ROSEMOUNT
MINNESOTA

AGENDA
Planning Commission Regular Meeting
Tuesday, September 24, 2024
6:30 PM
City Council Chambers, City Hall

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE**
2. **ADDITIONS TO AGENDA**
3. **AUDIENCE INPUT**
4. **CONSENT AGENDA**
   a. Minutes of the August 27, 2024 Regular Meeting Minutes
5. **OLD BUSINESS**
   a. Request by KJ Walk for approval of a PUD Final Site and Building Plan and a Major Amendment to the Rosewood Commons Planned Unit Development Agreement to allow for the construction of two commercial buildings with outdoor dining and a drive-through facility.
6. **PUBLIC HEARINGS**
   a. Request by Furlong Excavating for renewal of its Small-Scale Mineral Extraction Permit for 2025.
   b. Request by Dakota Aggregates for an amendment to its Large Scale Mineral Extraction Permit.
   c. Conditional Use Permit Request by Hussein Abdullahi for a Live/Work Dwelling in the MX-1 Downtown Mixed Use District.
7. **NEW BUSINESS**
8. **DISCUSSION**
9. **ADJOURNMENT**

ROSEMOUNT PLANNING COMMISSION
REGULAR MEETING PROCEEDINGS
AUGUST 27, 2024

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Pursuant to due call and notice thereof, a regular meeting of the Rosemount Planning Commission was held on Tuesday, August 27, 2024, at 6:30 PM. in Rosemount Council Chambers, 2875 145th Street West.

Chairperson Kenninger called the meeting to order with Commissioners Ellis, Buggi and Whitman. Commissioners Reed, Beadner and Rivera were absent.

ADDITIONS TO AGENDA

None.

AUDIENCE INPUT

None.

CONSENT AGENDA

Motion by Kenninger **Second by** Ellis

Motion to approve consent agenda

Ayes: 4.

Nays: None. Motion Carried.

a. Minutes of the July 23, 2024 Regular Meeting

OLD BUSINESS

a. Request by KJ Walk for approval of a PUD Final Site and Building Plan and a Major Amendment to the Rosewood Commons Planned Unit Development Agreement to allow for the construction of two commercial buildings with outdoor dining and a drive-through facility.

Chairperson Kenninger noted this item was continued from a previous meeting and staff is requesting to continue this item to the next meeting.

Motion by Kenninger **Second by** Whitman

Motion to continue the Planning Commission agenda item until the Planning Commission Meeting on September 24, 2024.

Ayes: 4.

Nays: None. Motion Carried.

Chairperson Kenninger noted, no new public hearing notices will be issued as the notices were submitting for the July meeting.

PUBLIC HEARINGS

a. Request by Today's Life Childcare for a Site Plan Review

Senior Planner Nemcek provided an overview of a request to review the site plan submitted by Today's Life Childcare to construct a child care center at 2634 149th Street West. The site of the proposed child care center is within the Rosewood Center 2nd Addition plat area. The subject parcel was originally an outlot of the Rosewood Estates single-family neighborhood immediately to the north of the commercial area along CSAH 42. This area was platted as Rosewood Center in 2014, and that year the adjacent Anytime Fitness was constructed. The subject parcel is zoned MX-2 Highway Mixed Use, and childcare centers are listed as a use that is permitted with standards within that zoning district.

The parking requirement for daycare centers is 1 stall per 5 children plus one per room with additional parking to accommodate vans or buses used by the facility. The proposed center will contain 9 rooms and accommodate 148 children. There is a proposed retaining wall within the easement along the western perimeter of the site, and the applicant will need to work with the City to execute an encroachment agreement for the wall or identify possible changes to the site's grading.

Commissioner Whitman questioned whether a photometric study is something applicants typically provide to show evidence that they are complying with the zoning code? Senior Planner Nemcek noted because the number of lumens are indecipherable on the analysis, it was not noted in the presentation however the information was described in the memo and the photometric study included in the packet.

Chairperson Kenninger questioned the outside play area and the proximity to the property line. Mr. Nemcek noted the area is 10 feet back from the property line and approximately 50 feet from the actual edge of County Road 42. In addition, there will be landscaping between that area.

Chairperson Kenninger opened up the public hearing.

Elise Mademann
11665 Azure Court
Inver Grove
Heights
Ms. Mademann, property owner of Mademann Properties (Sola Salon) which is west of the subject property has concerns regarding the variety of businesses, the view of the trash receptacles from her salon, the retaining wall placement and the parking lot lights.

Ms. Mademann noted the New Horizon daycare facility is already within the area, is another one needed? The trash receptacles will be right in view of when people look at the salon window. Is there another location for the trash receptables? The retaining wall placement will not provide privacy for those working out or for children playing in the area as there are no window coverings in the gym windows. Ms. Mademann questioned whether the lights would be on an automatic timer as she was wondering if the lights would be shining into her salon.

Peter Hilger, Rylaur, LLC.
14 Pheasant Lane North Oaks MN 55127
Mr. Hilger is the architect on this project and is present to help answer questions. He first addressed that this is the second similar facility in that area because this childcare facility is thought to be on a normal commuting route where there will be a concentration of different offerings of childcare demanded. He addressed the landscaping, dumpster location and the hours of operation noting they

want to be good neighbors and will work to be one by addressing these concerns.

Motion by Kenninger **Second by** Buggi

Motion to Close the Public Hearing on Item 6a.

Ayes: 4.
Nays: None. Motion carried.

Commissioner Whitman reminded all parties to be neighborly and questioned how staff is handling any neighbor concerns. Senior Planner Nemcek responded that it's up to the neighbors to handle any issues or concerns assuming all parties comply with city codes. City staff fields phone calls and then connects the appropriate people to solve any issues.

Commissioner Kenninger echoed Mr. Whitman's concern and stated if there are small steps we can make such as a landscaping shift to keep fellow business owners happy. Let's make those changes and work together to keep this a harmonious adventure for all.

Motion by Kenninger **Second by** Whitman

Motion to approve a site plan review allowing Today's Life Childcare to construct a child care center at 2634 149th Street West, subject to the following conditions:

1. Payment of $11,160.00 in lieu of park land dedication prior to the issuance of a building permit.
2. The applicant shall apply for and receive a sign permit prior to the installation of any site signage.
3. Payment of any remaining development fees not collected during the plat process.
4. The applicant shall work with the City Engineer to address the proposed retaining wall within the western perimeter easement.
5. Conformance with any requirements of the City Engineer related to the site's civil plans.

Ayes: 4.
Nays: None. Motion Carried.

b. Request by Kwik Trip for approval of a PUD Final Site and Building Plan and a Conditional Use Permit

Eric Van Oss, Economic Development Coordinator, provided an overview for a request by Kwik Trip for approval of a PUD final site and building plan and a conditional use permit to construct an 11,000 ft convenience store and detached accessory car wash and fuel station located at the South corner of Hwy 42 and Akron. Access points will be from Upper 144th St W and shared exit with childcare facility. The applicant's landscape plan includes 60 trees and 128 foundation plantings to meet the minimum requirements. The site will have a combination of wall and pole mounted lighting; the pole mounts will be 16 ft. in height. There is a large storm water pond for adjacent developments on the north side of the plat. Van Oss reported the applicant meets 7 general standards for all CUP's, along with 12 standards specific to automobile fuel stations. He is recommending the motion be approved.

Chairperson Kenninger questioned the exiting traffic and using upper 143rd as well, which Van Oss confirmed. Kenninger requested clarification on parking so that the space is not getting bogged down

and was reassured that there will be plenty of maneuverability at the site.

Chairperson Ellis asked if making the canopy bigger doesn't pose any problems? Mr. Van Oss explained that the canopy is already under code so there is no worry that adding a little additional canopy will not get near the minimum code.

Public hearing is opened by Chairperson Kenninger. No public approached.

Motion by Kenninger **Second by** Whitman

Motion to **Motion** to approve the Planned Unit Development Final Site and Building Plan for Kwik Trip to construct a convenience store, detached car wash, and an automobile fuel station, subject to the following conditions.

1. Approval of a Conditional Use Permit for automobile fuel station facilities.
2. Provide a landscaping surety bond of $35,925.
3. Applicant shall work with staff to verify lumens identified on the photometric plan do not exceed 1.0 lumens at non-residential property lines.
4. Non-essential lighting shall be turned off after business hours.
5. No public address system shall be audible from a noncommercial or nonindustrial use or district.
6. The facility will comply with the restrictions on outside storage, display, and services as outlined in City Code section 11-6-3.
7. Provide updated plans showing car wash and gas pump stacking in addition to updating the minimum distance (24') between pump rows.
8. Payment of $43,110.00 in lieu of park land dedication, to be collected with the building permit fee.
9. Compliance with all comments and requirements of the City's engineer detailed in the Engineer's Memo dated June 12, 2024.
10. A sign permit is required for any on-site signage.

Motion to recommend the City Council approve a Conditional Use Permit allowing automobile fuel station.

Ayes: 4.
Nays: None. Motion Carried.

Chairperson Kenninger commented how it's exciting to have another gas station coming to our community, as they've heard many residents request one.

Mr. Whitman is requesting information about the process from staff and whether the Planning Commission should get additional information prior to the meeting.

Adam Kienberger, Community Development Director, responded to Mr. Whitman's inquiry. Kienberger explains that this is a timeliness aspect based on the developers' plans and that here in Rosemount we strive for timely review of development projects. Our staff makes educated assumptions based on the information they are given or what's left out.

Dean George
1626 Oak Street LaCrosse, Wisconsin
Mr. George said that there will be ample space to shift the entire site 10 feet if needed and the reason for the extra parking is to accommodate 8-14 full-time staff for the Kwik Trip. If the canopy needs to be adjusted, it will become a custom canopy. They are not anticipating issues with the drive isle; the pumps are precisely located so that customers do not drive in between them.

Commissioner Whitman appreciated Mr. George's comments reaffirmed that the plan is up to code and the criteria are met and requested all upcoming projects to submit all information prior to coming to the Planning Commission.

Motion by Buggi **Second by** Ellis

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1. Approval of a Conditional Use Permit for automobile fuel station facilities.
2. Provide a landscaping surety bond of $35,925.
3. Applicant shall work with staff to verify lumens identified on the photometric plan do not exceed 1.0 lumens at non-residential property lines.
4. Non-essential lighting shall be turned off after business hours.
5. No public address system shall be audible from a noncommercial or nonindustrial use or district.
6. The facility will comply with the restrictions on outside storage, display, and services as outlined in City Code section 11-6-3.
7. Provide updated plans showing car wash and gas pump stacking in addition to updating the minimum distance (24') between pump rows.
8. Payment of $43,110.00 in lieu of park land dedication, to be collected with the building permit fee.
9. Compliance with all comments and requirements of the City's engineer detailed in the Engineer's Memo dated June 12, 2024.
10. A sign permit is required for any on-site signage.

Motion to recommend the City Council approve a Conditional Use Permit allowing automobile fuel station.

Ayes: 4.
Nays: None. Motion Carried.

Motion by Buggi **Second by** Whitman

Motion to recommend the City Council approve a Conditional Use Permit allowing automobile fuel station.

Ayes: 4.
Nays: None. Motion carried.

c. Request by David Weekley Homes for a Variance from the Rear Yard Setback Requirement for Principal Structures in the R-1 PUD - Low Density Traditional Residential Planned Unit Development Zoning District.

Julia Hogan, Planner, presented the request to consider an application from David Weekley Homes for a variance from the minimum rear yard setback requirement for principal structures in order to facilitate the construction of a new home at 15035 Ardgillan Road in the R-1 PUD – Low Density Traditional Residential Planned Unit Development zoning district. The applicant is requesting a variance that would reduce the minimum rear yard setback for principal structures from 20 feet to 16 feet. Staff recommends that the Planning Commission acting as the Board of Appeals and Adjustments to approve the variance request. The subject property is located between Ardgillan Road and 151st Street West within the Amber Fields10th Addition subdivision.

On the submitted site plan it shows that the northwest area of the lot is angled, which is causing the issue of meeting the minimum rear yard setback standard for that portion of the rear yard area. This lot abuts two outlot-Outlot B, located directly west and is reserved as open space, and Outlot A, located northeast of the parcel and also used as open space. Both outlots contain drainage and utility easements over them. The proposed home is able to meet the 20-foot minimum rear yard setback requirement in the northeast portion of the rear yard but is only able to meet a setback of 16-feet from the northwest area.

The applicant submitted a narrative which speaks to the needs for the variance request. In that narrative the applicant spoke about why the home itself would not be able to be reduced in size so that it could meet the rear setback requirement. If the home size was decreased, the functionality of multiple rooms in the house would be affected. The attached garage would also not be able to be reduced as there are standards within the zoning code for minimum square footage of attached garages. The applicant explored alternative designs for the home but was not able to make one work without the need for a variance.

The Board of Zoning Appeals must approve or deny each request based on findings related to each of the five standards. Staff is recommending approval of the Variance request by the Board of Appeals and Adjustments based on the findings of the five standards.

Chairperson Kenninger confirmed the lot coverage as the patio included is close to exceeding the requirement. Ms. Hogan confirmed the patio size meets the requirement and confirm the applicant is aware of the setback regulations.

Chairperson Kenninger opened up the public hearing.

Motion by Kenninger **Second by** Whitman
Motion to close the public hearing
Ayes: 4.
Nays: None. Motion carried.

Chairperson Kenninger stated the action before Planning Commission is a great solution especially given this is only for one lot, the unique shape and the fact that the house does not back up to another house.

Motion by Ellis **Second by** Buggi

Motion by the Planning Commission acting as the Board of Appeals and Adjustments to adopt a resolution approving a variance from the R-1 PUD – Low Density Traditional Residential Planned Unit Development rear yard setback standard for principal structures from twenty (20) feet to sixteen (16) feet at 15035 Ardgillan Road.

Ayes: 4.

Nays: None. Motion Carried.

d. Request by RGA Holdings, LLC to rezone 211 acres of land from AG-Agriculture to B2-Employment.

Senior Planner, Anthony Nemcek, presented the request to consider a request by RGA Holdings, LLC., to rezone approximately 217 acres of land located west of Blaine Avenue and north of CSAH 42, except for the property owned by St. John's Lutheran Church at the intersection of those two roads. The applicant is requesting that the zoning classification of the site be changed from AG-Agriculture to B2-Employment. The current zoning classification is not in conformance with the City's adopted Comprehensive Land Use Map, which designates the subject property for Business Park development.

Mr. Nemcek noted there is a small piece of land in the southwest portion of the subject parcel that is designated as CC-Community Commercial which will be located within the future right of way of an extension of Audrey Avenue to the north. Because this roadway will also serve traffic generated by future commercial development to the west of the subject parcel, staff finds the rezoning of this land to B2-Employment to be consistent with the Comprehensive Land Use Plan.

The applicant has been working to assemble the site to market it for development, and bringing the site's zoning into conformance with the City's Comprehensive Plan will provide clarity and eliminate confusion for potential users.

Mr. Nemcek confirmed the City has not received any applications for development proposals on the site. Because of the large size of the site, the applicant has completed an Alternative Urban Areawide Review (AUAR) in anticipation of any required environmental reviews triggered by development beyond the threshold that would require an Environmental Assessment Worksheet (EAW). The AUAR anticipated two potential development scenarios for the site; a distribution center or a data center.

Staff has informed the applicant that Connemara Trail is planned to extend to Blaine Ave and connect with it at 140th Street East as the extension must be accommodated through the development of the site while meeting the city's engineering standards for a collector road. In addition, informed the applicant to keep in mind in their discussions with future developers to be aware of placement of equipment that may generate noise or impact adjacent properties such as the church.

Chairperson Kenninger questioned the rezoning action for this evening, to clarify the action for the commercial area on the map. Mr. Nemcek confirmed the map currently shows a commercial strip that is for a future right of way and currently zoned agriculture and the recommendation is to rezone this strip to B2.

Staff confirmed that this area was guided Business Park prior to Talamore housing development being built.

Commissioner Whitman confirmed with staff that no projects have been brought forth to staff at this

point. Also noted, that any project that comes forward will need to fall within the scope of the AUAR unless the developer chooses to go through another AUAR or environmental review.

Chairperson Kenninger opened the public hearing.

James Patrick
14253 Allium Court
James questioned what type of businesses are included within B2 zoning? Senior Planner, Nemcek, responded that a typical business type could be what you would see along the south of county road 42 and Highway 3 along Business Parkway.

Al Bester
Owns Farm Along County Road 42 (1659 145th Street E)
Mr. Bester stated if this development does turn into a data center, that data centers use a lot of water. Mr. Bester stated the Department of Natural Resources is concerned with the farmers' usage of water for irrigation purposes and questioned what will happen in the future with more data centers using all the water and questioned whether the farmers will still get blamed for the water usage.

Christopher Horton
14385 Blaine Avenue
Mr. Horton resides at St. John's Church and requested clarification regarding Mr. Nemcek's comment that distribution centers would be allowed and questioned whether there would be any sound requirements as distribution centers will likely have trucks with back up beepers.

Motion by Kenninger **Second by** Ellis
Motion to close the public hearing
Ayes: 4.
Nays: None. Motion carried.

Chairperson Kenninger followed up with staff regarding any sound restrictions in this area. Mr. Nemcek confirmed distribution centers are a use that would be allowed in the business park zoning district, the trucks that could be backing up would simply refer to the city's noise ordinance. The hope would be that the design of the development will be mindful of the residents and the church of any possible noise nuisances by for example turning off the beep. These types of discussions do take place with the developer during preliminary meetings once a project has been submitted.

Mr. Nemcek responded to the water usage comment from Mr. Bester, noting because a data center is a possible development, the AUAR review process with the Metropolitan Council objected the AUAR at the initial step due to the water usage. The AUAR was then updated to specify dry cooling for any sort of cooling to cool the servers, so a data center would use significantly less amount of water. Once a project has been submitted, staff will do a full review, and further conversations will take place to discuss the water usage.

Motion by Ellis **Second by** Buggi

Motion to recommend the City Council adopt an ordinance amending the City of Rosemount Zoning Map for the subject property from AG-Agriculture to B2-Employment.

Ayes: 4.Nays: None. Motion Carried.

Chairperson Kenninger confirmed this item will go to City Council for approval on September 17th.

e. Request by Independent School District 196 for approval of a rezoning, Conditional Use Permit, Preliminary and Final Plats, Site Plan and Building Design Review, and a Zoning Ordinance Text Amendment to allow for a school with various sports fields and play areas to be built on site.

Julia Hogan, planner, presented the request submitted by Independent School District 196 (Rosemount, Apple Valley, Eagan Public Schools) for approval of a rezoning, preliminary and final plats, site plan and building design review, conditional use permit and zoning ordinance text amendment to construct a middle school on the proposed 75.6 acre site located directly south of 150th Street West (County Road 42) and west of Biscayne Avenue. The applicant is requesting the site be rezoned from A-2 – Agricultural to R-3 – Medium Density Residential because, by definition, elementary schools are not allowed within the A-2 zoning district but are an allowed conditional use within the Residential zoning districts, which is the need for the site to be rezoned to R-3. The applicant is also requesting preliminary and final plats to plat the undeveloped agricultural land and a site plan and building design review because they are required for all commercial, industrial, institutional, and multi-family development projects.

City staff is also including a zoning ordinance text amendment modifying Section 11-10-1: General Definitions to revise the school, elementary definition to include grades Kindergarten through 8th grade.

Ms. Hogan noted the site is a combination of portions of two separate parcels that are both currently owned by the University of Minnesota. The site plan shows that the main school building will be located central west on the site, with the baseball fields, practice fields and soft ball fields being located east and northeast of the school. The proposed building will have the capacity to hold 1,350 students with plans for 47 homeroom classrooms.

The site parking is 205 parking stalls and 35 bus stalls. A traffic study was received by staff in July 2024 proposing peak traffic hours and peak traffic volume, gathered from Rosemount Middle School. City staff are encouraging the school district to continue working with Dakota County and Rosemount on pedestrian safety and traffic concerns.

Ms. Hogan offered information regarding landscaping, park dedication, site lighting, architectural elevations, a floor plan showing all 47 homerooms along with the amenities including a pool.

The applicant has stated that the school is planned for an opening date of Fall 2027. Staff is recommending approval of the five requested items, subject to the conditions listed in the recommended actions.

Chairperson Kenninger requests clarification for access in and out, regarding traffic off Boulder Trail. Nick Egger, Public Works Director, spoke about how a projection of traffic is handled; how many lanes, etc. The traffic light at 42 & Biscayne is a concern for residents. However, the traffic light is scheduled to be up and running before the school opens. Mr. Egger recommends the applicant speaks on the traffic concerns.

Commissioners Kenninger and Whitman asked questions of the City staff regarding the deficit of trees and redefining the definition of a middle school. Mr. Whitman cannot support the idea of an elementary school being a middle school in our zoning code.

Chairperson Kenninger opened the public hearing.

Scott McQueen - Wold Architects 332
Minnesota St, St Paul MN
Mr. McQueen first addressed the tree deficit noting they did not have ample time to solve the problem before tonight's meeting. They will continue to work on getting another 400 trees onto the site. He then invited up his colleague to answer the traffic related concerns from Commissioners.

Ed Terhaar - Traffic Engineer; Stantec
1 Carlson Parkway, Plymouth MN
Mr. Terhaar recommends at Boulder Trail that it be extended eastwardly and add a left turn lane into the school. They also want two exiting lanes, both a left and a right. Stantec is recommending two approach lanes, a left through combined and then recommends a right turn towards County Road 42. They also recommend traffic signal control at Co. Rd 42 and Biscayne, but Dakota County is involved with that project and the details are being processed. The traffic study that was completed by Stantec added a background growth factor to the traffic forecast to account for upcoming development in the area. Chairperson Kenninger is concerned that the traffic study did not take into account all of the development happening currently; Nick Egger explained that Dakota County has taken action on her concerns and that both the school and upcoming developments have been taken into account.

Elise Mademann
11665 Azure Court
Inver Grove
Heights
Ms. Mademann questioned the traffic flow for buses and parent drop off.

