

**ROSEMOUNT PLANNING COMMISSION
REGULAR MEETING PROCEEDINGS
MAY 28, 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, May 28, 2024, at 6:30 PM. in Rosemount Council Chambers, 2875 145th Street West.

Chairperson Kenninger called the meeting to order with Commissioners Beadner, Buggi, Ellis, Reed, and Rivera. The Pledge of Allegiance was said.

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

a. Election of Chair and Vice-Chair

Melissa Kenninger was re-elected as Chair, and Michael Reed was re-elected as Vice-Chair from May 2024 to April 2025 while they serve on the Planning Commission.

Motion by Ellis Second by Rivera

Motion to close the nomination of the Chair of the Planning Commission.

Ayes: 6.

Nays: None. Motion Carried.

Motion by Reed Second by Beadner

Motion to elect Melissa Kenninger as Chair of the Planning Commission.

Ayes: 6.

Nays: None. Motion Carried.

Motion by Kenninger Second by Buggi

Motion to close the nomination of the Vice-Chair of the Planning Commission.

Ayes: 6.

Nays: None. Motion Carried.

Motion by Kenninger Second by Ellis

Motion to elect Michael Reed as Vice-Chair of the Planning Commission.

Ayes: 6.

Nays: None. Motion Carried.

ADDITIONS TO AGENDA

Senior Planner Nemcek noted the applicant, Maplewood Development, requested the item 6a. be moved for presentation after item 6c. due to scheduling conflicts. The Commissioners

approved the item moving further below in the agenda.

AUDIENCE INPUT

None.

CONSENT AGENDA

Motion by Kenninger **Second by** Reed

Motion to approve the Consent Agenda.

Ayes: 6.

Nays: None. Motion Carried.

- a. Minutes of the April 23, 2024 Regular Meeting

OLD BUSINESS

PUBLIC HEARINGS

- a. Request by Maplewood Development for rezoning and preliminary and final plat approval for Amber Fields 18th Addition to create 66 single family lots.
Planner Hogan presented the application from Maplewood Development for rezoning and approval of the preliminary and final plat for Amber Fields 18th Addition for 66 single-family lots.

Commissioner Comments

Commissioner Reed asked about the greenway and where it would go. Senior Planner Nemcek shared Dakota County's plans to extend the Vermillion Highlands Greenway and that there is an easement for the trail within the Right-of-Way (ROW).

The Public Hearing opened at 8:24 p.m.

The Public Hearing closed at 8:24 p.m.

Motion by Kenninger **Second by** Reed

Motion to close the Public Hearing.

Ayes: 6.

Nays: None. Motion Carried.

Motion by Beadner **Second by** Reed

Motion to recommend the City Council approve a Zoning Map Amendment to rezone the site from PI PUD – Public Institutional Planned Unit Development to R1 PUD – Low Density Residential Planned Unit Development.

Ayes: 6.

Nays: None. Motion Carried.

Motion by Beadner **Second by** Ellis

Motion to recommend the City Council approve the Amber Fields 18th Addition

Preliminary Plat and Final Plats, subject to the following conditions:

- a. Execution of a Subdivision Agreement.
- b. Submittal of a landscaping surety in the amount of \$25,080.
- c. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated May 13, 2024.
- d. Compliance with the conditions and standards within the Parks and Recreation Director's memorandum dated May 22, 2024.
- e. 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.

- b. Variance request by Kevin Moquin to construct an addition to an existing accessory structure that would exceed the maximum area allowed by the zoning ordinance. Senior Planner Nemcek presented the request from Keith Moquin request a variance to construct an addition to an existing garage structure.

Commissioner Comments

Commissioners discussed with City staff and asked about the placement of the requested structure, conformance with City building and zoning codes, required variance findings, and alternative options available to the property owner.

The Public Hearing opened at 6:53 p.m.

Keith Moquin - 4101 143rd Street West Rosemount, MN 55068

The applicant Keith Moquin elaborated on the history and typography of the property, presenting photographic materials to Commissioners.

Sarah Parrish - 14096 Dearborn Path Rosemount, MN 55068

Parrish shared that she had no objection to the garage addition and variance request.

