



**AGENDA
CHANHASSEN PLANNING COMMISSION
TUESDAY, JANUARY 16, 2024
CITY COUNCIL CHAMBERS, 7700 MARKET BOULEVARD**

A. 6:00 P.M. - CALL TO ORDER

B. PUBLIC HEARINGS

B.1 Ordinance XXX: Amending Lot Cover Standards in the Residential Single Family (RSF) Zoning District.

B.2 Ordinance XXX: Amending Lot Cover Standards in the Shoreland Overlay District.

C. GENERAL BUSINESS

D. APPROVAL OF MINUTES

D.1 Approve Planning Commission Meeting Minutes dated December 5, 2023

E. COMMISSION PRESENTATIONS

F. ADMINISTRATIVE PRESENTATIONS

G. CORRESPONDENCE DISCUSSION

H. ADJOURNMENT

I. OPEN DISCUSSION

NOTE: Planning Commission meetings are scheduled to end by 9:00 p.m. as outlined in the official by-laws. We will make every attempt to complete the hearing for each item on the agenda. If, however, this does not appear to be possible, the Chairperson will notify those present and offer rescheduling options. Items thus pulled from consideration will be listed first on the agenda at the next Commission meeting.

If a constituent or resident sends an email to staff or the Planning Commission, it must be made part of the public record based on State Statute. If a constituent or resident sends an email to the Mayor and City Council, it is up to each individual City Council member and Mayor if they want it to be made part of the public record or not. There is no State Statute that forces the Mayor or City Council to share that information with the public or be made part of the public record. Under

State Statute, staff cannot remove comments or letters provided as part of the public input process.

Planning Commission Item

January 16, 2024



Item	Ordinance XXX: Amending Lot Cover Standards in the Residential Single Family (RSF) Zoning District.	
File No.		Item No: B.1
Agenda Section	<u>PUBLIC HEARINGS</u>	
Prepared By	Eric Maass, Planning Director	
Applicant		
Present Zoning		
Land Use		
Acerage		
Density		
Applicable Regulations		

SUGGESTED ACTION

The Planning Commission should provide a formal recommendation to the City Council on the proposed ordinance amendment.

SUMMARY

The City Council has considered options for amending the city's ordinances related to lot cover. The City Council gave direction to city staff to prepare a draft ordinance revising language which currently allows for impervious lot cover up to 30% within the Residential Single Family (RSF) zoning district.

BACKGROUND

Currently the RSF zoning district allows for a base of 25% impervious lot cover. Property owners can

have an additional 5% lot cover through the use of permeable pavers. The ordinance as drafted would allow for up to 30% impervious lot cover but not dictate that a property owner utilize pervious pavers in order to do so.

As previously presented, pervious pavers can be costly to install and require routine maintenance. If installed incorrectly or not properly maintained the pavers can revert from their initial pervious state into an impervious state. The ordinance amendment would lift the pervious paver requirement and allow for the 30% lot cover to be available for all RSF property owners.

The City currently has 42 Planned Unit Development (PUD's) in place. 39 of the possible 42 PUD's stipulate within the PUD ordinance the specific governance for lot cover for those developments most of which allow for a lot cover of at least 30%. The three PUD's which indicate that the underlying RSF zoning shall regulate the lot cover include Ches Mar Farm & Trail, Lake Susan Hills, and Mission Hills. Attached to this case is a table summarizing the various PUDs in place and their corresponding lot cover limitations.

DISCUSSION

RECOMMENDATION

Staff is seeking a formal recommendation from the Planning Commission to be forwarded to the City Council.

ATTACHMENTS

[Ordinance 722 Draft Lot Cover in RSF.docx](#)

[Residential PUD Lot Cover Table](#)

[Water Resources Dept - Staff Report](#)

**CITY OF CHANHASSEN
CARVER AND HENNEPIN COUNTIES, MINNESOTA**

ORDINANCE NO. ~~XXX~~

**AN ORDINANCE AMENDING CHAPTER 20, ZONING,
OF THE CHANHASSEN CITY CODE AMENDING LOT COVER STANDARDS IN
THE RESIDENTIAL SINGLE FAMILY (RSF) ZONING DISTRICT**

**THE CITY COUNCIL OF THE CITY OF CHANHASSEN, MINNESOTA,
ORDAINS:**

SECTION 1. Section 20-615 Lot Requirements and Setbacks of the City Code, City of Chanhassen, Minnesota, is hereby **amended** to read as follows:

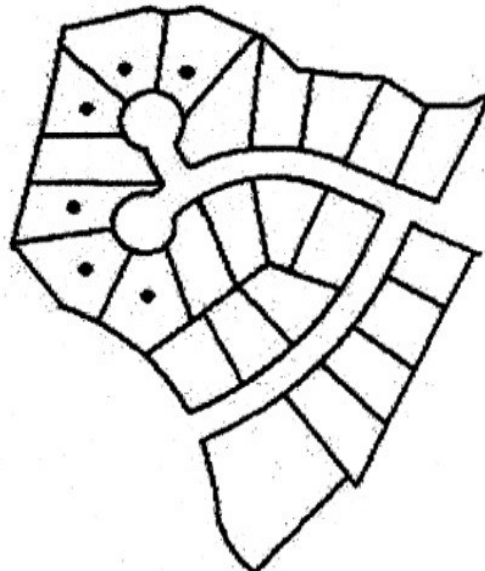
Section 20-615 Lot Requirements and Setbacks

The following minimum requirements shall be observed in an "RSF" District subject to additional requirements, exceptions and modifications set forth in this chapter and chapter 18:

- (a) The minimum lot area is 15,000 square feet. For neck or flag lots, the lot area requirements shall be met after the area contained within the "neck" has been excluded from consideration.
- (b) The minimum lot frontage is 90 feet, except that lots fronting on a cul-de-sac "bubble" shall be 90 feet in width at the building setback line. The location of this lot is conceptually illustrated below.

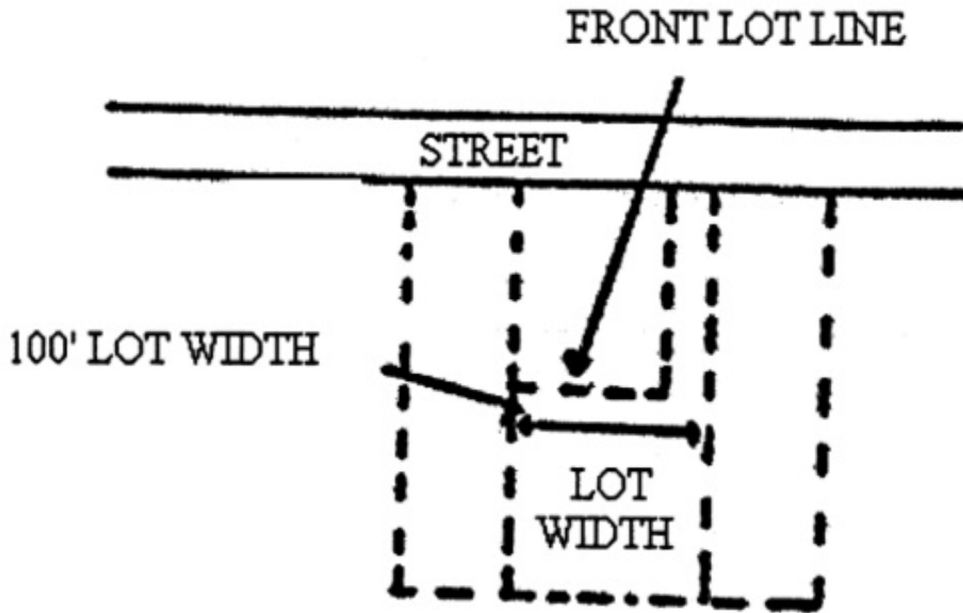
Frontage Measured at Setback Line

**Lots where frontage is
measured at the setback line.**



- (c) The minimum lot depth is 125 feet.
- (d) Lot width on neck or flag lots and lots accessed by private streets shall be 100 feet as measured at the front building setback line. The location of these lots is conceptually illustrated below.

Neck/Flag Lots



- (e) The maximum lot coverage for all ~~structures and paved~~ impervious surfaces is 30 percent, ~~unless further restricted by the City's Shoreland Management District of which no more than 25 percent can be impervious surfaces.~~ For flag/neck lots neither the area within the neck, nor the lot coverage of the driveway within the neck shall be included within the calculation of the lot area or lot coverage of the lot.
- (f) The setbacks are as follows:
 - (1) For front yards, 30 feet.
 - (2) For rear yards, 30 feet.
 - (3) For side yards, ten feet.
- (g) The setbacks for lots served by private streets and/or neck lots are as follows:
 - (1) For front yard, 30 feet. The front yard shall be the lot line nearest the public right-of-way that provides access to the parcel unless otherwise designated in accordance with section 20-922. The rear yard lot line is to be located

opposite from the front lot line with the remaining exposures treated as side lot lines. On neck lots the front yard setback shall be measured at the point nearest the front lot line where the lot achieves a 100-foot minimum width.

(2) For rear yards, 30 feet.

(3) For side yards, ten feet.

(h) The maximum height is as follows:

(1) For the principal structure, three stories/35 feet.

(2) For accessory structures, one story/20 feet.

SECTION 2. This ordinance shall be effective immediately after its passage and publication.

PASSED AND ADOPTED this day of , 2024 by the City Council of the City of Chanhassen, Minnesota.

