

PLANNING COMMISSION REGULAR MEETING MINUTES

August 24, 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 August 24, 2021. Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners Reed, Marlow, Schmisek, Thiagarajan and Hebert. Commissioner Rivera were absent. Also, in attendance were Community Development Director Kienberger, Senior Planner Klatt, Planner Nemcek, Economic Development Coordinator Van Oss, and Recording Specialist Bodsberg.

The Pledge of Allegiance was said.

Additions to Agenda: None.

Audience Input: None.

Public Hearing:

4.a. Request by Omni Orchards Farm Winery for Approval of a Conditional Use Permit and PUD Master Development Plan to Allow Construction of an 8,000 Square Foot Farm Winery Tasting Room and 4,000 Square Foot Patio. **(21-42-CUP & 21-43-MS)**

Economic Development Coordinator Van Oss gave a presentation and summary of the staff report for the Planning Commission.

Chair Kenninger inquired how many parking stalls are required for this project. Van Oss stated that it is 38. Kenninger inquired when there will be a stop light put in at the County Road 42 and Biscayne Ave intersection. Klatt stated that there is no timeline for when that stop light will be complete. Kenninger inquired if the buildings white panels are also metal. Van Oss stated that both the white and black panels are metal.

Commissioner Reed inquired about the landscape buffer between the north and south properties on either side of the proposed project. Van Oss stated that the building is 300 feet from the northern property. Reed questioned if there was any thought of adding landscape buffering. Van Oss stated that staff thought there was enough distance between the buildings.

Commissioner Hebert inquired if there are any existing sidewalks. Van Oss stated that there are not any sidewalks, and no plans on creating any.

Commissioner Schmisek inquired if the applicant has any plans to turn this building into an event venue. Van Oss stated that if the applicant would like to have music, they would have to go through the process of obtaining a permit through the City.

Chair Kenninger inquired about the house to the north of the property and how it will be closer to the potential additional building. Van Oss stated that the applicant would have to do a planned unit development amendment in order for that building to proceed.

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The public hearing opened at 6:47 pm.

Public Comments:

Sandra Rahn, 15725 Biscayne Ave West, stated that she resides in the home south to this proposed project. Ms. Rahn would like to see a fence be placed so that people from the business do not trespass onto her property and try to play with her horses.

LeeAnn Wachter, 15675 Biscayne Ave West, stated that she resides in the home north to this proposed project. Ms. Wachter questioned if the proposed building will be on City sewer and water. Van Oss stated that they will be. Ms. Wachter is concerned that her hay field may be flooded due to the elevation differences.

Al Tsai, 7300 147th Street West, Suite 504, Apple Valley, CNH Architects, stated that they are comfortable with City staff's recommendations.

Justin Walsh, 14962 64th Ave North, Maple Grove, Applicant, stated that he is one of the owners of the potential business. Mr. Walsh explained the business plan for the proposed business. Mr. Walsh would like to work with the neighbors on potentially adding a fence between the properties.

Commissioner Thiagarajan inquired about the potential idea of changing the exterior colors. Mr. Tsai stated that the property is mostly surrounded by open fields. There are no buildings near the potential building to work off or compare too.

Commissioner Hebert inquired about the elevation with the surrounding properties. Mr. Tsai stated that they have been working closely with the City Engineer on storm water and ponding on site.

MOTION by Reed to close the public hearing.

Second by Schmisek.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 7:02 pm.

Additional Comments:

Commissioner Reed inquired if there is a standard with the business hours and with the business having outdoor events. Van Oss stated that for each event the business would have to obtain a permit through the City of Rosemount.

Commissioner Schmisek stated that he was initially concerned about changing the exterior siding but with reading the staff report understands why that exterior was chosen.

Chair Kenninger stated that the proposed project will be a nice addition to the City. Kenninger would also like to see staff work with the applicant and the neighbors to work out a fence or boundary of some sort.

Commissioner Reed stated that he would like to also see the applicant work with the surrounding neighbors.

MOTION by Schmisek to recommend the City Council adopt a resolution approving a Conditional Use Permit for a winery facility with tasting room in the BP-Business Park District at 15700 Biscayne Avenue.