Commissioner Ellis questioned the third parking lot and the traffic flow for parent drop off and school buses. Mr. McQueen took the floor to explain that this was modeled after a recent successful site the school district owns. He informed the Commission that the third parking lot is a loading dock area and parking for kitchen and custodial staff. They do not anticipate traffic issues as the peak times are different.

Motion by Kenninger **Second by** Whitman
Motion to close the public hearing.
Ayes: 4.
Nays: None. Motion carried.

Adam Kienberger, Community Development Director, responded to Mr. Whitman's inquiry about the text amendment for the middle school. It is agreed they want to change the text, but no one wants to slow down the project.

Motion by Buggi **Second by** Ellis

Motion to recommend the City Council approve a Zoning Map amendment to rezone the site from AG-Agricultural to R3 – Medium Density Residential.

Ayes: 4.
Nays: None. Motion carried.

Motion by Buggi **Second by** Whitman

Motion to recommend the City Council approve their preliminary flats and final plats for Rosemount School District Fifth Addition subject to all conditions approved as part of the City's site and building design review for the project.

Ayes: 4.
Nays: None. Motion carried.

Motion by Whitman **Second by** Ellis

Motion to recommend that the city approve a text amendment to the zoning ordinance that includes a separate definition of middle school to allow for this use.

Ayes: 3.
Nays: 1. Motion carried.

Motion by Whitman **Second by** Ellis

Motion to approve the site plan and building design to allow Independent School District 196 to construct a school on Rosemount School District Fifth Addition, subject to the following conditions as laid out in the staff report conditions 1 through 7.

Ayes: 4.
Nays: None. Motion carried.

Motion by Whitman **Second by** Buggi

Motion to recommend the City Council approve a Conditional Use Permit for a school to be located on the Rosemount School District Fifth Addition subject to all conditions approved as part of the City's site and building design review for the project.

Ayes: 4.
Nays: None. Motion carried.

NEW BUSINESS

None.

DISCUSSION

Chairperson Kenninger noted the upcoming planning commission meetings and requested any planning commissioners who are unable to attend to reach out to city staff as soon as possible.

ADJOURNMENT

There being no further business to come before the Planning Commission at the regular planning commission meeting and upon a motion by Kenninger the meeting was adjourned at 8:54 p.m.

Respectfully submitted,

Erin Fasbender
City Clerk

ROSEMOUNT
MINNESOTA

EXECUTIVE SUMMARY

Planning Commission Regular Meeting: September 24, 2024
Tenative City Council Meeting: October 15, 2024

AGENDA ITEM:	Request by KJ Walk for approval of a PUD Final Site and Building Plan and a Major Amendment to the Rosewood Commons Planned Unit Development Agreement to allow for the construction of two commercial buildings with outdoor dining and a drive-through facility.	**AGENDA SECTION:** OLD BUSINESS
PREPARED BY:	Julia Hogan, Planner	**AGENDA NO.** 5.a.
ATTACHMENTS:	Site Location , Updated Site Plan, Updated Grading Plan, Updated Landscape Plan, Trash Enclosure Details, Lighting Plan, Architectural Elevations , Updated 3D Renderings	**APPROVED BY:** AK

RECOMMENDED ACTION:

1. Motion to approve the Planned Unit Development Final Site and Building Plan to allow for the construction of two commercial buildings with outdoor dining areas and a drive-through facility at 14904 Business Parkway and 2730 149th Street West, subject to the following conditions.

a. Approval of an amendment to the Rosewood Commons Planned Unit Development Agreement.
b. The applicant shall update the landscape plan to add one additional tree to the site, prior to City Council approval.
c. The applicant shall apply for a sign permit for any site signage which includes signage related to the drive-through facility.
d. Payment of $15,480 in lieu of park land dedication.
e. Payment of any area charges that were not collected as part of the subdivision agreement.
f. Conformance with all the required standards associated with outdoor dining and drive-through facilities.
g. No public address system shall be audible from adjacent non-commercial property boundaries.
h. Continuous fencing is required around the entire outdoor seating area prior to issuance of a liquor license.

2. Motion to recommend the City Council approve a Major Amendment to the Rosewood Commons Planned Unit Development Agreement, subject to:

a. A deviation from Section 11-7-2: Architectural Standards to allow up to 18.5% EIFS so long as the remaining non-glass areas contain at least 80% brick or stone.

BACKGROUND

SUMMARY

Applicant:	KJ Walk, Inc.
Property Owner:	KJ Walk, Inc.
Site Location:	14904 Business Parkway and 2730 149th Street West (NW of Business Parkway and CSAH 42)
Site Area in Acres:	Approximately 1.72 Acres
Current Zoning:	MX-2 PUD - Highway Mixed Use Planned Unit Development
Comp Plan Designation:	CC - Community Commercial

The applicant, KJ Walk is seeking approval of requests to construct two commercial buildings in the northwest quadrant of the intersection of Business Parkway and CSAH 42. The parcels on which the buildings would be constructed are part of the Rosewood Commons Planned Unit Development. One of the buildings will be a standalone restaurant, while the other will be a multi-tenant retail building with a drive-through facility serving a fast-food and a fast-casual restaurant. The applicant is seeking a deviation from the code related to exterior materials. Staff is recommending approval of the requests, subject to the conditions listed in the recommended action.

These requests were seen by the Planning Commission at both their July 23, 2024, and August 27, 2024, meetings. A public hearing was held for the requests at the July 23 meeting, where the Planning Commission voted to continue the item until the August 27 meeting so that the applicant could provide additional information and updated submitted materials. The applicant did provide additional materials for the August 27 meeting, but staff recommended that the item be continued until the September 24 meeting so that the applicant could provide all the information that was requested by the Planning Commission.

BACKGROUND

The City Council approved the Rosewood Commons Planned Unit Development in 2020. That approval covered the construction of six apartment buildings (two of which would have commercial space on the ground floor) and a hotel. The apartment buildings required a comprehensive plan amendment and rezoning from commercial uses to residential. The applicant also requested approval to construct a memory care facility east of Business Parkway, but that portion of their request was denied to maintain that parcel's commercial land use designation and zoning. That parcel is now the site of the New Horizon Academy, and the applicant received approval to replace the hotel component of the PUD with a memory care facility, which is now complete. The subject properties the applicant is requesting approvals for were once contained in an outlot with the understanding that any development of the site would require approval of a major amendment to the Rosewood Commons PUD as well as any necessary platting.

In January 2023, the subject property was platted into two parcels along with approval by the City Council of a PUD amendment to allow for parcels that do not meet the minimum width required by the zoning ordinance. This deviation was permitted based on the fact that the two parcels would be part of a larger overall commercial development containing shared drive aisles and parking areas. The

applicant came forward with this same request back in July 2023, but ultimately withdrew the request prior to the July 25, 2023, Planning Commission meeting. They are now seeking approval of the same requests that were applied for in 2023.

ISSUE ANALYSIS

Legal Authority

Final site and building plan reviews are *quasi-judicial* actions. In such cases, the City is acting as a judge to determine if the regulations within the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, and Planned Unit Development Agreements are being followed. Generally, if the application meets these requirements, it must be approved.

Major Planned Unit Development Amendments are *legislative* decisions because the City is formulating public policy, which in this case is related to the proposed deviations from the zoning ordinance.

Site Plan Review

The proposed site development plans incorporate the sharing of parking and access between the two commercial buildings; therefore, the staff review comments associated with these two parcels are incorporated into one section.

Land Use and Zoning

The site is guided for CC-Community Commercial uses in the City's comprehensive land use plan, and it is within the MX-2 Highway Mixed Use zoning district. The site also is covered by the Rosewood Commons PUD overlay district. Any deviations that were approved with the initial phase of development within the PUD are only permitted within that initial development area. Likewise, the proposed deviations currently being reviewed only apply to the subject parcels being reviewed with these requests.

The proposed buildings and their anticipated uses are allowed by the zoning ordinance and are consistent with the comprehensive plan. The outdoor dining areas and drive-through facility are permitted with standards within the MX-2 zoning district. A thorough review of those standards is provided later in this report.

Building Setbacks

Frontage	**Required Setback**		**Provided Setback**	
	Building	**Parking**	**Building**	**Parking**
North (149th Street West)	30 feet	10 feet	63	10 feet
East (Business Parkway)	10 feet	10 feet	33.27	14.58
South (CSAH 42)	10+20 feet	10 feet	63.34 feet	13.37 feet
West (Lot 5, Block 1, Rosewood Commons 3rd Addition)	10 feet	10 feet	35.50	n/a

Initially, the applicant requested, as part of their submittal, an elimination of the setback requirement

related to parking on properties adjacent to a private driveway easement. In the updated site plan, the applicant was able to shift the parking surface along the north property line south to meet the minimum setback requirement, so an amendment to the Rosewood Common PUD is no longer needed for this deviation. The site plan shows the development meets all other setback requirements, including the additional setback requirement along the south side of the property due to its location along an arterial road.

Exterior Materials

The applicant has provided exterior elevations that include a breakdown in the percentage of each material. The zoning ordinance requires at least 50% of the building be finished with brick or stone and no more than 10% EIFS. The applicant is requesting the ability to include up to 18.5% EIFS in exchange for including stone and brick beyond that required by the zoning ordinance. The applicant's plans show that 81.8% of the non-glass areas are brick or stone on the eastern building. The non-glass areas of the western building contain 80.9% brick or stone. Staff is supportive of this request since the EIFS is limited to accent areas and the overall result is building elevations primarily consisting of brick or stone when the applicant could have identified other materials for use that would result in less brick or stone on the elevations. The applicant has submitted 3D renderings of the building that will be located on the eastern property, this has been included in the attachments.

Parking and Access

The original site plan that was provided by the applicant showed a total of 102 parking spaces on site. The applicant estimated a parking requirement based on the anticipated number of seats in the restaurant areas and the square footage of the retail/office portion of the multi-tenant building. The code requires 1 stall per 300 square feet of gross floor area for both standalone retail or service business use and for business or professional office use. The code also requires 1 stall per 4 persons of the maximum occupancy for restaurant use.

The applicant submitted an updated site plan showing the changes in parking stall count to reflect the recently updated parking requirement and as well as changes in use in portions of the eastern building. The eastern building will contain a fast food/drive-through/patio use, traditional restaurant use, and the remainder will be commercial/retail space. The western building will remain as a restaurant with a patio. The site plan meets the minimum parking stall requirement which is outlined in the table below.

Use	Parking required
Restaurant (including Patio Use)	76 stalls
Retail/Commercial	13 stalls
Total Required	89 stalls
Total Provided	95 stalls

Vehicular access into the site will be made from the private roadway located immediately north of the site. The site is also bound by sidewalks on the north and east sides. The City's fire marshal requested and received an exhibit showing the turning radius of emergency apparatus within the site and has found that the site layout is able to accommodate emergency vehicles. The updated site plan shows the stacking of vehicles threw the drive-through that will be located on the eastern side of the eastern

building. The flow of traffic for the drive-through is shown to go from south to north with cars exiting the drive-through to the west towards the main access into the site.

Landscaping

The applicant has provided an updated landscape plan that generally meets the requirements of the City's zoning ordinance based on the size of the subject property. The City Code requires one tree per 3,000 square feet of site area, which in this case results in a requirement of 25 trees. There is an additional requirement related to the landscaping of the parking areas. The code requires landscaping around the parking lot equal to 10% of the total parking area, which in turn must contain one tree per 250 square feet of parking lot landscaping. This tree requirement is, in addition to that required, based on the size of the site. Therefore, the total number of trees required on site is 43. The applicant's updated landscaping plan shows an additional 17 trees on site, which brings the total tree count to 42 trees. The applicant was able to add additional trees along the northern property boundary since the parking surface was moved south, and they were able to add additional trees throughout the parking lot area due to the decrease in parking stalls needed on site. There is a shortfall of one tree, so staff is including a condition of approval that the applicant update the landscaping plan to add one additional tree on site prior to City Council approval.

The City Code also requires foundation plantings or shrubbery in an amount based on the total linear feet of building perimeter. Based on the size of the buildings, a total of 65 shrubs is required. The applicant has provided a total of 66 foundation plantings. These plantings are placed along the sides of the property that abut public rights of way and around the outdoor dining area associated with the restaurant in the western building.

The following table lays out the landscaping requirements for the site.

	Calculation Formula	Number Required	Number Provided
Site Trees	1 per 3,000 sf	74,923/3,000=25 trees	25 trees
Parking Lot Trees	1 per 250 sf	4311/250=18 trees	17 trees
Foundation Plantings	1 per 10 linear feet	644/10=65 foundation plants	66 foundation plants

Staff initially included a condition that the applicant update the final landscape plan to replace the trees identified as ash trees with another species due to the impact of the emerald ash borer on existing tree populations in the region, which the applicant did.

Utilities

The site's sewer and water will connect to the system at stubs to mains located within the private street immediately north of the site. Stormwater will enter the City's system at a point to the east. The overall system within the Rosewood Commons PUD area was reviewed as part of the initial approval, and the development proposed for the subject parcels is consistent with what was anticipated for the site at that time. Therefore, no changes to the stormwater management infrastructure within the PUD area are needed.

Parks and Open Space

In review of the City's Parks Master Plan, no parks are identified in the subject property, therefore staff is recommending the City collect cash-in-lieu of park dedication. The City Code requires 10% of the

development area be dedicated for parks and open space, which equals .172 acres. Based on the City's 2024 fee list, at $90,000 per acre the dedication fee-in-lieu is $15,480. Because the parcels are already platted, and the developer has asked to pay the fee with the building permit, the exact amount per building will be calculated and collected based on the individual parcel area.

Site Lighting

The site lighting will consist of 8' high wall-mounted lights and 20' high pole-mounted lights. These are both within the maximum height for site lighting. The applicant also provided a photometric plan that shows the lighting at the boundaries of adjacent parcels falls below the maximum lumen allowed.

Trash Enclosure

The applicant's plans show two trash enclosures constructed of materials that complement the principal structures. Staff worked with the applicant to adjust the site plan to ensure there were no conflicts with traffic movements in the site, particularly related to the drive-through facility.

Standards – Outdoor Dining Area Containing Seating for Eleven or More

Outdoor dining is an accessory use that is permitted with standards in the MX-2 Highway Mixed Use zoning district. The proposed use must comply with the specific performance standards for outdoor dining which is outlined in Section 11-6-8.A. of the City Code. These standards evaluate the city's land use and zoning performance standards and the potential impact of the proposed use on the surrounding neighborhood. These standards and staff findings for each are provided below.

1. The site and enclosure(s) shall be designed to limit the effects of outdoor seating or dining areas on contiguous properties and/or public rights of way.

Findings: The patio on the eastern property will be over 200' away from the nearest residence and the patio on the western property will be approximately 450' from the nearest residence. The applicant's plan calls for the western outdoor dining area to include foundation plantings along its perimeter and two trees adjacent to the eastern patio area. The distance and landscape design will limit the effects of the areas on contiguous properties and the public right-of-way.

2. The seating area shall be located on private property along the front, side or rear of the principal building but shall not be located within a required setback or on the side abutting any residential use or district.

Findings: The western property outdoor seating area will be located along the south side of the restaurant building and beyond the required 30' minimum setback standards. The eastern property outdoor seating area will be located directly west of the fast food/drive-through use and is shown to meet the required setback standards as well.

3. The seating area shall not interfere with circulation in any required parking, loading, maneuvering or pedestrian area. A minimum four foot (4') passageway shall be maintained along the private sidewalk for pedestrians.

Findings: The plan provided by the applicant shows a continuous sidewalk along all sides of the western property restaurant building and outside the outdoor dining area and sidewalks along the western and southern portions of the eastern property building which gives access to the outdoor patio.

4. No public address system shall be audible from a noncommercial or nonindustrial use or district.
Finding: A condition of this approval will note that no public address system shall be audible from any residential use or district.

5. The seating area shall be located in a controlled or cordoned area acceptable to the city with at least one opening to an acceptable pedestrian walk. Findings: The applicant's plan shows the western property's patio area to be a contiguous area delineated by landscaping. If a fence is desired, staff will review the plans during the standards permit review process to ensure an opening to the sidewalk is provided. The eastern property's patio area is shown to have access the sidewalk that runs along the western and southern portions of the building.

6. When a liquor license is granted, an uninterrupted enclosure is required and the enclosure shall only have access through the principal building.
Findings: If a liquor license is requested by the future user of the sites, compliance requires the presence of a continuous enclosure. Staff is recommending a condition of approval that reiterates that a fence is required in order for the sites to receive a liquor license.

7. The seating area shall not be permitted within two hundred feet (200') of any residential use or district as measured at the property line and shall be separated from residential use or district by the principal structure or other method of screening acceptable to the city. The minimum distance from a residential use or district may be reduced should the city determine the applicant has added sufficient elements to reduce the impact of this use.
Findings: The outdoor dining areas are shown to be located at least 200' from the R1 district northeast of the site. The western property's outdoor patio area is shown to be over 200' from the mixed-use area immediately north of the site but the outdoor patio area on the eastern property is shown to be under 200' from the mixed-use area. There is now additional tree screening on the north end of the site that will act as a buffer to the northern mixed-use area. The eastern property building acts as a buffer for the patio area to the residential district to the northeast and the western property patio area is from those areas by the building itself.

Standards – Drive-Through Facility
Drive-through facilities are an accessory use that is permitted with standards in the MX-2 Highway Mixed Use zoning district. The proposed use must comply with the specific performance standards for drive-through facilities which are outlined in Section 11-6-7.H. of the City Code. These standards evaluate the city's land use and zoning performance standards and the potential impact of the proposed use on the surrounding neighborhood. These standards and staff findings for each are provided below.

1. The site and building(s) shall be designed to limit the effects of the drive-through, including noises, emissions, and headlight glare, on adjacent properties and public rights of way.
Finding: The stacking lanes, order boards and drive-through windows are configured to limit their impact on adjacent properties and public rights-of-way.

2. No use with a drive-through window shall be located abutting any residential use or district.
Finding: The drive-through window will face Business Parkway and is immediately across from another commercial district and use.

3. Stacking lanes shall not interfere with circulation through any required parking, loading, maneuvering or pedestrian area.
Finding: The stacking lanes of the drive through are located along the eastern side of the building. Parking for the site is located south, west, and north of the building, and therefore there is no interference between drive-through stacking and the parking area.

4. Stacking and exiting areas shall be screeded from adjacent properties and/or rights-of-way. Stacking areas shall have a minimum 90% opacity screen to a height of six feet while exiting areas shall have a minimum 50% opacity screen to a height of at least four feet

1. ***The principal structure shall be the primary source for screening the drive-through facility and stacking and exiting areas from adjacent properties and/or rights of way.***
2. ***Landscaping and berming shall be a secondary source for screening drive-through, stacking or exiting areas. Should landscaping and berming be found ineffective by the city, the city may approve screening walls and/or decorative fencing as an alternative.***
3. ***Screening walls shall be constructed of the same materials as the principal structure and shall not extend more than 25 feet without change in architecture to reduce their mass and appearance.***

Finding: Screening is provided by landscaping along the northern, eastern and southern property lines and by the principal structure from the west.

5. Drive-through facilities shall have a minimum six (6) stacking spaces per drive-through window. Fast food uses operating more than one window per individual drive aisle shall meet the stacking requirements for a single drive-through facility. Each space shall be a minimum of nine feet (9') wide by eighteen feet (18') long.
Finding: The plans provided by the applicant indicate at least ten stacking spaces that are 20’ long and 14’ wide, which exceeds the dimensional requirements of the City Code.

6. No public address system shall be audible from a noncommercial or nonindustrial use or district.
Finding: Staff has prepared a condition stating that public address or ordering speakers shall not be audible from the boundaries of adjacent residential parcels.

7. Fast food uses may display menu boards as follows:

1. ***The menu board(s) not encroach into any parking setback and shall be located directly adjacent to the drive-through aisle and oriented in such a manner that the sign provides information to the drive-through patrons only and does not provide supplemental advertising to pass-by traffic and does not impair visibility or obstruct circulation.***
2. ***Individual menu board(s) shall be single sided with an area not to exceed 32 square feet including both sign copy and sign cabinet.***
3. ***The height of the menu board(s) shall not exceed eight feet including its base or pole measured from grade to the top of the structure.***

Finding: The site plan has been updated to show the location of the menu board which is shown to be located south of the fast-food restaurant on the eastern side of the building. The plans show that the drive-through order board will be located 253’ away from the nearest residential property line and 333’ from the nearest home. Staff has included a condition that requires conformance with the above menu board standards and that a sign permit is required for any site signage, which includes signage related to the drive-through facility.