ATTEST:

Kim Meuwissen City Clerk

Elise Ryan, Mayor

(Published in the Chanhassen *Villager* on _____)

SITE #	PROJECT	FILE NO.	DESIGN STANDARD	LOT COVER LISTED	DETAILS	NOTES
1	Minnewashta Creek	75-1 SUB	Design Standard	Y	25%	
2	Red Cedar Cove Townhouses	85-5 PUD	Design Standard	Y	25%	Can be averaged throughout the entire development
3	Ches Mar Farm & Trail	84-2, 88-1, 91-1 PUD	Design Standard	N		
4a	Meadows at Longacres	92-4 PUD	Design Standard	Y	25%	
4b	Woods at Longacres	93-3 PUD	Design Standard	Y	25%	
5	Highlands at Bluff Creek	2003-3 PUD	Design Standard	Y	30%	
6	Arboretum Village	99-2 PUD	Design Standard	Y	70% commercial / 30% total site	
7	Pheasant Hills	83-1 PUD	Design Standard	Y	30%	
8	The Park	2019-01 PUD	Design Standard	Y	36.7% for 90 ft lots / 52% for 65 ft lots	Preserved 50 acres of woods adjacent top Lake Ann
9	Walnut Grove	96-04 PUD	Design Standard	Y	30%	
10	WillowRidge	91-3 PUD	Design Standard	Y	25% in Shoreland / 30% Elsewhere	
11	Chaparral	78-01, 79-3 PUD	Design Standard	Y	30%	Can be averaged throughout the entire development
12	Triple Crown Estates	85-2 PUD	Design Standard	Y	30%	
13	Chanhassen Vista	86-1 PUD	Design Standard	Y	30%	
14	Saratoga 1st and 2nd Additions	77-1 PUD	Design Standard	Y	30%	Can be averaged throughout the entire development
15	Saratoga 3rd Addition	98-2 PUD	Design Standard	Y	65%	Multi-family residential
16	Western Hills	79-6 PUD	Design Standard	Y	30%	
17	Laredo Lane	75-2 PUD	Design Standard	Y	30%	
18	Oak Ponds	92-3 PUD	Design Standard	Y	50%	Multi-family residential
19	Near Mountain	79-2 PUD	Design Standard	Y	25% / 25% / 30% / 30%	Varies based on housing types
20	Fox Hollow	84-1 PUD	Design Standard	Y	25%	Can be averaged throughout the entire development
21	South Lotus Lake	85-4 PUD	Design Standard	Y	25% in Shoreland / 30% Elsewhere	
22	South Lotus Villas	89-4 SPR	Design Standard	Y	54%	High-density residential
23	Townhomes at Creekside	96-3 PUD	Design Standard	Y	30%	Averaged from the entire development, including the public and private streets and Outlots, may not exceed 30 percent hard coverage. Individual lots will exceed the 30 percent site coverage.
24	Trotters Ridge	93-2 PUD	Design Standard	Y	30%	
25	Lynmore Addition	98-1 PUD	Design Standard	Y	30%	
26	Autumn Ridge Townhouses	93-5 PUD	Design Standard	Y	30%	Averaged from the entire development, including the public and private streets and Outlots, may not exceed 30 percent hard coverage. Individual lots will exceed the 30 percent site coverage.
27	Lake Susan Hills	87-3 PUD	Design Standard	N		Includes RSF, R-8, and R-12/16
28	Chanhassen Hills	85-6 PUD	Design Standard	Y	25%	
29	West Park	2017-12 PUD	Design Standard	Y	50%	RSF and Mixed Use
30	Chanhassen Gateway	2006-05 PUD	Design Standard	Y	50% Residential / 70% Commercial and Office	
31	Hidden Valley	85-1 PUD	Design Standard	Y	25% in Shoreland / 30% Elsewhere	
32	Mission Hills	93-4 PUD	Design Standard	N		
33	Preserve at Rice Lake	2013-12 PUD	Design Standard	Y	30%	
34	Southwest Village	2006-18 PUD	Design Standard	Y	50% / 70% Commercial and Transit Facility	
35	North Bay	95-1 PUD	Design Standard	Y	50%	The entire development, including the public and private streets and Outlots, may not exceed 50 percent hard coverage. Individual lots will exceed the 50 percent site coverage. (Townhomes)
36	Lakeside	2006-26 PUD	Design Standard	Y	50%	The entire development, including the public and private streets and Outlots, may not exceed 50 percent hard coverage. Individual lots will exceed the 50 percent site coverage. (Twinhomes, townhomes, and condos)
37	Springfield	1993-06 PUD	Design Standard	Y	25% in Shoreland / 30% Elsewhere	
38	Arbor Glen	2015-16 PUD	Design Standard	Y	59% Residential	The entire development, including the private street and outlots, may not exceed 25 percent hard coverage.
39	Preserve at Bluff Creek	2006-14 PUD	Design Standard	Y	45% Residential	The entire development, including the public and private streets and Outlots, may not exceed 30 percent hard coverage. Individual lots will exceed the 30 percent site coverage.
40	Liberty on Bluff Creek	2005-11 PUD	Design Standard	Y	30%	Averaged from the entire development.
41	Camden Ridge	2013-13 PUD	Design Standard	Y	25% Shoreland / 35% Total	The entire development, including the public and private streets and Outlots, may not exceed 35 percent hard coverage. Individual lots may exceed the 35 percent site coverage. Lots within the shoreland district may not exceed 25 percent site coverage.
42	Lake Lucy Island	2020-23 PUD	Design Standard	Y	25%	



CITY OF CHANHASSEN

Chanhassen is a Community for Life - Providing for Today and Planning for Tomorrow

Memorandum

To: *Eric Maass, Planning Director*

From: *Joe Seidl, Water Resources Engineer*

CC: *Charles Howley, Public Works Director/City Engineer*
George Bender, Assistant City Engineer
Erik Henriksen, Project Engineer

Date: *1/10/2024*

Re: *Amending Lot Cover Standards within the Shoreland Overlay District and the Residential Single Family Zoning District*

Introduction

The City of Chanhassen is considering increasing the maximum amount of lot cover allowed from 25% to 30% within both the Shoreland Overlay District and the Residential Single Family Zoning District. The Water Resources Division does not support the ordinance amendments to increase lot cover. Water Resources staff believe that the increase in lot cover without the construction of offsetting Best Management Practices (BMPs) has the potential to cause adverse impacts. Lot cover or impermeable surfaces caused by urbanization and the construction of buildings, pavement, etc. can have several negative effects on downstream lakes, streams, and wetlands and the overall environment. Water Resources and Planning staff have however worked successfully with the DNR to incorporate strategies related to the Shoreland Overlay District that help mitigate potential effects.

The potential effects can include:

- Increased runoff: Lot cover prevents rainwater from infiltrating into the ground and/or uptake by vegetation (trees and shrubs) . Instead, the water flows over the surface and increases the volume and velocity (rate) of the runoff; which can cause flooding and erosion in nearby streams and rivers, and could overwhelm existing downstream storm sewer collection and treatment systems, especially if those systems are already undersized due to elevated rainfall amounts and intensity.



CITY OF CHANHASSEN

Chanhassen is a Community for Life - Providing for Today and Planning for Tomorrow

- Reduced infiltration: When rainwater cannot penetrate the soil, it cannot recharge groundwater supplies. This can lead to a decrease in the water table, which can cause wells to run dry and streams to dry up.
- Water quality degradation: As runoff flows over the land, it picks up pollutants such as oil, fertilizers, and pesticides, and carries them into nearby waterways. This can lead to decreased water quality and harm aquatic ecosystems and the organisms that depend on them.
- Increased temperature: Urban areas with increased lot cover tend to be hotter than surrounding areas due to the absorption of heat by buildings and pavement. This can lead to warmer water temperatures in streams and rivers, which can negatively impact aquatic life.

The increase in stormwater volumes and runoff rates generated by impervious surfaces can cause issues if not mitigated by the construction of stormwater Best Management Practices (BMPs).

The following sections provide background information to inform Chanhassen's Planning Commission and City Council.

What is a stormwater BMP?

Stormwater Best Management Practices (BMPs) are a set of techniques and practices designed to manage and treat stormwater runoff, which is rainwater and other precipitation that flows over the ground and into storm drains or other bodies of water. Stormwater BMPs are designed to reduce the negative impacts of stormwater runoff, such as flooding, erosion, and pollution generated by impervious surfaces.

Overall, stormwater BMPs work by mimicking natural systems and processes to manage and treat stormwater runoff by facilitating infiltration, filtration, settling, and evapotranspiration. Commonly used stormwater BMPs include infiltration basins, biofiltration basins, wet ponds, rain gardens, green roofs, and permeable pavers.

Proposed Lot Cover Ordinance Amendment in the RSF Zoning District

The proposed Lot Cover Ordinance within the Residential Single Family Zoning District does not have any provisions included that require the construction of offsetting BMPs. The ordinance amendment would increase the maximum lot cover allowed within a property from 25% to 30%.



CITY OF CHANHASSEN

Chanhassen is a Community for Life - Providing for Today and Planning for Tomorrow

Proposed Lot Cover Ordinance Amendment in the Shoreland Overlay District

The proposed Lot Cover Ordinance within the Shoreland Overlay District would increase the maximum lot cover allowed for a property from 25% to 30% and includes provisions that would require the applicant to construct and maintain a BMP to offset the increase in impervious surface constructed. For properties adjacent to water resources the BMP would be a natural vegetative buffer sized as a 1 to 1 ratio to the impervious area over the 25% threshold. All other properties would be required to construct a BMP with a design approved by Water Resources staff. City Staff worked with the Department of Natural Resources Hydrologist to develop the proposed ordinance. The ordinance would allow lot cover flexibility within the Shoreland Overlay district and would help the DNR achieve their goal of naturalizing the shoreland. The provisions include the creation of a maintenance declaration that would be recorded against the property to ensure the stormwater treatment improvement would be protected.

How are impervious surfaces regulated?

The construction and reconstruction of impervious surfaces are regulated locally by the City of Chanhassen and by local Watershed Districts, including the Riley Purgatory Bluff Creek Watershed District (RPBCWD), Minnehaha Creek Watershed District (MCWD), Lower Minnesota River Watershed District (LMRWD) and the Carver County Water Management Organization (CCWMO). The Metropolitan Pollution Control Agency (MPCA) also regulates the construction of impervious surfaces through the Municipal Separate Storm Sewer System (MS4) Permit and National Discharge Elimination System Construction Stormwater (NPDES) Permit.

In general, when a project is proposed, the amount of impervious surface being constructed is quantified and converted into a Water Quality Volume (WQV) by multiplying the new impervious surface area by 1.1 inch. For example, a project creating 1 acre of new impervious surface would be required to design BMPs to treat a WQV of:

1 Acre = 43,560 Square Feet X 1.1 Inch / (12 Inch/Foot) = 3,993 Cubic Feet of Treatment Required

In this example, as part of the project design, the project proposers would implement BMPs to treat the WQV and create Hydrologic and Hydraulic (H&H) Models to compare existing and proposed conditions to ensure stormwater is managed properly and will not create adverse impacts downstream.

The requirements for the construction of BMPs and H&H modeling are generally associated with defined amounts of impervious surface. For example, the RPBCWD has a stormwater



CITY OF CHANHASSEN

Chanhassen is a Community for Life - Providing for Today and Planning for Tomorrow

treatment requirement trigger set to 5,000 square feet of impervious surface being constructed. The typical residential improvements (patios, decks, additions, etc.) governed by the proposed ordinance amendment would not trigger the threshold to mandate stormwater treatment.

