

PLANNING COMMISSION REGULAR MEETING MINUTES

JANUARY 28, 2020

PAGE 1

I. Regular Meeting

Call to Order:

Pursuant to due call and notice thereof, the Regular Meeting of the Planning Commission was held on January 28, 2020. Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners Freeman, Reed, Schmisek and VanderWiel. Rivera and Lundquist were 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:

- a. Approval of the December 16, 2019, Regular Meeting Minutes.
- b. Approval of the January 14, 2020, Regular Meeting Minutes.

MOTION by VanderWiel.

Second by Freeman.

Ayes: 5. Nays: 0.

Public Hearing:

5.a. Request by Dakota Aggregates for a Renewal of their Large Scale Mineral Extraction Permit for 2020.
(19-54-ME)

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

Kenninger inquired if the noise monitoring study would also be done next year. Klatt stated that the requirement is a recommended condition of approval for 2020.

Reed stated that he is glad that the noise study will continue.

Schmisek stated that he was surprised about the lack of noise that comes from the mine and supports the noise study to be a condition in the future.

Public Hearing opened December 16, 2019 Planning Commission Meeting at 6:50 pm and continued until tonight.

Public Comments:

Pat Mason, Dakota Aggregates, stated that the company wants to be a good neighbor and stated that they are mindful of the noise and the neighbors.

MOTION by Schmisek to close the public hearing.

Second by VanderWiel.

Ayes: 5. Nays: 0. Motion Passes.

The public hearing was closed at 6:52 pm.

Additional Comments: None.

MOTION by Schmisek to recommend the City Council renew the Dakota Aggregates Large Scale Mineral Extraction Permit for 2020, subject to the terms and conditions in the attached 2020 Draft Conditions for Mineral Extraction Permit.

Second by VanderWiel.

Ayes: 5. Nays: 0. Motion Passes

PLANNING COMMISSION REGULAR MEETING MINUTES

JANUARY 28, 2020

PAGE 2

MOTION by Schmisek to recommend the City Council renew the Aggregate Processing Interim Use Permit through 2024, subject to the terms and conditions in the attached draft Interim Use Permit Resolution.

Second by Freeman

Ayes: 5. Nays: 0. Motion Passes

5.b. Text Amendment to Zoning Ordinance Modifying the Conditions for Commercial Kennels in the AG and RR districts, adding Commercial Kennels as a Conditional Use in the GI and BP Districts and Modifying the Definition of Commercial Kennels. **(20-08-TA)**

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

Reed inquired what would happen if in the future a structure was built within the 500 feet from adjacent structures and 75 feet from residential property lines. Nemcek stated that it would become legally nonconforming because the use is already in place.

The public hearing opened at 7:02 pm.

Public Comments: None.

MOTION by VanderWiel to close the public hearing.

Second by Schmisek.

Ayes: 5. Nays: 0. Motion Passes.

The public hearing was closed at 7:04 pm.

Additional Comments:

Reed stated that he likes that the City tied in the State license requirements. That is the agency that deals with the details of the operation.

Kenninger stated that she likes that staff contacted neighboring cities and updated the text amendment.

MOTION by Freeman to recommend that the City Council approve a Text Amendment to the Zoning Ordinance Modifying the Conditions for Commercial Kennels in the Rural Residential and Agriculture Zoning Districts, Adding Commercial Kennels as a Conditional Use in the General Industrial and Business Park Zoning District, and Adding Commercial Kennels to the Definitions.

Second by Reed.

Ayes: 5. Nays: 0. Motion Passes.

5.c. Request by Brent and Angela Bosaaen for approval of a Conditional Use Permit to Operate a Commercial Kennel in the AG-Agriculture Zoning District. **(20-06-CUP)**

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

Kenninger inquired if the applicant is currently operating. Nemcek stated that there is dog breeding happening on the property without the permit from the City of Rosemount and license from the State of Minnesota.

Reed inquired who would check up on the applicant during the duration of the Conditional Use Permit. Nemcek stated that if complaints or residents call then we would check in on the complaints. The State of Minnesota license does get renewed and inspected each year.

The public hearing opened at 7:18 pm.

PLANNING COMMISSION REGULAR MEETING MINUTES
JANUARY 28, 2020
PAGE 3

Public Comments:

Michelle Fischer, 4836 160th Street East, stated that she is concerned about the applicant having several adult dogs and the noise that would happen from that.

Angela Bosaaen, 4979 160th Street East, stated that in order to apply for the State license they needed to have so many adult dogs and litters prior to applying for a license. That is why they have been breeding before obtaining the license.

MOTION by Reed to close the public hearing.

Second by Schmisek.

Ayes: 5. Nays: 0. Motion Passes.

The public hearing was closed at 7:22 pm.

Additional Comments: None.

MOTION by Reed to recommend that the City Council approve the request for a Conditional Use Permit to operate a Commercial Kennel in the AG-Agriculture Zoning District, subject to the following conditions:

1. The applicant's conditional use permit for a commercial event center shall no longer be valid.
2. The applicant shall submit the required information listed in section 7-4B-2: Registration Provisions for Commercial Kennels to the Police Department.
3. The applicant obtains and keep current with the State of Minnesota Animal Board of Health license.
4. The maximum number of animals shall not exceed the space provided in accordance with the requirements of the State of Minnesota Board of Animal Health.