The Public Hearing closed at 7:19 p.m.

Motion by Kenninger **Second by** Reed

Motion to close the Public Hearing.

Ayes: 6.

Nays: None. Motion Carried.

Motion by Kenninger **Second by** Reed

Motion to adopt a resolution denying a variance from the R1-Low Density Residential standards to increase the maximum aggregate total for any accessory building(s), excluding attached garage, from one thousand (1,000) square feet to 1,816 square feet.

Ayes: 6.

Nays: None. Motion Carried.

- c. Request by 814 Services, LLC, for a Site Plan Review to develop a childcare center.

Planner Hogan presented the application from 814 Services, LLC, for a final building and site plan review to develop a childcare center.

Commissioner Comments

Commissioner Reed asked about the turning radius concerns. Planner Hogan shared the turning radius concerns as it pertains to fire access, noting that there were some changes with the site plan the applicant can speak to. Chair Kenninger verified with Planner Hogan that the site plan review will not proceed to City Council for approval. Commissioner Ellis asked if there are any restrictions on the children's play area that backs up to County Road forty-two (42). CD Director Kienberger stated that there are no current code restrictions and deferred to the applicant to expand on fencing standards and business operations. Planner Hogan clarified that the play area is approximately thirty feet (30') from the property line and the Right-of-Way (ROW) also separates the property from County Road forty-two (42).

The Public Hearing opened at 7:36 p.m.

Bradford Egan - 814 Services, LLC

Egan provided background on the drive-aisle entrance, sharing that the curbed median was planned for traffic flow safety in the original site plan. However, with the new updated site plan, the curb is removed and resolves concerns about turning radius and fire safety. Egan noted that the landscaping plan will be cleared by the engineering department, and that another elevation plan is being made to meet the 50% masonry requirement. Chair Kenninger verified with Egan that the distance from the play area to County Road forty-two (42) is approximately 40–50 feet with a five feet (5') elevation change. He shared that the play area is mostly south of the building and slightly eastern with the updated site plan. Egan noted the fence would most likely be a six-feet (6') tall, black chain-linked fence. Commissioner Buggi asked about egress in the case of emergency. Egan shared that all classrooms have a door leading to the exterior, and that there would be a gate to the southwest and northeast corners from the play area. Commissioner Beadner asked about landscaping within the play area. Egan stated that trees can be more of a safety hazard within the play area versus outside of them.

The Public Hearing closed at 7:49 p.m.

Motion by Kenninger Second by Reed

Motion to close the Public Hearing.

Ayes: 6.

Nays: None. Motion Carried.

Motion by Reed Second by Ellis

Motion to approve a site plan review allowing 814 Services, LLC, to construct a childcare center, subject to the following conditions:

1. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated May 17, 2024.
2. The architectural elevations shall be updated to provide a minimum of 50%

natural stone or brick.

3. The applicant shall update the landscaping plan to bring the number of trees into conformance with the requirements of the zoning ordinance.

4. Payment of \$12,960 in lieu of park land dedication, to be collected with the building permit fee.

5. Applicant will need to verify that lumens on the photometric plan do not exceed .05 at residential property lines prior to issuance of building permit.

6. Light fixtures within 100 feet of a residential property line shall be no higher than 20 feet.

7. A sign permit is required for any on-site signage.

Ayes: 6.

Nays: None. Motion Carried.

- d. Request by Enclave Companies for approval of a rezoning of the subject property from R4 PUD to R3 PUD and a major amendment to the Amber Fields Planned Unit Development to construct 178 townhomes on Lot 1 Block 1, Amber Fields 6th Addition.

Senior Planner Nemcek presented the request by Enclave Companies to construct 178 townhomes on Lot 1 Block 1, Amber Fields 6th Addition.

Commissioner Comments

Chair Kenninger asked for clarification on the trees condition. Senior Planner Nemcek noted the condition pertains to updating the Landscaping Plan. Commissioner Rivera asked if the townhomes were market-rate. Nemcek deferred to the applicant for the question. Commissioner Buggi and Chair Kenninger verified with Nemcek that the maximum building height of 35' to 38' is for the six back-to-back internal buildings. Commissioner Reed expressed approval of the project.

