

**ROSEMOUNT PLANNING
COMMISSION REGULAR MEETING
PROCEEDINGS
SEPTEMBER 24, 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, September 24, 2024, at 6:30 PM. in Rosemount Council Chambers, 2875 145th Street West.

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

ADDITIONS TO AGENDA

Senior Planner Nemcek confirmed there are no additions to the agenda.

AUDIENCE INPUT

No audience input.

CONSENT AGENDA

Motion by Kenninger **Second by** Whitman

Motion to approve consent agenda

Ayes: 6.

Nays: None. Motion Carried.

- a. Minutes of the August 27, 2024 Regular Meeting Minutes

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.

Planner, Julia Hogan, discussed KJ Walk requests to construct two commercial buildings in the northwest quadrant of the intersection of Business Parkway and County Road 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 (western parcel), while the other will be a multi-tenant retail building (eastern parcel) 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.

Ms. Hogan noted 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, i.e. updated site plan, landscape plan and 3D renderings of the site.

Staff presented the updated site plan as 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.

The applicant is requesting the ability to include up to 18.5% EIFS (zoning ordinance requires no more than 10% EIFS) in exchange or including stone and brick beyond that required by the zoning ordinance. 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 submitted an updated site plan showing the changes in parking stall count to reflect the recently updated parking requirement, as well as changes in use in portions of the eastern building, and an updated landscape plan that has 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.

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.

Commissioner Reed questioned the car stacking area and Ms. Hogan confirmed the requirement for the parking meets the requirements of what is in our city code. Chairperson Kenninger recommended requiring trees that include an evergreen type for additional screening. Ms. Hogan noted, staff can add that as a condition to the landscaping plan as staff sees fit. Commissioner Whitman questioned if there would be any independent signs and Ms. Hogan stated the signage requirement is separate and part of the building permit process. Commissioner Whitman also questioned the noise and whether the noise from the drive-through will be an issue.

Warren Israelson

KJ Walk

The applicant addressed the questions of the Planning Commission. First, the Planning Commission wants to make sure any noise cannot be heard in the residential area. The user will need ensure the residents should not be able to hear the drive through. The applicant will do experimenting ahead of time to ensure the noise will not be a problem for the nearby residents. The applicant also confirmed the bump on the north side of the parking lot is for food that may not be ready yet noting customers could wait there. The applicant also agreed to include additional shrubbery that will provide additional screening. The plan will be to have fast food on the northside then potentially retail on southside for a total of approximately 4 users. The timing for the project will be next spring.

Chairperson Kenninger questioned the parking requirements being the tenants are unknown at this point. Ms. Hogan confirmed the commercial space could potentially change parking requirements should it become a restaurant versus retail.

Commissioner Buggi questioned the trash enclosure placement as it may impact traffic. Ms. Hogan confirmed the current placement of the trash enclosure does fit within the traffic plan.

Motion by Kenninger Second by Reed

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 including a modification to item b

- 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 as well as update landscape plans east of the site to include coniferous trees and screening that meets the 90% capacity requirement within the drive-through conditions 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.

Ayes: 6.

Nays: None. Motion Carried.

Motion by Kenninger Second by Reed

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.

Ayes: 6.

Nays: None. Motion carried.

Chairperson Kenninger confirmed this item will move forward to City Council for consideration on October 15th.

PUBLIC HEARINGS

- a. Request by Furlong Excavating for renewal of its Small-Scale Mineral Extraction Permit for 2025.

Julia Hogan, Planner, presented the request 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.

Ms. Hogan recapped 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.

Ms. Hogan noted there were no complaints received by the Rosemount Police Department during the permitted time period.

Chairperson Kenninger opened the public hearing.

Motion by Kenninger Second by Reed

Motion to close the public hearing

Ayes: 6.

Nays: None. Motion carried.

Chairperson Kenninger noted there are no big changes from the request from 2024 to 2025.

Motion by Buggi Second by Whitman

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 2025 Draft Conditions for Mineral Extraction.

Ayes: 6.

Nays: None. Motion Carried.

Chairperson Kenninger confirmed this item will move forward to City Council on October 15th.

- b. Request by Dakota Aggregates for an amendment to its Large Scale Mineral Extraction Permit.

Anthony Nemcek, Senior Planner, presented 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.

Mr. Nemcek explained 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.

Mr. Nemcek noted 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, and the 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. Mr. Nemcek also noted with the recommend action to the City Council to approve the amendment for 2024 which will need to be renewed again for 2025 and with the updated zoning code, 2-year renewal with an administrative review after the first year.

