

# **PLANNING COMMISSION REGULAR MEETING MINUTES**

**NOVEMBER 23, 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 November 23, 2021. Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners Rivera, Schmisek, Reed, Thiagarajan, and Hebert. Absent was Commissioner Marlow. Also, in attendance were Community Development Director Kienberger, Senior Planner Nemcek, Planner Hogan, Economic Development Coordinator Van Oss and Recording Specialist Bodsberg.

The Pledge of Allegiance was said.

### **Additions to Agenda:**

Senior Planner Nemcek stated that there is one addition to the agenda. The item is the request by George and Laura Bruestle for a Minor Subdivision to create a new six-acre buildable lot and a 2.96 acre outlot. The applicant has withdrawn their application and will be submitting a new application in the spring. The public hearing was left open during the October 26<sup>th</sup> meeting. Add item 5.e. at the end of the Public Hearing section, so that the Commission can make a Motion to close their public hearing.

**Audience Input:** None.

### **Consent Agenda:**

#### **4.a. Approval of the October 26 , 2021, Regular Meeting Minutes.**

**MOTION** by Schmisek.

**Second** by Rivera.

Ayes: 4. Nays: 0. Abstained Reed and Kenninger.

### **Public Hearing:**

#### **5.a. City of Rosemount Comprehensive Plan Amendment for 13730 Biscayne Avenue. (21-53-CPA)**

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

Chair Kenninger inquired about how many cars that the surrounding roads were designed to handle. With a single exit/entrance into the development, there is a concern with the flow of traffic and strain on the Connemara/Biscayne intersection. Van Oss stated that there will be two access points for the development. The main access point will be off of the Biscayne extension. Connemara is a collector road and is designed to handle a lot of traffic.

Commissioner Reed inquired why changing the Comprehensive Plan would be better than what the current plan is. Van Oss stated that there this project would allow greater access to rental homes and multi-family housing.

Commissioner Schmisek stated that there is concern with taking an area that was guided for low density and changing it to medium density when there are other properties within the city that are already guided for medium density. Van Oss stated that there are less medium density properties compared to low density.

Commissioner Rivera inquired if the proposed property has been zoned anything but what it is currently zoned as. Van Oss stated that it has not. It has always been deemed low density.

Commissioner Thiagarajan inquired if any road changes would be willing to be made at the intersection of Highway 3 and Connemara. Van Oss stated that it would be hard to propose anything because Highway 3 is a state highway.

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Commissioner Hebert inquired when the 2040 Comprehensive Plan was adopted. Van Oss stated that it was adopted in 2021. Hebert questioned why the Planning Commission is being asked to rezone this property without having a development application. Van Oss stated that if the property doesn't have a chance to be rezoned than an application wouldn't be necessary for this project.

The public hearing opened at 6:51 pm.

### Public Comments:

Peter Coyle, 8300 Norman Center Drive, Bloomington, Attorney at Larkin Hoffman, representing the developer, Thompson-Thrift, stated that this item is the first step in the development process. Mr. Coyle stated that they had some good takeaways from the neighborhood meeting that was held last week. Mr. Coyle gave a review of what kind of product the proposed development would include.

Chair Kenninger inquired why the developer is interested in this specific property, since it is currently zoned for single-family. Mr. Coyle stated that the property size, location and its relatively flat piece of land. Commissioner Reed inquired what was the developer's takeaway of the neighborhood meeting. Mr. Coyle stated that the neighborhood impact. This project is also being compared to an existing concerning development.

Ann Rognerud, 13631 Birnamwood Trail, stated that the change from single-family to medium density is concerning since the development will all use the same road (Connemara). Having the properties being rentals, the safety and getting to know the neighbors will be challenging. Would like to see the property stay zoned as low-density.

Sara Peters, 13607 Birnamwood Trail, stated that her backyard backs up to the proposed development land. The current neighborhood already has traffic issues, it is surprising that the proposed project would be considered. The idea of the development being gated is also concerning. This idea would encourage visitors to park along Connemara. There will be a loss of community.

Clay Kendhammer, 13604 Birnamwood Trail, is concerned about how a multi-family unit would function in a neighborhood of single-family homes. The congestion in this area is already very bad. It's already a hard to cross streets in this area as well.

Patrick Stalboerger, 13655 Birnamwood Trail, the current neighborhood is such a tight community. Traffic issues are already a large issue in this area. The multi-family homes do not fit into this area, surrounded by single-family homes.

Bruce Foyt, 2221 136<sup>th</sup> Street West, stated that the neighbors just heard about this proposed project a few days ago. The current city comp plan doesn't need to be changed. Just continue with the single-family homes. The congestion with people and traffic is already an issue.

Carl Osterhaus, 2239 136<sup>th</sup> Street West, stated that when they purchased their lot and built their home, they knew that the undeveloped land would eventually be developed. But it has always been planned to be more single-family homes. Multi-family homes is not what they signed up for.

James Porter, 13562 Birdsong Path, stated that he agrees with his fellow neighbors. The number of townhomes is concerning. Nothing against townhomes, but with adding 300 townhomes is a lot of additional people. Concern over the future of the townhomes and who would maintain the property.

