

PLANNING COMMISSION REGULAR MEETING MINUTES

JANUARY 14, 2020

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I. Regular Meeting

Call to Order:

Pursuant to due call and notice thereof, the Regular Meeting of the Planning Commission was held on Tuesday, January 14, 2020. Vice-Chair VanderWiel called the meeting to order at 6:30 p.m. with Commissioners Rivera, Lundquist, Schmisek, Freeman, and Reed. Chair Kenninger was absent. Also, in attendance were Community Development Director Lindquist, Senior Planner Klatt, Planner Nemcek, Engineer Smith and Recording Secretary Bodsberg.

The Pledge of Allegiance was said.

Additions to Agenda: None.

Audience Input: None.

Consent Agenda: None.

Public Hearing:

4.a. Request by Ron Clark Construction for Planned Unit Development Master Development and Final Site and Building Plan, Preliminary Plat and Final Plat Approval to Construct a 124-unit Apartment Building on Rosemount Plaza and Shenanigan's Sites. **(20-01-PUD, 20-02-FDP, 20-03-PP, 20-04-FP)**

Community Development Director Lindquist gave a brief history of the Downtown Redevelopment goals.

Planner Nemcek gave a brief summary of the staff report for the Planning Commission.

Mike Waldo, Ron Clark Construction and Design, 7500 78th Street West, Edina, stated that the mix of the project is the same as the buildings going up in neighboring cities. The building location on the site is important to the flow of the access. You will be able to go south and north more safely in and out of the site because access is on both Highway 3 and 145th Street. Conversations have been had with the neighboring western residents about fencing to have additional screening and the Xcel utility wires will be buried if the residents would like and if not, then they will not be.

Reed inquired about the exterior of the building and more specifically what will be siding and what stone and what it would look like. Mr. Waldo stated that there will be lap siding in the middle of the building and a mixture of brick and stone along the sides and back of the building.

Rivera inquired if the apartments would be market rate or would it include rent or income restrictions. Mr. Waldo stated that the building would be all market rate apartments.

Reed inquired how the design for the new retail building will fit in with the historic buildings that are currently located in downtown. Mr. Waldo stated that the new retail building will not be built until the current business's leases are up, which will be a few years out. The exterior of the new retail building will have a more timeless look using bricks and mortar. The final approval needs to come back before the City.

Freeman inquired about the location of the retail building on the site, wondering if the longer side could be adjacent to Hwy 3. Mr. Waldo stated that they were trying to maintain the most parking spaces on the site.

Public Hearing opened at 7:19 pm.

Public Comments:

Peter Terry, 13125 Idell Ave, Hastings, representing the property owners to the south, stated that their concerns include the south property line along their property and store. According to the proposed plan it looks like the access into their property will be shrunk next to Hwy 3 and the parking spaces will be less accessible next to the building. Mr. Terry stated that he would like to request a continuation tonight so that they would have time to come to an agreement.

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Maureen Bouchard, 3130 145th Street West, stated that her family dates to 1855. She would like to keep Rosemount as a nice quaint small town. Rosemount does not want to be like Apple Valley. The design of the building is good, except it would be nicer to have the building only three stories tall instead of four. She also thanked the applicant for working with the surrounding residents.

Jim Spadafore, 14580 Cameo Ave, stated that he is located directly behind the building. He agrees that the new building would be better than the current building but that three stories would be better than four stories. He agrees that to bring more successful businesses into Rosemount we need more people in Rosemount.

Erin Delaney, 12572 Danbury Way, stated that she would like to see residents be able to age in place. Smart growth is important. It would be nice to see green space on the roof of the building. An apartment that is accessibility friendly for people with disabilities needs to be added.

Emily Schmuck, 14605 South Robert Trail, partial owner of Shenanigan's, needs to get a closing date set so that the business can make plans to move forward.

Scott French, 14560 Cameo Ave, stated that they are adjacent to the proposal. A four story building is a bit much and the property line is too close to the residential sites. Mr. French stated that he is not sure how the building is going to impact how they use their yards and the foot traffic that it will generate around his property.

Karleen Sieben, 14540 Cameo Ave, questioned if the City is prepared for a sewer/utility overload that may result from adding more people into downtown. She is concerned about the potential traffic problems and the added people in the area. Ms. Sieben requested that the construction not to start until 8:00 am.

Savannah Bray, 13732 Apollo Way, stated that Rosemount shouldn't change and that it should stay the same. The small town feel will go away if this building goes up.

MOTION by Freeman to close the public hearing.

Second by Schmisek.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing was closed at 7:42 pm.

Additional Comments:

VanderWiel inquired if we have an ordinance that would restrict the four story building. Lindquist stated that the ordinance restricts the height and that this building is currently three feet over the ordinance's height restrictions. VanderWiel stated that it's not over the heights on the entire building it is just over the height on certain areas and depending on the current grading. VanderWiel inquired about the property line along Terry's property. Mr. Waldo stated that he has met with the property owners. They plan on amending their application with MNDOT to make the curbcut wider.