Second by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

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MOTION by Reed to Recommend the City Council Approve the Planned Unit Development Master Development Plan, Site Plan and Building Design review for Omni Brew Holdings, LLC to allow the construction of an 8,000 square foot winery facility with tasting room, a 4,000 square foot outdoor front patio, and parking lot at 15700 Biscayne Avenue, subject to the following conditions:

1. A landscape surety for 110% of the site landscaping is required.
2. Execution of a PUD agreement.
3. Conformance with all conditions of the City Engineer as outlined in the memo dated August 12, 2021, prior to issuance of a building permit, including compliance with the stormwater standards and removal of the spillways.
4. Dedicate all easements listed in the City Engineer's memo dated August 12, 2021.
5. Review and approval of the trash enclosure by City staff, including use of complementary materials to the principal structure.
6. A deviation from City Code Section 11-4-15-1 G.3 to allow for the exterior wall surface to be metal paneling in lieu of brick, natural stone, specialty integral colored concrete block, tile, architectural textured concrete panels cast in place, or precast concrete panels.
7. A deviation from City Code Section 11-4-15-1 G.9 to allow for the use of vinyl decal signage.

Second by Marlow.

Ayes: 6. Nays: 0. Motion Passes.

4.b. Request by Morrison Partners LLC for a Minor Subdivision and Mike Fritz for a Site Plan Review to Construct a 3,500 Square Foot Tap House Restaurant on the Former Site of Medi-CAR and Chill Salon. **(21-38-SP & 21-44-MS)**

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

Chair Kenninger stated that there are no parking standards in the downtown district. Nemcek stated that is correct. Kenninger questioned where someone would park if the restaurant lot is full. Nemcek stated that the City of Rosemount is looking into placing signage to educate residents where there is public parking available near the downtown restaurant.

Commissioner Marlow questioned if Ace Hardware has reached out with any concerns, seeing that they are so close to the proposed project. Nemcek stated that he had a conversation with the owner of the property who expressed some concerns about parking, but not the operators of the hardware store. The applicants will have to come up with a shared parking agreement with the owners of neighboring parking lots if they wish to use them for overflow.

Commissioner Schmisek inquired about the proposed traffic flow around the building. Nemcek stated that there will be an entrance-only access off Highway 3 on the north side of the building, the main entrance will be on the south side of the building which will be a two-way access.

Commissioner Thiagarajan inquired if the sidewalk in front of the building will still be there. Nemcek confirmed that it will be.

The public hearing opened at 7:26 pm.

Public Comments:

Mike Waldo, Ron Clark Construction and Design, 7500 78th Street West, Edina, explained that Chill Salon and Medi-Car both moved out of their space earlier than anticipated. Mr. Waldo stated that the parking will be more of an issue between the Morrison and Tap Society, other parking options around downtown will

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be looked into. As long as the application goes through to City Council, the current building will get demoed by the end of September. This project will bring greenery along the patio and sidewalk. Mike Fritz, 13372 Couchtown Court, Tap Society, stated that they also own a restaurant/tap house in Minneapolis. There will be no hard liquor available. The facility will be very family friendly atmosphere and very involved with the community.

Commissioner Marlow inquired if any bike racks will be added. Mr. Fritz stated that idea has been talked about and will be added.

MOTION by Schmisek to close the public hearing.

Second by Reed.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 7:38 pm.

Additional Comments:

Chair Kenninger stated that this is an exciting addition to the City of Rosemount.

Commissioner Reed stated that he doesn't see that there is a parking issue. Having downtown walkable is what we would like.

Commissioner Schmisek stated that will be a nice family orientated facility.

Commissioner Thiagarajan stated that the patio near the sidewalk will be a good addition.

MOTION by Kenninger to recommend the City Council approve the Minor Subdivision creating a new parcel containing the proposed tap house restaurant, subject to compliance with the City Engineer's Memorandum dated January 14, 2020 and August 20, 2021.

Second by Reed.

Ayes: 6. Nays: 0. Motion Passes.

MOTION by Schmisek to approve the Site Plan review to allow the applicant to construct a 3,500 square foot tap house restaurant on the former site of Medi-CAR and Chill Salon as part of the Morrison Planned Unit Development Master Development Plan, subject to the following conditions:

- a. Compliance with City Code requirements for outdoor seating areas.
- b. Applicant shall receive a sign permit for any site signage.
- c. Mechanical systems shall be located in such a way that they are not visible from South Robert Trail.
- d. Outdoor lighting shall be turned off outside of business hours.

