

**ROSEMOUNT PLANNING COMMISSION
REGULAR MEETING PROCEEDINGS
FEBRUARY 25, 2025**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Pursuant to due call and notice thereof a regular meeting of the Planning Commission was held on Tuesday, February 25, 2025, at 6:30 PM. in Rosemount Council Chambers, 2875 145th Street West.

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

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

The pledge of allegiance was said.

ADDITIONS TO AGENDA

Staff identified one change to move the request by Danner Inc for the renewal of their small-scale mineral extraction permit to the Public Hearing section. Chairperson Kenninger stated that it would be moved to the public hearing section and identified as item A and the request by Riveter Real Estate LLC would become item B.

AUDIENCE INPUT

None.

CONSENT AGENDA

Chairperson Kenninger noted a correction on page 4 of the minutes from the January 28 meeting and asked Kohler if the correction had been made. Kohler confirmed that it had been.

Motion by Kenninger **Second by** Ellis

Motion to approve the consent agenda with the modification to page 4

Ayes: 6.

Nays: None. Motion Carried.

- a. Minutes of the January 28, 2025 Regular Meeting Minutes

OLD BUSINESS

- a. Request by Magellan Land Development for approval of rezoning land from A-2 - Agricultural to R-2 - Low to Medium Density Residential, and a Preliminary Plat to develop 58 townhome units.

Planner Hogan presented the request by Magellan Land Development for the approval of a rezoning

from A-2 Agricultural to R-2 Low to Medium Density Residential and a Preliminary Plat to develop 58 townhome units. She showed land use maps and explained that the site is designated for low-density residential space and the project meets the requirements for an R-2 zoning. She showed the site plan, architectural renderings, the landscape plan, and explained access to the development. Hogan stated that land has been benched for a future trail to be placed.

Hogan stated that the public hearing for this item was on January 28 and spurred some discussion, leading to the item being continued. Staff recommended approval.

Commissioner Reed asked for further clarification on the trail. Nemcek responded that it must be graded for a trail but not necessarily placed at this time.

Commissioner Ellis asked if the Parks and Recreation Director could speak to some of the issues that had been brought up about the property.

Parks and Recreation Director Schultz explained that the property was donated in 2007. Schultz stated that he had no recollection of talking to the homeowner to the north of the park about a fence prior to the fall of 2024. He said that there is a possibility of revisiting the idea of building a fence if there are footpaths being created through someone's property because of the park or other issues arising. He also discussed plans for the future trail along the east side of Akron Avenue. Schultz stated that there are lines marking off eight feet that could provide a space for residents to walk along if crossing Akron Avenue is an issue. He also said that if the project moves forward, they can work with the county to implement a better crosswalk.

Commissioner Whitman asked if Schultz was saying that there wasn't enough evidence currently to warrant a fence being put in by the city. Schultz responded that he would say there is not enough evidence currently. Schultz stated that signage and additional landscaping could be placed on the edge of the park to deter people from entering the property to the north. He also stated that a trail could be developed on the property to the north if the property owners ever do sell. He also said that if the area is developed further, it's likely that it will get more attention from the county.

Commissioner Beadner asked if Flint Hills agreed to the creation of another trail on their property if the city would work on that. Schultz replied that the city would be interested in working with them and the county on that if it was something they wanted to pursue.

Jason Palmby
7129 Heatherton Trail

Palmby stated that there is a gas line that runs across that area of the Flint Hills property and is deterring Flint Hills from establishing a trail.

Chairperson Kenninger opened the floor for public comment. She stated that a few letters were received by the commission.

Greg Bergacker
13080 Akron Avenue

Bergacker stated that Schultz had told them that the city would be putting a fence in.

Chairperson Kenninger closed the public comment period.

Commissioner Reed asked if there was anything that could be added to the rules of the homeowner's association.

Emily Becker

5354 Parkdale Drive, St Louis Park

Becker from MI Homes stated that there could be something put into the homeowner's association regulations or additional signage.

Chairperson Kenninger asked if the students would be bussed from this area. Hogan confirmed that they would be. Chairperson Kenninger asked about the infrastructure of the site. Hogan confirmed that the infrastructure is present and can handle the new development. Chairperson Kenninger asked if the road was built to accommodate the project. Hogan responded that it was built to accommodate further development and that the county plat commission did not have any comments aside from a right-hand turn lane into the site.

Commissioner Whitman asked if any conditions could be added to the approval in an official way, so it was more than a verbal agreement that signage or language in the HOA regulations was added. Staff confirmed that it could be added into a motion.

Motion by Reed Second by Ellis

Motion to recommend the City Council approve a Zoning Map amendment to rezone the site from A-2 – Agricultural to R2 – Low to Medium Density Residential.

Ayes: 6.

Nays: None. Motion Carried.

