

**ROSEMOUNT PLANNING COMMISSION
REGULAR MEETING PROCEEDINGS
NOVEMBER 26, 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, November 26, 2024, at 6:30 PM. in Rosemount Council Chambers, 2875 145th Street West.

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

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

The Pledge of Allegiance was said.

ADDITIONS TO AGENDA

None.

AUDIENCE INPUT

None.

CONSENT AGENDA

Motion by Kenninger Second by Reed

Motion to approve consent agenda

Ayes: 7.

Nays: None. Motion Carried.

- a. Minutes of the October 22, 2024, Regular Meeting Minutes

OLD BUSINESS

None.

PUBLIC HEARINGS

- a. Request by Frattalone Companies, Inc. for renewal of its Small-Scale Mineral Extraction Permit for 2025.

Planner Julia Hogan presented on the renewal of a small-scale mineral extraction permit for 2025 for Frattalone Companies, Inc. The small-scale mineral extraction operation was newly approved by the city council in May of 2023. 22,475 cubic yards of sand was extracted from the site during quarter 3 of 2024 and it is estimated that an

additional 30,000 cubic yards will be extracted during the remainder of 2024. There have been no cubic yards of imported material brought into the site, but the applicant expects approved materials to be imported in 2025. Mining has taken place in the northern portion of the site and mining will continue to occur in that area with plans to work their way south.

The site is located along the western frontage of Emery Avenue and south of County Road 42. The site is 73.39 acres in size and the work will be on 26.08 acres in the southern portion of the site. The main access is off of Emery Avenue. The work will continue west from phase one to phase two. The final grade as shown in the reclamation plan will bring the southern portion of the property very close to the elevation of the north. Staff found no violations of the permit and no incidents were reported to the police department. Staff recommends that the Planning Commission recommends approval to the City Council for the renewal of the small-scale mineral extraction permit.

Commissioner Reed asked what materials are being brought in. Hogan replied that the applicant would be better suited to answer the question.

Commissioner Rivera asked if there were any tree removals being done with the work. Nemcek responded that they are allowed to remove trees for the extraction of minerals.

Tony Frattalone

14259 May Avenue N. Stillwater, MN

Mr. Frattalone said that the material being imported is a compactible material which will be used to refill the site once the sand is extracted, so the land can be used as a buildable site. Commissioner Reed asked what compactible material is defined as. Mr. Frattalone responded that it could be a variety of things like clay or other raw material. He stated that it would be compactible enough that it could have a footing underneath it.

Commissioner Reed asked if the mining operation was working with any of the local construction projects. Mr. Frattalone responded that some of the material being extracted is going toward work on the Meta site.

Commissioner Beadner asked what could be done with the site once they are done mining and refilled it with compactable material. Mr. Frattalone responded that the site could be developed or used for other purposes once the mining work is complete. Commissioner Beadner asked if trees could grow back on the site. Mr. Frattalone replied that they could.

Motion by Kenninger Second by Reed

Motion to close public hearing

Ayes: 7.

Nays: None. Motion Carried.

Commissioner Reed asked if there were any updates on Dakota County's plan to reroute Highway 55 down to County Road 42. Kienberger responded that the mentioned project is a MNDOT project and as far as they were aware, there were no major updates, so the staff had not prepared materials to discuss that this evening.

Commissioner Ellis asked if the small-scale mineral extraction permits are renewed annually. Nemcek replied that following the zoning code update, the length of the permit will change to two years. He also stated that some upcoming permits will be recommended for a single year so they can be staggered. Commissioner Reed asked if there would be a two-year permit for large scale mineral extraction as well. Nemcek responded that it will also be on a two-year review period in which staff will meet with them, inspect the site, and expect groundwater testing annually.

Motion by Buggi Second by Beadner

Motion to recommend the City Council approve the Frattalone Companies, Inc. Small Scale Mineral Extraction Permit for 2025, subject to the terms and conditions in the attached 2025 Draft Conditions for Mineral Extraction.

Ayes: 7.

Nays: None. Motion Carried.

b. Request by Keystone Development Partners, LLC., for approval of a site plan to

construct office/warehouses in the Biscayne Business Park.

Nemcek presented on a request by Keystone Development Partners, LLC for approval of a site plan to construct five multi-tenant warehouses in the Biscayne Business Park. The site is zoned B2 with a PUD overlay, and the proposed development fits the zoning district. Staff included conditions in their recommended actions that relate to site lighting, landscaping, and waste management. The proposed development is located on three parcels west of Biscayne Avenue just north of County Road 46. The three existing parcels have perimeter easements that will need to be vacated, as well as have the county combine the three sites into a single PID.

