

PLANNING COMMISSION REGULAR MEETING MINUTES

July 13, 2021

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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 July 13, 2021. Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners Reed, Rivera, Marlow, Thiagarajan, Schmisek and Hebert. Also, in attendance were Senior Planner Klatt, Planner Nemcek, City Engineer Erickson and Recording Specialist Bodsberg.

The Pledge of Allegiance was said.

Additions to Agenda: None.

Audience Input: None.

Consent Agenda:

4.a. Approval of the June 22, 2021, Regular Meeting Minutes .

MOTION by Reed.

Second by Hebert.

Ayes: 7. Nays: 0.

Public Hearing:

5.a. Request by Michael & Mollie Warren for a Variance from the Side Yard Setback Requirement for Structures in the RR-Rural Residential Zoning District. **(21-31-V)**

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

The public hearing opened at 6:36 pm.

Public Comments: None.

MOTION by Schmisek to close the public hearing.

Second by Marlow.

Ayes: 7. Nays: 0. Motion Passes.

The public hearing closed at 6:37 pm.

Additional Comments: None.

MOTION by Reed for the Board of Appeals and Adjustments to Adopt a Resolution Approving a Variance from the RR-Rural Residential Side Yard Setback for Structures from thirty (30) feet to fourteen (14) feet at 12505 Danbury Way.

Second by Marlow.

Ayes: 7. Nays: 0. Motion Passes.

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5.b. Request by SKB Environmental for Approval of a Comprehensive Plan Amendment, Zoning Map Amendment, Preliminary Plat, and Amend Interim Use Permit Associated with an Expansion of the SKB Landfill Facility.

(21-22-CPA, 21-23-RZ, 21-24-PP & 21-25-IUP)

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

Chair Kenninger inquired about the landscaping near the neighboring residents. What would the timing be for the berm to be complete. Klatt stated that the landscaping and the berm will go in conjunction with the road being completed. Kenninger questioned if SKB will be expanding any more in the future. Klatt stated that with the road construction, it makes it hard for them to expand to the east. Kenninger stated that the road will be gravel but paved in some places. Will the road be paved behind the residents property. Klatt stated that it will most likely be gravel or dirt around the landfill site.

Commissioner Reed questioned if the residents around SKB have been notified about the expansion. Klatt stated that information about the meeting and this item would have been sent to the neighboring residents. The plans have also been posted to the city website. Reed inquired if there will be a turn lane added for additional safety. Klatt stated that plans will be prepared for MNDot. Instead of stacking up trucks onto the highway they will have more room to stack them onto a city street. The new road will really set up that area nicely for the business park. Reed inquired if the road is actually beneficial. Klatt stated that SKB didn't want to be responsible for building the road but they will be paying for the road. This road will be built at SKB's expense that will be available for public use but will also provide access for future development.

Commissioner Heber inquired about the internal access road and it's location. If the increase of traffic and the noise, would the road be better located further away from the resident. Klatt stated that was looked at. The applicant can further explain why this location for the road is the best option.

The public hearing opened at 7:38 pm.

Public Comments:

Ryan O'Gara, 13225 Galleria Court, Apple Valley, SKB Environmental, stated that the new road will be a huge benefit and added safety for the traffic in the area. All of the trucks entering and exiting the facility all turn onto Highway 55. By adding this road SKB sees this as an added safety measure. Mr. O'Gara stated that SKB was already in talks with the neighbor to build the berm. The berm location has been discussed and the request on the location has been granted. The berm will not be built any later than the road improvements, about two years from now. Mr. O'Gara stated the road location was discussed and agreed that the layout of the land this option was a more efficient route for the buildings that are currently on the land.

Commissioner Hebert questioned if the trucks will exit onto the new road as well. Mr. O'Gara stated that is correct.

Commissioner Reed questioned what the hours of operation are for SKB Environmental. Mr. O'Gara stated that the typical hours are 7am to 4:30pm. But there may be additional landfill operation happening after those hours. But the trucking is only happening during those times. Reed inquired if there could be an additional condition added that the trucks only operate during specific hours. Mr. O'Gara stated that he would need to review that. There are some projects that temporarily need to operate during the overnight hours.

Commissioner Rivera inquired about the city road potentially reaching County Road 42 and providing a potential access for the trucks exiting the facility and get onto Highway 52. Mr. O'Gara stated that is a possibility. It will provide more options for the trucks to get back onto Highway 52.

MOTION by Schmisek to close the public hearing.

Second by Thiagarajan.

Ayes: 7. Nays: 0. Motion Passes.

The public hearing closed at 7:58 pm.

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Additional Comments:

Chair Kenninger inquired about the landscape plan and if it was ready for review. Klatt stated that it is still being reviewed and will be ready in time for this item to go to City Council for approval. Kenninger would like to add a condition that the berm is finished prior to the use of the road, including the landscaping. Klatt stated that the applicant does have to enter into a subdivision agreement with the City. This agreement will also include landscaping and a date that needs to be complete.

Commissioner Reed stated that the environmental aspects of this project are reviewed by MPC and Dakota County. What will the maintenance plan for this area be when the landfill is no longer in operation.

Chair Kenninger stated that after this project, SKB will be landlocked and would not be able to expand any further. Questioned if they could look at the landscaping plan. If there is an area that needs additional trees included. Klatt stated that the applicant meets that requirements for the landscaping. But that it doesn't include the trees that will be lost along the lower section of the property. We will be taking this into account when the landscape plan is put together.