This gap in regulation creates a problem because the smaller individual projects might not create visible issues, but the cumulative impact of many smaller projects would create stormwater management problems.

Standard practice is to ensure subdivision development projects design BMPs for the maximum lot cover allowed within the parcels generated. Any increase to the lot cover after the fact would create additional stormwater volumes in excess to those accounted for in the original design.

What are potential impacts that residents could experience?

The existing stormwater infrastructure within Chanhassen would still serve to offset some of the impacts noted above, including flood mitigation and pollutant removal. However, the infrastructure was not designed for the increased lot cover allowances proposed nor the additional stormwater runoff that would be generated. In general, Chanhassen stormwater infrastructure is undersized due to when it was designed, therefore the additional runoff generated would act to further tax our drainage system. Over time, if unmitigated lot cover were to increase, residents could experience some of the following impacts:

- Increased pollutant loads in stormwater ponds and water resources, which would degrade water quality and increase the frequency and scale of algae blooms.
- Increased frequency and duration of street flooding and high water levels of stormwater ponds and water resources.
- Increased erosion of natural and manmade stormwater conveyance systems.
- Increased frequency and duration of nuisance drainage issues, such as wet yards, sump pump discharge, and standing water.

How would the stormwater BMP improvements be regulated and managed for the Shoreland Overlay District?

City staff would ensure the natural vegetative buffer or stormwater BMP was sized correctly as regulated by City Ordinance during review of the building permit. Template maintenance agreements and buffer declarations are available and would be provided to project proposers.



CITY OF CHANHASSEN

Chanhassen is a Community for Life - Providing for Today and Planning for Tomorrow

After construction, the BMP would be added into the asset management database managed by the City's engineering department. City staff would need to expand the current program that tracks and completes inspections on private BMPs to ensure the assets function as designed. When problems are identified, City staff would work with residents to get the issues resolved. Depending on the scale of the problem and the resident's commitment to complete the work, the amount of time it would take to resolve a specific problem could vary greatly.

How do other agencies view the Proposed Lot Cover Ordinance Amendments?

The proposed ordinance changes to increase lot cover were coordinated with the water management organizations that regulate the City of Chanhassen, including the Minnesota Department of Natural Resources (DNR), RPBCWD, MCWD, MRWD, and CCWMO. In general, these agencies are opposed to regulations that would generate additional impervious surfaces without the construction of corresponding BMPs to mitigate adverse impacts. Correspondence and memos provided by the agencies are included in the agenda item packet.

What is the guidance from Chanhassen's Local Stormwater Management Plan?

The Local Stormwater Management Plan adopted in December of 2018 is intended to provide the City of Chanhassen with information and direction in the administration and implementation of water resource management activities within the City during the period 2018-2027. It serves as a guide to projects, provides for effective allocation of resources, and sets forth a funding plan for projects and programs over the next 5 to 10 years.

The Local Stormwater Management Plan includes goals and policies to help achieve those goals.

Included below are the most pertinent sections regarding the proposed Ordinance Amendments that would increase maximum lot cover allowances:

Goal 1 reads: "Promote abstraction through infiltration, reuse and other methods where practicable to do so to provide flood protection, ground water recharge and improved water quality."

Within Goal 1 the two most relevant polices to the proposed ordinance amendments are outlined below:

Policy 1.4. Continue to stringently enforce lot coverage requirements set forth in City Code and development contracts.



CITY OF CHANHASSEN

Chanhassen is a Community for Life - Providing for Today and Planning for Tomorrow

Policy 1.2. Require all development and redevelopment projects to demonstrate no net increase in the annual runoff water volume discharged from the site compared to pre-development conditions.

The proposed ordinance amendments within the RSF Zoning District are in direct conflict with the goals and policies of the Local Surface Water Management Plan. Without offsetting BMPs, the increased hardcover would act to inhibit infiltration, reduce flood protection and groundwater recharge, and decrease water quality.

Goal 2 reads: "Achieve water quality standards in lakes, streams, and wetlands consistent with their designated uses and established classifications."

Within Goal 2 the policy outlined that is most relevant to the proposed ordinance amendment that would increase the maximum Lot Cover allowance within the Shoreland Management District is:

Policy 2.15 Maintain a shoreland ordinance consistent with DNR requirements and recommendations to promote and encourage shoreland protection.

The proposed Lot Cover ordinance modifications were coordinated with the DNR and received conditional approval from the local area Hydrologist. While in general increases in lot cover are not supported by the DNR, the ordinance changes within the Shoreland Overlay District and the regulations that mandate the creation of natural vegetative buffers and stormwater BMPs are viewed as a reasonable trade to allow Chanhassen residents flexibility for improvements on their property that would increase lot cover. Therefore, the proposed ordinance changes within the Shoreland overlay district are consistent with Policy 2.15.

It must be noted that water quality within large portions of the City of Chanhassen is below standards set by the MPCA. Several of the local lakes and streams are on the impaired waters list and therefore Chanhassen is not achieving Goal 2 of the Local Surface Water Management Plan. The proposed Ordinance amendments within the Shoreland Overlay District do not apply to reconstructed impervious surfaces and therefore only act to preserve the current state of the local water resources.

The Water Resources Department recommends that the ordinance proposed be amended to include BMP requirements for reconstructed impervious areas to improve the quality and character of receiving water bodies as redevelopment occurs.

Planning Commission Item

January 16, 2024



Item	Ordinance XXX: Amending Lot Cover Standards in the Shoreland Overlay District.	
File No.		Item No: B.2
Agenda Section	<u>PUBLIC HEARINGS</u>	
Prepared By	Eric Maass, Planning Director	
Applicant		
Present Zoning		
Land Use		
Acerage		
Density		
Applicable Regulations		

<p><u>SUGGESTED ACTION</u></p> <p>The Planning Commission should provide a recommendation on the draft ordinance.</p>
--

SUMMARY

The City Council has considered options for amending the city's ordinances such that greater lot cover would be allowable that is comparable to neighboring communities. The City Council gave direction to city staff to prepare a draft ordinance allowing up to 30% impervious lot cover within the shoreland overlay zoning district and to work with the Department of Natural Resources (DNR) on the proposed ordinance amendment.

Any amendments to the city's Shoreland Overlay Zoning Ordinance requires DNR review and approval of the ordinance revisions. Staff has collaborated with the area hydrologist and DNR land use specialist

on the ordinance included in this agenda item. The ordinance as drafted has conditional approval from the DNR through its implementation flexibility process. The ordinance as drafted satisfies the DNR's requirements for "alternate approaches" as a result of the required riparian vegetative buffers for new impervious surface area between 25% and 30% of the total lot area. The "alternate approaches" implementation flexibility can be found under Minnesota Rules 6120.2800 Subp. 3.

BACKGROUND

The attached ordinance amending the Shoreland Overlay Zoning District would allow a maximum of 30% impervious surface area for lots which were established prior to January 1, 1976. Currently the city's shoreland overlay zoning ordinance allows for a maximum impervious surface area of 25% as outlined by the DNR's model ordinance.

The city currently has a total of 444 riparian lots. Of that, 253 were established prior to 1976. Those 253 lots would be eligible for up to 30% impervious lot coverage under the proposed ordinance amendment. The city has mapped requested variances and an overwhelming number of the total variances requested have been on lots which have been identified as lots established prior to 1976. These lots are much narrower, some just 40 feet wide, than what is currently required for lot width by ordinance and as a result are also much smaller in total lot area than what ordinances would currently require. Lot cover variances requested for reasonable requests on substandard lots have typically been approved by the city when a practical difficulty can be established as required by state statute. The city has denied various lot cover variance requests if a practical difficulty could not be established because of a substandard lot or other practical difficulty established by statute. The proposed ordinance amendment would alleviate many variance requests while empowering city staff to still require that Best Management Practices (BMPs) be utilized to mitigate the impact of increased impervious surface area.

The draft ordinance requires that a BMP be established that is commensurate with the additional impervious lot cover between 25% and 30% of the lot area. The draft ordinance stipulates that an operations and maintenance agreement be executed and recorded against the property when necessary so that the BMP could be inspected by the city to ensure its existence and functionality over time. The ordinance also establishes the information required to be provided at the time of permit application so that city staff can properly review and verify BMP requirements.

The draft ordinance also stipulates that an extra protection not typically required by ordinance be taken if the property is a riparian lot. That extra protection is establishment of a shoreline vegetative buffer. The shoreline vegetative buffer would qualify as a BMP and may satisfy the BMP requirement. The total area of the shoreline vegetative buffer is proposed to be equal in size to the impervious area between 25%-30% of the total lot area. The vegetative buffer area is proposed to have a length along the shoreline of at least 25% of the total linear lake frontage. The width of the shoreline vegetative buffer will be the width necessary so that the shoreline length multiplied by the width is then equal to the total square feet of impervious area.

Example:

- *A 200 square foot paver patio is being proposed on a riparian lot that has 50 feet of lake frontage and which is already at 25.0% lot cover. The lot would have 200 square feet of impervious area over the standard 25% threshold as a result.*
 - *A 200 square foot shoreline vegetative buffer required.*
 - *The shoreline vegetative buffer would have to have a length of at least 20 feet of lake frontage.*
 - *The shoreline vegetative buffer would then have to be 10 feet wide.*
 - *The 20 foot lake frontage multiplied by the 10 foot wide (depth) = 200 square foot total area of shoreline vegetative buffer.*

Note: If the property owner desired for additional riparian length of the buffer area, the depth could be reduced such that the total square feet of the buffer area remained equal to the 200 square feet outlined in the above example.

DISCUSSION

RECOMMENDATION

The DNR has provided conditional approval of the proposed ordinance revisions to the shoreland overlay district.