RECOMMENDATION

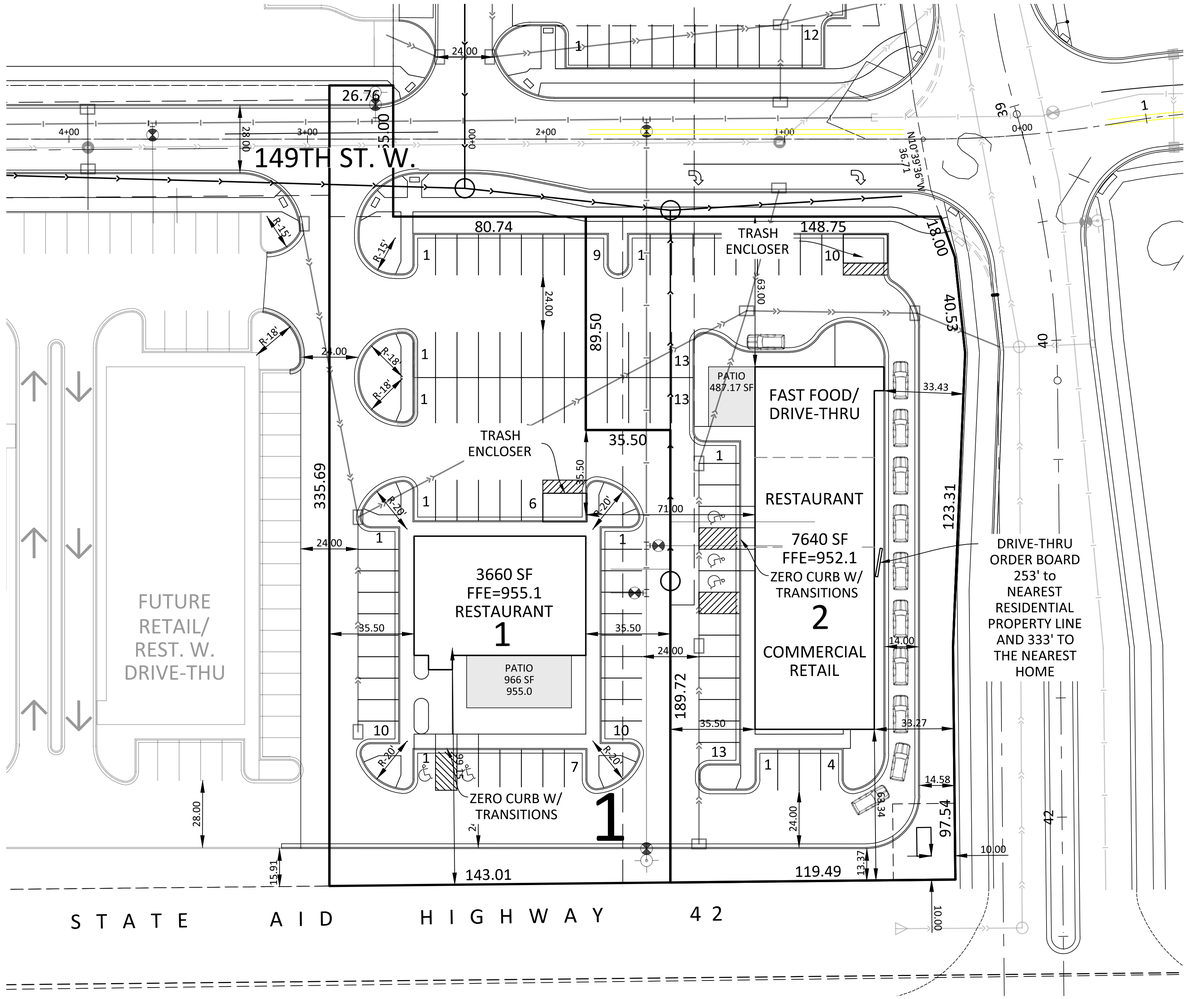
Staff has reviewed the updated plans submitted by the applicant and is recommending approval of the PUD final site and building plan and major amendment to the Rosewood Commons Planned Unit Development Agreement to allow for the construction of two commercial buildings with outdoor dining areas and a drive-through facility at 14904 Business Parkway and 2730 149th Street West, subject to the conditions outlined in the recommended action.

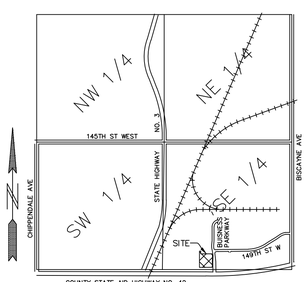
ROBERT TRL S
148TH ST W
BUSINESS PKWY
149TH ST W
150TH ST W
150TH ST W
ST W
ST W

ROSEWOOD COMMONS SECOND ADDITION

Rosewood Commons Use and Parking Requirements				
Lot/Block	USE	UNITS / AREA	# of Seats 1/30 Total Floor Area	REQUIRED PARKING
Lot 1 Blk 1	Restaurant	3,660 Sq Ft	122	31
Lot 1 Blk 1	Patio	966 Sq Ft	32	8
Lot 2 Blk 1	Restaurant	3,820 Sq Ft	127	32
Lot 2 Blk 1	Patio	487 Sq Ft	17	5
Lot 2 Blk 1	Retail	3,820 Sq Ft	1 per 300 Sq Ft	13
Total Required				89
Total Provided				95

Surface materials for the streets/parking, sidewalks and driveways will be a combination of blacktop, concrete and stamped concrete.





SECTION 29, TWP. 115, RGE. 19
LOCATION MAP
NO SCALE

Impervious vs Pervious		
Area	Sq Ft	Percent
Total Area	74,963	
Building Foot Print	11,200	14.94%
Green Space	13,355	17.82%
Parking	43,108	57.50%
Sidewalks	7,300	9.74%

SHEET INDEX

1 Cover and Site Plan
2 Grading and Erosion Control
3 SWPPP
4 Landscape Plan

DEVELOPER/ENGINEER/BUILDER

KJ Walk, Inc. Luke Israelson
6001 Egan Drive, Ste 100 952.826.9068
Savage, MN 55378

Legal Description:
Lot 1 and 2, Block 1, Rosewood Commons Second Addition, Dakota County, Minnesota.

BENCHMARK

T.N.H AT 149TH ST W AND BUSINESS PARKWAY - ELEV. 949.75

DATUM: NAD83

N

0 30 60 90

Legend

- Existing watermain
- Proposed watermain
- Existing sanitary
- Proposed sanitary
- Existing storm
- Proposed storm
- Existing hydrant
- Proposed hydrant
- Existing gate valve
- Proposed gate valve
- Existing manhole
- Proposed manhole
- Proposed catchbasin
- Silt fence
- Inlet protectors
- Parking lot lights
- Building Lights
- Rip Rap
- Drainage Arrow
- Spot Elevation (963.90)
- Back of Curb Spot Elevation (952.80)

KJwalk INC.
6001 Egan Drive, Ste 100, Savage, MN 55378
Phone: 952.226.3200 Web: www.kjwalk.com

I hereby certify that this plan was prepared by me, or under my direct supervision, and that I am a duly registered engineer under the laws of the State of Minnesota.

Luke Warren Israelson
Registration #: 51362 Date: 9/17/2024

Date:	Revision:
05/15/2023	Original
05/31/2023	Revised
06/09/2023	Revised
06/29/2023	Revised
08/16/2024	Revised
09/17/2024	Revised per city comments

ROSEWOOD COMMONS SECOND ADDITION
ROSEMOUNT, MN

For Review
September 17, 2024

Cover-Site Plan

SHEET 1 of 4

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149TH ST. W.

20'X 75' ROCK CONSTRUCTION ENTRANCE

EDGE OF PAVEMENT (955.00)

FUTURE RETAIL/ REST. W. DRIVE-THU

3660 SF FFE=955.1 RESTAURANT 1

PATIO 966 SF

ZERO CURB W/ TRANSITIONS

TRASH ENCLOSER

PATIO 487.17 SF

FAST FOOD/ DRIVE-THRU

RESTAURANT 7640 SF FFE=952.1 ZERO CURB W/ TRANSITIONS 2 COMMERCIAL RETAIL

DRIVE-THRU ORDER BOARD 253' to NEAREST RESIDENTIAL PROPERTY LINE AND 333' TO THE NEAREST HOME

EOF

STATE AID HIGHWAY 42

LEGEND

- SILT FENCE
- INLET PROTECTORS
- DRAINAGE ARROW
- 963.90 SPOT ELEVATION
- 952.80 BACK OF CURB SPOT ELEVATION

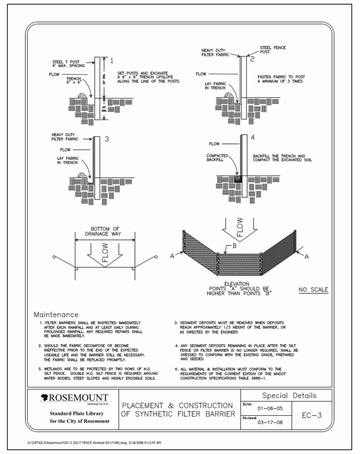
NOTES:

DISTURBED AREAS TO BE TEMPORARY SEEDED AND MULCHED WITHIN 14 DAYS OF STOPPAGE OF WORK.

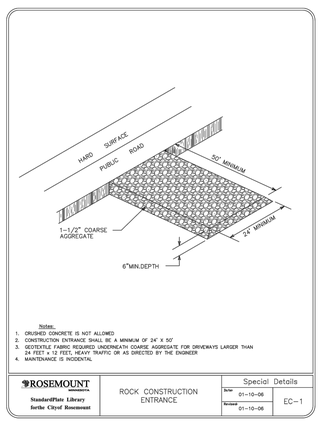
PERMANENT COVER TO BE INSTALLED WITHIN 14 DAYS OF FINAL GRADE BEING ESTABLISHED.

TEMPORARY SEEDING AND PERMANENT SEEDING IN UNDEVELOPED AREAS TO BE EROSION CONTROL MIX

FINISH SEED/SOD TO BE BLUEGRASS AND/OR FESCUES.



Silt Fence to be installed along perimeter of construction area prior to the start of work.



0 20 40 60

KJwalk INC.
6001 Egan Drive, Ste 100, Savage, MN 55378
Phone: 952.226.3200 Web: www.kjwalk.com

I hereby certify that this plan was prepared by me, or under my direct supervision, and that I am a duly registered engineer under the laws of the State of Minnesota.

Luke Warren Israelson
Registration #: 51362 Date: 9/17/2024

Date:	Revision:
05/15/2023	Original
05/31/2023	Revised
06/09/2023	Revised
06/29/2023	Revised
08/16/2024	Revised
09/17/2024	Revised per city comments

ROSEWOOD COMMONS SECOND ADDITION

ROSEMOUNT, MN

ROSEWOOD COMMONS

For Review
September 17, 2024

Site Plan- Grading and Erosion Control Plan

SHEET 2 of 4

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SWPPP (STORM WATER POLLUTION PREVENTION PLAN)

GENERAL PROJECT INFORMATION:

RESPONSIBLE PARTIES:
The Contractor and Owner must apply for coverage under the MPCA's General Storm Water Permit for Construction Activity as required by the National Pollutant Discharge Elimination System (NPDES) Phase II program. Coverage under the permit will begin automatically 7 calendar days after the postmarked date on the permit application. [Longer time frames apply to sites that: (1) disturb areas greater than 50 acres AND discharge within 1 mile of a Special or Impaired Water; or (2) Use alternative storm water treatment techniques].

		Contact Person	Phone
Owner:	KJ Walk, Inc.	Luke Israelson	<952.226.3200>
SWPPP Preparer:	KJ Walk, Inc.	Luke Israelson	<952.226.3200>
Contractor:	KJ Walk, Inc.	Luke Israelson	<952.226.3200>
Person Responsible For Inspections:	KJ Walk, Inc.	Luke Israelson	<952.226.3200>
Party Responsible for Long Term O&M of Permanent Storm Water Management Facility:	City of Rosemount		

PROJECT LOCATION:

County, State	Township	Range	Section(s)	Latitude	Longitude
Dakota, MN	115	19	29		

PROJECT DESCRIPTION:
This project includes disturbance of approximately 8.6 acres. Construction activities include Stripping of topsoil and stock piling of material.

Soils on the site are primarily of Hydrologic Soil Group Type A, with high infiltration capacity.

Planned Construction Start Date: 08/01/2023
Estimated Construction Completion Date: 12/01/2024

PROJECT AREAS:
Total Project Size (disturbed area) = 1.72 AC

Existing area of impervious surface = 0.03 AC
Post construction area of impervious surface = 1.45 AC
Total new impervious surface area created = 1.42 AC

STORM WATER MANAGEMENT:
Type of storm water management used if more than 1 acre of new impervious surface is created:

Wet sedimentation basin [X] Regional pond [ ] Alternative methods [ ]
Infiltration [ ] Permanent storm water management not required [ ]
Filtration [ ]

Required Water Quality Volume: 0.12 ACRE FT
Design Water Quality Volume: 6.598 AF
Elevation of Water Quality Volume Storage: 937.90
Surface Area at Water Quality Volume Storage: N/A
Allowable Discharge of Water Quality Volume: N/A
Designed Discharge for Water Quality Volume: N/A
Required Infiltration Volume: 0.12 ACRE FT
Designed Infiltration Volume: 7.59 ACRE FT

RECEIVING WATERS:
Surface waters which will receive storm water from the site within 1 mile of project boundary. Include waters shown on USGS 7.5 minute quad and all waters identified in Appendix A of the permit.

Name of Water Body	Type (ditch, pond, wetland, lake, etc.)	Appendix A Special Water?	Flows to Impaired Water within 1 mile?	USEPA Approved TMDL?

Impairment:

CONSTRUCTION ACTIVITY NOTES:

EROSION PREVENTION PRACTICES:
Phased construction will be used to extent practical or as indicated in the plans to minimize exposed soils.

Areas not to be disturbed shall be delineated with flags, stakes, signs, silt fence, etc. prior to work beginning. The normal wetted perimeter of all ditches or swales, including storm water management pond slopes, that drain waters from the site must be stabilized within 200' of any property edge or discharge point, including storm sewer inlets, within 24 hours of connection.

Energy dissipation or other outlet treatment must be installed within 24 hours of connection.

All exposed soils must be stabilized as soon as possible but in no case later than 7 days after the construction activity has temporarily or permanently ceased.

Seed and/or sod, fertilizer, and mulch shall be placed as indicated in the plans and project specifications.

Rapid stabilization shall be of type and quantity indicated in the project specifications. Additional rapid stabilization may be necessary to minimize erosion throughout the duration of the project. Type and quantity shall be determined by the engineer or inspector prior to installation.

If the Contractor stockpiles material on site, he shall install the appropriate erosion control devices around the stockpile and perform the best management practices possible to avoid erosion from the stockpile.

Temporary (or permanent) sedimentation ponds are required for areas > 10 acres of disturbed soils draining to one point.

SEDIMENT CONTROL PRACTICES:
Installation of silt fence and all other down gradient sediment protection measures shall be completed prior to commencement of upstream land disturbing activities.

Silt fence shall be installed along constant contours with continuous lengths not to exceed 600 feet. As indicated on plans, silt fence will be periodically broken and hooked upslope in "J-hook" or "smile" patterns to provide ponding and slow runoff.

No unbroken slope lengths greater than 75 feet are permitted when slope is 3:1 or greater. Slope shall be broken with silt fence or biorolls as indicated on plans.

BMP	QUANTITY
Silt Fence	1100 LF
Rock Constrution Entrance	1 Each
Temporary Seed And Mulch	0.58 ACRES
Inlet Protectors	14

Vehicle tracking to be minimized to all practical extents. All eroded material that leaves the construction zone shall be collected by the contractor and returned to the site at the contractor's expense.

All stock piles shall be surrounded by silt fence and seeded with temporary seed and mulch. See erosion and sediment control plans.

All site storm sewer inlets, as well as off site downstream inlets with potential to receive sediment, shall be protected with approved inlet protection measures at all times. Inlets shall remain protected until site is 100% stabilized and vegetation is at least 70% established. Inlet protection may be removed in winter, if the project has an approval letter from jurisdictional authority or can produce it within 72 hours.

TEMPORARY SEDIMENTATION BASINS & DEWATERING:
Temporary sedimentation basins are required prior to runoff leaving the construction site or entering surface waters when 10 or more acres of disturbed soils drain to a common location. The basin must provide 3,600 cubic feet of storage below the outlet per acre drained. If hydraulic calculations are available, the temporary sedimentation basin must provide a storage volume equivalent to the 2-year, 24-hour storm, but in no case less than 1800 cubic feet per acre drained. The temporary sedimentation basin must be constructed and made operational concurrent with the start of soil distrubance upgradient of the pond.

All dewatering on site during construction must be routed to temporary sedimentation basins.

Temporary sedimentation basins must be drained within 48 hours of any rainfall event. If the rock filtered outlets plug or cause the pond not to drain within 48 hours, ponds are to be drained with pumps. Pump inlets should be protected with a geotextile membrane and rock filter setup as shown in the details, or an approved alternative. Excessive sediment-laden water that is not properly filtered will not be permitted to discharge from site.

Dewatering practices cannot cause downstream nuisance conditions, erosion, or non-permitted wetland inundation causing adverse impacts.

POLLUTION PREVENTION:
All solid waste collected from the construction site must be disposed of in accordance with MPCA disposal requirements.

Concrete washout must be contained in a dedicated area surrounded by silt fence with proper signage

All hazardous materials (e.g., oil, gasoline, fuel, antifreeze, paint, cleaning solvents, curing compounds, fertilizers, etc.) must be properly stored (including secondary containment when necessary) to prevent spills, leaks, or other discharge. Storage and disposal of hazardous waste must be in compliance with MPCA regulations.

External washing areas must be limited to a defined area of the site. All runoff containing any hazardous material must be properly collected and disposed of. Defined area must be contained with heavy- or super-duty silt fence. NO ENGINE DEGREASING ALLOWED ON SITE.

The contractor is responsible for monitoring air pollution and ensuring it does not exceed levels set by local, state, or federal regulations. This includes dust created by work being performed on the site. Air pollution and dust control correction is considered incidental to the unit bid prices for which work is being performed. Additional dust control measures may be required by the Engineer.

INSPECTION & MAINTENANCE:
The permittees must routinely inspect the construction site once every seven (7) days during active construction and within 24 hours of a rainfall event greater than 0.5 inches in a 24 hour period.

All inspections performed during construction must be recorded and records retained on site with the SWPPP in accordance with the storm water permit. Records must include a site map showing areas of land disturbing activities and areas where activities have temporarily or permanently ceased.

Silt fence, biorolls and inlet protection devices must be maintained when non-functional or when accumulated sediment reaches 1/3 of device height.

Off site vehicle tracking to be removed within 24 hours of occurrence and the streets must be cleared of debris at the end of each day.

All non-functional BMPs must be repaired, replaced, or supplemented with functional BMPs within 24 hours of discovery, or as soon as field conditions allow access.

FINAL STABILIZATION:
The permittees must submit a Notice of Termination (N.O.T.) within 30 days of final stabilization or transferring permit responsibility to another owner or operator.

The Contractor must ensure final stabilization of the site. Final stabilization shall include a minimum of 70% vegetation establishment (100% stabilized) on all pervious areas.

All temporary erosion control measures and BMPs must be removed as part of the final site stabilization, unless directed otherwise by owner or engineer.

IMPLEMENTATION SCHEDULE & PHASING:
1) Install silt fence
2) Install rock construction entrances
3) Mass grading
4) Install utilities
5) Streets/Parking
6) Small utilities
7) Final stabilization(Finish seed/sod to be Bluegrass and/or Fescues)
8) Remove BMPs

RECORD RETENTION:
The SWPPP, all changes to it, and inspections and maintenance records must be kept at the site during construction. All owner(s) must retain the following for 3 years after submittal of NOT:
1) SWPPP;
2) Any other permits required for the project;
3) Inspection and maintenance logs;
4) All permanent operation and maintenance agreements for surface water facilities;
5) All design calculations for temporary and permanent storm water management.

PLAN SHEETS:
Sheet number 2 and 3 of this plan set is also considered a part of the SWPPP for this project.

KJwalk INC.
6001 Egan Drive, Ste 100, Savage, MN 55378
Phone: 952.226.3200 Web: www.kjwalk.com

I hereby certify that this plan was prepared by me, or under my direct supervision, and that I am a duly registered engineer under the laws of the State of Minnesota

Luke Warren Israelson
Registration #: 51362 Date: 9/17/2024

Date:	Revision:
05/15/2023	Original
05/31/2023	Revised
06/09/2023	Revised
06/29/2023	Revised
08/16/2024	Revised
09/17/2024	Revised per city comments

ROSEWOOD COMMONS
ROSEMOUNT, MN

For Review
September 17, 2024

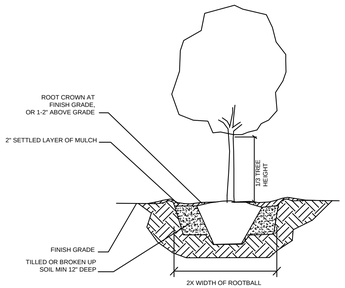
SWPPP PLAN

SHEET 3 of 4

Landscape Planting			
Common Name	Botanical Name	Size	
Autumn Blaze Maple	Acre Freemanii 'Jeffsred'	2.5"	13
Birch	Betula	2.5"	16
Linden	Tilia	2.5"	13
Total Trees			42
Shrubs			66
St. John's Wort, Low Grow Sumac, Tor Spirea, Hyperion Daylily, Dwarf Lilac, Or similar			
Total			108

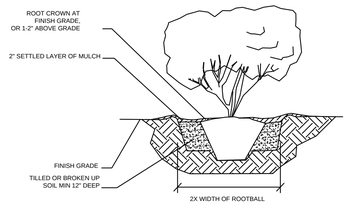
NOTES:

* CONIFEROUS TREES STAGGERED WITH 15' SPACING
* DECIDUOUS TREES-20' SPACING
* THERE ARE NO SIGNIFICANT TREES ON SITE



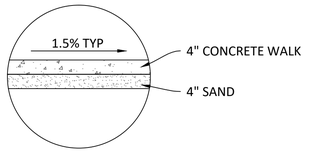
TREE PLANTING

SCALE: NOT TO SCALE

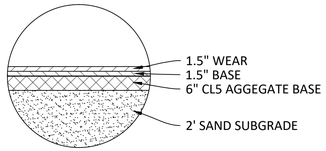


TYP. SHRUB PLANTING

SCALE: NOT TO SCALE

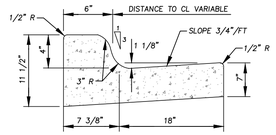


TYPICAL SIDEWALK SECTION
NOT TO SCALE



TYPICAL PARKING LOT SECTION
NOT TO SCALE

Paving	41,903 SQ FT
Curb and Gutter	2,100 LF
Sidewalk	5,750 SQ FT
Trash Enclosure Concrete	222 SQ FT