VanderWiel inquired about the closing date will be for the Shenanigan's Pub site. Mr. Waldo stated that he has been in contact with the other part owner of Shenanigan's Pub, Brandon. Mr. Waldo stated that he cannot give a date because it is dependent on the Planning and Council approvals. He didn't want to give a date and then not meet that expectation.

Rivera inquired if there are any ADA units included. Mr. Waldo stated that the building code requires three units and reasonable accommodations can be made for specific renters.

Reed questioned what the construction hours will be. Mr. Waldo stated that they will be working within the City ordinance guidelines. Lindquist stated that it would be 7:00 am. If the residents have issues during the construction of the building, they can contact the City. Mr. Waldo stated that the neighbors will also have the job superintendents phone number and can contact them directly if they need to do so.

VanderWiel stated that she is really excited about this specific project. The streetscape will be improved. The addition of trees instead of hard surfaces and parking lots along Hwy 3 is welcome. She noted that higher density residential is usually in downtowns.

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Reed stated that he had a lot of concerns about the project and had conversations with the Mayor and Ms. Lindquist. He stated that this will be a huge improvement to what is currently in this location. The amount of parking is concerning and if people could park on site and walk around downtown that would be great.

Rivera stated that she would like to spend her money in Rosemount and understands that if the higher density building comes first it will help attract more businesses to the area, which is great.

Freeman stated that the concept and design of the plan is good. Adding residential in this area will eventually attract more restaurants and retail in the future.

Lundquist stated that the building looks great and the amount of research that the developers have done is great. She would like to see the developer work with Terry's Hardware site to come into an agreement.

Schmisek stated that this building will hopefully add the needed residents to make the commercial and restaurants grow in the downtown area. He explained his experience in Grand Forks.

MOTION by Reed to recommend the City Council Approve the Request by Ron Clark Construction for Planned Unit Development Master Development and Final Site and Building Plan, subject to the following conditions:

1. A deviation from Section 11-4-11F. DT Minimum Lot Requirements and Standards increasing the maximum building height from 45 feet to 48 feet.
2. A deviation from Section 11-4-11B DT Permitted Uses reducing the required setback from South Robert Trail for first-floor residential units from 150 feet to 33.5 feet.
3. A deviation from 11-4-11G.3. DT Permitted Materials allowing less than 60% stone or brick on the north, west, and south elevations.
4. The applicant shall update the east elevation to include at least 75% brick or stone.
5. Compliance with the requirements of the City Engineer's Memorandum dated January 14, 2020.
6. Compliance with the requirements within the Fire Marshall's memorandum dated January 7, 2020.
7. Applicant shall work with staff to ensure full compliance with Code requirements related to site lighting within the northern portion of the site.
8. Execution of an encroachment agreement for the retaining wall located near the northern portion of the site located within the proposed drainage and utility easement.
9. A public access easement shall be dedicated over the trail along the rear and sides of the property.
10. The trail along the rear and side property lines will be installed and maintained by the property owner.
11. The apartment pool will be closed at 10:00 pm until 7:00am.
12. The applicant will work with the five single family residential property owners to the west regarding installation of fencing, landscape locations, and undergrounding of overhead power lines.
13. The applicant shall submit a demolition and construction plan for City review and approval prior to demolition work commencing.
14. The applicant shall submit exterior materials samples and colors for final city review and approval prior to issuance of a building permit.
15. The applicant shall receive final site and building plan approval for the proposed commercial building prior to issuance of any building permits.
16. The applicant shall receive a building permit for the commercial building by 12/30/2024.
17. The applicant will work with the property owner to the south to the address the curb cut access width and parking clearance between properties prior to issuance of a certificate of occupancy.

Second by Freeman.

Ayes: 6. Nays: 0. Motion Passes

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MOTION by Freeman to recommend the City Council Approve the Preliminary Plat and Final Plat for The Morrison, subject to the following conditions:

1. Compliance with the City Engineer's Memorandum dated January 14, 2020.
2. A public access easement shall be dedicated over the trail along the rear of the property.
3. The trail along the rear property line will be owned and maintained by the developer.
4. Ten (10) foot wide perimeter drainage and utility easement shall be dedicated around the entire site except where the building foundation is located.
5. Payment of \$100,000 for fee-in-lieu of park dedication.
6. Applicant shall provide a landscaping surety in the amount of \$11,550.

Second by Schmisek.

Ayes: 6. Nays: 0. Motion Passes

Adjournment: There being no further business to come before this Commission, Vice-Chair VanderWiel adjourned the meeting at 8:18 pm.

Respectfully submitted,

Stacy Bodsberg, Recording Secretary