Second by Marlow.

Ayes: 6. Nays: 0. Motion Passes.

4.c. Request by J & J Rahn for a Conditional Use Permit for a General Building or Trade Contractor Office in the BP-Business Park Zoning District.

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

Chair Kenninger questioned if the proposed use would generate a higher volume of traffic than when MRCI was in operation. Staff responded that there was no anticipated increase in traffic to and from the site.

The public hearing opened at 7:46 pm.

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Public Comments: None.

MOTION by Schmisek to close the public hearing.

Second by Reed.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 7:47 pm.

Additional Comments: None.

MOTION by Marlow to recommend the City Council approve a Conditional Use Permit for a General Building or Trade Contractor Office in the BP-Business Park Zoning District, subject to the following condition:

1. Outdoor storage is not permitted at the subject property.

Second by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

4.d. Request by Maplewood Homes for a Preliminary Plat and PUD Master Development Plan with Rezoning for Amber Fields (UMore Park). (21-27-PUD & 21-28-PP)

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

Chair Kenninger inquired if the applicant will bring forward detailed plans for each building phase. Klatt confirmed that is correct. Kenninger inquired about stoplights being added at Biscayne Ave, Auburn Ave and Abbeyfield Ave. Klatt stated that Dakota County has a plan to have a stoplight at the intersection of Biscayne Ave, 145th Street and Akron Ave. Klatt stated that Auburn Ave and Abbeyfield Ave will go to ¾ access. Kenninger discussed the proposed minimum lot widths. Klatt stated that the applicant can explain that further. Kenninger questioned if the single family detached rentals will all be in the same area. Klatt confirmed that is correct. Kenninger inquired about a landscaping condition to be added.

Commissioner Reed question with Bolder Trail being outside the proposed plat and happening at a future date, are there any concerns about the collector streets obtaining a majority of the additional traffic. Klatt stated that there is but that with this specific project, it looks like Akron Ave will also assist with supporting traffic.

Commissioner Hebert questioned if the current construction happening on Akron Ave is going to be completed down the road past phase one. Klatt stated that it will not be. The road will go down to the entrance at Dakota County Technical College. Hebert questioned if there will be an over or under pass for the proposed trails and roads. Klatt stated that there will be an underpass.

Commissioner Thiagarajan inquired if the City of Rosemount has standards for what exterior colors can be placed on the buildings. Klatt stated that the City of Rosemount does not regulate the exterior color on single family homes.

The public hearing opened at 8:55 pm.

Public Comments:

Mario Cocchiarella, 1128 Harmon Place, Suite 320, Minneapolis, Maplewood Development Company, stated that they would like to express some concerns about the flexibility that they would like as a form of an amendment to the City Comprehensive Plan. The proposed commercial site needs access, if that

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doesn't happen then the site will need to be rezoned. Mr. Cocchiarella explained the design and plan for the development in detail.

Chair Kenninger inquired if the rental homes are rented on an annual basis and not like an Airbnb. Mr. Cocchiarella stated that the homes are at a minimum annual lease.

Commissioner Hebert questioned if there are any commercial prospects. Mr. Cocchiarella stated that a full access needs to be complete in order to start getting commercial businesses interested.

Commissioner Schmisek inquired what full access would entail. Mr. Cocchiarella stated that a full access will be needed off Akron Avenue into the commercial site. Klatt stated that the proposed plan is going to the Plat Commission and the City will also be pushing to have full access in that area.

Leslie Krueger, 319 15th Ave South East, Minneapolis, Assistant Vice President for Planning, Space and Real Estate at University of Minnesota, stated that the University of Minnesota put out the RFP for the sale of these 435 acres almost 4 years ago. The UofM is very happy to be this far in the selling process. The UofM plans on dedicating the right-of-way for Auburn as apart of this development.

Amy and Steve Lein, 14348 Alma Ave, stated that their home has no barrier between their yard and the development because of a pipe line easement that goes through their property. They are not thrilled about an apartment building being across from their home.

Klatt stated that Dakota Aggregates submitted a letter dated July 27, 2021, the letter was summarized at our previous meeting. Another letter was submitted from Bill Bang, 14885 Bittersweet Court, questioned if this development will have an impact on the surrounding traffic, how the City will handle it and if a traffic light will be added at Biscayne Avenue and Highway 42.