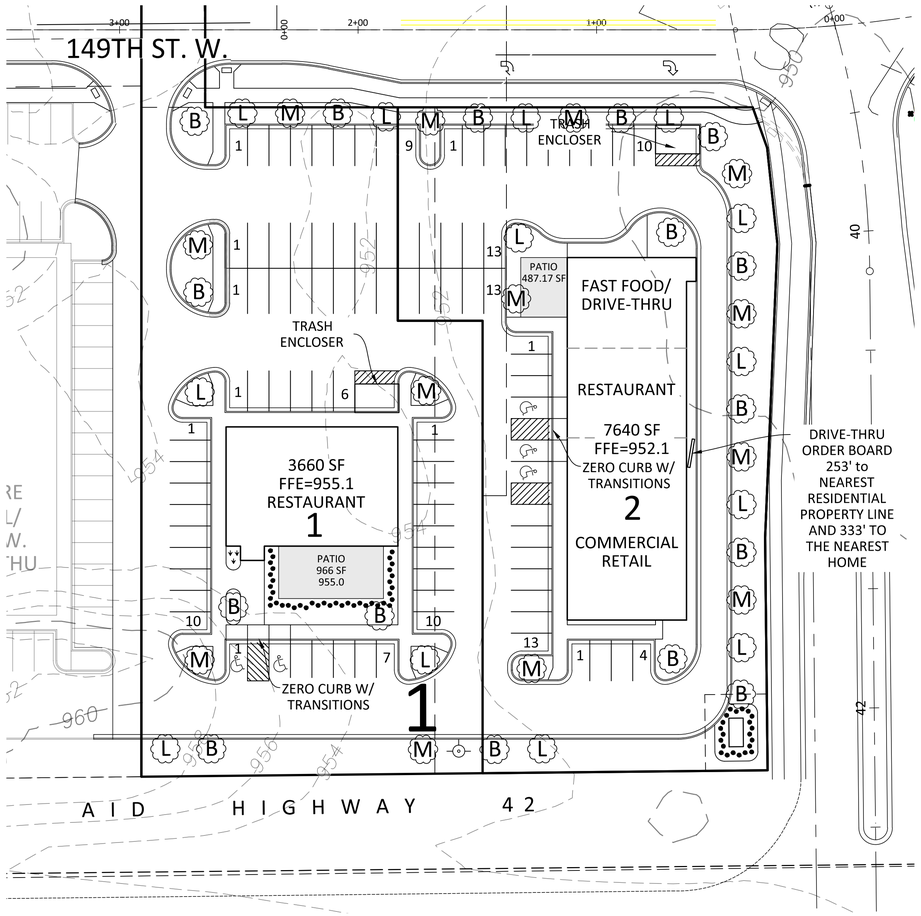


B 418 CURB AND GUTTER
NOT TO SCALE

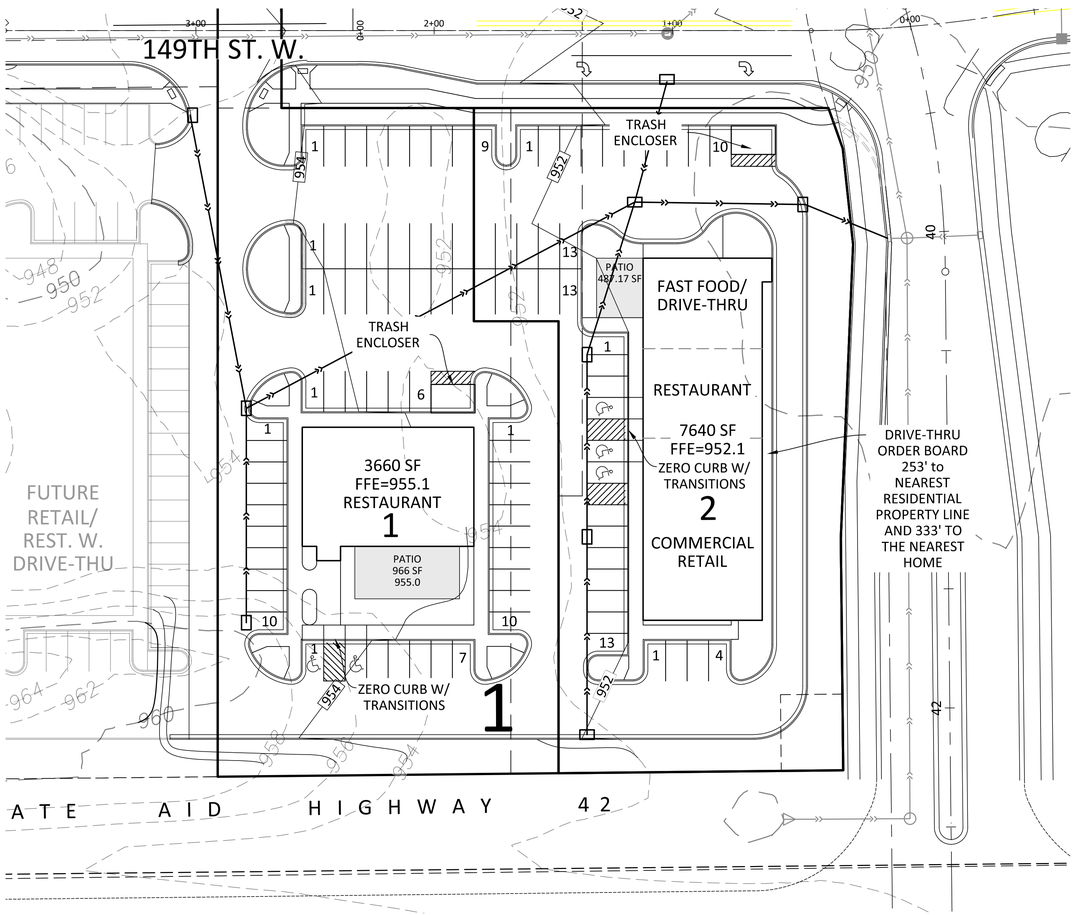
LEGEND

- MAPLE
- BIRCH
- LINDEN
- SHRUB
- FEATHER REED GRASS OR SIMILAR
- TIP-IN CURB AND GUTTER
- TIP-OUT CURB AND GUTTER

NOTE:
ALL NEWLY INSTALLED STREETS ARE PRIVATE AND WILL BE MAINTAINED PRIVATELY.



LANDSCAPE PLAN



PAVING PLAN

KJwalk INC.
6001 Egan Drive, Ste 100, Savage, MN 55378
Phone: 952.226.3200 Web: www.kjwalk.com

I hereby certify that this plan was prepared by me, or under my direct supervision, and that I am a duly registered engineer under the laws of the State of Minnesota.

Luke Warren Israelson
Registration #: 51362 Date: 9/17/2024

Date:	Revision:
05/15/2023	Original
05/31/2023	Revised
06/09/2023	Revised
06/29/2023	Revised
08/16/2024	Revised
09/17/2024	Revised per city comments

ROSEWOOD COMMONS SECOND ADDITION

ROSEMOUNT, MN

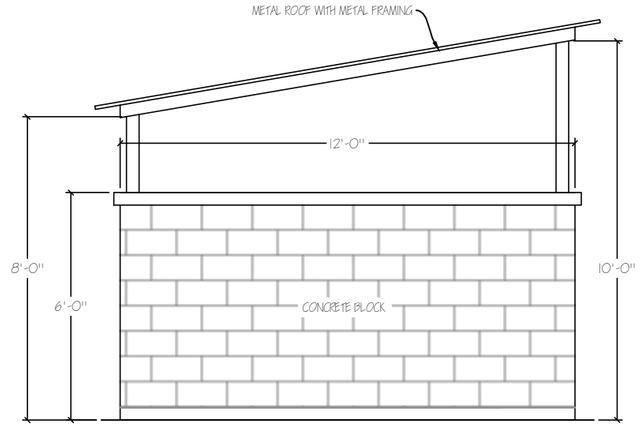
For Review
September 17, 2024

Site Plan- Paving and Landscape Plan

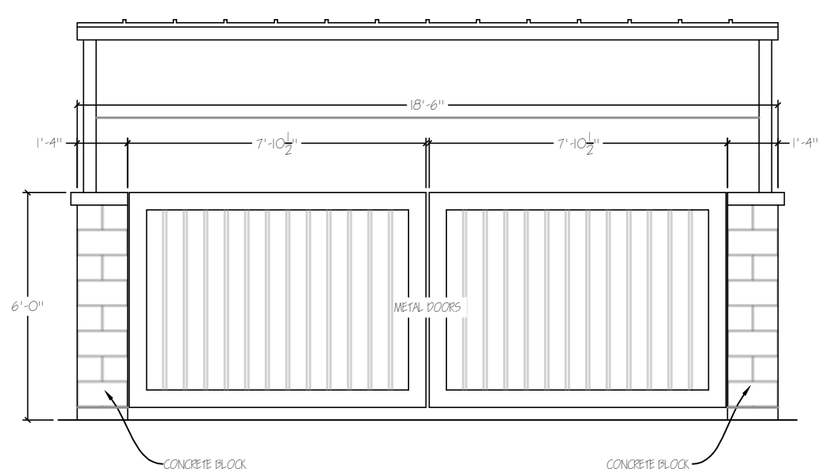
SHEET 4 of 4

FILE PATH: G:_shortcut-targets-by-id\0B7rIATRBOKEBSGQ2T0tKZiOxUTg\Work Files\Rosemount Projects\Rosewood Commons\Engineering\CAD\DWGs\RWCOMMONS2 - Site Plan.dwg

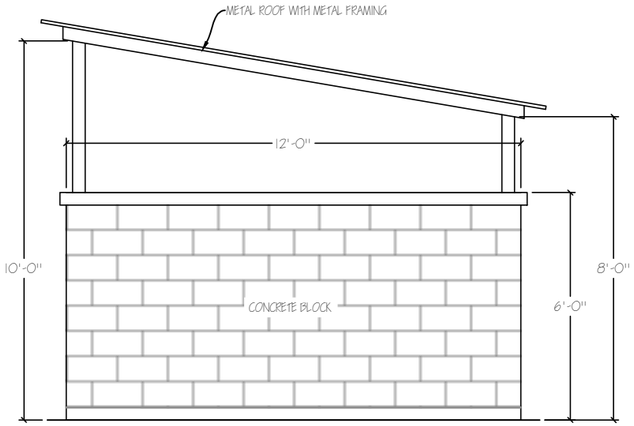
ROSEWOOD COMMONS SECOND ADDITION - TRASH ENCLOSURE



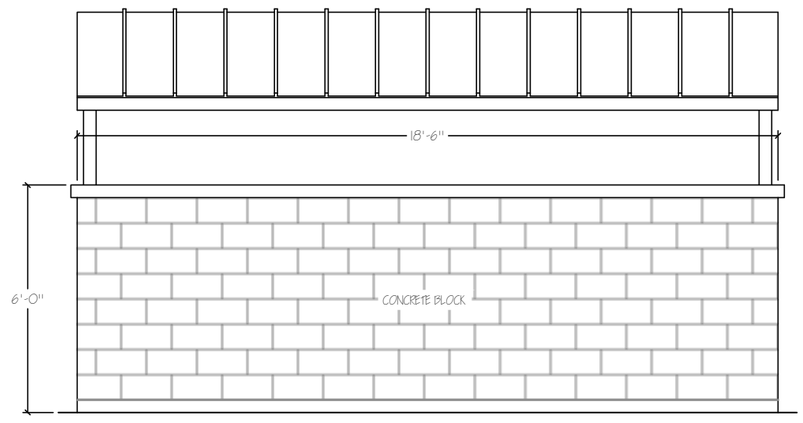
LEFT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION

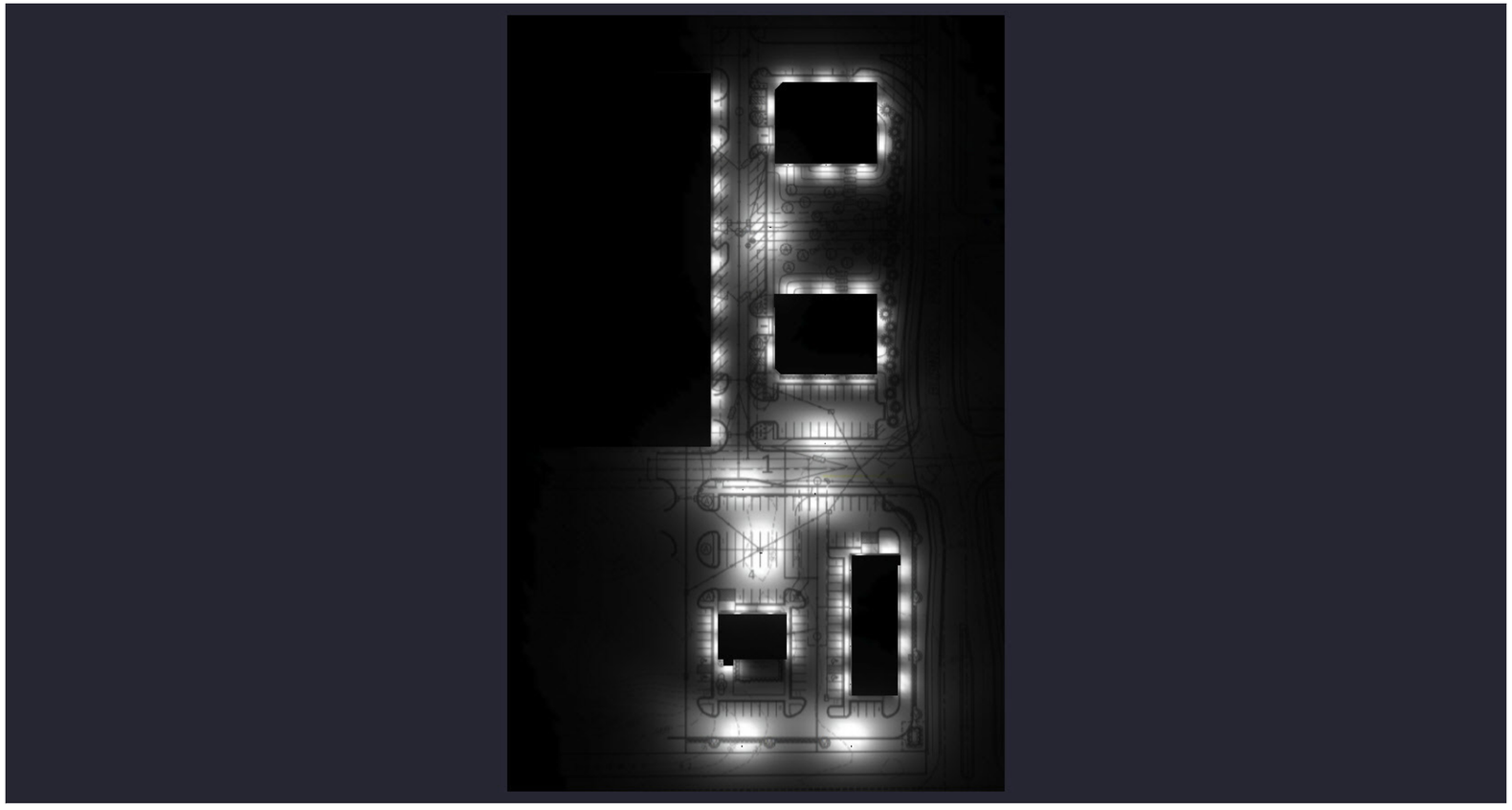


REAR ELEVATION

Calculation Summary											
Label	**CalcType**	**Units**	**Avg**	**Max**	**Min**	**Avg/Min**	**Max/Min**	**Description**	**PtSpcLr**	**PtSpcTb**	**Meter Type**
CalcPts_1	Illuminance	Fc	1.31	25.5	0.0	N.A.	N.A.	Readings Taken 0'-0" AFG	10	10	Horizontal

******LAYOUT AND BOM ARE SUBJECT TO APPROVAL******

Luminaire Schedule												
Symbol	**Qty**	**Tag**	**Label**	**Arrangement**	**Lum. Lumens**	**Arr. Lum. Lumens**	**LLF**	**Description**	**Lum. Watts**	**Arr. Watts**	**Total Watts**	**Filename**
	6	A	a17-3t150	SINGLE	21180	21180	1.000	A17-3T150	149.08	149.08	894.48	a17-3t150.ies
	1	A2	A17-3T150 2@180	BACK-BACK	21180	42360	1.000	A17-3T150	149.08	298.16	298.16	a17-3t150.ies
	46	S	slim17fa30adj_5k	SINGLE	3540	3540	1.000	SLIM17FA15ADJ_5K	29.67	29.67	1364.82	slim17fa30adj_5k.ies



NOTES:
* The light loss factor (LLF) is a product of many variables, only lamp lumen depreciation (LLD) has been applied to the calculated results unless otherwise noted. The LLD is the result (quotient) of mean lumens / initial lumens per lamp manufacturers' specifications.

* Illumination values shown (in footcandles) are the predicted results for planes of calculation either to the plane of calculation.

* The calculated results of this lighting simulation represent an anticipated prediction of system performance. Actual measured results may vary from the anticipated performance and are subject to means and methods which are beyond the control of the designer.

* Mounting height determination is job site specific, our lighting simulations assume a mounting height (insertion point of the luminaire symbol) to be taken at the top of the symbol for ceiling mounted luminaires and at the bottom of the symbol for all other luminaire mounting configurations.

* RAB Lighting Inc. luminaire and product designs are protected under U.S. and International intellectual property laws. horizontal, vertical or inclined as designated in the calculation summary. Meter orientation is normal Patents issued or pending apply.

The Lighting Analysis, Estimate, Energy Analysis and/or Visual Simulation "Lighting Design" provided by ROUZER represents an anticipated prediction of lighting system performance based on the information provided by others at the time the Lighting Design was created. Actual measured results may vary from the anticipated performance and are subject to means and methods which are beyond the control of the designer. Mounting height determination is job site specific, our lighting simulations assume a mounting height (insertion point of the luminaire symbol) to be taken at the top of the symbol for ceiling mounted luminaires and at the bottom of the symbol for all other luminaire mounting configurations. Field verified to confirm installation. ROUZER neither warrants nor represents the appropriateness of the lighting design, either implied or stated, for any purpose other than that specifically stated in writing by ROUZER. ROUZER neither warrants, either implied or stated, nor represents the appropriateness of the lighting design. Field verified to confirm installation. ROUZER makes no warranties, express or implied, with respect to the Lighting Design, except those specifically stated in writing by ROUZER. ROUZER hereby disclaims any and all warranties with the exception of those specifically stated on drawings created and submitted by ROUZER. The Lighting Design is not to be relied upon for any purpose and is not intended for construction nor as being part of a project's construction documentation package.

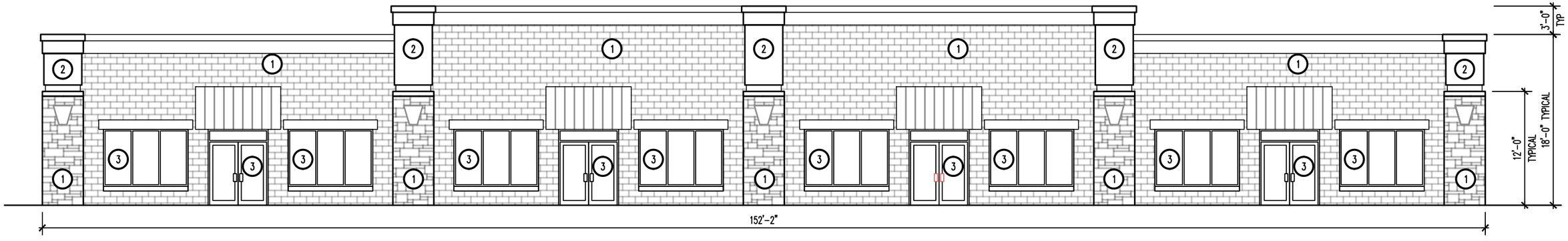
Scale: as noted
Date:2/1/2022
Filename: Rosewood Commons.AGI
Drawn By: Bailey Ganske