ATTACHMENTS

[Ordinance 721: Amending Shoreland Overlay Lot Cover](#)

[DNR - Conditional Approval Notice](#)

[Map showing lots zoned as Residential Single Family \(RSF\) and Shoreland Overlay Zoning District Boundary](#)

[Map showing date of riparian lot establishment and prior variance requests](#)

[Existing residential PUDs and lot cover allowance](#)

[Water Resources Dept - Staff Report](#)

**CITY OF CHANHASSEN
CARVER AND HENNEPIN COUNTIES, MINNESOTA**

ORDINANCE NO. ~~XXX~~

**AN ORDINANCE AMENDING CHAPTER 20, ZONING,
OF THE CHANHASSEN CITY CODE AMENDING LOT COVER STANDARDS IN
THE SHORELAND OVERLAY DISTRICT**

**THE CITY COUNCIL OF THE CITY OF CHANHASSEN, MINNESOTA,
ORDAINS:**

SECTION 1. Section 20-485 Stormwater Management of the City Code, City of Chanhassen, Minnesota, is hereby **amended** to read as follows:

Section 20-485 Stormwater Management

Lot coverage of lots shall not exceed 25 percent of the lot area, except as follows:

- (a) ~~Thirty-five percent for medium/high density residential zones; and~~
- (b) ~~Seventy percent in industrial zones within the Lake Susan Shoreland District.~~
- (a) 30 percent impervious shall be allowed for lots zoned Residential Single Family (RSF) which were platted prior to January 1, 1976 with the following conditions:
 - (1) Riparian Lots
 - a. When exceeding 25 percent impervious coverage, riparian lots shall be required to have a shoreline vegetative buffer area equal in size to the new impervious area proposed over 25 percent of the lot area. (Example: 100 square feet of impervious area will require 100 square feet of shoreline vegetative buffer area).
 - 1. The shoreline vegetative buffer will be required to encompass at least 25 percent or 20 feet of the linear water frontage, whichever is greater. The buffer width shall be the width necessary to achieve the required buffer area. (For example, 100 square feet of impervious area required with 25 feet of buffer length along the shoreline would require a vegetative buffer width of 4 feet.)
 - 2. If the vegetative required is determined to be infeasible by the City Engineer, alternative Best Management Practices (BMPs) shall be installed as outlined in section B.
 - 3. Access to the lake for swimming or dock use shall be maintained.

4. The vegetative buffer may satisfy the BMP requirement outlined below.
- b. The following shall be provided at the time of permit application:
 1. Pre- and post-project lot cover calculations.
 2. Water Quality Volume shall be calculated by 1.1 inch multiplied by the area in square feet of impervious area over 25 percent.
 3. BMPs shall be designed to treat the calculated amount of Water Quality Volume created by the proposed impervious area.
 4. Project plans on a scaled survey shall show the proposed impervious surface as well as the offsetting location and design of BMPs. This could include native vegetative buffers, rain gardens, rain barrels, infiltration/biofiltration basins/swales, etc.)
 5. An erosion and sediment control plan in accordance with Section 19-145 of the City Code.
 6. Additional information, such as Hydrologic and Hydraulic Modeling, plans certified by a professional engineer, etc., may be required as determined by the City Engineer when there is reasonable cause for concern of the impacts of the increased stormwater runoff.
- c. Changes in stormwater runoff shall not cause adverse impacts to adjacent and downstream infrastructure.
- d. BMPs installed shall be privately owned and may require an Operations and Maintenance Agreement to be recorded against the property at the discretion of the City Engineer.
- e. Vegetative buffer areas shall be protected in an easement recorded against the property, and monuments shall be installed at the easement boundary

(2) Non-Riparian Lots

- a. The following shall be provided at the time of permit application.
 1. Pre- and post-project lot cover calculations.
 2. Water Quality Volume shall be calculated by 1.1 inch multiplied by the area in square feet of impervious area over 25 percent.
 3. BMPs shall be designed to treat the calculated amount of Water Quality Volume created by the proposed impervious area.
 4. Project plans on a scaled survey shall show the proposed impervious surface as well as the offsetting location and design of BMPs. This could include native vegetative buffers, rain gardens, rain barrels, infiltration/biofiltration basins/swales. etc.
 5. An erosion and sediment control plan in accordance with

Section 19-145 of City Code.

- 6. Additional information such as Hydrologic and Hydraulic Modeling, plans certified by a professional engineer, etc. may be required as determined by the City Engineer when there is reasonable cause for concern of the impacts by the increased stormwater runoff.
- b. Changes in stormwater runoff shall not cause adverse impacts to adjacent and downstream infrastructure.
- c. BMPs installed shall be privately owned and may require an Operations and Maintenance Agreement to be recorded against the property.
- (b) 35 percent for medium/high-density residential zones; and
- (c) 70 percent in industrial zones within the Lake Susan Shoreland District.

SECTION 2. This ordinance shall be effective immediately after its passage and publication.

PASSED AND ADOPTED this _____ day of _____, 2024 by the City Council of the City of Chanhassen, Minnesota.

ATTEST:

Kim Meuwissen City Clerk

Elise Ryan, Mayor

(Published in the Chanhassen *Villager* on _____)



1801 South Oak Street
Lake City, MN 55041

December 14, 2023

Eric Maass
Chanhassen Planning Director
EMaass@chanhassenmn.gov

Re: Conditional Approval of Chanhassen Shoreland Ordinance Amendment

Dear Eric:

Thank you for sending your proposed shoreland ordinance amendment to the DNR for conditional approval review. I am pleased to inform you that the proposed amendment is substantially compliant with the statewide rules and hereby approved, provided all of the conditions of approval and terms of implementation flexibility in this letter are met.

Ordinance Evaluation

We have reviewed Section 20-485 (Stormwater Management), which you propose to amend in your draft ordinance (received on December 13, 2023) for compliance with state shoreland rules (MR 6120.2500 – 6120.3900). Our conditional approval only applies to Section 20-485.

Terms of Implementation Flexibility

The following terms of implementation flexibility (per Minn. R. 6120.2800 Subp. 3), which were sent to us December 13, 2023, are included in the ordinance we are conditionally approving. These terms of implementation flexibility are also conditions of approval. If any of the offsetting higher standards are eliminated or protection levels reduced in future ordinance amendments without DNR approval, approval of implementation flexibility is rescinded.

Provisions not meeting minimum standards:

- Maximum of 30% impervious surface for lots within the shoreland overlay district platted prior to January 1, 1976

Offsetting higher standards:

- 1) Riparian Lots

- a. When exceeding 25% impervious coverage, riparian lots shall be required to have a shoreline vegetative buffer area equal in size to the new impervious area proposed over 25% of the lot area.
 - 1. The shoreline vegetative buffer will be required to encompass at least 25% or 20 feet of the linear water frontage, whichever is greater. The buffer width shall be the width necessary to achieve the required buffer area.
 - 2. If the vegetative buffer required is determined to be infeasible by the City Engineer, alternative Best Management Practices (BMP[s]) shall be installed as outlined in section B.
 - 3. Access to the lake for swimming or dock use shall be maintained.
 - 4. The vegetative buffer may satisfy the BMP requirement outlined below.
- b. The following shall be provided at the time of permit application:
 - 1. Pre and post project lot cover calculations.
 - 2. Water Quality Volume shall be calculated by 1.1 inch multiplied by the area in square feet of impervious area over 25%.
 - 3. BMPs shall be designed to treat the calculated amount of Water Quality Volume created by the proposed impervious area.
 - 4. Project plans on a scaled survey shall show the proposed impervious surface as well as the offsetting location and design of BMPs. This could include native vegetative buffers, rain gardens, rain barrels, infiltration/biofiltration basins/swales, etc.)
 - 5. An erosion and sediment control plan in accordance with Section 19-145 of city code.
 - 6. Additional information such as Hydrologic and Hydraulic Modeling, plans certified by a professional engineer, etc. may be required as determined by the City Engineer when there is reasonable cause for concern of the impacts by the increased stormwater runoff.
- c. Changes in stormwater runoff shall not cause adverse impacts to adjacent and downstream infrastructure.
- d. BMPs installed shall be privately owned and may require an Operations and Maintenance Agreement to be recorded against the property at the discretion of the City Engineer.
- e. Vegetative buffer areas shall be protected in an easement recorded against the property and monuments shall be installed at the easement boundary.

2) Non-Riparian Lots

- a. The following shall be provided at the time of permit application:
 - 1. Pre and post project lot cover calculations.
 - 2. Water Quality Volume shall be calculated by 1.1 inch multiplied by the area in square feet of impervious area over 25%.
 - 3. BMPs shall be designed to treat the calculated amount of Water Quality Volume created by the proposed impervious area.
 - 4. Project plans on a scaled survey shall show the proposed impervious surface as well as the offsetting location and design of BMPs. This could include native vegetative buffers, rain gardens, rain barrels, infiltration/biofiltration basins/swales, etc.
 - 5. An erosion and sediment control plan in accordance with Section 19-145 of city code.
 - 6. Additional information such as Hydrologic and Hydraulic Modeling, plans certified by a professional engineer, etc. may be required as determined by the City Engineer when

there is reasonable cause for concern of the impacts by the increased stormwater runoff.

- b. Changes in stormwater runoff shall not cause adverse impacts to adjacent and downstream infrastructure.
- c. BMPs installed shall be privately owned and may require an Operations and Maintenance Agreement to be recorded against the property.

Next Steps

Following are the steps for completing and receiving final DNR approval for your ordinance amendment:

1. The city council adopts the ordinance amendment revised according to the listed conditions.
2. Email the completed Ordinance Processing Checklist (attached) and the documents identified on the checklist within 10 days of city council adoption to:
 - a. Taylor Huinker (taylor.huinker@state.mn.us)
 - b. Ordinance.review.dnr@state.mn.us
3. We will review the ordinance amendment adopted by the city council for consistency with the above conditions and the terms of implementation flexibility.
4. If the adopted amendments are consistent with the conditions and terms of implementation flexibility, I will send you a "final approval" letter. State rules require DNR final approval of shoreland ordinances and amendments for those ordinances to be effective.

A shoreland ordinance is an important land use regulation that helps to protect surface water quality, near shore habitat, and shoreland aesthetics of Minnesota's public waters. We appreciate your efforts to protect these resources for all present and future Minnesotans. Taylor Huinker is available to assist with ordinance technical guidance and to consult with you on other land and water-related projects.

