

ROSEMOUNT PLANNING COMMISSION

REGULAR MEETING PROCEEDINGS

OCTOBER 22, 2024

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Pursuant to due call and notice thereof a regular meeting of the Planning Commission was held on Tuesday, October 22, 2024, at 6:30 PM. in Rosemount Council Chambers, 2875 145th Street West.

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

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

The Pledge of Allegiance was said.

ADDITIONS TO AGENDA

Staff recommended changing the order of the items under Section 6. Public Hearings to switch item A, a Comprehensive Plan Amendment proposing changes to the Metropolitan Urban Services Area Boundary, and item C, a request by DevCo Preservation LLC for PUD Final Site and Building Plan approval.

AUDIENCE INPUT

None.

CONSENT AGENDA

Commissioner Kenninger identified a typo in the Old Business section on page three, motion B which says capacity instead of opacity.

Motion by Kenninger **Second by** Whitman

Motion to approve the Consent Agenda with the edit to the minutes as sent to staff to correct the typo from capacity to opacity.

Ayes: 6.

Nays: None. Motion Carried.

- a. Minutes of the September 24, 2024, Regular Meeting Minutes

OLD BUSINESS

None.

PUBLIC HEARINGS

- a. Comprehensive Plan Amendment proposing changes to the Metropolitan Urban Services Area boundary.

Senior Planner Nemcek presented on two amendments to the City of Rosemount Comprehensive Land Use Plan to expand the Metropolitan Urban Service Area (MUSA). The boundary identifies areas that are anticipated to receive municipal services like sewer and water. The first amendment will expand the MUSA boundary to include the rest of the middle school site that it currently bisects. The second amendment would incorporate 60 acres of the UMore Park into the MUSA boundary as they begin to market land guided for a Business Park in the area for development. Staff is supportive of the changes and there will be no alterations to the land use map designations as a part of the MUSA expansion.

Nemcek stated that if the expansion is approved by city council it will also be sent for review by adjacent jurisdictions and the amendments will be sent to the metropolitan council for approval.

Chairperson Kenninger opened the public hearing.

Motion by Kenninger **Second by** Beadner

Motion to close the public hearing on Item 6a.

Ayes: 6.

Nays: None. Motion Carried.

Motion by Rivera **Second by** Ellis

Motion to recommend the City Council approve two amendments to the Comprehensive Land Use Plan to expand the MUSA to contain the entire site of the new middle school and sixty acres south of Meta's data center project within UMore Park.

Ayes: 6.

Nays: None. Motion Carried.

- b. Zoning ordinance text amendments to Title 11 of the Rosemount City Code and revisions to the City of Rosemount's Zoning Map.

Planner Hogan presented on the proposed amendments to sections 11-3-4: Site Dimensions, 11-4-4: Site Dimensions, 11-4-5: District Standards, 11-6-3: Principal Uses, Commercial, 11-7-2: Architectural Standards, 11-7-6: Landscaping, Screening, and Buffering Standards, as well as Zoning Map revisions.

Zoning map revisions included corrections to a few areas that were intended to maintain the same zoning as before the map update but were shown incorrectly on the new map.

Chairperson Kenninger asked if this correction was just a change to the map or if this was a rezoning process. Hogan clarified that it is just a correction to the map and no zoning changes are being made.

The changes to section 11-3-4, 11-4-4, and 11-4-5 included amendments to the minimum side yard setback for 2-story structures on parcels that are located in the R-1 zoning district that were platted prior to 1979, the minimum side yard setback for accessory structures in the R-1 and R-2 zoning districts, and the minimum building size of 10% of the property for parcels in the I-1 district.

Commissioner Beadner asked if there were any variance requests that were denied previously but would have been approved if the change to the side yard setbacks had been made earlier. Kienberger replied that there was none of the staff's knowledge.

Chairperson Kenninger asked if it made sense to have a 30-foot setback requirement on accessory structures greater than 120 square feet, considering that a resident could build a structure up to 200 square feet without a permit, which is also present in table 3.5. Nemcek clarified that if a shed requires a slab for a foundation, it requires a permit and that is where the 30-foot setback requirement comes from. Chairperson Kenninger asked if a change to the setback requirement could be added into this set of amendments. Commissioner Whitman stated that he felt it may require additional public notice since it was not explicitly called out in the original postings for the meeting. Kienberger responded that staff could consult with the city attorney and ensure the city is meeting proper public processes before the City Council meeting on the item.