Job Name: Rosewood Commons
Lighting Layout
Version A

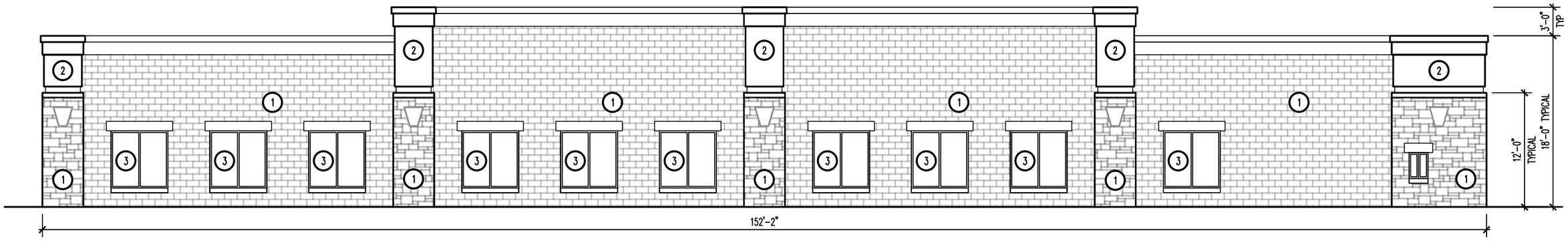
Prepared For: J.H. Larson

Filename: C:\Users\bailey\Desktop\AGI Layouts\Rosewood Commons.AGI

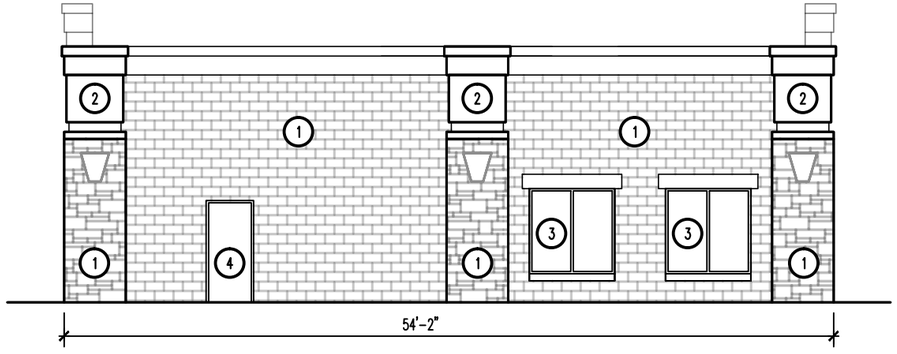
ROUZER GROUP



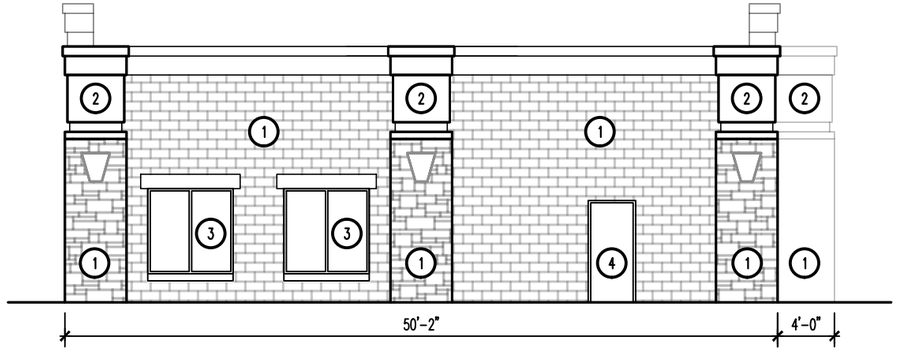
FRONT ELEVATION



REAR ELEVATION

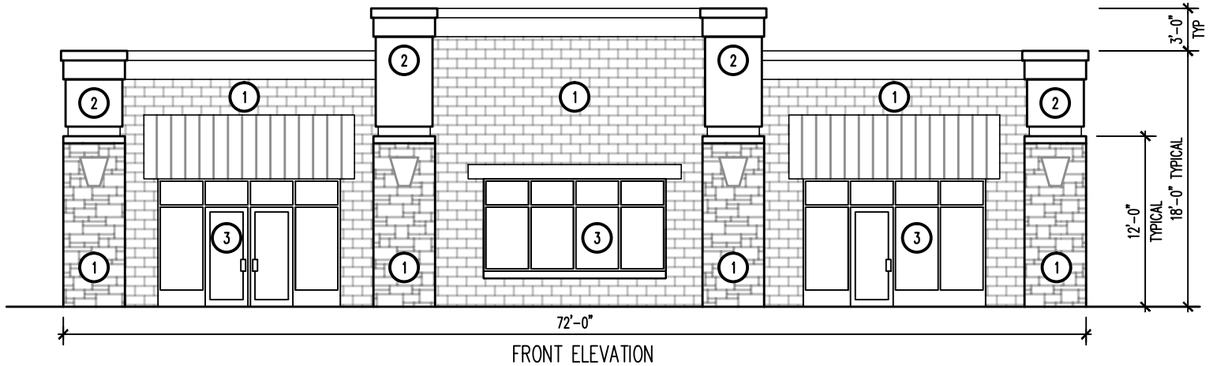


LEFT ELEVATION

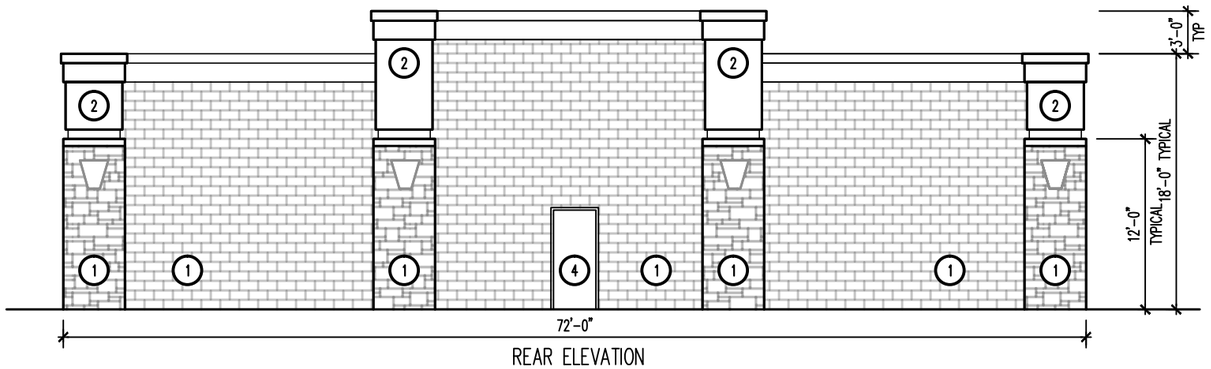


RIGHT ELEVATION

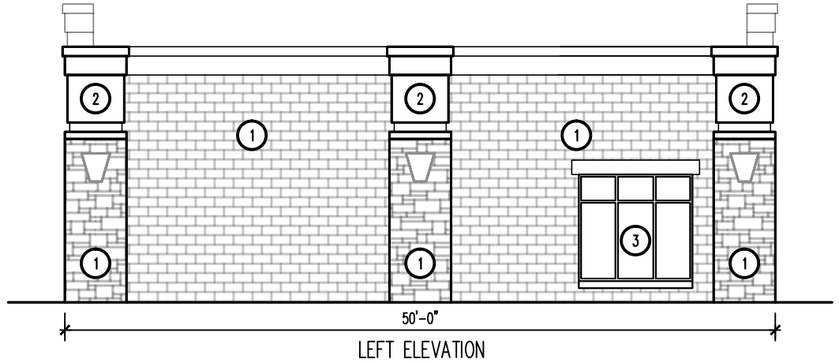
152' LONG BUILDING MATERIAL SQUARE FOOTAGES & PERCENTAGES							
MARK	MATERIAL DESCRIPTION	FRONT SF	RIGHT SF	REAR SF	LEFT SF	TOTALS	% OR TOTAL SF
1	STONE & CAP/ BRICK	1,886	700	2,155	716	5,457	69.2%
2	EIFS/ TRIM/ CORNERS	418	172	420	156	1,166	14.8%
3	ALUMINUM & GLASS STORE FRONT (DOORS & WINDOWS)	667	78	396	78	1,219	15.4%
4	HOLLOW METAL DOORS & FRAMES	0	24	0	24	48	0.6%
	TOTALS	2,971	974	2,971	974	7,890	100.0%



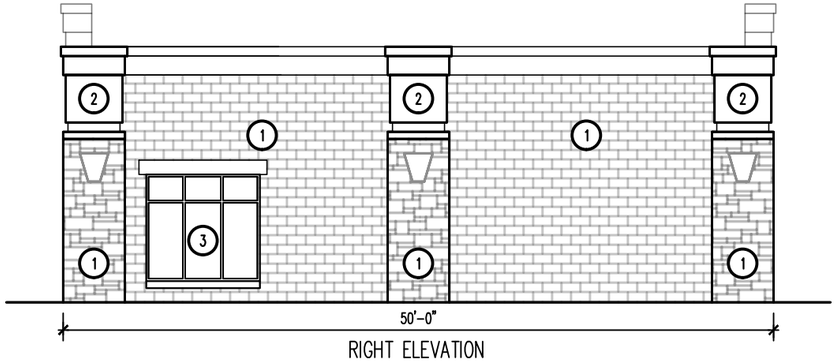
FRONT ELEVATION



REAR ELEVATION

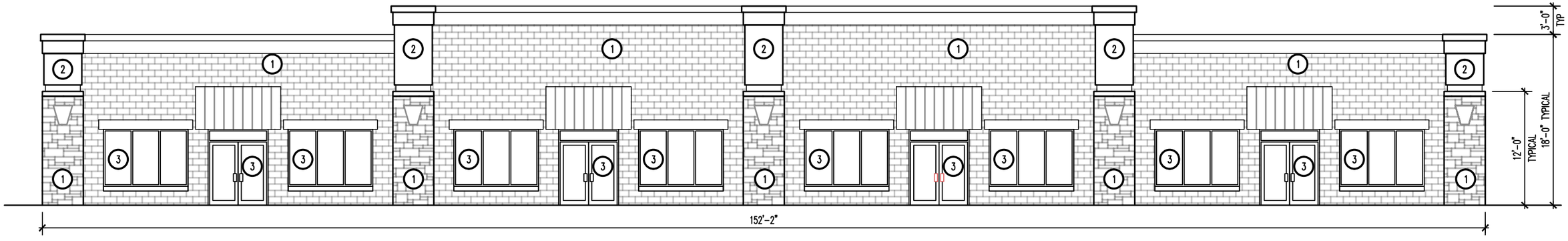


LEFT ELEVATION

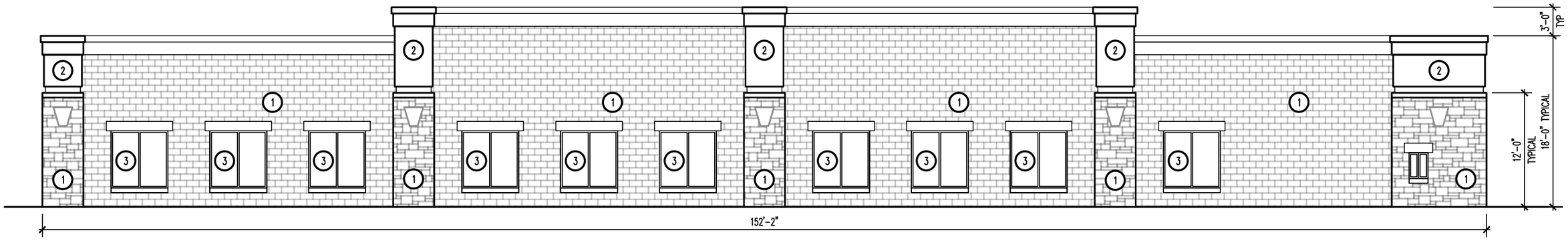


RIGHT ELEVATION

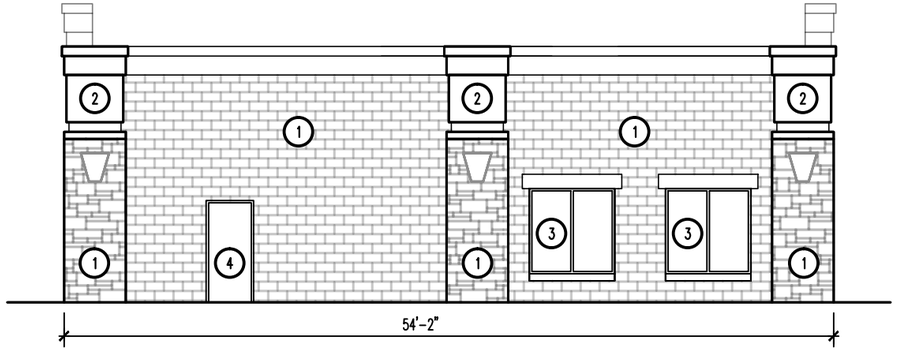
72' LONG BUILDING MATERIAL SQUARE FOOTAGES & PERCENTAGES							
MARK	MATERIAL DESCRIPTION	FRONT SF	RIGHT SF	REAR SF	LEFT SF	TOTALS	% OR TOTAL SF
1	STONE & CAP/ BRICK	825	687	1,123	687	3,322	72.9%
2	EIFS/ TRIM/ CORNERS	232	148	232	148	760	16.7%
3	ALUMINUM & GLASS STORE FRONT (DOORS & WINDOWS)	322	64	0	64	450	9.9%
4	HOLLOW METAL DOORS & FRAMES	0	0	24	0	24	0.5%
	TOTALS	1,379	899	1,379	899	4,556	100.0%



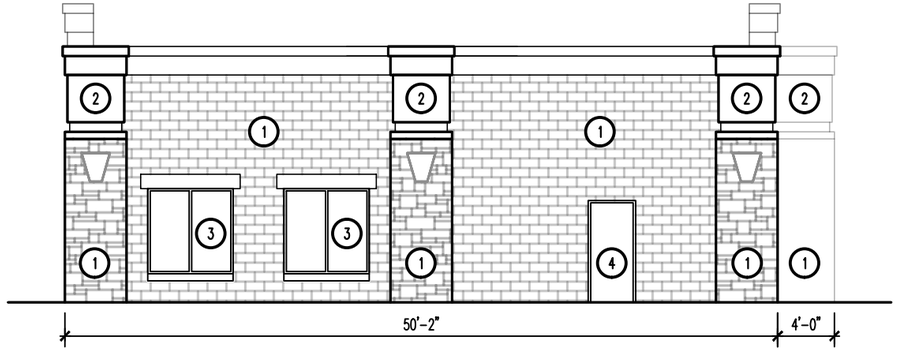
FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

152' LONG BUILDING MATERIAL SQUARE FOOTAGES & PERCENTAGES							
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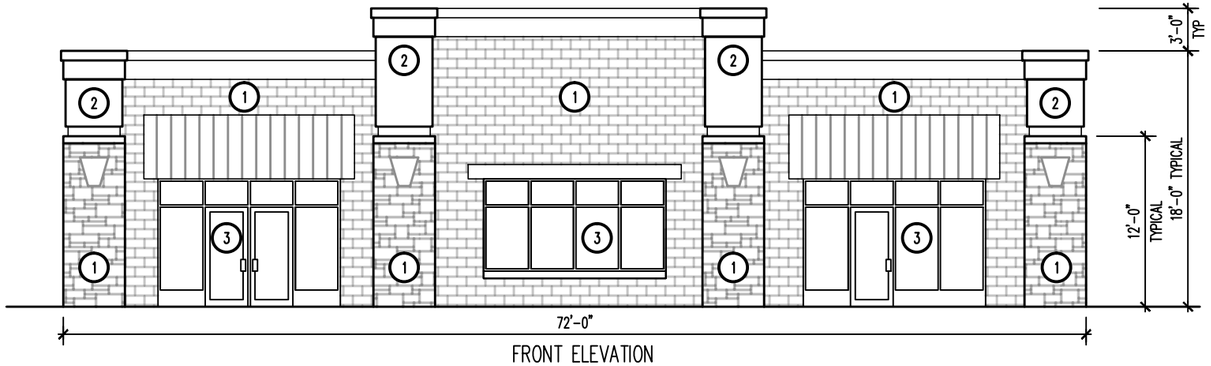
	TOTALS	2,971	974	2,971	974	7,890	100.0%



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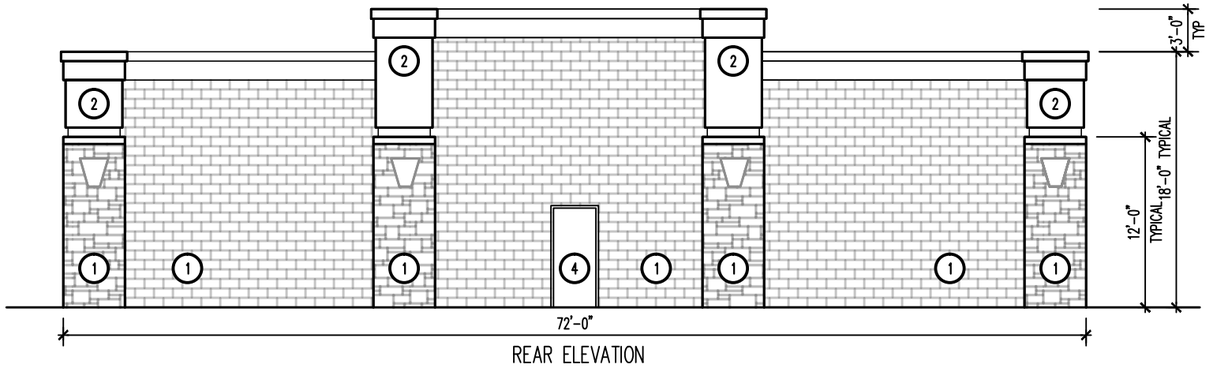
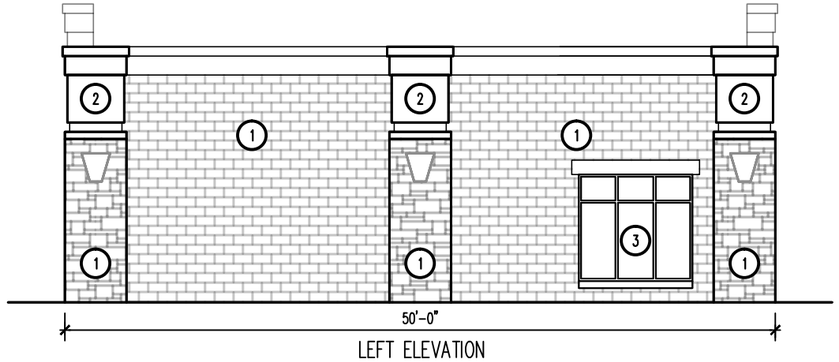
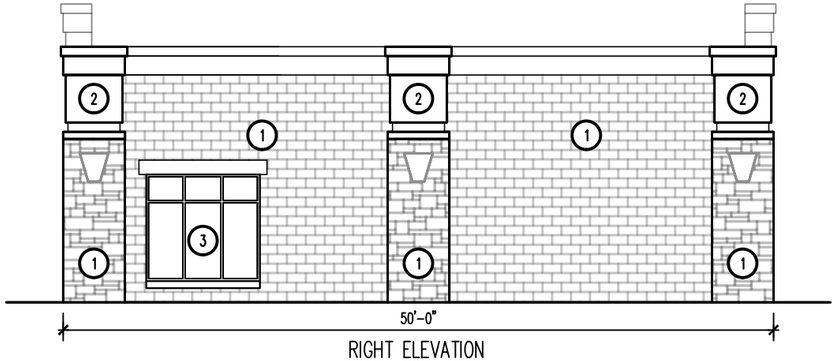


REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

72' LONG BUILDING MATERIAL SQUARE FOOTAGES & PERCENTAGES							
MARK	MATERIAL DESCRIPTION	FRONT SF	RIGHT SF	REAR SF	LEFT SF	TOTALS	% OR TOTAL SF
1	STONE & CAP/ BRICK	825	687	1,123	687	3,322	72.9%
2	EIFS/ TRIM/ CORNERS	232	148	232	148	760	16.7%
3	ALUMINUM & GLASS STORE FRONT (DOORS & WINDOWS)	322	64	0	64	450	9.9%
4	HOLLOW METAL DOORS & FRAMES	0	0	24	0	24	0.5%
	TOTALS	1,379	899	1,379	899	4,556	100.0%

ROSEMOUNT
MINNESOTA

EXECUTIVE SUMMARY

Planning Commission Regular Meeting: September 24, 2024
Tenative City Council Meeting: October 15, 2024

AGENDA ITEM:	Request by Furlong Excavating for renewal of its Small-Scale Mineral Extraction Permit for 2025.	**AGENDA SECTION:** PUBLIC HEARINGS
PREPARED BY:	Julia Hogan, Planner	**AGENDA NO.** 6.a.
ATTACHMENTS:	DRAFT Mineral Extraction Permit 2025, Site Location , Aerial Images and Plans , Reclamation Plan, Panoramic Images , Site Photos	**APPROVED BY:** AK
RECOMMENDED ACTION: Motion to Recommend the City Council Approve the Furlong Excavating Small-Scale Mineral Extraction Permit for 2025, subject to the terms and conditions in the attached 2024 Draft Conditions for Mineral Extraction.		

BACKGROUND

SUMMARY

Applicant:	Furlong Excavating
Property Owner:	Tom Furlong, 14690 Furlong Circle, Hastings, MN. (Nininger Township)
Location:	West of Fischer Ave. and ¼ mile south of STH 55.
Area:	40 Acres (Overall Site); 6 Acres (active mining area)
Designated Land Use:	AG-Agriculture
Current Zoning:	A-2-Agricultural District

The Planning Commission is being asked to consider an application from Furlong Excavating requesting renewal of its annual small-scale mineral extraction permit for the property located immediately west of Fisher Avenue and approximately ¼ mile south of Highway 55 in the far eastern portion of Rosemount. Following a period of inactivity at the mine site, the Planning Commission approved a mineral extraction permit in late spring of 2019 to allow the applicant to sell aggregate to a construction company that was working on the reconstruction of County Road 42 east of Highway 55. The applicant would like to continue being able to sell aggregate on an as-needed basis to Pine Bend Paving and other construction companies and is requesting renewal of the mineral extraction permit that expired on December 31, 2023. Staff is recommending approval of the request to renew the mineral extraction permit for 2025.

BACKGROUND

In May 2019, the City Council approved a mineral extraction permit to reactivate the mining site that had been in operation for approximately ten years prior to 2006. The primary use of the site after the 2019 approval of the permit was for extraction of aggregate to be used for the reconstruction of

County Road 42 east of Highway 55 in Nininger Township. As an interim use, permits for mineral extraction are valid for one calendar year (January 1 – December 31); however, in order to accommodate the construction schedule for the County Road 42 project, staff recommended that the Furlong Excavating permit be issued through 2020, with an administrative staff review at the end of 2019. At that time, staff found the operation to be in compliance with the requirements of the 2019 Small Scale Mineral Extraction Permit. The mineral extraction permit was also renewed in 2021 and 2023 for the site. Over the last few years, the site has been used for extracting aggregate material on an as-needed basis for various construction/paving companies. The applicant is expecting the same for the site for 2025.

According to the applicant, approximately 70,000 cubic yards were mined from the site in 2019, 20,000-25,000 cubic yards were removed in the years of 2020 and 2021, and roughly 95,000 cubic yards were removed during 2023. This is generally comparable to or less than other mining operations in the city, and the applicant anticipates that a similar volume to 2023, specifically ranging from 50,000 to 100,000 cubic yards, will be mined in 2025. The applicant has been selling aggregate to Pine Bend Paving and other local construction companies since 2020 and is requesting a renewal of the mineral extraction permit for 2025 to continue that partnership. The applicant has supplied an updated site plan that shows the expansion of the excavated area to the east of the existing mined area.

ISSUE ANALYSIS

Aggregate mining is reviewed through an interim use permit, which is a quasi-judicial action. As such, the city has a set of standards and requirements for review. Generally, if the applications meet the ordinance requirements, they must be approved. The standards and requirements for this mineral extraction are detailed in Section 11-6-4 M. of the Zoning Ordinance and the attached Mineral Extraction permit.

The subject property is zoned A-2 – Agricultural and meets or exceeds the applicable performance standards for small scale mineral extraction. Small scale mineral extraction is listed as an interim use within the Agricultural district. The table below details the current land use, zoning, and future land use information for the surrounding properties located within the Rosemount municipal boundary. These properties are all currently zoned Agricultural and are located outside the 2040 Metropolitan Urban Service Area (MUSA). The 2040 Future Land Use Map anticipates continued Agricultural use on these properties. The land immediately east of the site lies in Nininger Township, and the uses include a combination of rural residential (7 houses), a golf course, and event center.