Motion by Kenninger Second by Reed

Motion to recommend the City Council approve the Preliminary Plat for Akron Ridge, subject to:

- a. Execution of a Subdivision Agreement.
- b. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated January 10, 2025.
- c. Conformance with all requirements stated within the Dakota County Plat Commission Memorandum.
- d. Payment of \$74,580 as a Landscape Surety.
- e. Compliance with the conditions and standards within the Parks and Recreation Director's memorandum dated January 21, 2025.
- f. Payment of all applicable fees including GIS, Park Dedication and other fees identified in the current fee schedule.
- g. Incorporation of any easements necessary to accommodate drainage, ponding, streets and utilities.
- h. Payment of trunk area charges in the amount of:
 1. Sanitary Sewer Trunk Charge: \$1,075/acre
 2. Watermain Trunk Charge: \$6,500/acre
 3. Storm Sewer Trunk Charge: \$6,865/acre
- i. The declarations of the townhome residents include directions that they should not

trespass on the property to the south and stating where the property lines are.

Ayes: 6.

Nays: None. Motion Carried.

PUBLIC HEARINGS

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

Planner Hogan presented on a request for the renewal of a Small Scale Mineral Extraction permit for Danner Inc for 2025. She showed the site location, aerial photos, and the site plan. She also presented on the stockpiling testing results and additional site photos. Staff recommended approval.

Chairperson Kenninger opened the public hearing.

Motion by Kenninger **Second by** Beadner

Motion to close the public hearing

Ayes: 6.

Nays: None. Motion Carried.

Motion by Rivera **Second by** Beadner

Motion to recommend the City Council approve the Danner, Inc. 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.

- b. Request by Riveter Real Estate LLC for a major amendment to the Omni Orchards Farm Winery PUD Agreement and a final site and building plan.

Planner Nemcek presented on a request by Riveter Real Estate LLC for a major amendment to the Omni Orchards farm winery PUD agreement and final site and building plan. Nemcek showed the site location and explained that the current use is residential, but the existing home and pole barn will be removed for this project. He showed a site plan and stated that the area that has been used for overflow parking will be paved and create a connection to the new parking lot that serves the new building.

Nemcek presented the received floor plan. He also discussed the capacity for parking and explained that in the current parking lot there is an excess of 26 stalls which will meet the holistic site parking requirements. He showed the external elevations. Nemcek also presented the landscape plan and stated that it is a unique plan because of the orchard component of the site. The only issue that would need to be addressed by the applicant is the requirement of 1 tree per 10 stalls and this has been added as a condition of approval. No new public infrastructure is necessary for the site as sewer and water are already located on Biscayne Avenue. The final stormwater pond design is being completed and is a condition of approval. Staff recommended approval.

Chairperson Kenninger asked about parking requirements based on seating in the event space and if the count included the tasting room or not. Nemcek responded that because of the extra parking in the current parking lot the total number of spaces will meet the code requirement for both the event space

and the tasting room. She also asked if the parking will be paved. Nemcek confirmed that it will be. He also stated that there is additional overflow parking to the south that is not going to be paved because it is designated for a future road. Commissioner Ellis asked if the previously identified parking included the overflow parking to the south. Nemcek confirmed that it did not.

Chairperson Kenninger opened the public hearing.

Zack Ward

15701 Biscayne

The owners came up to the podium and stated that they are using the event space as a general event space and the tasting room will be used more typically as a winery.

Chairperson Kennigner asked if they would be used at the same time. Ward responded that there would be very little overlap. Chairperson Kennigner also asked about an opening date. Ward responded that October first would be the desired opening date.

Motion by Kenninger Second by Reed

Motion to close public hearing

Ayes: 6.

Nays: None. Motion Carried.

Commissioner Beadner asked about the intersection of County Road 42 and Biscayne Avenue. Nemcek responded that the county will be realigning the intersection to make it a perpendicular intersection and improve sight lines. The signals will be in prior to or concurrent with the opening of the new middle school.

Motion by Kenninger Second by Reed

Motion to recommend the City Council approve a Major Amendment to the Omni Farm Winery planned unit development agreement expanding the PUD area to include the property located at 15675 Biscayne Avenue.

Ayes: 6.

Nays: None. Motion Carried.

Motion by Kenninger Second by Beadner

Motion to approve a final site and building plan for an event space at the Omni farm winery located at 15675 Biscayne Avenue, subject to the following conditions:

1. Submittal of a landscape surety equal to 110% of the value of trees planted on the property.
2. The landscape plan shall be updated to relocate 13 trees to the landscaped areas of the parking lot.
3. Compliance with the requirements of the City Engineer dated February 14th, 2025.

Ayes: 6.

Nays: None. Motion Carried.

NEW BUSINESS

None.

DISCUSSION

Chairperson Kenninger noted that the next Planning Commission meeting will take place on March 17th. Instead of the usual Tuesday meeting, it will be held on Monday, but will go back to Tuesdays for April and May. Commissioner Ellis stated that he will likely be unable to attend the March 17th meeting.

ADJOURNMENT

There being no further business to come before the Planning Commission at the regular commission meeting, the meeting was adjourned at 7:31 p.m.

Respectfully submitted,

Liz Kohler
Community Development Technician