

**ROSEMOUNT PLANNING COMMISSION
REGULAR MEETING PROCEEDINGS
JANUARY 23, 2024**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Pursuant to due call and notice thereof, a regular meeting of the Planning Commission was held on Tuesday, January 23, 2024, at 6:30 PM. in Rosemount Council Chambers, 2875 145th Street West.

Chairperson Kenninger called the meeting to order with Commissioners Reed, Hebert, Thiagarajan, Rivera, and Whitman.

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

Commissioner Rivera abstained from voting to approve the Consent Agenda.

Motion by Kenninger Second by Hebert

Motion to approve the consent agenda with the discussed sentence change to item 4.a.

Ayes: 5.

Nays: None. Motion carried.

a. Minutes of the December 18, 2023 Regular Meeting

Commissioner Whitman noted a sentence needed revision due to grammatical structural error under item 6.d. in the December 18, 2023 regular meeting minutes. Community Development Technician Grant verified that the sentence, "Grant clarified that the soil tests water content, density, and compaction for future research, construction, and development" will be revised to state "Grant clarified that the testing reports on soil water content, density and compaction for future research, construction, and development."

b. Request by Maplewood Development for Approval of the Amber Fields 13th Addition Final Plat.

OLD BUSINESS

PUBLIC HEARINGS

- a. Request by Maplewood Development for Rezoning, a Major Amendment to the Amber Fields Planned Unit Development Agreement, Preliminary and Final Plat approval for Amber Fields 14th Addition.

Planner Hogan presented the application from Maplewood Development for rezoning, a major amendment to the Planned Unit Development (PUD) agreement, and a preliminary and final plat approval for the Amber Fields 14th Addition.

Chair Kenninger and Commissioner Reed asked questions about the minimum rear yard setback and conditions. Planner Hogan stated that six southwestern parking stalls are closer to the rear property line than the minimum setback requirement at 8 feet versus the standard 10 feet, only applicable to the preliminary plat area of those six stalls. Commissioner Rivera asked for clarification on the decrease in open space by 5%. Planner Hogan clarified that rezoning from R-1 to R-3 allows for higher density and meets the requirement for the major amendment and that there is nothing to be owed by the applicant for the decrease in open space. Community Development Director Kienberger commented that the decrease from 5% open space is a factor in the proposed major amendment to the PUD for approval. Kienberger deferred to the subdivision agreement within the final plat for information on fees associated with the development. Commissioner Reed asked for further details about the internal Road A extension. Planner Hogan verified that the final plat would show the internal Road A extension for future integration into other roads per the Dakota County Plat Commission's recommendation.

The Public Hearing opened at 6:47 p.m.

Mario Cocchiarella, Maplewood Development - 1128 Harmon Pl Minneapolis, MN 55403

Commissioner Reed asked the applicant for updates on park availability for new, incoming residents. Cocchiarella answered that the park contract has now been let, with all six parks and the trail system to be completed no later than September 1st. Cocchiarella noted that any adjustments made from the initial concept plan are intended to allow diversity of the housing products being built.

The Public Hearing closed at 6:50 p.m.

Motion by Kenninger Second by Reed

Motion to close the Public Hearing.

Ayes: 6.

Nays: None. Motion carried.

Commissioner Comments

Chair Kenninger thanked the applicant for the development in the area and the applicant's due diligence. Commissioner Rivera expressed approval of the parks and trail system being completed prior ahead of time.

Motion by Reed Second by Whitman

1. **Motion** to recommend the City Council approve a Zoning Map amendment to rezone the site from R1 PUD – Low Density Residential Planned Unit Development to R3 PUD – Medium Density Residential Planned Unit Development.

Ayes: 6.

Nays: None. Motion carried.

Motion by Reed Second by Whitman

2. **Motion** to recommend the City Council approve the Preliminary and Final Plats for Amber Fields 14th Addition, subject to:

- a. Execution of a Subdivision Agreement.
- b. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated January 15, 2024.
- c. Road A within Outlot D shall be extended to the south property boundary for future connection.
- d. Conformance with all requirements stated within the Dakota County Plat Commission Memorandum.
- e. Payment of \$57,420 as a landscape surety.
- f. Compliance with the conditions and standards within the Parks and Recreation Director's memorandum dated January 17, 2024.
- g. Payment of trunk area charges in the amount of:
 - I. Sanitary Sewer Trunk Charge: \$1,075/acre
 - II. Watermain Trunk Charge: \$6,500/acre
 - III. Storm Sewer Trunk Charge: \$6,865/acre

Ayes: 6.

Nays: None. Motion carried.

Motion by Reed Second by Whitman

3. **Motion** to recommend the City Council approve a Major Amendment to the Amber Fields Planned Unit Development Agreement, subject to:

- a. Secion 11-4-8. F.6.c. R-3 Minimum rear yard setback: The minimum rear yard setback requirement for surface parking shall be 8-feet.

Ayes: 6.

Nays: None. Motion carried.

- b. Request by Independent School District 196 for approval of a rezoning of the site from AG-Agricultural to R1-Low Density Residential, minor subdivision, conditional use permit, and site plan review for an elementary school to be constructed on site. Planner Hogan presented the application from Independent School District (ISD) 196 for approval of rezoning, a minor subdivision, a conditional use permit, and site plan review for construction of a new elementary school.

