

**ROSEMOUNT PLANNING COMMISSION
REGULAR MEETING PROCEEDINGS
DECEMBER 18, 2023**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Pursuant to due call and notice thereof, a regular meeting of the Rosemount Planning Commission was held on Monday, December 18, 2023, at 6:30 PM. in Rosemount Council Chambers, 2875 145th Street West.

Chair Kenninger called the meeting to order with Commissioners Whitman, Reed, Hebert, and Thiagarajan. Commissioner Rivera was absent.

Staff present included the following: Community Development Director Kienberger, Senior Planner Nemcek, Planner Hogan, and Community Development Technician Grant.

ADDITIONS TO AGENDA

None.

AUDIENCE INPUT

None.

CONSENT AGENDA

Motion by Kenninger **Second by** Reed

Motion to approve the Consent Agenda.

Ayes: 5.

Nays: None. Motion Carried.

- a. Minutes of the November 28, 2023 Regular Meeting
- b. Resignation of Commissioner Powell

OLD BUSINESS

PUBLIC HEARINGS

- a. Renewal of the Vesterra, LLC, and Stonex, LLC, Small Scale Mineral Extraction Permit for 2024.

Senior Planner Nemcek presented the application for a renewal of a small-scale mineral extraction permit for 2024 from Vesterra, LLC, and Stonex, LLC.

The public hearing opened at 6:35 pm. The public hearing was closed at 6:36 pm.

Motion by Kenninger **Second by** Reed

Motion to close the public hearing.

Ayes: 5.

Nays: None. Motion Carried.

Commissioner Comments:

Commissioner Reed thanked the applicant for being great to work with over the years as a partner.

Motion by Reed Second by Hebert

Motion to recommend City Council approve renewal of the Vesterra, LLC, and Stonex, LLC, Small Scale Mineral Extraction Permit for 2024, subject to the terms and conditions in the attached 2024 Conditions for Mineral Extraction.

Ayes: 5.

Nays: None. Motion Carried.

- b. Renewal of the Shafer Contracting Co., Inc. Small Scale Mineral Extraction Permit for 2024

Senior Planner Nemcek presented the application for a renewal of a small-scale mineral extraction permit for 2024 from Shafer Contracting Company.

Commissioner Whitman asked for clarification on the compaction testing requirement. Senior Planner Nemcek stated that the soil needs to be compacted to at least ninety-five percent (95%) in order for the soil and land to be redeveloped in the future. Nemcek noted that the soil compaction testing results met that minimum requirement.

The public hearing opened at 6:42 pm. The public hearing closed at 6:43 pm.

Motion by Kenninger Second by Reed

Motion to close the public hearing.

Ayes: 5.

Nays: None. Motion carried.

Commissioner Comments:

Chair Kenninger expressed thanks for cooperation and consistency in mining operations from the applicant.

Motion by Kenninger Second by Thiagarajan

Motion to recommend the City Council renew the Shafer Contracting Co., Inc. Small Scale Mineral Extraction Permit for 2024, subject to the terms and conditions in the attached Draft 2024 Conditions for Mineral Extraction.

Ayes: 5.

Nays: None. Motion Carried.

- c. Renewal of the Dakota Aggregates Large Scale Mineral Extraction Permit for 2024

Senior Planner Nemcek presented the application for a renewal of a large-scale mineral extraction permit for 2024 from Dakota Aggregates, LLC.

Chair Kenninger asked on the record if there was a noise issue, having worked with Dakota Aggregates in the past and working to figure out what was going on, or how to reduce it, or if something was happening. Chair Kenninger asked if it is something that gets reported back to Dakota Aggregates, and if it could be something that could be addressed by them, or if there's something to be done. Senior Planner Nemcek verified yes to Chair Kenninger's questions. Commissioner Reed asked how the timing and distance would affect Amber Fields' development. Nemcek deferred to the applicant, stating it depends on the type of jobs coming through and the level of activity of the mine.

The public hearing opened at 6:54 pm.

Ruth Simon - 14642 Bloomfield Path Rosemount, MN

Simon asked if there are any restrictions on noise from machinery, particularly at night.

Matt Mettling - 423 Ramsey Ct Carver, MN

Commissioner Reed asked about phasing of the the north mine for Dakota Aggregates, and the noise levels pertaining to the adjacent neighborhood development, Amber Fields. Dakota Aggregates Operating Manager Mettling stated that there are six to seven phases of the north mine, which the company will have to leave by the end of 2028; phase 11B is not included within that. Mettling said there will be a berm on the edge of phase 11 with no height requirement, in addition to an access road within the mine phase. Mettling noted it is approximately fifty to sixty feet from the north mine to the edge of the Amber Fields development. Mettling noted that the University of Minnesota and the developer are working to put in a fence for the Amber Fields development for security to keep the residents out of the mining area. Chair Kenninger clarified that the residents buying the houses are cognizant of the mining operations adjacent to Amber Fields, and that they will mostly be gone in two to three years.

Chair Kenninger asked for clarification on operating times. Operating Manager Mettling clarified that on the north end of the mine, there is only a loader hitting the face of a stockpile and the material is conveyed, transporting material. Mettling stated the company is permitted to run 24 hours. Mettling noted operations may slow depending on projects.

The public hearing closed at 7:00 pm.

Motion by Kenninger Second by Reed

Motion to close the public hearing.

Ayes: 5.

Nays: None. Motion carried.