The change to section 11-6-3 included an amendment allowing for animal daycare centers with overnight boarding within the B-2 district to be located on properties less than five acres in size. Commissioner Reed asked for clarification on what the language change would mean. Hogan responded that it would allow animal daycare centers, specifically within the B-2 Employment District, to be under 5 acres and include overnight boarding services. Commissioner Ellis asked if this particular case had come up recently or if this is simply a correction. Kienberger replied

that as new questions come up, staff has been keeping a list and, with the code update, had incorporated things like this item to clarify questions from businesses and residents.

The change to section 11-7-2 included an amendment allowing for additional types of roofing materials on properties located within the Agricultural and Residential zoning districts. Nemcek clarified that this section was somehow missed in the original code update, but staff wanted to make sure that there was certainty for contractors and residents when building. Kienberger also stated that any and all roofing materials still need to meet the state building codes.

The change to section 11-7-6 included an amendment changing the minimum landscaping requirement for multi-unit residential sites from one overstory or coniferous tree per 1,000 square feet of land area to one overstory or coniferous tree per 1,500 square feet of pervious land area. Commissioner Ellis asked about the difference between open space and pervious area. Nemcek explained that pervious would be the wording used in the actual amendment. Commissioner Ellis asked if that meant pervious as developed. Nemcek confirmed it was based on the site plan. Chairperson Kenninger asked if it was fair to say that in most cases the tree requirement would be less with the amended code. Nemcek said that it would generally. Commissioner Beadner asked why the code was changed from the original.

Nemcek responded that for non-residential developments the landscaping is calculated based on square footage of the site area and the city wanted to be consistent with using site area instead of calculating by unit.

Commissioner Beadner asked if going back to the original code would be problematic. Nemcek stated that it wouldn't be problematic, but the updated language would reduce the number of variances for sites, like the DevCo site, that have site constraints like large easements. Chairperson Kenninger asked if it made more sense to keep the old code language and have more consistency through the residential districts. Commissioner Rivera commented that she liked the idea of calculating with buildable space and, in this case, putting as many trees in as possible could create a safety issue, particularly around the driveway area. Chairperson Kenninger stated that she thought the original code language may be a simpler calculation. Commissioners Whitman and Reed agreed.

Nemcek asked the Commission if they would be open to removing the "plus eight" from the original code language because there is already additional parking lot landscaping and the eight feels arbitrary. Commissioner Ellis brought up that the building is not being landscaped, the land around the building is being landscaped, so it may be better to base it on open space. Chairperson Kenninger countered that the likelihood of a developer buying a large plot of land and building a small building on it is unlikely. She also stated that the "plus eight" likely came

from the office space or the rooms for amenities that don't count toward the unit space but said that she would be fine removing it. Nemcek noted that staff believes, from the way the code was written, that eight was originally the minimum number of trees.

Chairperson Kenninger opened the public hearing.

Motion by Kenninger Second by Reed

Motion to close the public hearing on Item 6b.

Ayes: 6.

Nays: None. Motion Carried.

Chairperson Kenninger stated that she would be fine removing the "plus eight" requirement from the code language. Commissioner Reed asked what the unit requirements look like for the different densities. Nemcek read the code definition of an apartment building. Commissioner Reed responded that there should be a minimum of eight and the code can be returned to the original language.

Motion by Kenninger Second by Reed

Motion to recommend the City Council approve the Text Amendments amending Sections 11-3-4: Site Dimensions, with the modification to include structures of 200 square feet or less have a five-foot setback and structures greater than 200 square feet have the 30-foot setback of the rear yard, 11-4-4: Site Dimensions, 11-4-5: District Standards, 11-6-3: Principal Uses, Commercial, Section 11-7-2: Architectural Standards, 11-7-6: Landscaping, Screening, and Buffering Standards of the Rosemount Zoning Code with 11-7-6 reverting the multi-residential buildings back to what it was prior to the zoning code update.

Ayes: 6.

Nays: None. Motion Carried.

Motion by Ellis Second by Whitman

Motion to recommend the City Council approve the recommended corrections to the City of Rosemount's Zoning Map.

Ayes: 6.

Nays: None. Motion Carried.

- c. Request by DevCo Preservation, LLC, for PUD Final Site and Building Plan Approval.

