

**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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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 Fields 10th 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 outlots-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,

A handwritten signature in black ink, appearing to read "Erin Fasbender", written in a cursive style.

Erin Fasbender
City Clerk