There will be two access roads coming off of 158th Circle. The three buildings will be back-to-back and the two smaller buildings will be on the north side. The landscape plan meets all the tree requirements however, the site is short foundation plantings. Staff is recommending the landscape plan be updated to meet the foundation planting requirements as a condition of approval. It meets all minimum setbacks required by the

B2 zoning district. The maximum lot coverage is 75 percent, and the plan currently shows 52 percent impervious coverage. The maximum building height in B2 is 50 feet and the applicant is showing a building height of 20 feet. Additionally, a parkland dedication was specified to be collected as each lot develops. For this project there will be a \$42,330 cash-in-lieu park dedication. Another condition of approval is that the applicant provides a site lighting plan meeting zoning standard. The applicant is intending to use wall lighting based on conversations with staff and provided renderings.

Chairperson Kenninger asked about the large blank walls in the renderings. Nemcek clarified that the wall is less than 100 and does not face any rights-of-way, so there is no code requirement that it is not followed.

Commissioner Beadner mentioned that some of the areas close by are more utilized by the public and questioned if this project would meet the use standards. Nemcek responded that the zoning code allows for showroom areas, but no retail. Commissioner Beadner asked about sidewalk requirements. Nemcek responded that there are no sidewalk requirements for this type of development and the project will include curbstops to prevent vehicles from running into the building.

Commissioner Reed asked about traffic safety and if there would be signaling present in the area. Nemcek responded that because the new middle school will be going in the same area, a signal would be going in before the completion of the middle school. Commissioner Reed asked how the city is advocating for more traffic safety. Kienberger replied that the city, particularly the police and public works, have been actively working with Dakota County to improve safety in the area.

Commissioner Whitman asked if a lighting plan is typically required for this application. Nemcek replied that it is typically required, but staff focuses on the areas that are harder to change later in the process when conducting a review and some smaller parts of the application are missed. Commissioner Whitman expressed concern over adding conditions that a standard be met. Nemcek clarified that staff receives final plans that meet the conditions prior to construction and can provide them to commissioners if necessary. Kienberger stated that there are options which include the commission's

ability to continue an item. Commissioner Whitman reiterated the importance of a completed application. Nemcek responded that there is a ten-day review period where staff reviews for completion.

Commissioner Whitman asked for clarification on the lots being combined by the County. Nemcek confirmed that the County can combine lots in the same plat without city approval because it is combining three tax parcels into one PID.

Commissioner Reed asked about the site directly north and if there would be any kind of landscaping buffer. Nemcek responded that the stormwater pond takes up a lot of that area and there may be space for some additional plantings, but the lot is guided for business park and does not require a landscaping buffer. Chairperson Kenninger asked about screening from parking. Nemcek confirmed that that is only required for parking along street rights-of-way. Commissioner Buggi asked about signage in the area as

traffic increases with development. Nemcek responded that there is an allowance for one monument sign in the Biscayne Business Park PUD, but staff would administratively review any sign plans that were applied for as a building permit process.

Chairperson Kenninger opened the public hearing.

Ben Younan

5417 Woodlawn Blvd Minneapolis, MN

Mr. Younan said that the northern buildings are about 100 feet, and they are open to adding architectural elements that would break up any of the large blank walls.

Commissioner Reed asked what kind of businesses are expected in the development. Mr. Younan responded that the feedback from the preliminary marketing that they have done showed similar businesses to those listed in the permitted uses. They are expecting things like distribution warehouses and showrooms.

Chairperson Kenninger asked if the applicant had any updates on the required lighting and trash plan. Mr. Younan stated that the plans for trash have been drawn up and pointed out where they will be located on the map between the two northern buildings, unless there is not a large enough turn radius for the garbage truck. In that case, they would be placed on the western end of the northern buildings. He also said that they have had a conversation with the architect who is working with a lighting engineer to ensure they meet the requirements.

Motion by Kenninger Second by Reed

Motion to close the public hearing

Ayes: 7.

Nays: None. Motion Carried.

Chairperson Kenninger asked if the changes to the northern building exterior could be added as a condition. Nemcek responded that it could be added as a condition that the elevations of the northernmost buildings be updated to provide parapet walls at the corners. Commissioner Whitman stated that future applications should include every required element before they are brought to the Planning Commission. Chairperson

Kenninger asked if the conditions could be required to be met prior to the City Council meeting so that there is a solid, public recording of the conditions being met prior to

construction. Nemcek clarified that, in general, they try to have everything sorted by the time it reaches City Council, however in this case, because it is a plan review, it will not go to Council.

