall be resolved to the satisfaction of the City Engineer and Public Services Director prior to commencement of construction activities for the Windmill Creek 8th Addition residential development.
8. Compliance with applicable items contained in Chapter 1000 of the City of Waconia Subdivision Ordinance.
9. Compliance with applicable items contained in Section 900.06, Subd. 6. Flood Plain Overlay Regulations.
10. Execution of a Developer's Agreement prior to execution of the Final Plat.
11. All single-family home parcels that are located fully or partially within the Shoreland Overlay District shall be limited to a maximum impervious surface of 25%.
12. The sidewalk shall be constructed as proposed and as conditionally revised by the City Council. All sidewalks within the development shall be 6 feet wide.
13. The wetland buffer areas shall be signed accordingly and improvements within said areas shall not be allowed.
14. The applicant shall file an application of final plat approval within six (6) months following the approval of the Windmill Creek 8th Addition Preliminary Plat unless an extension of time is requested in writing by the subdivider and granted by the Council prior to the six (6) month expiration date.

MOTION BY SHERMAN, SECOND BY ZELLMAN TO APPROVE THE WINDMILL CREEK 8TH ADDITION PRELIMINARY PLAT WITH THE 14 RECOMMENDED CONDITIONS OF APPROVAL AND THE ADDITION OF A CONDITION REQUIRING COMPLIANCE WITH THE CITY'S PARK DEDICATION REQUIREMENTS. ALL IN FAVOR VOTED AYE. MOTION CARRIED.

4) PUBLIC HEARING – VARIANCE REQUEST BY PATRICK OLSON, 115 MAPLE TERRACE.

Staff received a Variance application from Patrick Olson requesting approval of a variance to construct a 442 sq. ft. permeable patio, a 371 sq. ft. synthetic putting green and other stormwater improvements which is proposed to improve the property to 42% impervious surface versus the 35% maximum allowed in the PUD District.

Nelson explained the Variance Criteria to the Commissioners as he displayed the location of the property on a map of the Shores of Lake Waconia residential development. Charles Cudd developed the West side, and M/I Homes has the development to the East of County Road 92. In September of 2020, the developer requested to increase the maximum hardcover from 35% to 45%. This request was denied by the City Council.

The applicant is proposing to add 773 sq ft of patio and synthetic putting green. Both areas are proposed with a pervious design under the surface to allow drainage into the proposed rain garden adjacent to the improvements.

The Public Service Director and City Engineer have reviewed the proposed stormwater plan and are not in favor of the plans as proposed as the design would cause additional runoff into the adjacent natural wooded area held in the City outlot. Additionally, heavy clay content in the soils was also a concern.

Nelson showed the site survey and pictures of the property pointing out the existing impervious coverage and described in detail the proposed plan.

Sherman asked why paver patio is not permeable. Nelson gave an explained that City Ordinances does not currently make allowances for the use of pervious materials and therefore the use of them as a stormwater mitigation tool, or to stay under the required impervious surface requirements, requires a variance.

GROHMANN OPEN THE PUBLIC HEARING

Pat and Marnie Olson, 115 Maple Terrace, Waconia, MN 55387

James Sherson, North Metro Companies, Project Manager-Landscaper

Comments and Concerns:

- Purchased the home December and started to organize the landscaping.
- Did not know about the 35% impervious maximum.
- Trying to do this the correct way.
- Consider the rain garden along with the project and additional drainage.
- Willing to make changes to make this work.
- The other half of the development on the West side does allow the 45%.
- Landscaper-good design, not a lot of pitch to the property that would runoff to the outlot.

Leshar asked about the putting green surface being permeable? Sherson mentioned that the design has base rock under the putting green for drainage, which is better than the existing clay.

Nelson received two written comments from the public in support of their project.

MOTION BY LESHER, SECOND BY SARCLETTI TO CLOSE THE PUBLIC HEARING. ALL IN FAVOR VOTED AYE. MOTION CARRIED.