The Public Hearing opened at 8:07 p.m.

Brian Bachman - Enclave Companies

Bachman provided background on Enclave Companies and the proposal before the Planning Commission. Bachman commented that the townhomes were going to be market-rate.

The Public Hearing closed at 8:11 p.m.

Motion by Kenninger Second by Buggi

Motion to close the Public Hearing.

Ayes: 6.

Nays: None. Motion Carried.

Motion by Rivera Second by Beadner

Motion to recommend the City Council approve an amendment to the Rosemount Zoning Map to change the zoning district of Lot 1, Block 1, Amber Fields 6th Addition from R4 PUD - High Density Residential Planned Unit Development to R3 PUD - Medium Density Planned Unit Development.

Ayes: 6.

Nays: None. Motion Carried.

Motion by Rivera Second by Ellis

Motion to recommend the City Council approve a Major Amendment to the Amber Fields Planned Unit Development to allow Enclave Companies to construct 178 townhomes and a community building on Lot 1, Block 1, Amber Fields 6th Addition, subject to the following:

1. The applicant shall submit an updated landscaping plan to provide a total of 178 overstory trees.
2. A deviation from section 11-12-18: G. Single-Family Attached Dwelling Parking Requirements reducing the minimum required guest parking stalls from 89 spaces to 62 spaces (.5 per unit to .34 per unit).
3. A deviation from section 11-4-8: F. 7. R3 Maximum Gross Density increasing the maximum density from 12 units per acre to 12.2 units per acre.
4. A deviation from section 11-4-8: F8 R3 Maximum Building Height increasing the maximum building height from 35' to 38'.
5. Conformance with all comments contained within the Engineer's Memo Dated March 14, 2024.

Ayes: 6.

Nays: None. Motion Carried.

A five-minute recess was held at 8:13 p.m. The meeting resumed at 8:18 p.m.

e. **Zoning Code Update - Zoning Map**

Jeff Miller, an Associate from HKGi, presented the proposal to the Planning Commission to recommend the City Council the updated zoning map as part of the 2024 zoning code update. CD Director Kienberger shared the process of updating the zoning code over the past year, and the plans to move forward to City Council for adoption on June 4th, 2024.

Commissioner Comments

Commissioners asked about one property, which is a residential dwelling, being rezoned as MX1-Downtown Mixed-Use district. Senior Planner Nemcek shared the property can continue to utilize the property as-is, or the use may be changed that is permitted within the zoning district. Chair Kenninger asked for clarification on the agricultural and agricultural preserve zoning districts. Miller shared that the properties designated as agricultural preserve are shown within the proposed map, whereas the former map did not show those properties with the following tax designation. Commissioner Rivera verified with City staff that the map's legend would be adjusted within the City's GIS department. Commissioner Beadner asked how properties are being notified of the zoning change. Senior Planner Nemcek stated that the zoning code update is being shared at public community events, social media, the City's website, in the City newsletter, and notices within the City's chosen newspaper.

The Public Hearing opened at 8:51 p.m.

The Public Hearing closed at 8:51 p.m.

Motion by Kenninger Second by Reed

Motion to close the Public Hearing.

Ayes: 6.

Nays: None. Motion Carried.

Motion by Reed **Second by** Ellis

Motion to Hold a public hearing and to recommend the City Council adopt the proposed zoning map.

Ayes: 6.

Nays: None. Motion Carried.

NEW BUSINESS

None.

DISCUSSION

Commissioner Reed asked City staff about the development activity and plans for the school district within Rosemount. CD Director Kienberger shared that the City works closely with the school district. However, the school district conducts its own site locating and planning independently. Kienberger noted the largest voter referendum was approved in Minnesota state history for ISD 196 for school and facility improvements.

ADJOURNMENT

There being no further business to come before the Planning Commission at the regular meeting, the meeting was adjourned at 8:54 p.m.

Respectfully submitted,

Alysha Grant
Community Development Technician