Chairperson Kenninger questioned how the Amber Fields developers feel towards the amendment as the development was expecting more of the area to be reclaimed behind their development for an additional four more years. Mr. Nemcek stated they've received public notice, however stated whatever it takes to get it done quickly would be favorable by Amber Fields based on comments received in the past.

Commissioner Reed questioned whether there would be a berm on the north edge of this new planned mining operation. Mr. Nemcek noted the berm wouldn't be 30 foot high, however the edges would be pushed and create a lower berm which they would mine down to a depth of about 50 feet so most of the activity would be happening below grade and out of view of County Road 42 which will mitigate any noise issues.

Staff noted that noise monitoring that was completed in the past by devices installed by Dakota Aggregates was not found to be effective as the devices would pick up sound from traffic along County Road 42.

Chairperson Kenninger opened the public hearing.

Matt Mettling

Operations Manager of Dakota Aggregates

Mr. Mettling answered the following commissioner questions; Dakota Aggregates has been in communication with the School District and intends to put up a fence to ensure separation between the mining and school, the north area of the two phases will have a little reclamation work going on and there shouldn't be much overlap with the school's construction. Mr. Mettling also confirmed Dakota Aggregates has done a lot of work over the years to minimize the noise away from the residents and noted mining deeper is going to block noise and trucks are not allowed on the higher roads anymore. In addition, the loaders will have a very soft noise when backing up that is allowed versus the beeping noise used in the past. Mr. Mettling stated they will continue to mine at the same one shift operation for 12 hours, i.e. start at 4 a.m. and end at 4 p.m. or 5 p.m. Dakota Aggregates stated they have no concerns about any dust and being close to houses based on their processes they have in place.

Motion by Kenninger Second by Whitman

Motion to close the public hearing

Ayes: 6.

Nays: None. Motion carried.

Commissioner Reed shared his thoughts that he is concerned about having the mining operation closer to a residential area however given the different circumstances and Dakota Aggregates being a good partner, Commissioner Reed is in favor of the proposed amendment. Chairperson Kenninger noted if residents have complaints regarding noise to call the Rosemount Police Department to report the noise.

Motion by Reed Second by Whitman

Motion to recommend the City Council approve an amendment to Dakota Aggregates 2024 Large Scale Mineral Extraction Annual Operating Permit Agreement.

Ayes: 6.

Nays: None. Motion Carried.

Chairperson Kenninger stated this recommendation will go to City Council for consideration on October 15th.

- c. Conditional Use Permit Request by Hussein Abdullahi for a Live/Work Dwelling in the MX-1 Downtown Mixed Use District.

Anthony Nemcek, Senior Planner, presented the request for 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 has 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.

Mr. Nemcek noted the business would generally be open from 9-5, Monday thru Friday for meeting with clients to generally do administrative tasks and there would be minimal on-street parking. The business purpose will not be detrimental to or endanger the public health, safety or general welfare of the neighborhood or City.

Mr. Nemcek described how the site would be used for both business purposes and a dwelling. In addition, Mr. Nemcek noted there are no use-specific conditions related to a live/work dwelling beyond the 8 general conditions listed within the memo. Staff finds that no additional conditions are needed and therefore do not recommend any.

Chairperson Kenninger questioned the number of clients that would meet at one time, Mr. Nemcek responded noting that clients would sign a lease once a year and there may be administrative purposes to visit the property, however it wouldn't be like a retail space that would expect a high volume of people visiting which would accommodate the driveway parking and wouldn't necessarily need any on-

street parking. Mr. Nemcek noted, the applicant couldn't technically lease out this house and only work in the office; the applicant must do both based on the conditional use permit conditions.

Chairperson Kenninger opened the public hearing.

Hussein Abdullahi

3005 Lower 147th Street West

Mr. Abdullahi informed the Planning Commissioners the visits from new tenants would be a maximum of 2-3 times a year. However, the home care clients could be five employees for training purposes a few times a year.

Motion by Kenninger Second by Buggi

Motion to close the public hearing

Ayes: 6.

Nays: None. Motion carried.

Motion by Whitman Second by Beadner

Motion to Motion to recommend the City Council approve a conditional use permit for a live/work dwelling at 3005 Lower 147th Street West.

Ayes: 6.

Nays: None. Motion Carried.

Chairperson Kenninger noted this item will move forward for City Council consideration on October 15th.

NEW BUSINESS

None.

DISCUSSION

Community Development Director Kienberger noted the Planning Commission is welcome to attend the October 15th Port Authority meeting which will include an update on the County Road 42 visioning. In addition, Mr. Kienberger noted staff is still in the process of hiring a Community Development Technician.

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 7:45 p.m.

Respectfully submitted,



Erin Fasbender
City Clerk