Chair Kenninger asked about traffic at the Ardroe Avenue and Bonaire intersection and if there are any traffic signal plans. Planner Hogan answered that access would be south of Bonaire Path, and any traffic signal plans are unknown since there is no traffic study. Senior Planner Nemcek commented that having access through Bonaire gives the city authority to make decisions on what is needed at that intersection. Chair Kenninger expressed concern for households crossing Bonaire Path from the neighborhood north of the site. Nemcek noted there is a trail system planned for the south side of Bonaire and along Akron Avenue. Commissioner Reed noted that he would be interested to see the results of the pending

traffic study, and he was happy to see the trail south of Bonaire. Reed asked for further explanation on stormwater and drinking water management and protection. Planner Hogan deferred to the applicant and noted that the engineering department reviews all the plans to work with the applicant in the process. Commissioner Hebert asked about pedestrian traffic along Akron Avenue with the railroad. Planner Hogan and Senior Planner Nemcek deferred to the applicant.

The public hearing opened at 7:06 p.m.

Rachel Thelen & Jacob Maeser - 13521 Carrakay Way Rosemount, MN 55068

Chair Kenninger acknowledged that all commissioners received a letter from these property owners and have had a chance to read it it.

Kathleen Engesser - 13675 Applewood Trl Rosemount, MN 55068

Engesser approved of the new elementary school, but also expressed concern for safety and traffic at the Akron Avenue and Bonaire Path intersection. Engesser stated she would like the project delayed until the traffic study is done.

Scott McQueen, Wold Architects and Engineers - 332 Minnesota St Saint Paul, MN 55101

Bill Diede, Bolton & Menk - 7575 Golden Valley Rd Minneapolis, MN 55427

Mark Stotts, ISD 196 - 3455 153rd St W Rosemount, MN 55068

Commissioner Reed asked for clarification on the stormwater and drinking water engineering review, and if it needs to be completed before final approval. Scott McQueen deferred to the project engineer, Bill Diede. Diede shared that the higher level of engineering review is due to the site location's drinking water's moderate vulnerability, and the drinking water supply management area will require a more extensive review. Planner Hogan commented that the review will need to be completed prior to approval. Commissioner Hebert inquired about pedestrian traffic within that area and the expected student capacity. McQueen elaborated on the potential outcomes and needs as a result of the pending traffic study for nearby neighborhoods. Mark Stotts shared further that the traffic study will provide insight into which roads are hazardous for students, and speculated that the majority of students living to the north, south, and west of the site will be bused to the new school. Stotts stated the capacity of the school is 638 students, not including early-childhood programs. Commissioner Whitman asked for clarification on the motion to continue the public hearing until the traffic study is complete. Scott McQueen shared that there wouldn't be opposition to continuing the public hearing further.

The public hearing closed at 7:18 p.m.

Motion by Kenninger Second by Reed

Motion to close the Public Hearing

Ayes: 6.

Nays: None. Motion carried.

Commissioner Comments

Chair Kenninger expressed the desire to continue this item for the next meeting. Commissioner Reed asked what authority the city has to change the current two-way stop to a four-way stop. Senior Planner Nemcek stated that the city meets with Dakota County on a regular basis, and that there are plans for Akron and Bonaire to be improved down the line, but that improvement has not been decided yet. Community Development Director

Kienberger noted that the city would like to see improvements at Bonaire and Akron prior to the school being in operation and not after, which will be in further discussion with Dakota County.

Motion by Kenninger Second by Reed

1. **Motion** to continue the Public Hearing until the Planning Commission Meeting on February 26, 2024, so that a traffic study can be provided to the city for review.

Ayes: 6.

Nays: None. Motion carried.

- c. Request by Spectro Alloys for approval of a preliminary plat, a site plan review, and a variance to construct a 70,000 square foot addition to the existing building at 13135 Doyle Path and combine the site into a single parcel.

Senior Planner Nemcek presented the application from Spectro Alloys for approval of a preliminary plat, site plan review, a variance to construct a 70,000 square foot expansion, and to combine the site into a single parcel.

Chair Kenninger asked about the setback requirements for the existing building. Senior Planner Nemcek answered that the existing building does meet the setback requirement. Nemcek noted that the site is located in the Mississippi River Critical Corridor Area, therefore subject to provisions in the city code for certain setback requirements. Nemcek shared that the setback is consistent with the warehouse project that was reviewed.

The public hearing opened at 7:39 p.m.

Luke Palen, Spectro Alloys - 13220 Doyle Path Rosemount, MN 55068

Dan Lavender, Stantec -

Commissioner Reed asked about the gap in landscaping. Palen deferred to Lavender from Stantec. Lavender shared that the required number of trees would not fit, and that there is a significant number of trees on the site as a whole. Lavender shared that the trees east of the site were planted years ago, and asked that the existing, untouched forests be considered as well. Commissioner Whitman asked for clarification on expansion of outdoor storage. Palen verified that there is no expansion of outdoor storage within the project and that all outdoor storage will be completely screened from the road.