Leshar added that the decision on this application will affect others in the area that may want to request the same, or similar, improvements.

Sarcletti commented that the City Engineer and Public Service Director were not in favor of the proposed submittal.

Discussion followed with Braaten explaining that the Planning Commission really had three options: 1) continue this item and request further information/revisions to the plan, 2) recommend denial, or 3) recommend approval with a condition requiring the plan be revised to the satisfaction of the City Engineer and Public Services Director.

Discussion followed regarding the variance criteria and rain garden design.

MOTION BY SHERMAN, SECOND BY GROHMANN TO RECOMMEND APPROVAL OF THE VARIANCE REQUEST BY PATRICK OLSON WITH THE UNDERSTANDING THAT APPROVAL FROM THE PUBLIC SERVICES DIRECTOR AND CITY ENGINEER ARE REQUIRED. MOTION PASSED VIA A THREE TO TWO VOTE IN FAVOR. MOTION CARRIED.

5. OLD BUSINESS:

1) After-the-Fact Steep Slope Permit for 233 Lakeview Terrace Blvd. - CONTINUED

Braaten explained the continuation of the After-The-Fact Steep Slope Alteration Permit request by Tim Lovett, Cornerstone Landscaping the property located at 233 Lakeview Terrace Blvd. The Planning Commission first discussed this application in September of 2021. At this time staff recommended that the Planning Commission continue the discussion to allow the applicant an opportunity to meet on site with representatives from Carver Soil & Water and the DNR. This onsite meeting took place 2 weeks after the Planning Commission meeting and the applicant provided the landscaping plan to both parties for review and comments. Neither the DNR, nor Soil & Water, received a response from Mr. Lovett regarding their review comments.

February of 2022 the applicant requested some additional time with the Planning Commission to talk about the permit application which is why the Planning Commission again discussed the after-the-fact Steep Slope Permit without a finalized plan review.

Applicant again was in front of the Planning Commission on April 7th and directed by the Commission to work with the DNR and Soil & Water on a revised plan for the review in May.

Braaten displayed the location and the site survey along with pictures taken during install and what was currently installed. Two revised plans were submitted. Seth Ristow, Carver Soil and Water indicated further revisions were necessary per the email provided in the packet.

Tim Lovett, Cornerstone Landscaping and Michael Swoboda, property owner.
Comments and Concerns:

-Lovett stated a plan was submitted to Soil and Water. They would like to see the existing non-native plantings removed. Lovett feels its not necessary.

- Grohmann reminded applicant the Planning Commission takes recommendation and information from the experts such as Soil & Water and the DNR. Grohmann feels the Commission is still waiting on an acceptable plan.
- Lovett stated he thinks Soil and Water needs to see a full restoration plan with all native plantings. Hoping to find a medium ground.

Further discussion regarding options from the Planning Commission and Lovett.
Reminder from the Commission that this is an after-the-fact request.

Additional discussion regarding a possible denial outcome for the permit application.
This then becomes an enforcement issue.

MOTION BY LESHER TO APPROVE THE AFTER THE FACT STEEP SLOPE ALTERATION PERMIT FOR THE PROPERTY LOCATED AT 233 LAKEVIEW TERRACE BLVD. WITH THE THREE CONDITIONS NOTED AND AN ALTERATION CONDITION TO NUMBER TWO STRIKING A REVIEW THAT WILL COME BACK TO THE PLANNING COMMISSION BUT SENT TO CITY COUNCIL, SECOND BY GROHMANN. MOTION PASSED WITH A 4 TO 1 VOTE IN FAVOR. MOTION CARRIED.

6. OTHER:

THERE BEING NO FURTHER BUSINESS, MOTION BY LESHER TO ADJOURN AT 8:42 PM, SECOND BY ZILLMAN. ALL PRESENT VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Brenda Stein
Recording Secretary