Sincerely,



Megan Moore
EWR Region 3 South District Manager

Attachments:

Proposed Ordinance with DNR comments
Ordinance Processing Checklist

- c: Taylor Huinker, DNR Area Hydrologist
Ordinance.review.dnr@state.mn.us

**CITY OF CHANHASSEN
CARVER AND HENNEPIN COUNTIES, MINNESOTA**

ORDINANCE NO. XXX

AN ORDINANCE AMENDING CHAPTER 20
CHANHASSEN CITY CODE,

THE CITY COUNCIL OF THE CITY OF CHANHASSEN, MINNESOTA ORDAINS:

Section 1. Section 20-485 of the City Code, City of Chanhassen, Minnesota, is hereby amended to read as follows with the underlined language to be added and the ~~crossed out~~ language to be removed:

Sec 20-485 Stormwater Management:

Lot coverage of lots shall not exceed 25 percent of the lot area, except as follows:

- a) 30 percent impervious shall be allowed for lots zoned Residential Single Family (RSF) which were platted prior to January 1, 1976 with the following conditions:

1) Riparian Lots

- a. When exceeding 25% impervious coverage, riparian lots shall be required to have a shoreline vegetative buffer area equal in size to the new impervious area proposed over 25% of the lot area. (Example: 100sf of impervious area will require 100sf of shoreline vegetative buffer area).

1. The shoreline vegetative buffer will be required to encompass at least 25% or 20 feet of the linear water frontage, whichever is greater. The buffer width shall be the width necessary to achieve the required buffer area. (Example, 100sf of impervious area required with 25' of buffer length along the shoreline would require a vegetative buffer width of 4'.)
2. If the vegetative buffer required is determined to be infeasible by the City Engineer, alternative BMPs shall be installed as outlined in section B.
3. Access to the lake for swimming or dock use shall be maintained.
4. The vegetative buffer may satisfy the Best Management Practice (BMP) requirement outlined below.

- b. The following shall be provided at the time of permit application:

1. Pre and post project lot cover calculations.
2. Water Quality Volume shall be calculated by 1.1 inch multiplied by the area in square feet of impervious area over 25%.
3. BMPs shall be designed to treat the calculated amount of Water Quality Volume created by the proposed impervious area.

4. Project plans on a scaled survey shall show the proposed impervious surface as well as the offsetting location and design of (BMPs). This could include native vegetative buffers, rain gardens, rain barrels, infiltration/biofiltration basins/swales, etc.)
 5. An erosion and sediment control plan in accordance with Section 19-145 of city code.
 6. Additional information such as Hydrologic and Hydraulic Modeling, plans certified by a professional engineer, etc. may be required as determined by the City Engineer when there is reasonable cause for concern of the impacts by the increased stormwater runoff.
- c. Changes in stormwater runoff shall not cause adverse impacts to adjacent and downstream infrastructure.
 - d. BMPs installed shall be privately owned and may require an Operations and Maintenance Agreement to be recorded against the property at this discretion of the City Engineer.
 - e. Vegetative buffer areas shall be protected in an easement recorded against the property and monuments shall be installed at the easement boundary.

2) Non-Riparian Lots

- a) The following shall be provided at the time of permit application:
 1. Pre and post project lot cover calculations.
 2. Water Quality Volume shall be calculated by 1.1 inch multiplied by the area in square feet of impervious area over 25%.
 3. BMPs shall be designed to treat the calculated amount of Water Quality Volume created by the proposed impervious area.
 4. Project plans on a scaled survey shall show the proposed impervious surface as well as the offsetting location and design of (BMPs). This could include native vegetative buffers, rain gardens, rain barrels, infiltration/biofiltration basins/swales, etc.
 5. An erosion and sediment control plan in accordance with Section 19-145 of city code.
 6. Additional information such as Hydrologic and Hydraulic Modeling, plans certified by a professional engineer, etc. may be required as determined by the City Engineer when there is reasonable cause for concern of the impacts by the increased stormwater runoff.
- b) Changes in stormwater runoff shall not cause adverse impacts to adjacent and downstream infrastructure.

- c) BMPs installed shall be privately owned and may require an Operations and Maintenance Agreement to be recorded against the property.
- b) 35 ~~Thirty five~~ percent for medium/high density residential zones; and
- c) 70 ~~Seventy~~ percent in industrial zones within the Lake Susan Shoreland District.

Section 2. This ordinance shall be effective immediately upon its passage and publication.

PASSED AND ADOPTED this ____day of _____, 2024, by the City Council of the City of Chanhassen, Minnesota

Kim Meuwissen, City Clerk

Elise Ryan, Mayor

(Published in the Chanhassen *Villager* on _____)

ORDINANCE PROCESSING CHECKLIST

Please complete, sign and return this checklist and all required documents by email to the DNR:

Ordinance.review.dnr@state.mn.us, and
your Area Hydrologist

1. _____ Date(s) of published public hearing notice(s). Email the notice with this checklist.

2. _____ Date(s) of public hearing(s).

3. _____ Date of ordinance adoption. Email the adopted ordinance/ amendment with the signature of the chief elected official in PDF format with this checklist.
4. _____ Date of newspaper publication of adopted ordinance/ amendment or ordinance amendment summary.
5. Email a zoning map showing the “district” corresponding to the adopted ordinance at the time of adoption, if one exists, and the underlying zoning districts if the adopted ordinance refers to them.

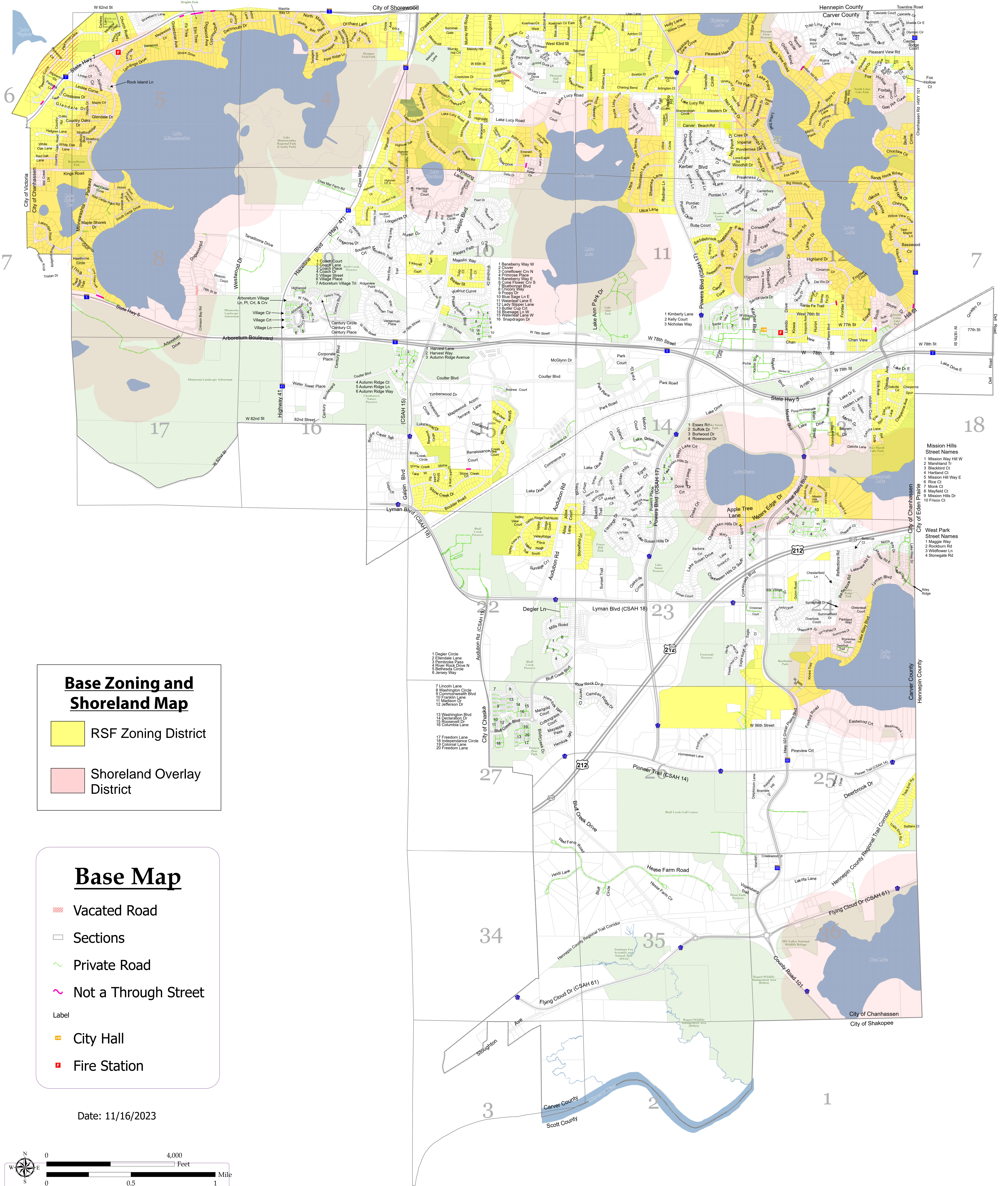
Signature of Clerk/Auditor

Name of Community



City of Chanhassen

City Map



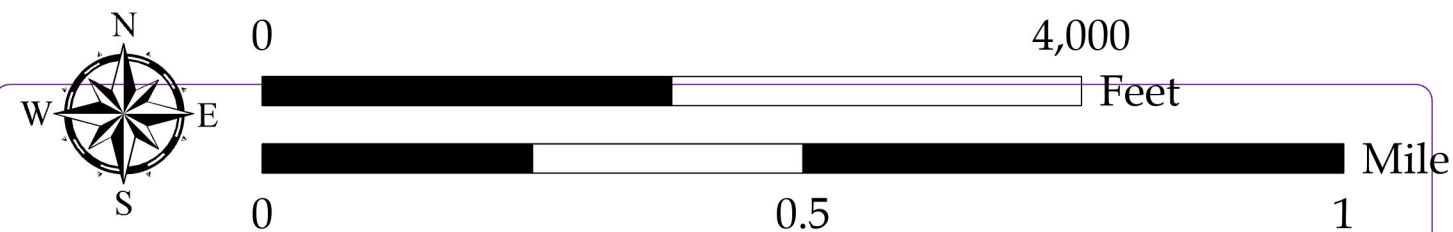
Base Zoning and Shoreland Map

- RSF Zoning District
- Shoreland Overlay District

Base Map

- Vacated Road
- Sections
- Private Road
- Not a Through Street
- Label
- City Hall
- Fire Station