Second by Schmisek.

Ayes: 5. Nays: 0. Motion Passes.

5.d. Request by Max Steininger, Inc. for a Renewal of their Small Scale Mineral Extraction Permit for 2020. (20-05-ME)

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

The public hearing opened at 7:35 pm.

Public Comments:

Monte Nole, 4322 145th Street, stated that the mine has been a good neighbor and he has had one issue with the potential drainage due to the installed culvert. He would like a no Jake Braking sign posted on the road. Also, he inquired about the added turn lane.

Greg Steininger, 1521 Lone Oak Road, Eagan, stated that the proposed turn lane on the County Road is 300 feet long and would not extend past their property.

Klatt stated that he spoke with the family that owns property further to the west of 42, the Rechtzigel property and inquired about the future land use in that area.

MOTION by Schmisek to close the public hearing.

Second by VanderWiel.

Ayes: 5. Nays: 0. Motion Passes.

The public hearing was closed at 7:42 pm.

Additional Comments:

Kenninger inquired if the drainage issues continue should the property owner call the city. Klatt stated that the county issued the driveway permit which included the installed culvert but that the resident can contact the city and they can assist.

PLANNING COMMISSION REGULAR MEETING MINUTES
JANUARY 28, 2020
PAGE 4

MOTION by Freeman to recommend that the City Council approve the Max Steininger, Inc. Small Scale Mineral Extraction Permit for 2020, subject to the terms and conditions in the attached 2020 Draft Conditions for Mineral Extraction.

Second by Schmisek.

Ayes: 5. Nays: 0. Motion Passes.

Old Business:

6.a. Request by Equity Lifestyle Properties for a Major Amendment to the Rosemount Woods PUD to Develop an additional thirty-nine (39) home sites within the boundaries of the Rosemount Woods Mobile Home Park. (Continued from December 16, 2019, Planning Commission Meeting) **(19-50-AMD)**

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

Kenninger inquired what type of calls did the police calls report include. Nemcek stated that all calls that can be pinpointed to a specific address within Rosemount Woods.

Kenninger inquired about adding a condition for placing shrubs along the south side. Nemcek stated that should be documented as the seventh condition.

Matt Schumacher, Cage Civil Engineering, 3110 Woodcreek Drive, Downers Grove, IL, stated that the density of the proposed project is below the zoning standards.

Sheri Kellen, Equity Lifestyle Properties, Senior Regional Manager, 901 Lake Elmo Ave, Lake Elmo, stated that Rosemount Woods is very much apart of the City of Rosemount. The applicants that come in to live in Rosemount Woods go through a background check and credit check.

Kenninger stated that she appreciates staff and the applicant working through the major questions, especially the landscaping plan.

Reed stated that he was initially concerned about the landscaping and the five feet between homes. He is satisfied with what they have presented tonight.

Schmisek stated that he is surprised that the travel study didn't have a huge impact on the area.

MOTION by Schmisek to recommend that the City Council approve a Major Amendment to the Rosemount Woods PUD to Develop an additional thirty-nine (39) home sites within the boundaries of the Rosemount Woods Mobile Home Park, subject to the following conditions:

1. Provision of a landscape surety in the amount of \$53,460.
2. Compliance with all the conditions and standards within the City Engineer's Memorandum dated January 28, 2020.
3. Applicant shall dedicate drainage and utility easement over the public sanitary sewer line that will be relocated along Burgundy Avenue.
4. Applicant shall enter into a Stormwater Maintenance and Easement Agreement with the City for the proposed, private infiltration basin.
5. The applicant shall expand the storm shelter to comply with the structural requirements as determined by FEMA as well as the state building code. Shelter size, in total, should be based upon the number of units approved for the Mobile Home Park times 2.8 (on average the number of households per person in the city).
6. Conservation easements are required over the wetland and buffers. Signage for conservation easements shall be provided by the developer.
7. Added Condition: Finalize landscaping plan with City staff including increasing shrubbery in the south.

Second by Freeman.

Ayes: 5. Nays: 0. Motion Passes.

PLANNING COMMISSION REGULAR MEETING MINUTES
JANUARY 28, 2020
PAGE 5

New Business:

7.a. Resolution for the Modification to the Redevelopment Plan and a TIF Plan for the KenRose TIF District Complies with the General Plans of the City.

Community Development Director Lindquist gave a brief summary of the staff report for the Planning Commission.

MOTION by VanderWiel to approve the Resolution finding that the modification of the redevelopment plan and the TIF plan for the KenRose TIF district conforms to the general plans for the development and redevelopment of the City of Rosemount.

Second by Reed.

Ayes: 5. Nays: 0. Motion Passes.

Discussion

8.a. Reschedule Regular Planning Commission Meeting February 25, 2020.

Commissioners agreed to move the Tuesday, February 25, 2020, meeting to Wednesday, February 26, 2020 due to an Election Caucus.

Adjournment: There being no further business to come before this Commission, Chair Kenninger adjourned the meeting at 8:19 pm.

Respectfully submitted,
Stacy Bodsberg, Recording Secretary