MOTION by Reed to recommend the City Council Approve a Comprehensive Plan Amendment to change the future land use designation of 113 acres east of the existing SKB Landfill from GI-General Industrial, LI-Light Industrial, and BP-Business Park to WM-Waste Management.

Second by Schmisek.

Ayes: 7. Nays: 0. Motion Passes.

MOTION by Schmisek to recommend the City Council Approve a Zoning Map Amendment to change the zoning of 113 acres east of the existing SKB Landfill from GI-General Industrial and AG-Agricultural to WM-Waste Management.

Second by Hebert.

Ayes: 7. Nays: 0. Motion Passes.

MOTION by Marlow to recommend the City Council Approve the SKB Rosemount 2nd Addition Preliminary Plat subject to the following conditions:

- a. Dedication of an 80-foot right-of-way for the planned new City street connecting Courthouse Boulevard and Ehlers Path along the east side of Lot 1, Block 1 of the plat.
- b. Dedication of a minimum of 50 feet of right-of-way along the southern edge of the plat for Ehlers Path.
- c. Execution of a subdivision agreement concerning the extension of a City water main to the project site and construction of a new public street east of Lot 1, Block 1.
- d. Provision of all easements on the final plat as required by the City Engineer.
- e. Compliance with the City Engineer's review memorandum dated July 7, 2021.
- f. Payment of development fees specified in the City Engineer's review memorandum dated July 7, 2021.
- g. Payment of a fee-in-lieu of park land dedication of \$260,000 for 52.41 acres of platted industrial land.

Second by Hebert.

Ayes: 7. Nays: 0. Motion Passes.

MOTION by Kenninger to recommend the City Council Approve an Interim Use Permit amendment allowing an expansion of the SKB Environmental Landfill and related building construction subject to the following conditions:

- a. Approval of the expansion plans by the Minnesota Pollution Control Agency and Dakota County.

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- b. The utility plans must be updated to include the extension of trunk water main service along the northern boundary of Lot 1, Block 1 and within the right-of-way for the new City street immediately east of Lot 1, Block 1.
 - c. Provision of a minimum of a 30-foot easement outside of the street right-of-way for the planned regional trail along Ehlers Path/140th Street. The grading plans must be updated to include grades that will support future construction of a trail.
 - d. The existing private access driveway to Courthouse Boulevard (State Highway 55) will be eliminated upon completion of the new public street east of Lot 1, Block 1.
 - e. Payment of all City costs associated with the design and construction of the new public road east of Lot 1, Block 1.
 - f. The septic treatment area shall be clearly delineated on the development plans and conflicts with other activities in this area, including utilities, vehicle access, landscaping and other site improvements, must be avoided.
 - g. The septic system must comply with all applicable City and State regulations with a final design and location approved by the City.
 - h. The buildings on the site will be required to connect to public sanitary sewer services within one year of this service connection in the location shown on the site development plans.
 - i. All new buildings within the landfill expansion area will be subject to the City of Rosemount's site plan review process. This review shall verify compliance with the City's building design, parking, and other site development requirements.
 - j. The landscape plan shall be updated to include all required replacement plantings above and beyond any previous payments to the City as a fee-in-lieu of required trees.
 - k. All buildings shall comply with fire code requirements for access around buildings.
 - l. No outside storage around the recycling buildings is allowed unless specifically authorized in the interim use permit.
 - m. Incorporation of all review comments from MnDOT.
 - n. Submission of route maps of truck circulation within the facility and off-site. Additional information concerning routing of trucks on the site and further information concerning traffic counts and updated route maps may be requested by the City when deemed necessary in the future.
 - o. Tree clearing and grubbing will occur between August and March to avoid impacts to endangered species within the project area.
 - p. Compliance with the mitigation strategies included in the EAW for the project.
 - q. Compliance the City Engineer's review memorandum dated April 19, 2018.
 - r. Entry signs shall be subject to sign permits and normal zoning standards. Appropriate sight distances must be maintained.
 - s. Compliance with conditions from 2018 Interim Use Permit renewal, including the following:
 - i. Stormwater Basins 6A, 6B, 6C and associated grading shall be removed from within 50 feet of the 140th Street East centerline in conjunction with the updated storm water modeling. As an alternative, SKB may direct storm water that would have otherwise been accommodated within these basins to the adjacent property east of the landfill provided in does not require a substantial change to the approved PUD and grading plans on the adjacent site.
 - ii. SKB Environmental shall maintain an MPCA approved ground water monitoring system on the site and notify the City prior to the construction of any replacement wells.
 - iii. Implement sediment control best management practices to reduce sediment tracking and dust on and off site.
 - iv. Approval of the transfer facility and composting operation will be removed from IUP if operations not commenced prior to November of 2023.
 - v. Compliance with all other requirements of the City Engineer's review memorandum dated October 23, 2018.
 - t. The berm along the residents must be completed prior to road use (ADDED CONDITION)
- Second** by Reed.
- Ayes: 7. Nays: 0. Motion Passes.

Discussion: None.

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Reports: None.

Adjournment: There being no further business to come before this Commission, Chair Kenninger adjourned the meeting at 8:17 pm.

Specialist

Respectfully submitted,
Stacy Bodsberg, Recording