Commissioner Comments:

Commissioner Reed and Commissioner Whitman asked questions regarding noise levels, and the possibility of a super-berm. Senior Planner Nemcek stated the northern mining operation changed hauling routes, limited hauling times, placing the equipment below grade to prevent noise traveling, and investigated previous noise complaints. Nemcek noted there is an opportunity to adjust requirements down the line to mitigate noise levels should issues arise in the future, and that a super-berm would require further discussion. Nemcek noted that there was noise monitoring and other research done a few years back and that the noise complaints have significantly decreased since implementing noise mitigation measures.

Motion by Reed Second by Hebert

Motion to recommend the City Council renew the Dakota Aggregates Large Scale Mineral Extraction Permit for 2024, subject to the terms and conditions in the attached 2024 Draft Conditions for Mineral Extraction Permit

Ayes: 5.

Nays: None. Motion Carried.

- d. Renewal of the Carl Bolander and Sons, LLC, Small Scale Mineral Extraction Permit for 2024

Community Development Technician Grant presented the application for a renewal of a small-scale mineral extraction permit for 2024 from Carl Bolander & Sons, LLC.

Commissioner Whitman asked for clarification on soil compaction test results. Community Development (CD) Technician Grant deferred to the applicant and noted the Terracon representative listed in the compaction testing reports. Grant clarified that the testing reports on soil water content, density and compaction for future research, construction, and development.

The public hearing opened at 7:08 pm. The public hearing closed at 7:09 pm.

Motion by Kenninger Second by Hebert

Motion to close the public hearing.

Ayes: 5.

Nays: None. Motion Carried.

Motion by Kenninger Second by Hebert

Motion to recommend City Council approve renewal of the Carl Bolander & Sons, LLC, Small Scale Mineral Extraction Permit for 2024, subject to the terms and conditions in the attached 2024 Conditions for Mineral Extraction.

Ayes: 5.

Nays: None. Motion Carried.

- e. Renewal of the Max Steininger, Inc. Small Scale Mineral Extraction Permit for 2024

Planner Hogan presented the application for a renewal of a small-scale mineral extraction permit for 2024 from Max Steininger, Inc.

The public hearing opened at 7:15 pm. The public hearing closed at 7:15 pm.

Motion by Kenninger Second by Reed

Motion to close the public hearing.

Ayes: 5.

Nays: None. Motion .

Motion by Kenninger Second by Reed

Motion to recommend renewal of the Max Steininger, Inc. Small Scale Mineral Extraction Permit for 2024 to City Council, subject to the terms and conditions in the attached Draft 2024 Conditions for Mineral Extraction.

Ayes: 5.

Nays: None. Motion .

- f. Zoning Ordinance Text Amendment Request to Section 11-5-2: Supplementary Regulations to allow for horseshoe/looped shaped driveways within the RR-Rural Residential Zoning District.

Planner Hogan presented the application for a zoning text amendment to section 11-5-2, which would allow horseshoe and loop-shaped driveways within the RR-Residential Rural zoning district.

Commissioner Reed asked about minimum lot width and access on non-city roads. Planner Hogan shared that 200 feet width is required for rural-residential lot dimensions within that zoning district. Hogan noted that the city does not have jurisdiction over state or county roads, hence specifying access to non-city roads within the text amendment. Commissioner Thiagarajan asked if there is a minimum distance requirement between curb cuts. Planner Hogan stated there is not one currently in the presented standards and text amendment, but it could be implemented or looked into. Commissioner Whitman confirmed with Planner Hogan that the zoning text amendment needs to be considered by itself, separate from the background information including code enforcement issues.

The public hearing opened at 7:23 pm.

Megan Rogers - Larkin Hoffman - 8300 Normandale Blvd, Bloomington, MN

Rogers thanked city staff for the opportunity to come to a solution about a zoning text amendment on behalf of the applicant. Rogers asked for the city and commission's thoroughness in reviewing surrounding city codes and policies, where multiple curb cuts are permitted in rural residential areas. Rogers noted that there is high value on the City Engineer's review of driveways to ensure safety within the proposed text amendment.

The public hearing closed at 7:25 pm.

Motion by Kenninger Second by Reed

Motion to close the public hearing.

Ayes: 5.

Nays: None. Motion Carried.

Commission Comments:

Chair Kenninger expressed that it is preferred for property owners to work with City Staff prior to implementation in case a costly improvement needs to be removed or changed.

Commissioner Whitman asked about the code violation as it pertains to the applicant's driveway. Planner Hogan stated that letters were sent, the code enforcement officer talked to the property owner in the summer of 2023, and once the code violation was known to city staff another letter was sent out, and there were discussions with the property owner to come up with this solution. Community Development Director Kienberger stated that the city code is set up to send a notice for owners to remedy the situation or come up with a solution with city staff to aim for code compliance. Kienberger

shared that the final enforcement mechanism is proceeding with prosecution through the Dakota County court system or abatement by the city. Commissioner Whitman thanked the applicant and Larkin Hoffman for the detailed letter.

Motion by Kenninger **Second by** Whitman

Motion to recommend the City Council approve the Text Amendment to the Zoning Ordinance Modifying Section 11-5-2: Supplementary Regulations to allow for horseshoe or looped driveways with no more than two curb cuts within the RR-Rural Residential Zoning District.

Ayes: 5.

Nays: None. Motion Carried.

NEW BUSINESS

None.

DISCUSSION

Chair Kenninger stated that Commissioner Powell's chair will be opened for re-appointment in the spring of 2024 and reminded Commissioners of future Planning Commission dates in 2024. Community Development Director Kienberger noted that appointment will be opened for applications early spring of 2023.

ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:32 p.m.

Respectfully submitted,

Alysha Grant
Community Development Technician