MOTION by Reed to close the public hearing.

Second by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 9:31 pm.

Additional Comments:

Chair Kenninger inquired about the developers need of having flexibility with the PUD. But that there are pieces that need to come back to the Planning Commission. Klatt stated that what is proposed is further into the process than usual. There is a balance between working with the developer and also complying with the City of Rosemount's requirements to approve a project that has specific elements to it.

Kenninger inquired about the County 42 speed limit. Klatt stated that Dakota County sets the speed by how the average traffic uses the specific road. In the future as more traffic is using the road, the speed may change.

Kenninger inquired about the timeline for the project. Klatt stated that the developer has stated that they would like to start grading the site this fall 2021.

Kenninger inquired about an additional school with the growing development. Klatt stated staff has regular meetings with the school district and but the City does not have a roll in selecting where a school is placed. The school district would need to be contacted for specific questions.

Kenninger inquired about the construction overflow parking on Akron Ave and how it will be impacted. Klatt stated that the developer plans on starting on the western side.

Mr. Cocchiarella stated that they would like to start grading this fall, but they have a few issues to work out with City staff. Would like to start building fall 2022.

Commissioner Reed inquired about the proposed landscaping condition that is not listed in the staff report conditions. Klatt stated that it wasn't added as a condition because it is necessary and included in the explanation of the staff report.

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MOTION by Schmisek to recommend the City Council Approve a Zoning Map Amendment to Rezone 435.5 acres from AGR - Agricultural Research to R1 PUD - Low Density Residential PUD, R3 PUD - Moderate Density Residential PUD, R4 PUD - High Density Residential PUD, C4 PUD - General Commercial PUD and PI PUD - Public Institutional PUD.

Second by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

MOTION by Marlow to recommend the City Council Approve the Preliminary Plat (Outlot Plat) for Amber Fields, subject to the following conditions:

- a. Approval of a Planned Unit Development Master Plan and Rezoning the subject property.
- b. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated August 20, 2021 (and associated storm water review memorandum dated August 18, 2021).
- c. Conformance with all requirements of the Park and Recreation Director as detailed in the attached memorandum dated August 19, 2021 and subject to further review comments from the Park and Recreation Commission at its August 23, 2021 meeting.
- d. Drainage and utility easements must be dedicated over all ponding areas as required by the City Engineer.
- e. Dedication of the planned Auburn Avenue right-of-way adjacent to the subject property with the Amber Fields outlot plat or prior to the recording of the plat.
- f. Dedication of right-of-way for Akron Avenue as required by the City of Rosemount and Dakota County.
- g. Compliance with all review comments of the Dakota County Plat Commission.
- h. Conformance with all PUD Master Development Plan conditions pertaining to preliminary plat revisions or approval a final plat.
- i. Execution of a subdivision agreement prior to the recording of the final outlot plat. The subdivision agreement will address the overall development fees to be collected from the developer, park dedication requirements, Phase 1 utility work, Phase 1 grading work, and the installation of other required public infrastructure including collector and future county roads.
- j. The development of individual outlots will require a separate subdivision agreement with each future final plat.
- k. Future preliminary plats allowing development within each outlot area shall include lot dimensions and area calculations. The Amber Fields PUD Master Development Plan approval is based on the typical lot standards described in the approved development plans.
- l. Conservation easements shall be dedicated over all wetland areas.

Second by Reed.

Ayes: 6. Nays: 0. Motion Passes.

MOTION by Reed to recommend the City Council Approve the Planned Unit Development (PUD) Master Development Plan for Amber Fields with the Rezoning of the property from AGR - Agricultural Research to R1 PUD - Low Density Residential PUD, R3 PUD - Moderate Density Residential PUD, R4 PUD - High Density Residential PUD, C4 PUD - General Commercial PUD and PI PUD - Public Institutional PUD, subject to the following conditions:

- a. The front elevation design of all residential buildings shall include one of the following elements:
 - i. Three and a half (3.5) feet of brick or stone wainscoting, excluding doors, windows or the wall behind the front porch;
 - ii. LP Board and Batten siding;
 - iii. A front porch with railing that extends at least 30% of the width of the front elevation, including the garage;
 - iv. A side entry garage;
 - v. Or, no more than 70% lap siding, excluding doors and windows.
- b. A deviation from City Code Section 11-4-5 F.1. to reduce the interior lot minimum area of 10,000 to 6,500 square feet and corner lot minimum area from 12,000 to 8,500 square feet.
- c. A deviation from City Code Section 11-4-5 F.2. to reduce the minimum lot width to forty-five (45) feet for interior and fifty-five (55) feet for corner lots.