Dianna Berg, 13904 Belvidere Court, stated that she would like to see the field stay as it is. The traffic in the area is busy at all times of the day, adding 300-unit townhomes seems like traffic will be worst than it already is.

Matt Bjorgum, 13549 Birdsong Path, stated that he agrees with fellow neighbors about the concerns with traffic. Is concerned that crime will be worst.

Ed Rognerud, 13631 Birnamwood Trail, stated that he agrees and supports everything that his fellow neighbors have said tonight.

Letters that were mailed or emailed to City staff are attached at the end of the meeting minutes.

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**MOTION** by Schmisek to close the public hearing.

**Second** by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 7:37 pm.

## **Additional Comments:**

Chair Kenninger inquired if the property would stay as low-density, would the cul-de-sac at Blackbird Way be completed with any development. Van Oss stated that if the road would have continued to go through. Kenninger questioned what the added benefit of this development to the existing home owners would be. It would give Rosemount diversity in housing options. Van Oss stated that the site plan isn't a final plan. That road could connect, and additional changes can be made. Kenninger inquired what the maximum number of single-family homes would fit on the proposed property. Van Oss stated that it would be 160 single-family homes. Kenninger stated now that they are proposing medium density, it would be double with 300 units.

Commissioner Thiagarajan questioned if Biscayne Avenue would continue going North with further development. Van Oss stated that there are plans, in the future, to have the road continue with additional development in the area. Thiagarajan inquired if there will be additional implements made on Bonaire Path. Senior Planner Nemcek stated that with S. Robert Trail being a State of MN road. The State would be the one that implements any changes.

Chris Alexander, 111 Monument Circle, IN, Thompson Thrift, stated that this company manages and maintains the development after it's complete. The plans for the development are not final and would be open to discussions. Kenninger questioned how long an average renter stays. Mr. Alexander stated that it's hard to get an average, but that there are people that only like to rent. Kenninger questioned how many properties they end up selling in a year. Mr. Alexander stated that their company owns, manages and maintains the development. As for selling, it really depends on the market and buying options.

Chair Kenninger inquired about the additional traffic that the proposed development would have to the neighborhood. When the traffic study comes back, and it looks like medium density wouldn't fit in that area.

Community Development Director Kienberger stated that a traffic study would look at how the development would impact the area. The decisions would be weighed with future site plans and development. Kenninger questioned if the traffic study would show specifically what the outcome would be with single family versus what it would be like with a medium density property.

Nathan Hermer, 304 Victoria Blvd, Mankato, MN, ISG, Inc, stated that they will be conducting the traffic study for this development. The traffic study can include the outcomes for both low and medium density.

Commissioner Thiagarajan inquired if the neighborhood amenities could be shared with surrounding neighborhoods.

Commissioner Reed stated that he will be voting nay to the motion. The fact that they are requesting a rezoning for a property that has always been zoned low-density. Medium density doesn't seem to fit in this area. Reed stated that the addition of traffic lights keeps coming up in development discussions. The City should have a conversation with the State of MN on what their plan is.

Commissioner Schmisek stated that the concept of the proposed application is great but that the location doesn't seem to fit in the surrounding area. Schmisek stated that he'll also be voting nay.

Commissioner Rivera stated that the proposed concept looks great, but that the location doesn't fit with this item. Changing the zoning on this property when the surrounding neighbors were all under the impression that it would stay as low density.

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Commissioner Thiagarajan stated that she will be voting nay due to the additional traffic and the addition of people for the surrounding neighborhoods.

Chair Kenninger stated that medium density does have good location options in the City. With this specific property and having it be surrounded by single family neighborhoods. The proposed product looks great, just doesn't fit with this specific piece of land.

**MOTION** by Reed to Recommend City Council ~~adopt~~ deny a resolution approving the amendment to the 2040 Rosemount Comprehensive Plan to change the future land use guidance for 13730 Biscayne Avenue from Low Density Residential (LDR) to Medium Density Residential (MDR).

**Second** by Schmisek.

Ayes: 6. Nays: 0. Motion Passes.

#### **5.b. Request by Joe Jacoby of Pine Bend Paving, Inc. for a renewal of their Interim Use Permit. (21-57-IUP)**

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

Commissioner Hebert inquired if a five-year renewal period is standard. Hogan confirmed that it is.

The public hearing opened at 8:13 pm.

**Public Comments:** None.

**MOTION** by Hebert to close the public hearing.

**Second** by Thiagarajan.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 8:14 pm.

**Additional Comments:** None.

**MOTION** by Reed to recommend that the City Council approve an Interim Use Permit for Pine Bend Paving, Inc. subject to the following conditions:

1. Conformance with the standards of the Asphalt Plant Interim Use Permit of the Zoning Code Section 11-4-16 E.
2. Additional berming and/or screening shall be installed if the existing rail spur is used to deliver aggregate and additional stockpiling occurs north of the asphalt plant.
3. A minimum of one six-foot tall coniferous tree is planted every 20 feet along the top of the berm.
4. The expiration date of the IUP will be December 31, 2026; any extension must be approved by the City Council.