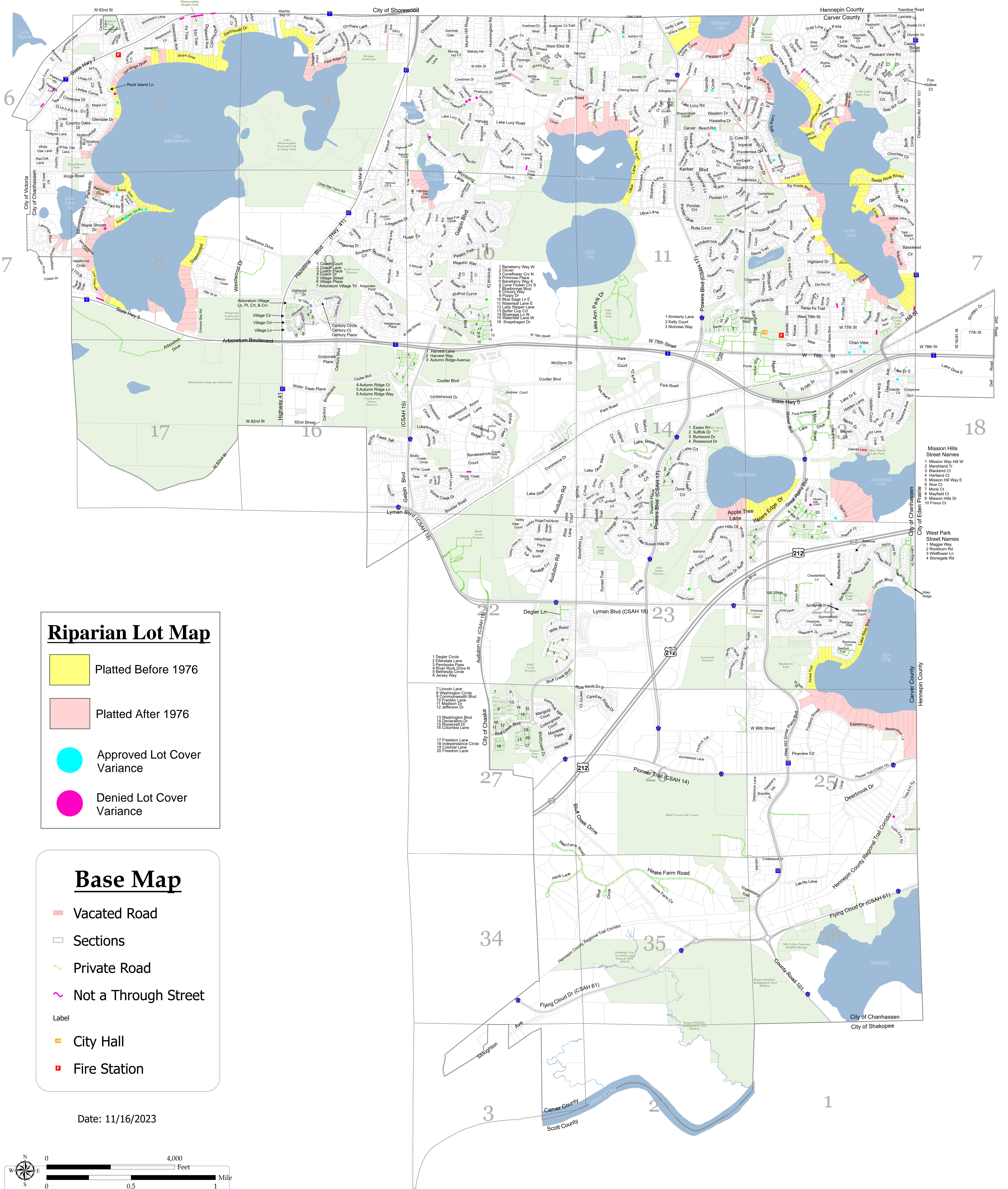
Date: 11/16/2023





City of Chanhassen

City Map



SITE #	PROJECT	FILE NO.	DESIGN STANDARD	LOT COVER LISTED	DETAILS	NOTES
1	Minnewashta Creek	75-1 SUB	Design Standard	Y	25%	
2	Red Cedar Cove Townhouses	85-5 PUD	Design Standard	Y	25%	Can be averaged throughout the entire development
3	Ches Mar Farm & Trail	84-2, 88-1, 91-1 PUD	Design Standard	N		
4a	Meadows at Longacres	92-4 PUD	Design Standard	Y	25%	
4b	Woods at Longacres	93-3 PUD	Design Standard	Y	25%	
5	Highlands at Bluff Creek	2003-3 PUD	Design Standard	Y	30%	
6	Arboretum Village	99-2 PUD	Design Standard	Y	70% commercial / 30% total site	
7	Pheasant Hills	83-1 PUD	Design Standard	Y	30%	
8	The Park	2019-01 PUD	Design Standard	Y	36.7% for 90 ft lots / 52% for 65 ft lots	Preserved 50 acres of woods adjacent top Lake Ann
9	Walnut Grove	96-04 PUD	Design Standard	Y	30%	
10	WillowRidge	91-3 PUD	Design Standard	Y	25% in Shoreland / 30% Elsewhere	
11	Chaparral	78-01, 79-3 PUD	Design Standard	Y	30%	Can be averaged throughout the entire development
12	Triple Crown Estates	85-2 PUD	Design Standard	Y	30%	
13	Chanhassen Vista	86-1 PUD	Design Standard	Y	30%	
14	Saratoga 1st and 2nd Additions	77-1 PUD	Design Standard	Y	30%	Can be averaged throughout the entire development
15	Saratoga 3rd Addition	98-2 PUD	Design Standard	Y	65%	Multi-family residential
16	Western Hills	79-6 PUD	Design Standard	Y	30%	
17	Laredo Lane	75-2 PUD	Design Standard	Y	30%	
18	Oak Ponds	92-3 PUD	Design Standard	Y	50%	Multi-family residential
19	Near Mountain	79-2 PUD	Design Standard	Y	25% / 25% / 30% / 30%	Varies based on housing types
20	Fox Hollow	84-1 PUD	Design Standard	Y	25%	Can be averaged throughout the entire development
21	South Lotus Lake	85-4 PUD	Design Standard	Y	25% in Shoreland / 30% Elsewhere	
22	South Lotus Villas	89-4 SPR	Design Standard	Y	54%	High-density residential
23	Townhomes at Creekside	96-3 PUD	Design Standard	Y	30%	Averaged from the entire development, including the public and private streets and Outlots, may not exceed 30 percent hard coverage. Individual lots will exceed the 30 percent site coverage.
24	Trotters Ridge	93-2 PUD	Design Standard	Y	30%	
25	Lynmore Addition	98-1 PUD	Design Standard	Y	30%	
26	Autumn Ridge Townhouses	93-5 PUD	Design Standard	Y	30%	Averaged from the entire development, including the public and private streets and Outlots, may not exceed 30 percent hard coverage. Individual lots will exceed the 30 percent site coverage.
27	Lake Susan Hills	87-3 PUD	Design Standard	N		Includes RSF, R-8, and R-12/16
28	Chanhassen Hills	85-6 PUD	Design Standard	Y	25%	
29	West Park	2017-12 PUD	Design Standard	Y	50%	RSF and Mixed Use
30	Chanhassen Gateway	2006-05 PUD	Design Standard	Y	50% Residential / 70% Commercial and Office	
31	Hidden Valley	85-1 PUD	Design Standard	Y	25% in Shoreland / 30% Elsewhere	
32	Mission Hills	93-4 PUD	Design Standard	N		
33	Preserve at Rice Lake	2013-12 PUD	Design Standard	Y	30%	
34	Southwest Village	2006-18 PUD	Design Standard	Y	50% / 70% Commercial and Transit Facility	
35	North Bay	95-1 PUD	Design Standard	Y	50%	The entire development, including the public and private streets and Outlots, may not exceed 50 percent hard coverage. Individual lots will exceed the 50 percent site coverage. (Townhomes)
36	Lakeside	2006-26 PUD	Design Standard	Y	50%	The entire development, including the public and private streets and Outlots, may not exceed 50 percent hard coverage. Individual lots will exceed the 50 percent site coverage. (Twinhomes, townhomes, and condos)
37	Springfield	1993-06 PUD	Design Standard	Y	25% in Shoreland / 30% Elsewhere	
38	Arbor Glen	2015-16 PUD	Design Standard	Y	59% Residential	The entire development, including the private street and outlots, may not exceed 25 percent hard coverage.
39	Preserve at Bluff Creek	2006-14 PUD	Design Standard	Y	45% Residential	The entire development, including the public and private streets and Outlots, may not exceed 30 percent hard coverage. Individual lots will exceed the 30 percent site coverage.
40	Liberty on Bluff Creek	2005-11 PUD	Design Standard	Y	30%	Averaged from the entire development.
41	Camden Ridge	2013-13 PUD	Design Standard	Y	25% Shoreland / 35% Total	The entire development, including the public and private streets and Outlots, may not exceed 35 percent hard coverage. Individual lots may exceed the 35 percent site coverage. Lots within the shoreland district may not exceed 25 percent site coverage.
42	Lake Lucy Island	2020-23 PUD	Design Standard	Y	25%	



CITY OF CHANHASSEN

Chanhassen is a Community for Life - Providing for Today and Planning for Tomorrow

Memorandum

To: *Eric Maass, Planning Director*

From: *Joe Seidl, Water Resources Engineer*

CC: *Charles Howley, Public Works Director/City Engineer*
George Bender, Assistant City Engineer
Erik Henriksen, Project Engineer

Date: *1/10/2024*

Re: *Amending Lot Cover Standards within the Shoreland Overlay District and the Residential Single Family Zoning District*

Introduction

The City of Chanhassen is considering increasing the maximum amount of lot cover allowed from 25% to 30% within both the Shoreland Overlay District and the Residential Single Family Zoning District. The Water Resources Division does not support the ordinance amendments to increase lot cover. Water Resources staff believe that the increase in lot cover without the construction of offsetting Best Management Practices (BMPs) has the potential to cause adverse impacts. Lot cover or impermeable surfaces caused by urbanization and the construction of buildings, pavement, etc. can have several negative effects on downstream lakes, streams, and wetlands and the overall environment. Water Resources and Planning staff have however worked successfully with the DNR to incorporate strategies related to the Shoreland Overlay District that help mitigate potential effects.

The potential effects can include:

- Increased runoff: Lot cover prevents rainwater from infiltrating into the ground and/or uptake by vegetation (trees and shrubs) . Instead, the water flows over the surface and increases the volume and velocity (rate) of the runoff; which can cause flooding and erosion in nearby streams and rivers, and could overwhelm existing downstream storm sewer collection and treatment systems, especially if those systems are already undersized due to elevated rainfall amounts and intensity.