Senior Planner Nemcek provided an overview of a request by DevCo Preservation, LLC for a PUD final site and building plan approval for the construction of a 192-unit apartment complex in the Emerald Isle development. The subject property is on a 9.81-acre parcel approximately

0.4 miles east of Akron Avenue between CSAH 42 and Connemara Trail. The project will consist of two buildings, which will split the 192 units equally. The site was rezoned for high density residential and will generally conform with the zoning requirements except for being unable to meet the 10-foot additional setback from Connemara Trail, due to its status as a collector, and landscaping requirements. Staff recommended approval of the PUD final site and building plan, subject to conditions. Before final approval can be made, there must be a conversion of the subject parcel from an outlot to a buildable lot.

The site meets all the setback requirements, except for the additional 10-foot setback required along collector roads. Parking requirements will be met with surface parking lots. The landscaping requirements are unable to be met because of the large easement containing a gas line in the middle of the site and a retention pond on the south side of the site. There will be trees planted within the boulevard of Connemara Trail and landscape plans show additional plantings between buildings and the bituminous trail which staff has found to be sufficient to meet requirements. Staff recommends approval with a minor amendment to the PUD agreement to waive the additional 10-foot setback. The requirement of 363 parking spaces was determined by the parking ratio based on unit type. There will be 48 one-bedroom units, 96 two-bedroom units, and 48 three bedroom units. A condition of approval is that the minimum parking lot landscaping requirement is met, which will add another tree to the current landscaping plan. Staff worked with the applicant to create a reasonable ratio for overall number of trees based on the site excluding the easement and retention pond.

Chairperson Kenninger opened the public hearing.

Robert Elliott

14349 Acer Avenue Rosemount, MN

Mr. Elliott expressed concerns about the effects of the development on neighboring property values. He also asked if the commission and staff would speak about the rumors regarding Section 8 housing being included in the project. Mr. Elliott also questioned if this meeting was the proper way to amend codes regarding landscaping and address the setbacks for the project. He stated that amending the code should have its own public hearing. He also expressed concerns about whether there would be an impact on other future developments in the area as well. Mr. Elliot asked how many of the units in the other apartment units that have recently gone up have been rented out and what the traffic impacts will be on Akron Avenue and Connemara Trail.

Trevor Martinez 4275 Large Place

Plymouth, MN 55442

Mr. Martinez stated that the project is intended to be workforce housing and there will not be a contract with the government to create individual units paid for and administered through HUD. The project is intended to be for people making around \$30,000 to \$90,000 a year based on household size and number of occupants. There will be screening standards for all applicants that require them to be making at least two and a half times the amount of monthly rent. Mr. Martinez said that because the housing is aimed toward 50 to 70 percent of the area median income, individuals are less likely to opt for additional services and amenities like underground parking.

Mr. Martinez assured that as much landscaping as possible is being put on the site with the constraints caused by the easement. Chairperson Kenninger asked if more than one landscape plan had been created for the project. Mr. Martinez replied that the civil engineers and landscape planners have created some different plans and tried to incorporate as many trees as possible. Nemcek added that there are additional trees in the parking lot area and along the road on the south side of the property. He also stated that, as directed by staff, the applicant had sent out a letter inviting the neighborhood to a neighborhood meeting on October 17th at 5:30 pm and there were no attendees.

Nemcek clarified that there was another item on the agenda for a public hearing relating to zoning ordinance text amendments, such as the one being discussed currently, that was published in accordance to state statutes. He said that no letters would have gone out if it had been a standalone zoning code text amendment, not tied to another item that required public notice. He stated that the amendments were going through the proper public hearing process.

Commissioner Reed asked for clarification on if any vote on the current item would be a change to the zoning code or if it would just be variances added as conditions. Nemcek stated that there wouldn't be any changes to the zoning code until the next item and clarified that the Planning Commission can only make recommendations on changes, not approvals.

Commissioner Beadner asked if there would be covered parking and Mr. Martinez replied that there would not be. Commissioner Beadner asked where the trash would be located on the site. Mr. Martinez replied that it is stored inside of the building. Chairperson Kenninger asked if the rent will be the same for every applicant. Mr. Martinez responded that there are different units that have different incomes associated with them. There will be units designated for 50, 60, and 70 percent of the area median income and possibly others. Chairperson Kenninger asked if the system was based on the unit and ratios and not the individual applicant income. Mr. Martinez stated that was correct.

Mr. Elliot returned to the podium and stated that if the scope of the project were smaller, they would be able to plant more trees. He also said that many of the residents living on Acer Avenue had children, which is why they could not attend meetings. He stated that building codes drive up the cost of building and questioned how a residential building can comply with the various codes and be affordable. Mr.