**Second** by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

#### **5.c. Request by Jonathan Wilmschurst of Vesterra, LLC and Stonex, LLC to approve renewal of the Vesterra, LLC., and Stonex, LLC., Small Scale Mineral Extraction Permit for 2022. (21-59-ME)**

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

The public hearing opened at 8:18 pm.

**Public Comments:** None.

**MOTION** by Kenninger to close the public hearing.

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**Second** by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 8:19 pm.

**Additional Comments:** None.

**MOTION** by Schmisek to recommend that the City Council approve renewal of the Vesterra, LLC., and Stonex, LLC., Small Scale Mineral Extraction Permit for 2022, subject to the terms and conditions in the attached 2022 Conditions for Mineral Extraction.

**Second** by Rivera.

Ayes: 6. Nays: 0. Motion Passes.

**5.d. Request by U.S. Home Corporation, dba Lennar,** for approval of a Planned Unit Development Master Development Plan with Rezoning and a Preliminary Plat to construct 139 single-family homes and 86 townhomes.

**(21-60-PUD & 21-61-RZ )**

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

Commissioner Hebert inquired about the cash-in-lieu for parks. Nemcek stated that based on the units of a proposed development they are required to dedicate land for park use. If a park isn't needed in a development, the developer would end up paying a cash amount. Hebert inquired about the specifics of the rezoning exhibit.

Commissioner Rivera inquired if the proposed townhomes are rentals. Nemcek stated that they will not be.

Chair Kenninger inquired about the number of units of townhomes being surrounded by single family. If the lot could fit a three-car garage would they have to build it. Nemcek stated that they do not. Kenninger inquired about adding sidewalks on both sides of the street that lead them to the park. Nemcek stated that would be a good idea. The Planning Commission is able to make the addition of sidewalks on both sides of Street 01 a condition of its recommendation.

The public hearing opened at 8:41 pm.

**Public Comments:**

Sue Pritchard, 1743 145<sup>th</sup> Street East, questioned what the land behind her property will be zoned and if their property would eventually be pushed out or if they could stay at their property long term.

Bonnie Duenow, 1715 145<sup>th</sup> Street East, stated that they were told that this land would only ever be sold to Flint Hills. Inquired what the land behind her house will be zoned.

**MOTION** by Kenninger to close the public hearing.

**Second** by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 8:45 pm.

**Additional Comments:**

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Senior Planner Nemcek stated that the two properties that inquired during the public hearing are going to eventually be zoned commercial.

**MOTION** by Kenninger to recommend the City Council approve the Preliminary Plat, subject to the following conditions:

- a. Approval of a Planned Unit Development Master Development Plan with Rezoning.
- b. Conformance with all the requirements of the City Engineer as detailed in the attached memorandum dated November 10, 2021.
- c. Payment of \$717,700 cash-in-lieu or \$575,500 plus 1.5 acre of park land dedication pending acceptance of the land by the City.

**Second** by Reed.

Ayes: 6. Nays: 0. Motion Passes.

**MOTION** by Kenninger to recommend the City Council approve the Planned Unit Development Master Development Plan with Rezoning of the property for AG-Agriculture to R1 PUD-Low Density Residential Planned Unit Development, and C4-General Commercial subject to the following conditions:

- a. Execution of a PUD Agreement.
- b. The front building elevation design 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. A front porch with railing that extends at least 30% of the width of the front elevation, including the garage;
  - iii. A side entry garage;
  - iv. Or, no more than 70% lap siding, excluding doors and windows.
- c. A deviation from Section 11-2-8 A. Single Family Attached Dwellings and Townhome Requirements and Standards increasing the maximum number of units per building adjacent to single-family districts from 4 to 6.
- d. A deviation from City Code Section 11-2-15 F. so that the home designs do not need to include an option for a three-garage stall.
- e. A deviation from City Code Section 11-4-5 F.1. to reduce the interior lot minimum area of 10,000 to 5,842.
- f. Plans shall be updated to include a sidewalk on both sides of Street 01.

**Second** by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

**5.e. Request by George and Laura Bruestle** for a Minor Subdivision to create a new six-acre buildable lot and a 2.96-acre outlot from an existing 11.59-acre parcel, and a request for a Variance from the requirement that buildable lots must contain a frontage along a public street (21-45-MS & 21-46-V)

Senior Planner Nemcek stated that the applicants have decided to withdraw their application and plan on resubmitting in Spring of 2022. The public hearing has been open since the September Planning Commission meeting. A motion needs to be made to close the public hearing.

**Public Comments:** None.

**MOTION** by Kenninger to close the public hearing.

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**Second** by Reed.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 8:53 pm.

**Discussion:** Remove work sessions from the proposed 2022 calendar. Email the updated calendar out to commissioners.

**Reports:** None.

**Adjournment:** There being no further business to come before this Commission, Chair Kenninger adjourned the meeting at 8:56 pm.

Specialist

Respectfully submitted,  
Stacy Bodsberg, Recording