Motion by Kenninger Second by Whitman

Motion to approve the site plan for Keystone Development Partners proposed office/warehouses in the Biscayne Business Park, subject to the following conditions being met prior to the issuance of a building permit:

1. Vacation of perimeter easements along existing interior parcel boundaries.
2. The applicant shall update the landscape plan to relocate two trees and provide an additional 65 foundation plantings.
3. The applicant shall combine the subject property into a single parcel.
4. The applicant shall provide verification of site lighting and, if necessary, a photometric study to prove conformance with site lighting standards.
5. If centralized waste collection is utilized, the applicant shall provide plans for a trash enclosure that meets the requirements of City Code Section 5-1-3.
6. Payment of \$42,330 cash-in-lieu of park land dedication, as detailed in the Parks and Recreation Director's memo dated November 18, 2024.
7. Conformance with the requirements of the City's engineer as detailed in the attached review memo dated November 18, 2024.
8. Conformance with any requirements of the City's fire marshal.
9. The applicant shall update the three-unit building's northern elevation with architectural elements to conform with the code.

Ayes: 7.

Nays: None. Motion Carried.

c. Request by Minnesota Paving Materials for renewal of its interim use permit for a

seasonal asphalt plant.

Nemcek presented on a request from Minnesota Paving and Materials for a renewal of their Interim Use Permit for a seasonal asphalt plant. The interim use permit runs over a

span of 10 years and was last approved in 2014. The asphalt plant is part of the Ancillary Use Facility included in Dakota Aggregates Large Scale Mineral Extraction permit. The zoning ordinance requires separate permits for each business. It is located in the southeastern part of the Dakota Aggregates mining area. The permit requires the plant to be 660 feet from any non-agricultural district and although the Amber Fields development has gotten closer, it is still 1700 feet from the southern portion of that development.

Trucks enter the site on a southern stretch of Akron Avenue. There was an amendment in 2016 for an expansion which included the addition of two large storage tanks. The site also contains some raw materials from the Dakota Aggregates mine as well as asphalt that is reclaimed from other projects and used to make new asphalt.

Staff reached out to the police department and there have been no complaints regarding the operation. Staff has determined that they are conforming to requirements and is recommending approval.

Commissioner Reed asked about air permits and waste byproducts and how staff determined they are meeting the standards. Nemcek responded that the reports go through the Minnesota Pollution Control Agency as part of the Dakota Aggregates permit and the city would be notified of any violations. Commissioner Ellis asked if the area south of Amber Fields had been sold for development in relation to the 660-foot setback requirement. Nemcek responded that it is still owned by the University and it is unlikely to be sold without considerable cleanup.

Chairperson Kenninger opened the public hearing.

Motion by Kenninger Second by Reed

Motion to close the public hearing

Ayes: 7.

Nays: None. Motion Carried.

Motion by Reed Second by Beadner

Motion to recommend the City Council approve the renewal of an Interim Use Permit allowing Minnesota Paving Materials to operate a seasonal asphalt plant, subject to the following conditions:

1. Compliance with the Interim Use Permit Application for the Primary Asphalt Plant dated July 23, 2014.
2. Compliance with the Large-Scale Mineral Extraction Permit for Dakota Aggregates (Resolution 2012-105).
3. The Interim Use Permit expires on December 31, 2034.

4. Asphalt trucks shall access CSAH 46 either via the Station Trail access or the Akron Avenue access only. Asphalt trucks may not use Biscayne Avenue or any UMore roadway (Akron, Angus, Barbara or Blaine Avenues) to access CSAH 42.

Ayes: 7.

Nays: None. Motion Carried.

NEW BUSINESS

None.

DISCUSSION

There was a discussion about the December Planning Commission meeting for 2025 and the date was tentatively set for December 22nd, 2025.

The next Planning Commission meeting will be Monday, December 16.

Nemcek introduced Liz Kohler the new Community Development Technician for the City.

Chairperson Kenninger asked about the groundbreaking of the middle school.
Kienberger

responded that it had not been rescheduled yet. She also asked about the ribbon cutting for the Lifetime fitness. Kienberger responded that it is currently being worked on and there will likely be more information by late December.

ADJOURNMENT

Kenninger adjourned the meeting at 7:33 pm.

Respectfully submitted,

Liz Kohler

Community Development Technician