CITY OF CHANHASSEN

Chanhassen is a Community for Life - Providing for Today and Planning for Tomorrow

- Reduced infiltration: When rainwater cannot penetrate the soil, it cannot recharge groundwater supplies. This can lead to a decrease in the water table, which can cause wells to run dry and streams to dry up.
- Water quality degradation: As runoff flows over the land, it picks up pollutants such as oil, fertilizers, and pesticides, and carries them into nearby waterways. This can lead to decreased water quality and harm aquatic ecosystems and the organisms that depend on them.
- Increased temperature: Urban areas with increased lot cover tend to be hotter than surrounding areas due to the absorption of heat by buildings and pavement. This can lead to warmer water temperatures in streams and rivers, which can negatively impact aquatic life.

The increase in stormwater volumes and runoff rates generated by impervious surfaces can cause issues if not mitigated by the construction of stormwater Best Management Practices (BMPs).

The following sections provide background information to inform Chanhassen's Planning Commission and City Council.

What is a stormwater BMP?

Stormwater Best Management Practices (BMPs) are a set of techniques and practices designed to manage and treat stormwater runoff, which is rainwater and other precipitation that flows over the ground and into storm drains or other bodies of water. Stormwater BMPs are designed to reduce the negative impacts of stormwater runoff, such as flooding, erosion, and pollution generated by impervious surfaces.

Overall, stormwater BMPs work by mimicking natural systems and processes to manage and treat stormwater runoff by facilitating infiltration, filtration, settling, and evapotranspiration. Commonly used stormwater BMPs include infiltration basins, biofiltration basins, wet ponds, rain gardens, green roofs, and permeable pavers.

Proposed Lot Cover Ordinance Amendment in the RSF Zoning District

The proposed Lot Cover Ordinance within the Residential Single Family Zoning District does not have any provisions included that require the construction of offsetting BMPs. The ordinance amendment would increase the maximum lot cover allowed within a property from 25% to 30%.



CITY OF CHANHASSEN

Chanhassen is a Community for Life - Providing for Today and Planning for Tomorrow

Proposed Lot Cover Ordinance Amendment in the Shoreland Overlay District

The proposed Lot Cover Ordinance within the Shoreland Overlay District would increase the maximum lot cover allowed for a property from 25% to 30% and includes provisions that would require the applicant to construct and maintain a BMP to offset the increase in impervious surface constructed. For properties adjacent to water resources the BMP would be a natural vegetative buffer sized as a 1 to 1 ratio to the impervious area over the 25% threshold. All other properties would be required to construct a BMP with a design approved by Water Resources staff. City Staff worked with the Department of Natural Resources Hydrologist to develop the proposed ordinance. The ordinance would allow lot cover flexibility within the Shoreland Overlay district and would help the DNR achieve their goal of naturalizing the shoreland. The provisions include the creation of a maintenance declaration that would be recorded against the property to ensure the stormwater treatment improvement would be protected.

How are impervious surfaces regulated?

The construction and reconstruction of impervious surfaces are regulated locally by the City of Chanhassen and by local Watershed Districts, including the Riley Purgatory Bluff Creek Watershed District (RPBCWD), Minnehaha Creek Watershed District (MCWD), Lower Minnesota River Watershed District (LMRWD) and the Carver County Water Management Organization (CCWMO). The Metropolitan Pollution Control Agency (MPCA) also regulates the construction of impervious surfaces through the Municipal Separate Storm Sewer System (MS4) Permit and National Discharge Elimination System Construction Stormwater (NPDES) Permit.

In general, when a project is proposed, the amount of impervious surface being constructed is quantified and converted into a Water Quality Volume (WQV) by multiplying the new impervious surface area by 1.1 inch. For example, a project creating 1 acre of new impervious surface would be required to design BMPs to treat a WQV of:

1 Acre = 43,560 Square Feet X 1.1 Inch / (12 Inch/Foot) = 3,993 Cubic Feet of Treatment Required

In this example, as part of the project design, the project proposers would implement BMPs to treat the WQV and create Hydrologic and Hydraulic (H&H) Models to compare existing and proposed conditions to ensure stormwater is managed properly and will not create adverse impacts downstream.

The requirements for the construction of BMPs and H&H modeling are generally associated with defined amounts of impervious surface. For example, the RPBCWD has a stormwater



CITY OF CHANHASSEN

Chanhassen is a Community for Life - Providing for Today and Planning for Tomorrow

treatment requirement trigger set to 5,000 square feet of impervious surface being constructed. The typical residential improvements (patios, decks, additions, etc.) governed by the proposed ordinance amendment would not trigger the threshold to mandate stormwater treatment.

This gap in regulation creates a problem because the smaller individual projects might not create visible issues, but the cumulative impact of many smaller projects would create stormwater management problems.

Standard practice is to ensure subdivision development projects design BMPs for the maximum lot cover allowed within the parcels generated. Any increase to the lot cover after the fact would create additional stormwater volumes in excess to those accounted for in the original design.

What are potential impacts that residents could experience?

The existing stormwater infrastructure within Chanhassen would still serve to offset some of the impacts noted above, including flood mitigation and pollutant removal. However, the infrastructure was not designed for the increased lot cover allowances proposed nor the additional stormwater runoff that would be generated. In general, Chanhassen stormwater infrastructure is undersized due to when it was designed, therefore the additional runoff generated would act to further tax our drainage system. Over time, if unmitigated lot cover were to increase, residents could experience some of the following impacts:

- Increased pollutant loads in stormwater ponds and water resources, which would degrade water quality and increase the frequency and scale of algae blooms.
- Increased frequency and duration of street flooding and high water levels of stormwater ponds and water resources.
- Increased erosion of natural and manmade stormwater conveyance systems.
- Increased frequency and duration of nuisance drainage issues, such as wet yards, sump pump discharge, and standing water.

How would the stormwater BMP improvements be regulated and managed for the Shoreland Overlay District?

City staff would ensure the natural vegetative buffer or stormwater BMP was sized correctly as regulated by City Ordinance during review of the building permit. Template maintenance agreements and buffer declarations are available and would be provided to project proposers.



CITY OF CHANHASSEN

Chanhassen is a Community for Life - Providing for Today and Planning for Tomorrow

After construction, the BMP would be added into the asset management database managed by the City's engineering department. City staff would need to expand the current program that tracks and completes inspections on private BMPs to ensure the assets function as designed. When problems are identified, City staff would work with residents to get the issues resolved. Depending on the scale of the problem and the resident's commitment to complete the work, the amount of time it would take to resolve a specific problem could vary greatly.

How do other agencies view the Proposed Lot Cover Ordinance Amendments?

The proposed ordinance changes to increase lot cover were coordinated with the water management organizations that regulate the City of Chanhassen, including the Minnesota Department of Natural Resources (DNR), RPBCWD, MCWD, MRWD, and CCWMO. In general, these agencies are opposed to regulations that would generate additional impervious surfaces without the construction of corresponding BMPs to mitigate adverse impacts. Correspondence and memos provided by the agencies are included in the agenda item packet.

What is the guidance from Chanhassen's Local Stormwater Management Plan?

The Local Stormwater Management Plan adopted in December of 2018 is intended to provide the City of Chanhassen with information and direction in the administration and implementation of water resource management activities within the City during the period 2018-2027. It serves as a guide to projects, provides for effective allocation of resources, and sets forth a funding plan for projects and programs over the next 5 to 10 years.

The Local Stormwater Management Plan includes goals and policies to help achieve those goals.

Included below are the most pertinent sections regarding the proposed Ordinance Amendments that would increase maximum lot cover allowances:

Goal 1 reads: "Promote abstraction through infiltration, reuse and other methods where practicable to do so to provide flood protection, ground water recharge and improved water quality."

Within Goal 1 the two most relevant polices to the proposed ordinance amendments are outlined below:

Policy 1.4. Continue to stringently enforce lot coverage requirements set forth in City Code and development contracts.



CITY OF CHANHASSEN

Chanhassen is a Community for Life - Providing for Today and Planning for Tomorrow

Policy 1.2. Require all development and redevelopment projects to demonstrate no net increase in the annual runoff water volume discharged from the site compared to pre-development conditions.

The proposed ordinance amendments within the RSF Zoning District are in direct conflict with the goals and policies of the Local Surface Water Management Plan. Without offsetting BMPs, the increased hardcover would act to inhibit infiltration, reduce flood protection and groundwater recharge, and decrease water quality.

Goal 2 reads: "Achieve water quality standards in lakes, streams, and wetlands consistent with their designated uses and established classifications."

Within Goal 2 the policy outlined that is most relevant to the proposed ordinance amendment that would increase the maximum Lot Cover allowance within the Shoreland Management District is:

Policy 2.15 Maintain a shoreland ordinance consistent with DNR requirements and recommendations to promote and encourage shoreland protection.

The proposed Lot Cover ordinance modifications were coordinated with the DNR and received conditional approval from the local area Hydrologist. While in general increases in lot cover are not supported by the DNR, the ordinance changes within the Shoreland Overlay District and the regulations that mandate the creation of natural vegetative buffers and stormwater BMPs are viewed as a reasonable trade to allow Chanhassen residents flexibility for improvements on their property that would increase lot cover. Therefore, the proposed ordinance changes within the Shoreland overlay district are consistent with Policy 2.15.

It must be noted that water quality within large portions of the City of Chanhassen is below standards set by the MPCA. Several of the local lakes and streams are on the impaired waters list and therefore Chanhassen is not achieving Goal 2 of the Local Surface Water Management Plan. The proposed Ordinance amendments within the Shoreland Overlay District do not apply to reconstructed impervious surfaces and therefore only act to preserve the current state of the local water resources.

The Water Resources Department recommends that the ordinance proposed be amended to include BMP requirements for reconstructed impervious areas to improve the quality and character of receiving water bodies as redevelopment occurs.

Planning Commission Item

January 16, 2024



Item	Approve Planning Commission Meeting Minutes dated December 5, 2023	
File No.		Item No: D.1
Agenda Section	<u>APPROVAL OF MINUTES</u>	
Prepared By	Jenny Potter, Sr. Admin Support Specialist	
Applicant		
Present Zoning		
Land Use		
Acerage		
Density		
Applicable Regulations		

SUGGESTED ACTION

"The Chanhassen Planning Commission approves its December 5, 2023 meeting minutes"

SUMMARY

BACKGROUND

DISCUSSION

RECOMMENDATION

ATTACHMENTS

Planning Commission Minutes dated December 5, 2023

**CHANHASSEN PLANNING COMMISSION
REGULAR MEETING
MINUTES
DECEMBER 5, 2023**

CALL TO ORDER:

Chairman Noyes called the meeting to order at 6:00 p.m.