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- d. A deviation from City Code Section 11-4-5 F.4. to reduce front yard setback to twenty-five (25) feet.
- e. A deviation from City Code Section 11-4-5 F.5. to reduce the side yard setback to five (5) feet for garages, ten (10) feet for the dwelling portion of a structure, and ten (10) feet for the side street of a corner lot for 55 and 65-foot wide lots. The side yard setback for interior lots may be reduced to five (5) feet for both sides of an interior lot on 45-foot wide lots. As an alternative, a side yard setback of 7.5 feet for interior lots (both sides) may be used.
- f. A deviation from City Code Section 11-4-5 F.9. to reduce the maximum lot coverage to fifty-five percent (55%) for lots less than 8,000 square feet, fifty percent (50%) for lots between 8,000 and 9,000 square feet, forty-five percent (45%) for lots between 9,000 and 10,000 square feet, and forty percent (40%) for lots over 10,000 square feet.
- g. A deviation from City Code Section 11-4-5 F.6. to reduce the minimum rear yard setback to 20 feet.
- h. A deviation from the City Code Section 11-4-8 to allow single-family detached residential structures within Outlot F, which will be zoned R-3 PUD Moderate Density Residential PUD. The setback and dimensional standards shall adhere to the underlying zoning district and will follow the general standards for townhouse units; however, the PUD will permit single-family structures to be constructed on lots that are a minimum of 30 feet wide.
- i. A deviation from the City Code to allow a mix of residential units on the western portion of the area zoned C4 PUD.
- j. Trees installed on individual lots shall be planted in the front yard in a location that does not interfere with curb stops or individual sewer or water connections.
- k. Conformance with all requirements of the City Engineer as detailed in the memorandum dated August 20, 2021 (and associated storm water review memorandum dated August 18, 2021).
- l. Conformance with all requirements of the Park and Recreation Director as detailed in the attached memorandum dated August 19, 2021 and subject to further review comments from the Park and Recreation Commission at its August 23, 2021 meeting. The park plan is subject to approval of Park and Recreation Department. The overall land to be dedicated, fees paid in lieu of land dedication, or developer reimbursements/credit for installed public improvements will be calculated as part of a subdivision agreement.
- m. All required development fees, included but not limited to truck sewer, water, and storm water area fees shall be paid by the developer or collected with the future platting of individual outlots.
- n. The developer shall provide the City with a public access easement for all trails not on public property.
- o. The PUD plans shall be updated to include a bituminous trail matching the trails presently within the Auburn Avenue and Abbeyfield Avenue rights-of-way north of County Road 42.
- p. Parking shall be prohibited on all private streets serving townhouses outside of the overflow parking stalls outside of driving lanes. No parking signs shall be installed along the private streets.
- q. Individual parks for public use to be platted as outlots and dedicated to the City of Rosemount with any adjacent outlot development or with the overall outlot plat.
- r. The developer shall construct an extension of Akron Avenue from the limits of the Dakota County Akron Avenue signalization project south to the northern east/west minor collector road with the Phase 1 improvements.
- s. The timing and responsibility for the construction of Akron Avenue south of Phase 1 shall be determined as part of a subdivision agreement for the outlot plat and Phase 1 public improvements.
- t. The construction of Auburn Avenue shall extend to the limits of each project phase.
- u. The PUD plans shall be updated to include an exhibit documenting the location of the Dakota Aggregates large scale mineral extraction operation and ancillary use area and Dakota County Technical College in relation to the Amber Fields PUD.
- v. The developer shall work with the City to name all public streets and parks within the PUD area. The outlot plat will include the name of the northern east/west minor collector road.

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- w. The PUD plans shall be updated to include a potential alignment of a regional trail through Outlots Q, U, and T or as otherwise approved by the Park & Recreation Director.
- x. The developer shall

Second by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

Discussion: None.

Reports: None.

Adjournment: There being no further business to come before this Commission, Chair Kenninger adjourned the meeting at 10:02 pm.

Specialist

Respectfully submitted,
Stacy Bodsberg, Recording