Surrounding Land Use and Zoning Information			
Direction	**Current Land Use**	**Zoning**	**Guided Land Use**
North	Agriculture	A-2 - Agricultural	AG-Agriculture
South	Agriculture	A-2 - Agricultural	AG-Agriculture
East	Rural Residential/Golf Course	n/a	n/a
West	Agriculture	A-2 Agricultural	AG-Agriculture

Due to the small area of mineral extraction, a phasing plan is not required. If the applicant's plans for the site change and extraction is going to expand beyond 15 acres, the applicant will have to provide a

phasing plan. Staff has reviewed the plan and finds that it meets the requirements of the City Code.

When the Planning Commission reviewed the mineral extraction permit application back in 2019, there were concerns about traffic safety related to the volume of trucks that would be hauling from the site. The truck traffic was generated by the extraction of aggregate in support of the reconstruction of County Road 42. Because the removal of aggregate from the site will be on an as-needed basis for use at Pine Bend Paving and the other construction companies, the number of trucks entering and leaving the site has been less than in previous years, and the timing of hauling will be less regular as well.

RECOMMENDATION

Staff is recommending approval of the Small-Scale Mineral Extraction permit for Furlong Excavating based upon a review of information submitted by the applicant, the mineral extraction standards in Section 11-6-4 M. of the City Code, and the attached permit with conditions of approval.

Mineral Extraction Permit
20253 Conditions for Small Scale Mineral Extraction Permit
FURLONG EXCAVATING

A Furlong Excavating, hereinafter referred to as the "Property Owner", shall sign a written consent to these conditions binding itself and its successors or assigns to the conditions of said permit.

B The property Owner shall comply with all terms of this permit as well as the standards for mineral extraction listed in Section 11-6-4 M. 11-10-04 of the City Code.

C This permit is granted for the area on Exhibit A, which is attached hereto as an exhibit. Regrading and reclamation shall occur in the area designated on Exhibit A in accordance with the requirement of Section 11-6-4 M.4. 11-10-4.4 of the City Code. Reclamation is not expected to occur in the 20253 calendar year.

D The term of the permit shall extend from the date approved by the City Council until December 31, 20253 unless revoked prior to that for failure to comply with the permit requirements. An Annual Mining Permit fee shall be paid to the City of Rosemount.

E All required permits from the State of Minnesota, County of Dakota and City of Rosemount (hereinafter "City") or any of their agencies shall be obtained and submitted to the City prior to the issuance of the permit. Failure by the Property Owner to comply with the terms and conditions of any of the permits required under this paragraph shall be grounds for the City to terminate said mining permit.

F The final grading for the permit area shall be completed in accordance with the Final Reclamation Plan, attached as Exhibit B, or as approved by the City Engineer, and any other conditions that may be imposed by the City from time to time.

G All gravel trucks and other mining related traffic shall enter and exit the mining area from Fischer Avenue. The location of the accesses and/or easements for ingress and egress shall be subject to approval by the City, as well as the County and State Highway Departments if any changes occur relative to the mining process.

H A plan for dust control shall be implemented and subject to approval by the City. The Property Owner shall clean dirt and debris from extraction or hauling operations related to the Mineral Extraction Permit from streets. After the Property Owner has received 24-hour verbal notice, the City may complete or contract to complete the clean-up at the Property Owner's expense. In the event of a traffic hazard as determined by the Public Works Director or Rosemount Police Department, the City may proceed immediately to complete or contract cleanup at Property Owner's expense without prior notification.

I The surface water drainage of the mining area shall not be altered so as to interfere, contaminate, or otherwise affect the natural drainage of adjacent property.

J No topsoil shall be removed from the site and the Property Owner shall take necessary measures to prevent erosion of the stockpiled topsoil. The location of the stockpiled topsoil shall be as indicated on Exhibit A.

K Any costs incurred now or in the future in changing the location of existing public or private utilities including but not limited to pipelines, transmission structures and sewer infrastructure located within the permit area shall be the sole obligation and expense of the Property Owner.

L All costs of processing the permit, including but not limited to planning fees, engineering fees and legal fees, shall be paid by the Property Owner prior to the issuance of the permit. The Property Owner shall reimburse the City for the cost of periodic inspections by the City Engineer or any other City employee for the purpose of insuring that conditions of the permit are being satisfied. The Property Owner agrees to reimburse the City for any other costs incurred as a result of the granting or enforcing of the permit.

M The daily hours of operation for the mining area shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday, subject, however, to being changed by the City Council.

N The Property Owner shall deposit with the Planning Department a surety bond or cash escrow in the amount of Seven Thousand Five Hundred Dollars per acre ($7,500.00/acre) of active phase in favor of the City for the cost of restoration, regrading and/or revegetating land disturbed by mining activities and to assure compliance with these conditions by the Property Owner. The required surety bonds must be:

(1) With good and sufficient surety by a surety company authorized to do business in the State of Minnesota with the right of the surety company to cancel the same only upon at least thirty (30) days written notice to the permit holder and the City.
(2) Satisfactory to the City Attorney in form and substance.
(3) Conditioned that the Property Owner will faithfully comply with all the terms, conditions and requirements of the permit; all rules, regulations and requirements pursuant to the permit and as required by the City and all reasonable requirements of the City Engineer, or any other City officials.
(4) Conditioned that the Property Owner will secure the City and its officers harmless against any and all claims, or for which the City, the Council or any City officer may be made liable by reason of any accident or injury to persons or property through the fault of the Property Owner.
(5) The surety bond or cash escrow shall remain in effect from January 1, 2025~~3~~ to July 31, 2026~~4~~.

Upon thirty (30) days' notice to the permit holder and surety company, the City may reduce or increase the amount of the bond or cash escrow during the term of this permit in order to insure that the City is adequately protected.

O. The Property Owner shall furnish a certificate of comprehensive general liability insurance issued by insurers duly licensed within the State of Minnesota in an amount of at least Five Hundred Thousand and no/100 ($500,000.00) Dollars for injury or death of any one person in any one occurrence, bodily injury liability in an amount of at least One Million Five Hundred Thousand and no/100 ($1,500,000.00) Dollars and property damage liability in an amount of at least Two Hundred Fifty Thousand and no/100 ($250,000.00) Dollars arising out of any one occurrence. The policy of insurance shall name the City as an additional insured and shall remain in effect from January 1, 2025~~3~~ to July 31, 2026~~4~~.

P. The storage of equipment (unrelated to the sand and gravel mining and processing), manure, construction debris, or hazardous materials of any kind shall not be permitted on site. The placement of construction debris, manure, asphalt in any form or hazardous materials within the pit as fill shall be strictly prohibited.

Q. The Property Owner shall hold the City harmless from all claims or causes of action that may result from the granting of the permit. The Property Owner shall indemnify the City for all costs, damages or expenses, including but not limited to attorney's fees that the City may pay or incur in consequence of such claims.

R. The Property Owner shall comply with such other requirements of the City Council as it shall from time to time deem proper and necessary for the protection of the citizens and general welfare of the community.

S. Complete mining and reclamation is required in all phases before any additional mining is authorized. Modifications or expansion of the mining areas must be approved in writing to the City. Property Owner

shall submit to the City semiannually a written report indicating the amount of material extracted from the site for the prior six-month period.

T. The Property Owner shall incorporate best management practices for controlling erosion and storm water runoff as specified by the Minnesota Pollution Control Agency and the United States Environmental Protection Agency.

U. Reclamation shall include the replacement of the entire stockpile of topsoil on the mined area, reseeding and mulching necessary to re-establish vegetative cover for permanent slope stabilization and erosion control. The minimum depth of topsoil shall not be less than two inches after reclamation. No restored slopes may exceed a gradient of 25% or four to 1 (4:1).

V. The Property Owner must show how materials stockpiled for recycling, if any, will be processed and inform the City of all stockpiled materials.

W. All recycling must be completed with the completion of the current phase and materials removed from the site. No recycling processes shall be allowed to continue into subsequent phases.

X. The Property Owner may not assign this permit without written approval of the City. The Property Owner will be responsible for all requirements of this permit and all City ordinances on the licensed premises for the permit period unless the Property Owner gives sixty (60) days prior written notice to the City of termination and surrenders the permit to the City. The Property Owner shall identify all Operators prior to their commencement of mineral extraction-related activities in the pit area. The City shall have the authority to cause all mineral extraction activities to cease at any time there is an apparent breach of the terms of this Permit.

Y. The Property Owner shall install and maintain a "stock" gate (or equivalent) at the entrance to the property where the mining operation is located. The gate must be secured at 7:00 p.m. and at any time the pit is not in use.

Z. The fill area regrading and reclamation shall follow the procedures described in the Amended Operational Plan – Furlong Small Scale Mineral Extraction Permit, including a report submitted to the City describing the quantities of material brought in, where the material came from, and the test result of the material. The reports submitted shall describe the quantities of material brought in, where the material came from, and the test results, including supporting analytical results of the materials.

AA. Mining to the elevation of 840 feet above mean sea level provided that the site is reclaimed to the elevation shown on Exhibit A with haul-back, clean-fill material in accordance with the Amended Operational Plan – Furlong Small Scale Mineral Extraction Permit. In no instance shall mining occur in the groundwater aquifer.

BB. Blasting or the use of explosives is prohibited in the mining of the Furlong gravel pit.

CC. Truck operators within the pit area shall not engage in practices involving slamming tailgates, vibrating boxes, using of "jake" or engine brakes (except in emergency situations) or other such activities that result in excessive noise.

DD. The City of Rosemount shall have the ability to collect independent soil and water samples.

EE. Furlong Excavating shall submit an incidence report to the City within three days of any testing that fails for contamination or hazardous materials, or will not produce a normal moisture-density relationship for compaction.

FF. Furlong Excavating shall compact the entire reclamation site to a minimum compaction of 95% of maximum dry density.

GG. The operator shall install and maintain "No Trespassing" signs consistent with the standards outlined in Minnesota State Statute 609.605.

HH. The operator is permitted to have two trailers for storage of items directly related to the operation of the mine and mining equipment. Storage of more than two trailers would be a violation of the conditions of the mining permit and could be cause for revocation of the approval.

That Furlong Excavating, Property Owner, hereby consents and agrees to the foregoing conditions of said mining permit.

IN WITNESS WHEREOF, the Property Owner has hereunto set his hand this _____ day of _____, 2024~~3~~.

FURLONG EXCAVATING

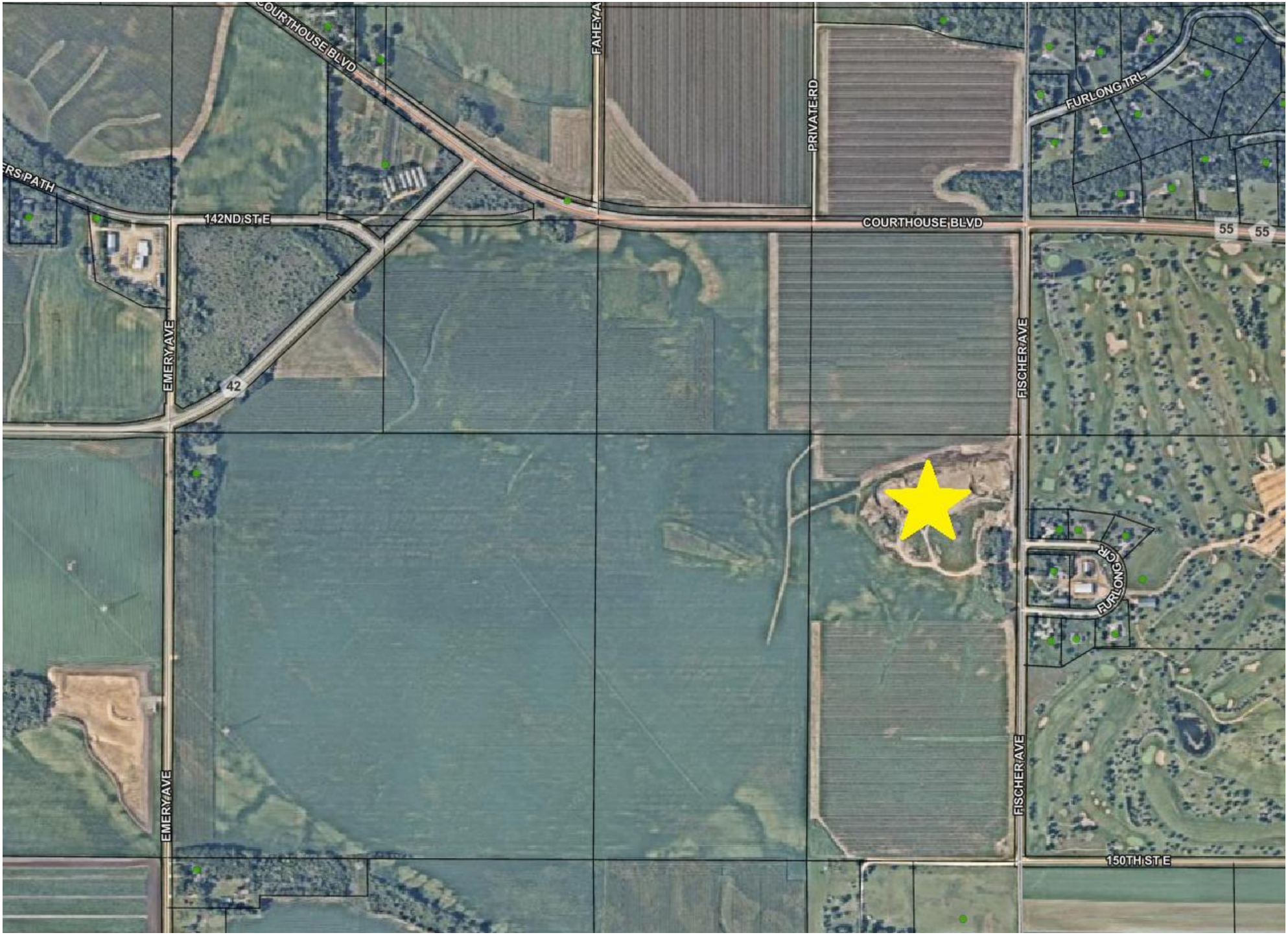
By:_____

Its: _____

STATE OF MINNESOTA)
) §
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____day of _____, 2024~~3~~, by _____, on behalf of Furlong Excavating, Property Owner.

_____
Notary Public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PRIVATE RD
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EMERY AVE
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FISCHER AVE
FURLONG CIR
EMERY AVE
FISCHER AVE
150TH ST E

storm water runoff
SWR

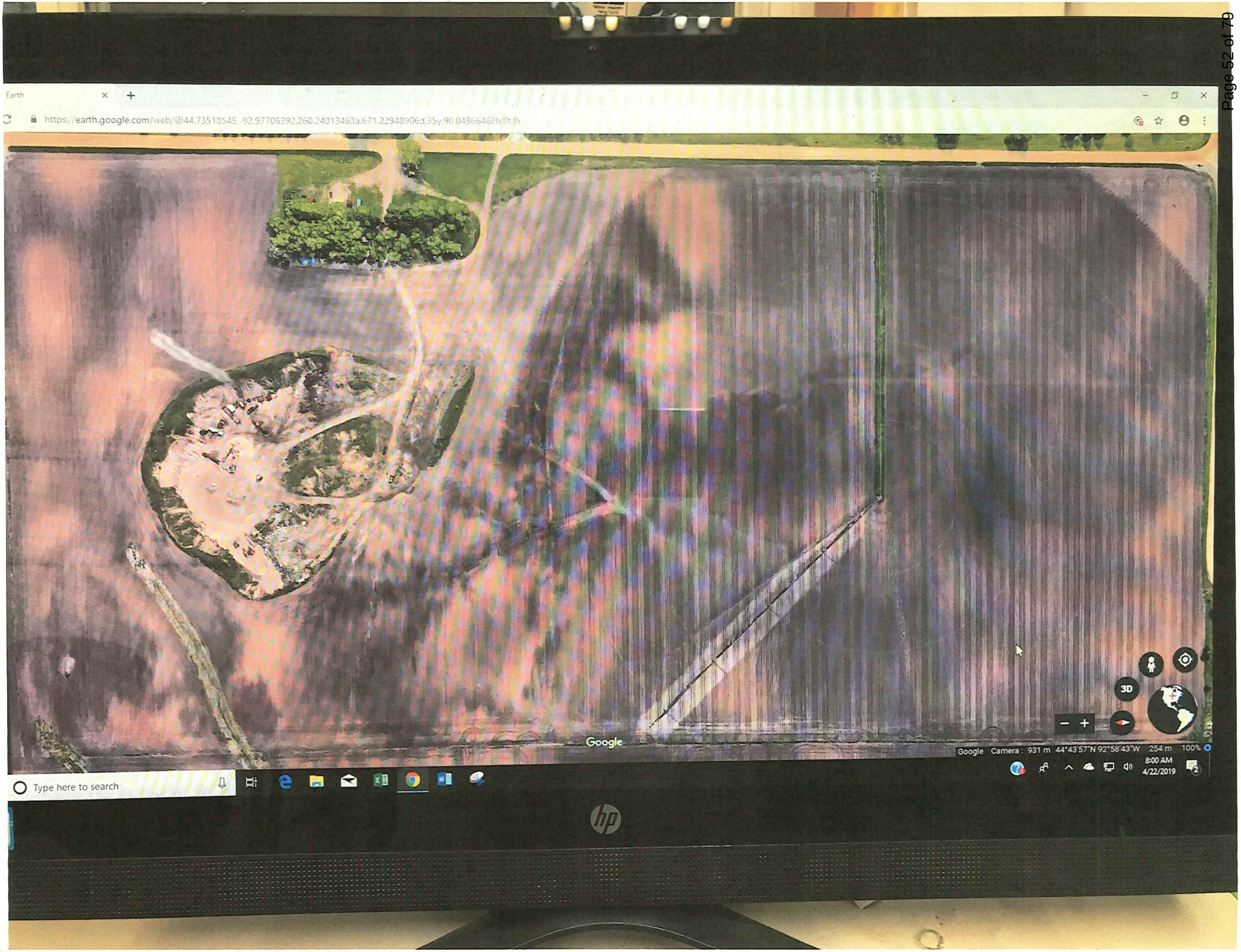
Google Maps

Imagery ©2023 CNES / Airbus, Maxar Technologies, U.S. Geological Survey, Map data ©2023 50 ft

852
854
858
862
866
870
874
878
882
886
890
South Irrigation at 843.4'
x878.2
x885.4
x894.8
x894

South Irrigation at 1430.4'
x8053.4'
x8342
x8716.1
x8671

Elevation at 844.4'
x885.4
x876.9
x876.2
x876.4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Search
Maps
Tools
More...
Dakota County - GIS
Quick Search
Identify
Street View
Pictometry
Map Layers
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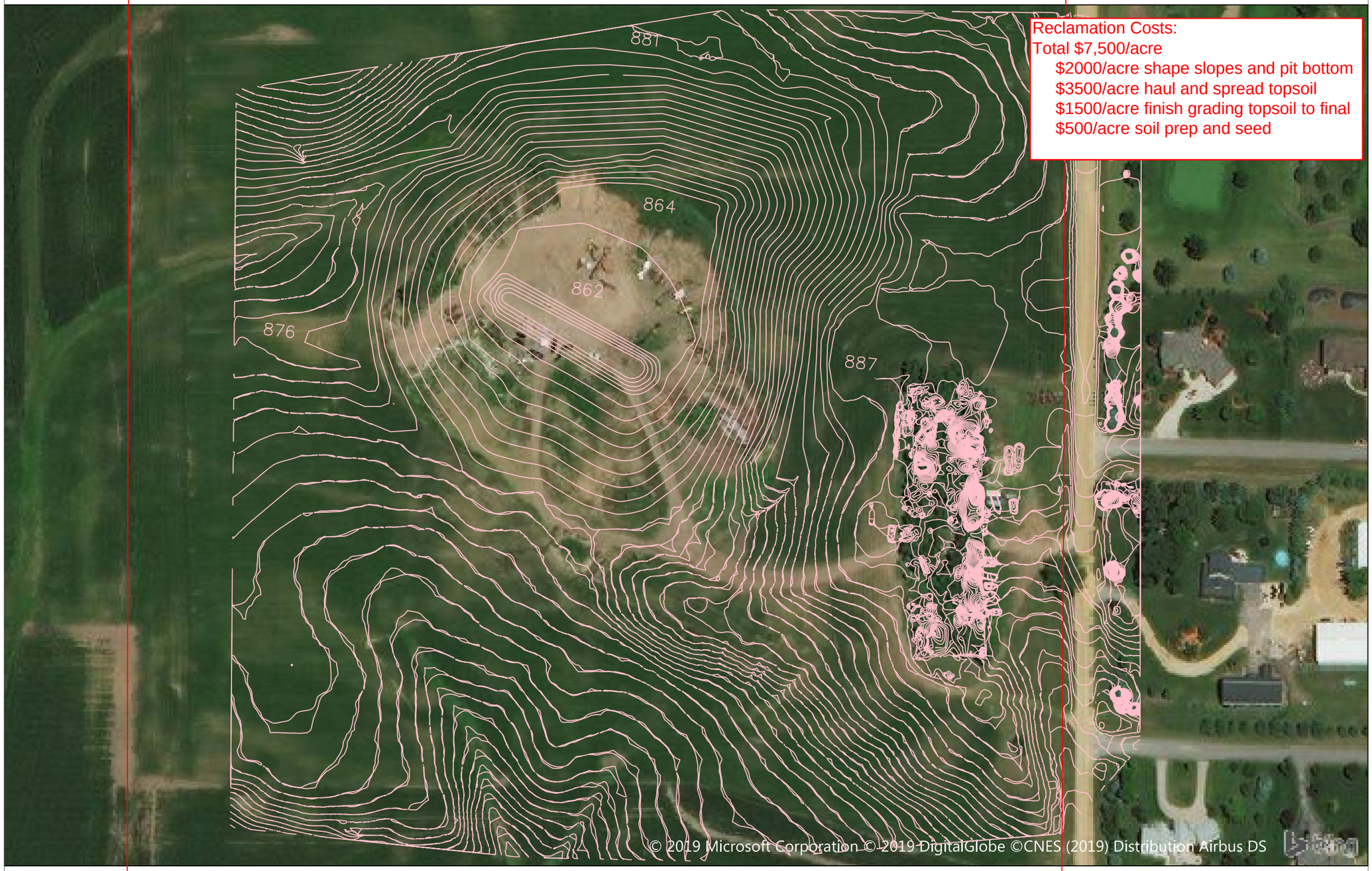


Reclamation Costs:
Total $7,500/acre
- $2000/acre shape slopes and pit bottom
- $3500/acre haul and spread topsoil
- $1500/acre finish grading topsoil to final
- $500/acre soil prep and seed

LEGEND KEY

- PROPERTY LINE
- PROPOSED RECLAMATION CONTOURS

NOTES:

1. Reclaimed slopes at a 10 (H) : 1 (V)
2. Topsoil will be salvaged and reused for reclamation of the site
3. Once reclaimed it will be stabilized using proper practices, seed, and fertilizer and BMP's

PROPERTY DESCRIPTION:

E 1/2 OF SE 1/4

SECTION: 28
TOWNSHIP: 115
RANGE: 18

PROJECT LOCATION
COUNTY: DAKOTA
DISTRICT: 01

N W E S 0 100 200

MATHIOWETZ CONSTRUCTION COMPANY
IN ALL WE DO, WE BUILD IT RIGHT!
30676 COUNTY ROAD 24 SLEEPY EYE, MN 56085

I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

JULIE ANDERSON

DATE: _____ LIC. NO. 26271

DESIGNED: CDM	FURLONG	DATE
DRAWN: CDM	END USER PLAN	SHEET NO. 4 OF 4 SHEETS
CHECKED: JKA	WHERE IS THE FILE STORED	

April
2023

April
2024

CAT

ROSEMOUNT
MINNESOTA

EXECUTIVE SUMMARY

Planning Commission Regular Meeting: September 24, 2024
Tenative City Council Meeting: October 15, 2024

AGENDA ITEM:	Request by Dakota Aggregates for an amendment to its Large Scale Mineral Extraction Permit.	**AGENDA SECTION:** PUBLIC HEARINGS
PREPARED BY:	Anthony Nemcek , Senior Planner	**AGENDA NO.** 6.b.
ATTACHMENTS:	Site Location Aerial, Mining and Reclamation Areas, Full End Use Reclamation Plan, Proposed Mining Area End Use Reclamation Plan, Amended LSME Permit DRAFT	**APPROVED BY:** AK
RECOMMENDED ACTION: Motion to recommend the City Council approve an amendment to Dakota Aggregates 2024 Large Scale Mineral Extraction Annual Operating Permit Agreement.		