MEMBERS PRESENT: Chair Eric Noyes, Erik Johnson, Kelsey Alto, Perry Schwartz, Ryan Soller, Edward Goff, Steve Jobe.

MEMBERS ABSENT: None.

STAFF PRESENT: Rachel Arsenault, Associate Planner; Rachel Jeske, Planning Intern; Eric Maass, Planning Director; Laurie Hokkanen, City Manager, Joe Seidl, Water Resources Engineer

PUBLIC PRESENT:

Mark Undestad Eden Trace Corporation, 8821 Sunset Trail, Chanhassen MN, 55317

PUBLIC HEARINGS:

1. AFFINITECH SITE PLAN REVIEW – 2451 GALPIN COURT

Rachel Arsenault, Associate Planner, presented an overview of the Affinitech site plan.

Commissioner Schwartz asked if the architecture plans submitted match the elements of nearby properties. Ms. Arsenault stated the materials are limited in the development by the planned unit development standards so many elements are similar.

Chair Noyes opened the public hearing. There were no public comments.

Chair Noyes closed the public hearing.

Chair Noyes shared the elements for the landscaping and architecture are appropriate for this area of the city, so he had no concerns. He invited the applicant to come and share comments.

The applicant shared this is the last unit to be developed in this area. They are excited to keep Affinitech as a tenant and provide a permanent home for them in Chanhassen. He thanked staff for completing the reports.

Vice-Chair Alto moved, Commissioner Jobe seconded that the Chanhassen Planning Commission recommend approval of the proposed site plan located at 2451 Galpin Court in the Chanhassen West Business Park, subject to the conditions outlined in the city staff

report and water resources reports and adopts the findings of the fact and decision. All voted in favor and the motion carried unanimously with a vote of 7 to 0.

APPROVAL OF MINUTES:

1. APPROVAL OF PLANNING COMMISSION MINUTES NOVEMBER 6, 2023

Commissioner Goff moved, Commissioner Schwartz seconded to approve the Chanhassen Planning Commission summary minutes dated November 6, 2023 as presented. All voted in favor, and the motion carried unanimously with a vote of 7 to 0.

COMMISSION PRESENTATIONS: None.

ADMINISTRATIVE PRESENTATIONS:

1. DISCUSSION ON MAXIMUM LOT COVER PRECENTAGE IN RESIDENTIAL SINGLE FAMILY (RSF) DISTRICT AND SHORELAND OVERLAY ZONING DISTRICT

Laurie Hokkanen, City Manager, shared that the City Council has looked at hard cover lot requirements in City Code in working sessions. The City Council set policy direction to increase lot cover to 30 percent in residential and shoreland overlay districts as much as possible. Ms. Hokkanen stated there are exceptions, including planned unit developments. The Department of Natural Resources have made modifications and adjustments for the proposal for the shoreland overlay district lot cover.

Eric Maass, Planning Director, shared the Minnesota Department of Natural Resources has jurisdiction and needs to approve changes. City staff met with the Department of Natural Resources who would prefer vegetative buffer along the shoreline and made suggested changes to the current language provided in the packet.

Chair Noyes asked what was driving the review of the hard cover lot requirements. Ms. Hokkanen shared the review is based on the requests from property owners. The City Council and Planning Commission rarely approve variance requests. There has been an increase in variance requests which has encouraged the City Council to evaluate current rules.

Commissioner Schwartz asked for additional information of the vegetative buffers. Mr. Maass responded the best management practice would be offsetting activity for increased perviousness. The Department of Natural Resources wants to see a one-to-one ratio between the lot cover and vegetative buffers to offset increased runoff.

Commissioner Schwartz questioned flexibility in the ordinance if a lot line is not straight. Mr. Maass shared the language from the ordinance. The width should not encompass more than 50 percent of the current shoreline, but they are trying to provide flexibility for residents to meet the required square footage.

Vice-Chair Alto asked about the long-term impact on the lakes would be if there was 30 percent lot cover on all the properties. Mr. Maass stated many residents do not meet the current limit for lot cover and thinks there would only be a handful of projects in a year that would exceed 25 percent of lot cover.

Vice-Chair Alto encouraged the staff to consider the long-term impacts on nature. She stated other cities might make decisions based on lake home ownership rather than what is best for the community and nature.

Mr. Maass shared the Department of Natural Resources is providing flexibility to lots created prior to January 1, 1976.

Vice-Chair Alto asked what percentage of the lots fell into that category. Mr. Maass answered there approximately 60 percent of lots were created prior to January 1, 1976 and 40 percent of lots were created after January 1, 1976.

Commissioner Schwartz agreed with Vice-Chair Alto. He shared the value of vegetative buffer is clear and he is concerned they are not considering best management practices to deal with runoff of lots going into the water.

Mr. Maass clarified if an individual wants additional lot cover, they need to provide a vegetative buffer.

Vice-Chair Alto asked about maintenance enforcement throughout the homeownership. Mr. Mass shared the vegetative buffer would require an easement to be recorded, posts to be placed at the corners, and an operation and maintenance agreement to be established to ensure the long-term function.

Vice-Chair Alto questioned whether there would be a fine if property owners do not comply. Mr. Maass shared they are considering a monitoring program to ensure the vegetative buffers exist and are functioning.

Vice-Chair Alto shared her concerns that if the only punishment was a fine, property owners would opt to pay the fine rather than comply with the requirements.

Commissioner Goff asked if a homeowner did not want to comply with the requirements if a homeowner could request a variance.

Mr. Maass shared a property owner could apply but they could not receive a variance around a process.

Commissioner Goff stated there are many odd-sized lots around the lake which has provided the need for variances. He asked if these requirements are meant to eliminate the need to request variances with the Planning Commission.

Mr. Maass shared a property owner would possibly need to request a variance for certain reconstruction. The proposed ordinance is for existing homes looking to add additional lot cover.

Chair Noyes shared his concern regarding these requirements, providing an example that if a property owner was reconstructing and using the maximum lot cover percentage, it might require additional variances, such as side yard setback.

Commissioner Soller asked for a timeline to remind the Commission of the history leading up to this discussion.

Ms. Hokkanen shared it started in February with the Planning Commission based on an analysis of the variance requests. In July, the Planning Commission received a proposal for the Shoreland Overlay District to use pervious pavers for five percent lot cover. Commissioner Soller confirmed that there is a public hearing January 16th and that this is a proposed ordinance. If there is a vote that does not pass with the Planning Commission, it is a recommendation against the ordinance to the City Council.

Chair Noyes asked if there would be a possibility to separate the Shoreland Overlay District and the residential single-family district would be separate voting matters on January 16.

Mr. Maass confirmed this information.

Commissioner Schwartz asked why there was an interest in pervious pavers, as over time they become impervious.

Ms. Hokkanen stated this is a City Council driven issue and introduces additional options along with pervious pavers for lot cover, such as rain gardens or rain barrels.

2. CIVIC CAMPUS PROJECT UPDATE

Laurie Hokkanen, City Manager, shared an overview of the Civic Campus Project Update. There will be an open house next Tuesday, December 12, from 4 to 6 PM in the Senior Center. She reviewed the locations and uses of the buildings and discussed the complimentary architectural materials implemented throughout the Civic Campus.

Commissioner Schwartz asked about ADA compliance and ramps near the pavilion. Ms. Hokkanen shared that there are ADA options to access every route. She shared there is consideration to implement an elevator, but this is budget dependent. They have received multiple price quotes on the elevator and are trying to clarify the costs.

Commissioner Schwartz asked about trees throughout the site. Ms. Hokkanen shared there are high priority areas where they will invest in more mature trees, and they are prioritizing pockets for greenery.

Commissioner Schwartz encouraged consideration of lighting in the bandshell for the performers. He also asked if the furniture would be secured so individuals cannot walk away with the furniture.

Ms. Hokkanen shared this information is not yet finalized.

Vice-Chair Alto asked where the farmer’s market would be located. Ms. Hokkanen reviewed options for the location, including the main parking lot or the green space. They are including power options in both places for the farmer’s market or food trucks.

Commissioner Jobe questioned if there would be security cameras and asked if there would be a staff member who would oversee the rentals of spaces and equipment. Ms. Hokkanen shared they do not envision there being a full-time manager for this site. She shared outdoor yard games are popular parks and they will continue to investigate options for equipment use. She confirmed there would be security cameras.

Commissioner Soller asked if this space would be subject to traditional park closing times and if the fireplace areas would be gas and push-button operated. He asked if there would be a possibility to expand public Wi-Fi options so individuals can use the seating to work. He shared newer playgrounds are often geared towards children with different types of abilities and asked if this playground would fall into this category.

Ms. Hokkanen shared the playground would not be the top option for accessibility due to space constraints. She confirmed the fire pits would be open to public use before the 10 PM park closing. She answered the Wi-Fi options are budget dependent, but they are considering these options.

Commissioner Soller asked how close these images are to the final design and wondered about a targeted grand opening. Ms. Hokkanen shared they are close. They are having a construction manager look through the plans prior to opening the plans to bid. She said they are currently in the cost estimate phase. There is a goal to complete the plan by July 2025.

Commissioner Schwartz questioned how the project is being funded. Ms. Hokkanen answered the project is being funded by levy-dollars and they are issuing general obligation debt for the project. There will be a 6.5 to 7 percent levy increase over the course of multiple years.

Commissioner Schwartz shared concerns about rollerbladers, families walking, and strollers using the same concrete walk and encouraged city staff to take these concerns into consideration.

Eric Maass, Planning Director, communicated that Xcel Energy is reviewing the plans to ensure the building is energy efficient and meets rebate options.

Commissioner Schwartz asked if there were plans for solar panels.

Ms. Hokkanen shared the building would be solar-ready and installation would be dependent on budget. There would also be sections for car-charging dependent upon budget.

CORRESPONDENCE DISCUSSION:

Planning Director Maass updated the Commissioners, noting that Bob Generous would be retiring in January 2024. He celebrated 30 years with the City in September 2023.

ADJOURNMENT:

Commissioner Jobe moved, Vice-Chair Alto seconded to adjourn the meeting. All voted in favor and the motion carried unanimously with a vote of 7 to 0. The Planning Commission meeting was adjourned at 7:12 p.m.

Submitted by Eric Maass
Planning Director