Martinez replied that the project is affordable through tax credits. He stated that the project had applied through Dakota County's CDA, which is a public application for tax credits and the tax credits cover most of the gap.

There was some discussion about the market demand for the project and staff's role in determining the viability of a project. Kienberger stated that unless city dollars are attached to a project, they do not require proforma for a development project. Commissioner Beadner asked if staff could determine the scope of a project. Kienberger responded that as long as it meets the zoning code requirements, staff cannot dictate what is placed on a site.

Motion by Kenninger Second by Reed

Motion to Close the public hearing on Item 6c.

Ayes: 6.

Nays: None. Motion Carried.

Chairperson Kenninger asked if staff had heard anything regarding the development of the land east of the site. Nemcek stated that staff had not seen any applications come forward or had any conversations with 11010 homes about an apartment project. The site to the east of the DevCo site is designated for commercial development. The land immediately to the west is owned by Dakota County Technical College and is guided for public institutional. It's very likely that someone would like to redevelop it and seek a change to the city's comprehensive plan to get it out of that public institutional land use if the Dakota County Technical College would like to sell that land, but at this point staff has seen no applications.

Chairperson Kenninger asked about traffic near the site. Nemcek stated that Connemara Trail is a major collector in the city, and its intent was to be a reliever for County Road 42, which means it was designed to handle quite a bit of traffic. He also noted that the city is currently working with the county to look at constructing a roundabout at Connemara Trail and Akron Avenue to help with some of the traffic. Nemcek assured that the site has been analyzed deeply in regard to traffic from both a resident standpoint and a commercial standpoint. Chairperson Kenninger also asked if there would be a stop sign coming out of the complex and if Connemara Trail would be a through street. Nemcek replied that there would be a stop sign exiting the complex and confirmed that Connemara Trail would be a through street.

Commissioner Beadner asked if in the future Connemara Trail will have more developments that will increase density. Nemcek responded that the city's transportation plan anticipates extending Connemara Trail down to Bonaire Path as development continues to occur moving east.

Commissioner Reed asked Nemcek what the city's recommended way to have residents' voices heard was. Nemcek responded that all the letters that are sent out for public hearings include staff phone numbers and an address to send letters to. He also stated that the neighborhood meetings that staff requires of applicants can provide information to neighboring residents and help them formulate feedback to give to staff prior to a public hearing. This could help staff prepare suggestions or conditions ahead of time. Nemcek noted that all public comment is also given to the commission or summarized in staff reports.

There was a discussion about the process for the minor amendment to the master development plan. A minor adjustment was made to the wording of the conditions.

Motion by Kenninger Second by Beadner

Motion to approve the Planned Unit Development Final Site and Building Plan allowing DevCo Preservation LLC to construct a multi-unit residential development, subject to the following conditions:

- a. Approval of a zoning ordinance text amendment to Section 11-7-6: Landscaping, Screening, and Buffering Standards.
- b. Submittal of a landscaping surety equal to 110% of the cost of trees based on \$350 per tree.
- c. Conformance with all requirements of the City Engineer detailed in the attached memorandum dated October 17, 2024.
- d. Approval of a final plat to convert the outlot into a buildable lot.
- e. Approval by Council of a minor amendment to the Emerald Isle PUD to waive requirement for an additional 10' of setback from Connemara Trail.
- f. A sign permit is required for any site signage.
- g. Applicant shall update the landscape plan to provide one additional parking lot tree
- h. Applicant shall submit a final landscaping plan for staff review that provides at least the minimum number of trees as required by the zoning code prior to the issuance of a building permit

Ayes: 6.

Nays: None. Motion Carried.

NEW BUSINESS

None.

DISCUSSION

Kienberger reported that there had been an offer made to someone to fill the vacancy of the Community Development Technician position. Pending the final approvals, they will be present at the November Planning Commission meeting.

Chairperson Kenninger asked if there was any necessary follow-up action from the Port Authority meeting that needed to be discussed. Kienberger responded that there was not.

Chairperson Kenninger stated that Hogan had been working on setting up the 2025 calendar. She noted that the November meeting will be held on November 26th, the week of Thanksgiving. The December meeting will not be held on the fourth Tuesday of the month and instead will take place on Monday the 16th.

ADJOURNMENT

There being no further business to come before the Planning Commission at the regular meeting. The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Liz Kohler

Community Development Technician