BACKGROUND

The Rosemount Planning Commission is being asked to consider a request by Dakota Aggregates for an amendment to its Large-Scale Mineral Extraction (LSME) Permit. The proposed amendment would add two new dry mining phases within the north mining area. Mining in these two phases will occur over two years, in 2025 and 2026, and it will coincide with the construction of the new middle school at the intersection of Biscayne and County Road 42.

The main purpose of the proposed mining amendment is to begin the process of site preparation for eventual development of the land, which includes the removal of the berm and the connection of University land on either side of the berm. The material from the berm will be placed in the new proposed mining area to create a flat, easily developable area as outlined in Dakota Aggregates' reclamation plan. This work will occur in coordination with the removal of the berm and grading of the site in the area where the middle school will be built.

The process of mining within the proposed phases will begin by scraping the area of topsoil, which will form a makeshift berm around the edge of the pit. Mining will occur to a depth of approximately 50 feet below grade where equipment related to mixing and screening, stockpiling, loading, hauling, and conveying of aggregate material will be located. This is similar to the activities currently taking place in the existing north dry mining area. Noise mitigation measures include the replacement of backup alarms with white noise indicators, truck dumping/tailgate banging will be prohibited, and no hauling of material in trucks from the site will occur.

Reclamation of the proposed mining area will begin in late 2025, and it will continue through 2027, at which time the site will be fully reclaimed. The middle school is planned to open in the fall of 2027. Mining in the existing North Dry Mining Area will be completed by 2028, with mining in the area adjacent to Amber Fields completed in 2027 and reclaimed in 2028. Full reclamation of the North Dry

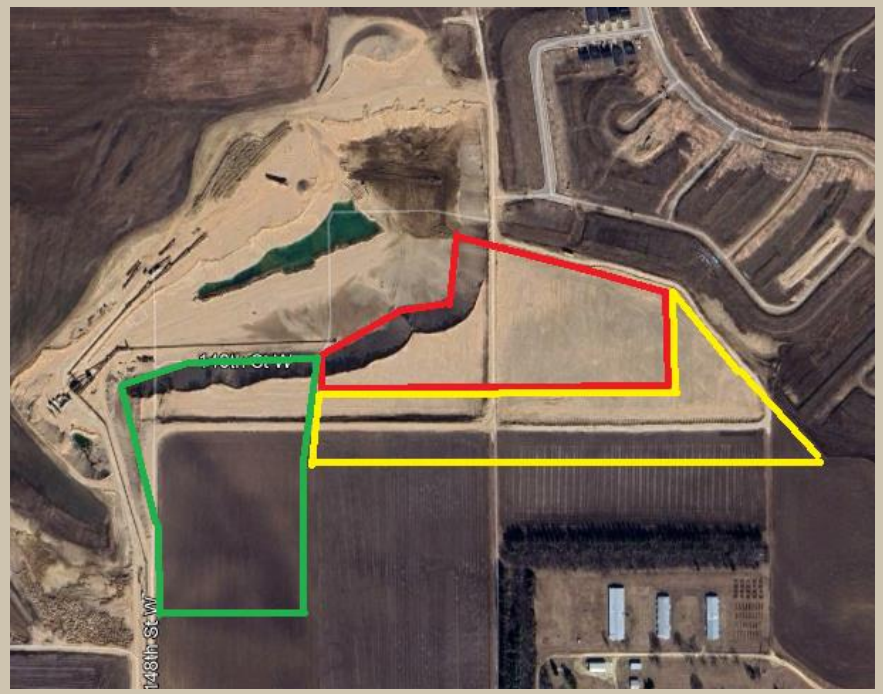
Mining Area will be completed in 2030.

The terms of the current LSME will remain the same, and the only change to the 2024 permit is the addition of Phase 3C to the phases listed in the current permit.

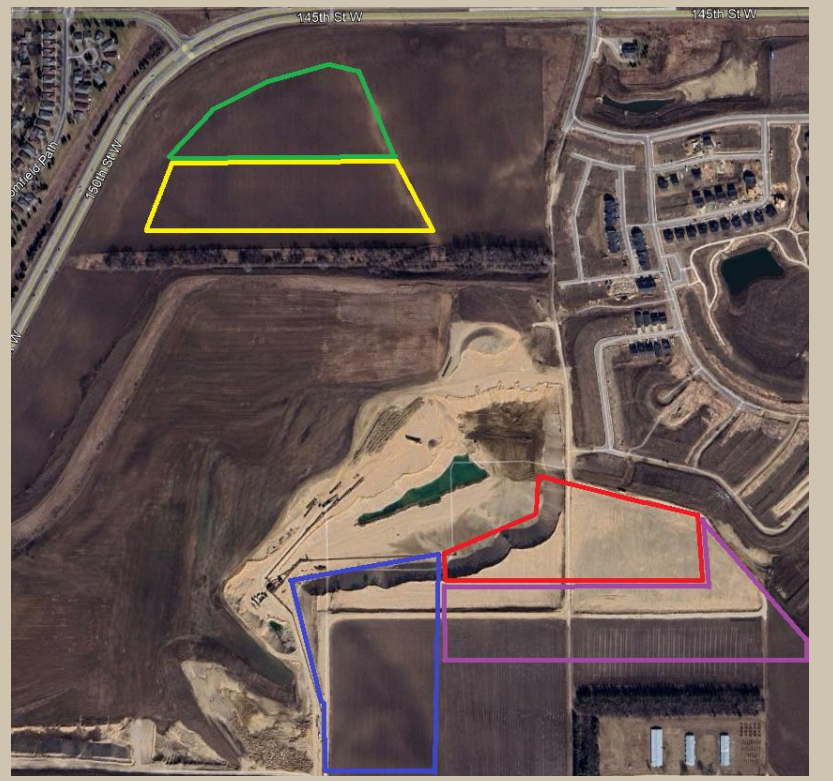
RECOMMENDATION

It is in the City's interest that the land south of County Road 42 is made ready for development as soon as possible. The proposed amendment will allow for the removal of the berm to coincide with ongoing mining activities, as well as the construction of ISD 196's new middle school. The proposed amendment does not extend the duration of mining in the northern portion of Dakota Aggregate's operation. Therefore, staff is recommending approval of the amendment to allow limited mining north of the existing berm.

North Mining Plan



Current Plan

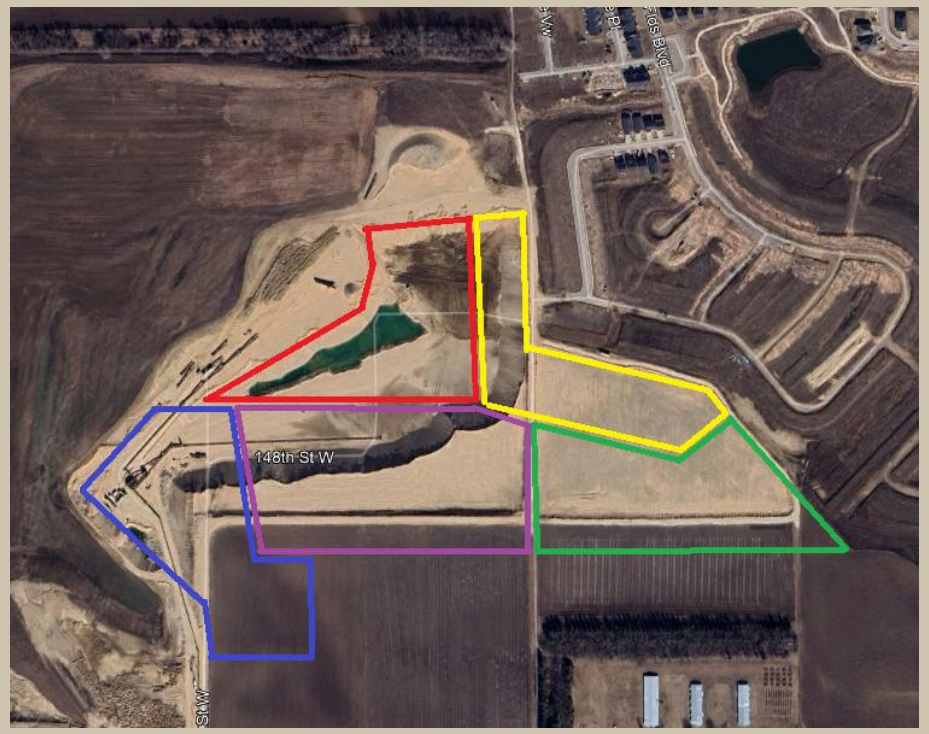


With Additional Area

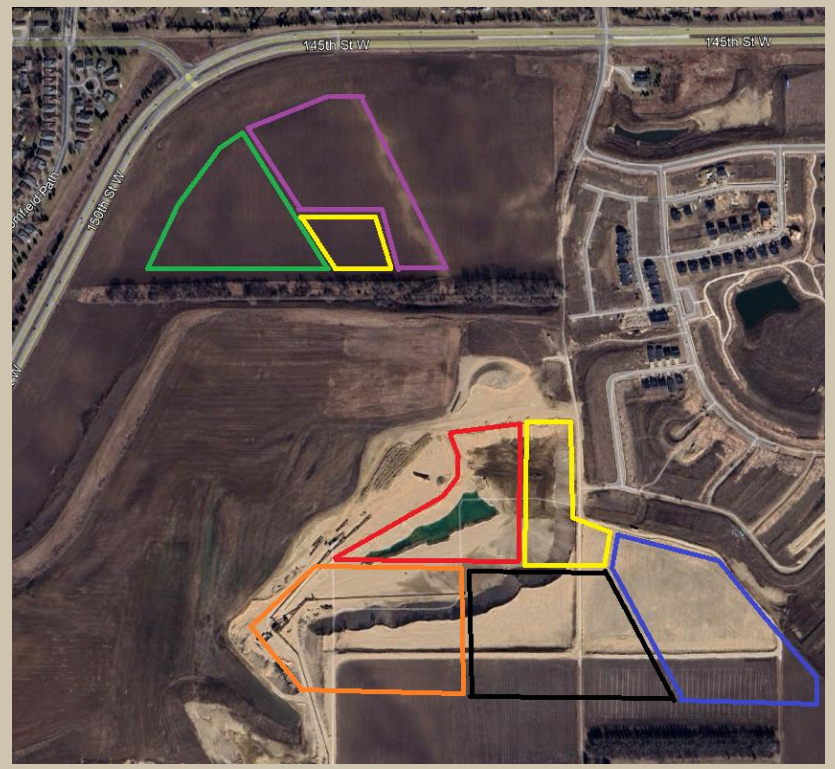
Mining Season:
2024
2025
2026
2027
2028

Images are not drawn to scale.

North Reclamation Plan



Current Plan



With Additional Area

Mining Season:
2024
2025
2026
2027
2028
2029
2030

Images are not drawn to scale.

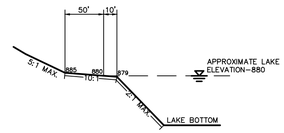
NOTES:
INTERIM RECLAMATION
1. SLOPES ADJACENT TO THE PERMANENT GROUNDWATER LAKE WILL BE GRADED PER THE LAKE BENCHING DETAILS. ALL MATERIALS USED FOR BACK-FILLING IN ANY AREA OF THE RECLAMATION WILL BE CLEAN SOIL FILL, FREE OF CONTAMINANTS, NON-NOXIOUS, NON-FLAMMABLE AND NON-COMBUSTIBLE.

2. A MINIMUM OF 6" OF TOPSOIL WILL BE PLACED OVER ALL DISTURBED AREAS AND SUBSEQUENTLY SEEDED WITH AN AGRICULTURAL CROP, TEMPORARY SEED (IF NEEDED), OR GENERAL SEED & MULCH NO TOPSOIL WILL BE RESPREAD OR SEEDING WILL TAKE PLACE ALONG THE PERMANENT GROUNDWATER LAKE SHORELINE, PER THE LAKE BENCHING DETAILS. AT THE OWNERS AND CITY'S DISCRETION, 6" OF TOPSOIL AND GENERAL NATIVE SEED & MULCH WILL BE PLACED IN AGREED UPON AREAS ALONG THE PERMANENT GROUNDWATER LAKE SHORELINE (10:1 SLOPE). ALL 2:1-5:1 SLOPES IMMEDIATELY ADJACENT TO THE LAKE WILL BE RESPREAD WITH A MINIMUM OF 6" TOPSOIL AND SUBSEQUENTLY SEEDED WITH A GENERAL NATIVE SEED & MULCH. PORTIONS OF A GIVEN PHASE, FOR EXAMPLE, ALONG BORDERS OF SUBSEQUENT PHASES, OR TO ALLOW MATERIAL TRANSFER FROM ONE PHASE TO THE SITE OPERATIONS AREA, MAY BE LEFT AT AN INTERMEDIATE STAGE OF RECLAMATION UNTIL COMPLETION IS PRACTICAL.

3. THE PIT INTERIOR, WHICH WAS MINED INTO THE GROUNDWATER WILL BE LEFT AS A PERMANENT GROUNDWATER LAKE FEATURE AND WILL REMAIN ON THE SITE AFTER END RECLAMATION. THE AREA ADJACENT TO THE LAKE WILL BE SLOPED SO THAT STORMWATER RUNOFF WITHIN ONLY THE MINING AREA DRAINS TO THE LAKE. ALL OTHER ADJACENT STORMWATER RUNOFF OUTSIDE OF THE MINING AREA WILL DRAIN AWAY FROM OR BE CONTAINED BY PERMANENT DIVERSION DIKES OUTSIDE OF THE LAKE/MINING AREA. THERE WILL BE NO DEWATERING TO CREATE THE GROUNDWATER LAKE.

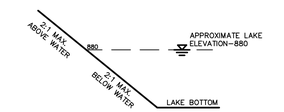
4. WITHIN 18 MONTHS OF THE RECLAMATION OF EACH PHASE, ALL BUILDINGS, STRUCTURES, AND PLANTS INCIDENTAL TO THAT PHASE OF OPERATION SHALL BE DISMANTLED AND REMOVED BY THE OPERATOR.

APPROXIMATE PERMANENT GROUNDWATER LAKE BOUNDARY (NORTH CO. RD. 46 ±132ACS.-MAX. DEPTH ±75 FEET)
NOTE : THIS ESTIMATED LAKE BOUNDARY AND ACREAGE MAY DIFFER FROM THE ACTUAL LAKE BOUNDARY AND ACREAGE DUE TO THE DEPTH AND LIMITS OF THE ACTUAL MINERAL EXTRACTION THROUGHOUT THE LIFE OF THE MINE.



NOTES : 1. AREA BELOW 885 ELEVATION WILL NOT BE RESPREAD WITH TOPSOIL OR SEED & MULCH UNLESS AGREED UPON BY OWNER & CITY.
2. LAKE ELEVATION DETERMINED BY PRELIMINARY SOIL BORING LOG ANALYSIS. THIS ESTIMATED LAKE ELEVATION MAY DIFFER FROM THE ACTUAL FINAL ELEVATION DUE TO CHANGES IN PRECIPITATION, GROUND-WATER PUMPING, EVAPORATION, SEASONAL VARIATION, ETC. DURING THE LIFE OF THE MINE.

LAKE BENCHING DETAIL (INTERIOR PORTION)



NOTES : 1. AREA BELOW 880 ELEVATION WILL NOT BE RESPREAD WITH TOPSOIL OR SEED & MULCH.
2. LAKE ELEVATION DETERMINED BY PRELIMINARY SOIL BORING LOG ANALYSIS. THIS ESTIMATED LAKE ELEVATION MAY DIFFER FROM THE ACTUAL FINAL ELEVATION DUE TO CHANGES IN PRECIPITATION, GROUND-WATER PUMPING, EVAPORATION, SEASONAL VARIATION, ETC. DURING THE LIFE OF THE MINE.

LAKE BENCHING DETAIL (ADJACENT ROAD PORTION)

N

SCALE IN FEET
0 500 1000 1500
1 inch = 500 feet

James R. Hill, Inc.
PLANNERS / ENGINEERS / SURVEYORS
2500 W. Cty. Rd. 42, Suite 120, Burnsville, MN 55337
PHONE: (952)890-6044 FAX: (952)890-6244

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
KURT D. KRAMBEER
Date: 7/20/18 Reg.No. 24676

UMore PARK MINING OPERATION
ROSEMOUNT, MINNESOTA
END USE RECLAMATION AND EROSION & SEDIMENT CONTROL PLAN - OVERALL
FOR
UNIVERSITY OF MINNESOTA
1605 160TH STREET WEST, ROSEMOUNT, MN 55068-6099

DRAWN BY CJK
DATE 7/20/18
REVISIONS
9/5/24 NORTH MINING AREA
CAD FILE 22632-01LSME-END-ULT
PROJECT NO. 22632
1.00

22632-01LSME-END-ULT.dwg - 9/12/2024 01:30PM

C.S.A.H. NO. A
(145TH STREET)

APPARENT PROPERTY OWNER:
REGENTS OF U OF MN
PIN NO. 34-02810-011-50

J3750
I3800
I3600
I3400
H3850
H3650
H3450
G3700
G3500
F3750
F3550
E3600
E3400

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992
994
996

SUB-PHASE 3D
DRY MINING
12.00 Acres

SUB-PHASE 3C
DRY MINING
12.00 Acres

DRY MINING
PHASE 1
7.68 Acres

SUB-PHASE 1C
12.57 Acres

APPARENT PROPERTY OWNER:
REGENTS OF U OF MN
PIN NO. 34-02810-011-50

LOOMFIELD PATH

NOTES:
INTERIM RECLAMATION

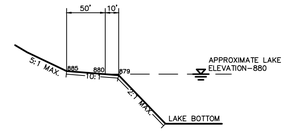
1. SLOPES ADJACENT TO THE PERMANENT GROUNDWATER LAKE WILL BE GRADED PER THE LAKE BENCHING DETAILS. ALL MATERIALS USED FOR BACK-FILLING IN ANY AREA OF THE RECLAMATION WILL BE CLEAN SOIL FILL, FREE OF CONTAMINANTS, NON-NOXIOUS, NON-FLAMMABLE AND NON-COMBUSTIBLE.

2. A MINIMUM OF 6" OF TOPSOIL WILL BE PLACED OVER ALL DISTURBED AREAS AND SUBSEQUENTLY SEEDED WITH AN AGRICULTURAL CROP, TEMPORARY SEED (IF NEEDED), OR GENERAL SEED & MULCH NO TOPSOIL WILL BE RESPREAD OR SEEDING WILL TAKE PLACE ALONG THE PERMANENT GROUNDWATER LAKE SHORELINE, PER THE LAKE BENCHING DETAILS. AT THE OWNERS AND CITY'S DISCRETION, 6" OF TOPSOIL AND GENERAL NATIVE SEED & MULCH WILL BE PLACED IN AGREED UPON AREAS ALONG THE PERMANENT GROUNDWATER LAKE SHORELINE (10:1 SLOPE). ALL 2:1-5:1 SLOPES IMMEDIATELY ADJACENT TO THE LAKE WILL BE RESPREAD WITH A MINIMUM OF 6" TOPSOIL AND SUBSEQUENTLY SEEDED WITH A GENERAL NATIVE SEED & MULCH. PORTIONS OF A GIVEN PHASE, FOR EXAMPLE, ALONG BORDERS OF SUBSEQUENT PHASES, OR TO ALLOW MATERIAL TRANSFER FROM ONE PHASE TO THE SITE OPERATIONS AREA, MAY BE LEFT AT AN INTERMEDIATE STAGE OF RECLAMATION UNTIL COMPLETION IS PRACTICAL.