The public hearing closed at 7:45 p.m.

Motion by Kenninger Second by Hebert

Motion to close the Public Hearing

Ayes: 6.

Nays: None. Motion carried.

Commissioner Comments

Chair Kenninger confirmed with Senior Planner Nemcek that condition 5 would be omitted from the site plan and condition 4 of the third motion would be changed to include landscaping to cover the screening wall and outdoor storage area. Nemcek stated that developers can receive credit for existing trees on site, and recommended a tree survey to

the applicant. Commissioner Reed thanked Spectro Alloys for being a great partner for the city and for their cooperation. Chair Kenninger shared her opinion that since the site is in an industrial area, the 20 feet setback is a non-issue.

Motion by Kenninger Second by Whitman

1. **Motion by the Board of Appeals and Adjustments** to approve a variance from the GI-General Industrial standards reducing the minimum setback from Courthouse Boulevard from 75 ft to 55 ft, subject to the platting of the overall Spectro Alloys site into a single parcel.

Ayes: 6.

Nays: None. Motion carried.

Motion by Kenninger Second by Whitman

2. **Motion** to recommend the City Council approve the Spectro Alloys Third Addition preliminary plat, subject to the following conditions:

1. Vacation of the Doyle Path right of way prior to final plat approval.
2. Dedication of any easements required by the City Engineer.
3. The applicant shall update the City regarding any changes in status related to a planned stormwater outlet beneath the railroad.

Ayes: 6.

Nays: None. Motion carried.

Motion by Kenninger Second by Whitman

3. **Motion** to approve the site plan for the Applicant's proposed aluminum billet production facility, subject to the following conditions with edits:

1. Approval of a variance to reduce the setback along Courthouse Boulevard from 75' to 55'.
2. Approval of a final plat for Spectro Alloys Third Addition to combine the site into a single parcel.
3. Vacation of existing easements within the development area.
4. The applicant shall update the landscape plan to cover the screening wall and outdoor storage area.
5. Existing easements internal to the subject property where the proposed building will be located shall be vacated prior to issuance of a building permit.
6. Conformance with all the requirements of the City's engineer contained in the memorandum dated January 15, 2024.

Ayes: 6.

Nays: None. Motion carried.

- d. Request by Maplewood Development for Amber Fields 15th Addition preliminary and final plat approval to create 167 single-family lots.

Senior Planner Nemcek presented the application from Maplewood Development for approval of preliminary and final plats to create 167 single-family homes.

Commissioner Reed asked if there is a risk for ground contamination within the area. Senior Planner Nemcek referred to the Remedial Investigation that found no contamination in the

development area.

The public hearing opened at 7:58 p.m.

The public hearing closed at 7:58 p.m.

Motion by Kenninger Second by Reed

Motion to close the Public Hearing

Ayes: 6.

Nays: None. Motion carried.

Motion by Rivera Second by Reed

Motion to recommend the City Council approve the Amber Fields 15th Addition Preliminary Plat and Final Plats, subject to the following conditions:

A. Execution of a Subdivision Agreement.

B. The plat shall be updated to provide a connection to a future 155th Street south of the plat area.

C. The applicant shall work with public works to address snow storage in the northeast corner of the plat area.

D. Submittal of a landscaping surety in the amount of \$69,300

E. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated January 15, 2024.

F. Conformance with all requirements stated within the Dakota County Plat Commission Memorandum.

G. Compliance with the conditions and standards within the Parks and Recreation Director's memorandum dated January 17, 2024.

H. Payment of trunk area charges in the amount of:

1. Sanitary Sewer Trunk Charge: \$1,075/acre

2. Watermain Trunk Charge: \$6,500/acre

3. Storm Sewer Trunk Charge: \$6,865/acre

Ayes: 6.

Nays: None. Motion carried.

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

Senior Planner Nemcek presented the application from Danner, Inc. for a small-scale mineral extraction permit renewal for 2024.

The public hearing opened at 8:02 p.m.

The public hearing closed at 8:02 p.m.

Motion by Kenninger Second by Thiagarajan

Motion to close the Public Hearing

Ayes: 6.

Nays: None. Motion carried.

Motion by Reed Second by Hebert

Motion to recommend the City Council renew the Danner, Inc. Small Scale Mineral Extraction Permit for 2024, subject to the terms and conditions in the attached Draft 2024 Conditions for Mineral Extraction AND subject to the applicant verifying the lowest elevation within the excavation area.

Ayes: 6.

Nays: None. Motion .

NEW BUSINESS

None.

DISCUSSION

Senior Planner Nemcek reminded the Commissioners of the joint work session on February 6th at 5:00 p.m. Commissioner Reed asked if landscape planning would be part of the discussion at the joint work session. Community Development Director Kienberger answered that landscape planning could be a discussion item for the upcoming meeting. Chair Kenninger asked about receiving documentation for the zoning code update. Kienberger elaborated on the process for review by the Commissioners and City Council. Commissioner Whitman noted his absence for the upcoming February 6th joint work session.

ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:11 p.m.

Respectfully submitted,

Alysha Grant
Community Development Technician