3. THE PIT INTERIOR, WHICH WAS MINED INTO THE GROUNDWATER WILL BE LEFT AS A PERMANENT GROUNDWATER LAKE FEATURE AND WILL REMAIN ON THE SITE AFTER END RECLAMATION. THE AREA ADJACENT TO THE LAKE WILL BE SLOPED SO THAT STORMWATER RUNOFF WITHIN ONLY THE MINING AREA DRAINS TO THE LAKE. ALL OTHER ADJACENT STORMWATER RUNOFF OUTSIDE OF THE MINING AREA WILL DRAIN AWAY FROM OR BE CONTAINED BY PERMANENT DIVERSION DIKES OUTSIDE OF THE LAKE/MINING AREA. THERE WILL BE NO DEWATERING TO CREATE THE GROUNDWATER LAKE.

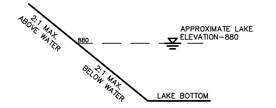
4. WITHIN 18 MONTHS OF THE RECLAMATION OF EACH PHASE, ALL BUILDINGS, STRUCTURES, AND PLANTS INCIDENTAL TO THAT PHASE OF OPERATION SHALL BE DISMANTLED AND REMOVED BY THE OPERATOR.

APPROXIMATE PERMANENT GROUNDWATER LAKE BOUNDARY (NORTH CO. RD. 46 ±132ACS.-MAX. DEPTH ±75 FEET)
NOTE : THIS ESTIMATED LAKE BOUNDARY AND ACREAGE MAY DIFFER FROM THE ACTUAL LAKE BOUNDARY AND ACREAGE DUE TO THE DEPTH AND LIMITS OF THE ACTUAL MINERAL EXTRACTION THROUGHOUT THE LIFE OF THE MINE.



NOTES : 1. AREA BELOW 885 ELEVATION WILL NOT BE RESPREAD WITH TOPSOIL OR SEED & MULCH UNLESS AGREED UPON BY OWNER & CITY.
2. LAKE ELEVATION DETERMINED BY PRELIMINARY SOIL BORING LOG ANALYSIS. THIS ESTIMATED LAKE ELEVATION MAY DIFFER FROM THE ACTUAL FINAL ELEVATION DUE TO CHANGES IN PRECIPITATION, GROUND-WATER PUMPING, EVAPORATION, SEASONAL VARIATION, ETC. DURING THE LIFE OF THE MINE.

LAKE BENCHING DETAIL (INTERIOR PORTION)



NOTES : 1. AREA BELOW 880 ELEVATION WILL NOT BE RESPREAD WITH TOPSOIL OR SEED & MULCH.
2. LAKE ELEVATION DETERMINED BY PRELIMINARY SOIL BORING LOG ANALYSIS. THIS ESTIMATED LAKE ELEVATION MAY DIFFER FROM THE ACTUAL FINAL ELEVATION DUE TO CHANGES IN PRECIPITATION, GROUND-WATER PUMPING, EVAPORATION, SEASONAL VARIATION, ETC. DURING THE LIFE OF THE MINE.

LAKE BENCHING DETAIL (ADJACENT ROAD PORTION)

N

SCALE IN FEET
0 100 200 300
1 inch = 100 feet

James R. Hill, Inc.
PLANNERS / ENGINEERS / SURVEYORS
2500 W. Cty. Rd. 42, Suite 120, Burnsville, MN 55337
PHONE: (952)890-6044 FAX: (952)890-6244

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
KURT D. KRAMER
Reg.No. 24678
Date: 7/26/18

UMore PARK MINING OPERATION
ROSEMOUNT, MINNESOTA
END USE RECLAMATION AND EROSION & SEDIMENT CONTROL PLAN-DETAIL
SUB-PHASE 3C & 3D DRY MINING
FOR
UNIVERSITY OF MINNESOTA
1605 160TH STREET WEST, ROSEMOUNT, MN 55068-6099

DRAWN BY
CJK
DATE
7/20/18
REVISIONS
9/5/24 NORTH MINING AREA
CAD FILE
22632-01LSME-END-ULT
PROJECT NO.
22632
1.01

22632-01LSME-END-ULT.dwg - 9/12/2024 01:31PM

2024 Large Scale Mineral Extraction Annual Operating Permit Agreement for North Dry Mining Sub-phases 2C, 2D, 3A, 3B, 3C, 4A, 4B, 5B, 6B, 7B and 8A; and Wet/Dry Mining Sub-phases 1AA, 1BB, 2AA, 2BB, 3AA, 3BB and 10A

DAKOTA AGGREGATES, LLC

A. Dakota Aggregates, LLC (hereinafter "the Operator") signs a written consent to these conditions binding itself and its successors, heirs or assigns to the conditions of said permit.

B. The term of the permit shall extend from January 1, 2024 until December 31, 2024 unless revoked prior to that for failure to comply with the permit requirements.

C. Mining in Wet/Dry Mining Sub-phases 1AA, 1BB, 2AA, 2BB, 3AA, 3BB and 10A may occur 24 hours a day, 7 days a week.

D. Mining, screening, and reclamation in North Dry Mining Sub-phases 2C, 2D, 3A, 3B, 3C, 4A, 4B, 5B, 6B, 7B, and 8A may occur 24 hours a day, 7 days a week.

E. No crushing or washing equipment shall be located or used in the North Dry Mining Sub-phases 2C, 2D, 3A, 3B, 3C, 4A, 4B, 5B, 6B, 7B, and 8A or in any reclaimed areas.

F. The North Dry Mining Sub-phases 2C, 2D, 3A, 3B, 3C, 4A, 4B, 5B, 6B, 7B, and 8A shall not be mined below the 882 foot elevation.

G. Protection equipment that is installed on hauling trucks, such as covers for the truck beds, shall be used while traveling on public roads. Non-use will be considered a violation of the permit condition.

H. Trucks shall not use any locally designated road as part of their haul route except for the shortest route between the delivery site and the nearest County, State or U.S. highway.

I. Trucks may not be loaded heavier that the public haul roads posted weight restrictions.

J. Engineered designs for any reclamation steeper than a 3 to 1 slope must be submitted and approved by the City Engineer before the reclamation can occur.

K. A gate and thirty (30) feet of fencing on each side of the gate shall be installed at the Station Trail access. The gate shall be closed and locked when the mining or ancillary uses are not in operation. A knox box or similar devise shall be installed to provide emergency personal access to the key for the lock.

L. Conformance with the City Engineer’s Memorandum dated September 20, 2012.

M. The University of Minnesota (or designated entity) shall obtain approval and/or concurrence from the MPCA regarding completion of appropriate investigations and/or actions taken in response to identified releases of hazardous substances, pollutants or contaminates as defined under Minn. Statute 115B, and as deemed reasonable and necessary by the MPCA.

N. Dakota Aggregates shall clean dirt and debris from streets that has resulted from extraction or hauling operations related to the Mineral Extraction Permit. After Dakota Aggregates has received 24-hour verbal notice, the City will complete or contract to complete the clean-up at Dakota Aggregates' expense. In the event of a traffic hazard as determined by the City Administrator (or the Administrator's designee) or Rosemount Police Department, the City may proceed immediately to complete or contract cleanup at Dakota Aggregates' expense without prior notification.

O. No topsoil shall be removed from the site unless Dakota Aggregates can demonstrate that there is topsoil in excess of the amount needed to reclaim the End Use Grading Plan with at least six (6) inches of topsoil. Dakota Aggregates shall take necessary measures to prevent erosion of the stockpiled topsoil.

P. Any costs incurred now or in the future in changing the location of existing public or private utilities including but not limited to pipelines, transmission structures and sewer infrastructure located within the permit area shall be the sole obligation and expense of Dakota Aggregates.

Q. All costs of processing the permit, including but not limited to planning fees, engineering fees, and legal fees, shall be paid by Dakota Aggregates prior to the issuance of the permit. Dakota Aggregates shall reimburse the City for the cost of periodic inspections by the City Administrator or any other City employee for the purpose of insuring that conditions of the permit are being satisfied. Dakota Aggregates agrees to reimburse the City for any other costs incurred as a result of the granting or enforcing of the permit.

R. Dakota Aggregates shall deposit with the Planning Department a surety bond or cash deposit in the amount of Eight Hundred Fifty One Thousand one Hundred Dollars ($851,100) in favor of the City for the cost of restoration, regrading and/or revegetating land disturbed by mining activities and to ensure performance of all requirements of this resolution and City ordinances by Dakota Aggregates. The required surety bonds must be:
    1. With good and sufficient surety by a surety company authorized to do business in the State of Minnesota.
    2. Satisfactory to the City Attorney in form and substance.
    3. Conditioned that Dakota Aggregates will faithfully comply with all the terms, conditions and requirements of the permit; all rules, regulations and requirements pursuant to the permit and as required by the City and all reasonable requirements of the City Administrator (or the Administrator's

designee) or any other City officials.

4. Conditioned that Dakota Aggregates will secure the City and its officers harmless against any and all claims, for which the City, the Council or any City officer may be made liable by reason of any accident or injury to persons or property through the fault of Dakota Aggregates.
5. The surety bond or cash escrow shall remain in effect from January 1, 2024 until July 31, 2025.

Once the interim reclamation grades and vegetation have been established and approved by the City, the bond may be reduced by Five Hundred Sixty Seven Thousand Four Hundred Dollars ($567,400 = 113.48 acres times $5,000 per acre). Once the end use grading grades and vegetation have been established and approved by the City, the bond may be reduced by Two Hundred Eighty Three Thousand Seven Hundred Dollars ($283,700 = 113.48 acres times $2,500 per acre). Upon thirty (30) days' notice to the permit holder and surety company, the City may reduce or increase the amount of the bond or cash deposit during the term of this permit in order to insure that the City is adequately protected.

S. A landscape security of $42,625 (155 trees times $250 per tree times 110%) shall be provided. After the trees have been established, $38,362 (90%) of the landscaping security can be released. The final $4,263 (10%) shall be maintained through the existence of the berm for Dry/Wet Sub-Phase 1A and 2A to ensure that as trees die, that those trees are replaced. The landscaping security shall be in the form of a letter of credit in favor of the City or cash escrow.

T. Dakota Aggregates shall furnish a certificate of comprehensive general liability insurance issued by insurers duly licensed within the State of Minnesota in an amount of at least Five Hundred Thousand and no/100 ($500,000.00) Dollars for injury or death of any one person in any one occurrence, and at least One Million Five Hundred Thousand and no/100 ($1,500,000.00) Dollars for injury or death of more than one person arising out of any one occurrence and damage liability in an amount of at least Two Hundred Fifty Thousand and no/100 ($250,000.00) Dollars arising out of any one occurrence. The policy of insurance shall name the City as an additional insured and shall remain in effect from January 1, 2024 until July 31, 2025.

U. Dakota Aggregates shall hold the City harmless from all claims or causes of action that may result from the granting of the permit. Dakota Aggregates shall indemnify the City for all costs, damages, or expenses, including but not limited to attorney's fees that the City may pay or incur in consequence of such claims.

V. Dakota Aggregates shall submit to the City semi-annually a written report indicating the amount of material extracted from the site for the prior six-month period. After said written report is submitted, the City shall perform an inspection of the site to confirm compliance with the conditions within the Annual Operating Permit.

W. Reclamation requires the replacement of the stockpile of topsoil to the mined area,

reseeding, and mulching necessary to re-establish vegetative cover for permanent slope stabilization and erosion control, provided also that the minimum depth of topsoil shall not be less than six (6) inches after reclamation. No restored slopes may exceed the gradients shown on Interim Reclamation Plan.

X. No mining activity will occur within fifteen (15) vertical feet of bedrock.

Y. Dakota Aggregates shall compact the entire reclamation site to a minimum compaction of 95% of maximum dry density.

Z. If not utilized by the University of Minnesota for agricultural purposes, fully reclaimed areas will be permanently seeded within 14 days of final completion. All disturbed non-operating areas not utilized by the University of Minnesota for agricultural purposes shall be seeded at a minimum of once per year, prior to October 1 with MnDOT seed mix 130B. Operating areas including work faces, material stockpiles, haul roads, staging areas, and active reclamation areas are not required to be seeded.

AA. Dakota Aggregates shall submit quarterly to the City documentation of the Barr Engineering, Inc. (or other City approved geotechnical testing firm) environmental and geotechnical testing with documentation verifying the source and quantity of the "haul-back" material. These reports shall be provided within fourteen (14) days after the end of the quarter.

BB. Dakota Aggregates shall submit an incidence report to the City within three days of any testing that fails for contamination or hazardous materials, or will not produce a normal moisture-density relationship for compaction.

CC. Truck operators within the pit area shall not engage in practices involving slamming tailgates, vibrating boxes, using of "jake" or engine brakes (except in emergency situations), or other such activities that result in excessive noise.

DD. Dakota Aggregates shall incorporate best management practices for controlling dust, erosion, noise, and storm water runoff as specified by the Minnesota Pollution Control Agency and the United States Environmental Protection Agency and proposed in the submitted LSME application to the City.

EE. Compliance with Dakota County Ordinances No. 110 and 111, as well as all other applicable Federal, Minnesota, Dakota County, and Rosemount regulations. Soil materials in the Property will be managed in accordance with the Minnesota Pollution Control Agency's *Best Management Practices (BMPS) for the Off-Site Reuse of Unregulated Fill.*

FF. Dakota Aggregates may not assign this permit without written approval of the City. Dakota Aggregates will be responsible for all requirements of this permit and all City ordinances on the licensed premises for the permit period unless Dakota Aggregates gives sixty (60) days prior written notice to the City of termination and

surrenders permit to the City. Dakota Aggregates shall identify all Operators prior to their commencement of mineral extraction-related activities in the pit area. The City shall have the authority to cause all mineral extraction activities to cease at any time there is an apparent breach of the terms of this Permit.

GG. Dakota Aggregates shall comply with such other requirements of the City Council as it shall from time to time deem proper and necessary for the protection of the citizens and general welfare of the community.

HH. Dakota Aggregates shall maintain the berm located on the north side of the haul road.to a height of at least 30 feet.

II. American Engineering Testing, Inc. (AET) shall submit the 2024 Annual Monitoring Report, including all groundwater testing, and submit the report to the City by January 31, 2024. WSP (formerly known as Leggette, Brashears, & Graham, Inc. - LBG) shall review the revised report on behalf of the City and has the authority to adjust the frequency of the groundwater sampling based on testing results.

JJ. Dakota Aggregates shall implement the sound mitigation measures as documented in its 2016 Large Scale Mineral Extraction Permit application and referenced in the March 1, 2016 City Council report concerning said application.

KK. The city of Rosemount shall have the ability to collect independent soil and water samples.

LL. Mining within any phase that would expose the groundwater will not be permitted before additional borings are conducted in the deepest areas of the proposed lake to confirm that a minimum of fifteen (15) feet of separation between the mining and the bedrock. Mining can occur within 2 feet of the groundwater prior to testing occurring.

MM. Dakota Aggregates shall provide an updated phasing schedule with its annual renewal application for both the north and south mining areas and will incorporate any comments from the City into the schedule.

IN WITNESS WHEREOF, Dakota Aggregates, LLC, the Operator, hereby consents and agrees to the foregoing conditions of said Annual Operating Permit this _____ day of _____, 20___.

Dakota Aggregates, LLC

By:_____
Tim Becken, Its Chief Manager

STATE OF MINNESOTA)
) ss
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Tim Becken, Chief Manager of Dakota Aggregates, LLC, the Operator, on behalf of the Corporation.

_____
Notary Public

ROSEMOUNT
MINNESOTA

EXECUTIVE SUMMARY

Planning Commission Regular Meeting: September 24, 2024
Tenative City Council Meeting: October 15, 2024

AGENDA ITEM:	Conditional Use Permit Request by Hussein Abdullahi for a Live/Work Dwelling in the MX-1 Downtown Mixed Use District.	**AGENDA SECTION:** PUBLIC HEARINGS
PREPARED BY:	Anthony Nemcek , Senior Planner	**AGENDA NO.** 6.c.
ATTACHMENTS:	Site Location, Applicants Narrative, Photos of Office Space	**APPROVED BY:** AK
RECOMMENDED ACTION: Motion to recommend the City Council approve a conditional use permit for a live/work dwelling at 3005 Lower 147th Street West.		

BACKGROUND

The Planning Commission is being asked to consider a Conditional Use Permit request by Hussein Abdullahi for a Live/Work Dwelling at 3005 Lower 147th Street West. The subject property is located within the MX-1 Downtown Mixed Use District, and Dwelling, Live/Work is a use that is conditionally permitted in that zoning district. The principal structure on the site is a single-family home that had recently been used as an office. Common areas such as the dining room and living room were used for offices and meeting space. The structure still contains many features found in a typical residential dwelling, such as a kitchen and laundry. Bedrooms are located on the second floor of the structure.

The applicant has provided a narrative that describes how the site will be used for both business purposes and a dwelling. The applicant operates two businesses, one related to real estate and the other which provides personal care services. Activities related to the real estate business will be along the lines of tax preparation, rent collection, maintenance requests, tour setups, and lease signings. The personal care assistant business will have activities on the site such as payroll, tax preparation, employee interviews, training, client intake, record keeping. The business activities will occur in a room on the first floor that is separated from the main living area by a partition wall and has access directly to the front porch. Photos of this room that were taken from the listing when the property was for sale are included in the attachments.

CONDITIONAL USE PERMIT

The approval of a conditional use permit is a quasi-judicial action in that, if the proposed use meets the standards and requirements of the code, it generally must be approved. There are no use-specific conditions related to a live/work dwelling beyond the 8 general conditions listed below. While the City Council may attach whatever reasonable conditions they deem necessary to mitigate anticipated adverse impacts associated with a proposed use, staff finds that no additional conditions are needed and is therefore not recommending any.

In order for the commission to recommend, and the council to issue, a CUP, it must find that such use at the proposed location:

1. *Will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or city.* Staff finds that the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or city.
2. *Will be harmonious with the objects of the comprehensive plan and city code provisions.* Staff finds that the proposed use is harmonious with the objectives of the comprehensive plan and city code provisions. There are no parking or setback requirements in the MX1 district that must be met, and the proposed use is allowed by the zoning ordinance.
3. *Will be designed, constructed, operated and maintained so as to be compatible or similar in an architectural and landscape appearance with the existing or intended character of the general vicinity and will not change the essential character of that area, nor substantially diminish or impar property values within the neighborhood.* The applicant is intending to make use of an existing structure that was constructed in 1910 and has been a part of the downtown fabric since its construction. No significant changes to the exterior of the property are proposed at this time.
4. *Will be served adequately by existing (or those proposed in the project) essential public facilities and services, including streets, police and fire protection, drainage, structures, refuse disposal, water and sewer systems and schools.* The use of the site will rely on existing facilities, which have proven themselves adequate for both commercial and residential use of the site.
5. *Will not involve uses, activities, processes, material equipment, and conditions of operation that will be hazardous or detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.* Given the nature of the proposed business activities that will be taking place on site, none of the listed impacts will be generated by the operating of an office business at the subject property.
6. *Will have vehicular ingress and egress to the property which does not create traffic congestion or interfere with traffic on surrounding public streets.* The property contains a driveway which will allow for some off-street parking, and parking is allowed on Lower 147th Street West. The proposed business use of the site is not anticipated to generate significant amounts of traffic that would create congestion or interfere with traffic.
7. *Will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance and will comply with all local, state, and federal environmental quality standards.* While the applicant is not intending to make major alterations to the site, staff finds that the site contains no natural, scenic, or historic features of major importance.
8. *These standards apply in addition to specific conditions as may be applied throughout this code.* There are no specific conditions related to the proposed use, and the site meets all site standards for parcels located in the MX-1 Downtown Mixed Use District.

RECOMMENDATION

Staff finds that the subject property and proposed Live/Work Dwelling use meet the standards of the

zoning ordinance. Therefore, staff is recommending approval of a conditional use permit for a live/work dwelling at 3005 Lower 147th Street West. This recommendation is based on information provided by the applicant and reviewed in this report.

147TH ST W
CAMERO LN
CAMEO AVE
MBRIAN AVE
ROBERT TRL S
LOWER 147TH ST W
3
146TH ST W
BURMA AVE

I am writing to submit a request for a conditional use permit for the property located at 3005 Lower 147th. We intend to utilize the home for both business and residential purposes, with specific details outlined below.

Business Use:

We plan to designate the room on the left near the main entrance as the commercial space for two businesses:

1. **Real Estate Business:** I will continue to operate my real estate business from this space, which will serve as the head office. This office will handle all business correspondence with current and prospective tenants, including email, mail, and in-person meetings. Activities such as tax preparation, rent collection, maintenance requests, tour setups, and lease signings will be managed here. The office will be open Monday through Friday from 8:00 AM to 4:00 PM, and on Saturdays from 9:00 AM to 1:00 PM, with Sundays closed.
2. **Personal Care Assistant Business:** Additionally, I will operate Loving Hands Home Health Services LLC, which provides personal care services. The office will be used for payroll, tax preparation, employee interviews, training, client intake, record keeping, and Department of Human Services surveys. The hours of operation for this business will be Monday through Friday from 9:00 AM to 5:00 PM, with weekends closed. Given the proximity to several senior living facilities, this business will provide valuable community-based care, enhancing connectivity and support within the neighborhood.

Residential Use:

The remaining portions of the home will be used for residential purposes. Specifically, we plan to use the following areas:

- The porch to the right of the entrance
- The dining room
- The living room
- The kitchen
- The laundry room
- The bathroom

My family and I are excited about making this house our home. With a 6-year-old son and a nearly 2-year-old daughter, we envision creating many cherished memories in this space. The light-filled living, dining, and kitchen areas are perfect for family meals and activities, while the living room will be a cozy retreat. We also look forward to enjoying the backyard with our children, making it a place of joy and lasting memories.

Thank you for considering our application. We are committed to ensuring that our use of the property will be respectful of the community and contribute positively to the area. Please let me know if you require any additional information or if there are further steps we need to follow.

Best regards,

Hussein