

PLANNING COMMISSION REGULAR MEETING MINUTES

MARCH 29, 2022

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 March 29, 2022. Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners Reed, Schmisek, Thiagarajan, Rivera, Marlow and Hebert. Also, in attendance were Community Development Director Kienberger, Senior Planner Nemcek, and Recording Specialist Bodsberg.

The Pledge of Allegiance was said.

Additions to Agenda: None.

Audience Input: None.

Consent Agenda:

4.a. Approval of the February 22, 2022, Regular Meeting Minutes.

4.b. Request by D.R. Horton for a Final Plat Approval of Caramore Crossing 3rd Addition **(22-10-FP)**.

4.c. Request by KJ Walk, Inc. for a Final Plat Approval of Rosewood Commons **(22-12-FP)**.

Senior Planner Nemcek stated that the landscape plan will be updated.

MOTION by Schmisek.

Second by Reed.

Ayes: 7. Nays: 0.

Public Hearing:

5.a. Request by Al-Madina Association for a Conditional Use Permit for a Place of Worship in the R1-Low Density Residential Zoning District **(22-04-CUP)**.

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

Chair Kenninger questioned if the applicant doesn't obtain the necessary building permits, does the Conditional Use Permit go away. Nemcek stated that a condition of approval is that the required building permits to convert the garage to an assembly use be obtained by the applicant and that the conditional use permit would not be valid if that condition is not met. Chair Kenninger also asked if another organization were to acquire the property would they have to obtain a new conditional use permit. Nemcek explained that conditional use permits run with the property and that as long as the conditions are met the permit would remain valid. The property owner would be able to use the CUP as long as all of the conditions have been met.

Commissioner Rivera asked for confirmation about the timeframe in which the site would need to be attached to city sewer and water considering the septic system is failing. Nemcek explained that the requirement for a property to be connected to city services is regardless of whether the septic is failing.

Commissioner Reed inquired about overflow parking, and how that would be handled. Nemcek described the parking requirements of the code, and how they are calculated. Typically overflow parking is taken into account in the formulas used to determine required parking. Commissioner Marlow wanted to know about any approvals related to the health code since often places of worship include a kitchen for service food. Issues related to the provision of commercial-style kitchens are not typically the purview of the Planning Commission and reviewed as part of the building process or through the State health department.

The public hearing opened at 6:45 pm.

PLANNING COMMISSION REGULAR MEETING MINUTES

MARCH 29, 2022

PAGE 2

Public Comments:

Caleah Loesche, 13548 Birchwood Ave, stated that the concern would be with the overflow parking on Birchwood Avenue and added traffic generated by the use. She would like to see something that prevented overflow parking within that neighborhood due to ongoing traffic concerns.

Muhammad S Shahzad 14250 Ailesbury Ct, applicant, stated that the main worship activity will happen during the early afternoon on Fridays, and there are very few members of the organization at this time that it is unlikely there would be a need for overflow parking. There is also the potential to break services into two separate services to reduce the number of people attending at one time.

Commissioner Rivera inquired about when there were other dates and times people would be attending. The applicant stated that there might be 6 people who show up at 6:00 p.m. during other days of the week.

MOTION by Schmisek to close the public hearing.

Second by Reed.

Ayes: 7. Nays: 0. Motion Passes.

The public hearing closed at 6:50 pm.

Additional Comments:

Commissioner Reed inquired about how the surrounding residents would report a potential issue. Nemcek stated that residents can reach out to the City of Rosemount or the applicant.

MOTION by Kenninger to recommend the City Council approve a Conditional Use Permit for a Place of Worship at 2058 Bonaire Path West, subject to the following conditions:

- a. The applicant shall apply for and receive all required building permits.
- b. The site shall be connected to municipal sewer and water.
- c. The driveway shall be widened to 20' to accommodate emergency apparatus, and the parking plan shall be amended to provide a turnaround that will accommodate emergency apparatus.
- d. The use shall conform with all requirements of the Fire Marshall's memo dated March 25, 2022.

Second by Hebert.

Ayes: 7. Nays: 0. Motion Passes.

5.b. Request by Builders Lot Group, LLC for the Approval of a Planned Unit Development Master Development Plan with Rezoning and Preliminary and Final Plats for Bray Hill (22-13-PP, 22-14-PUD, 22-15-FP).

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

Chair Kenninger questioned if the 5-foot set back on the side happened in other developments. Nemcek stated that it's unusual in the most recent development, but in the Evermore development there are some detached townhomes with the 5-foot set back. Kenninger stated that she is aware that past developments have included 7.5-foot setbacks, it seems that the setbacks have been compressing more and more. Nemcek stated that the surrounding cities have included 5-foot setbacks in recent developments. It seems that the developer sees that there is a market for them. It is an unusually shaped lot and developers usually want to make the most of their land.

Commissioner Reed inquired when the neighboring railroad crossing signs will be finished. Nemcek stated that the City of Rosemount has everything submitted to have that crossing be deemed a quiet zone and the timeline is with the railroad. Reed questioned if there is a concern on surrounding traffic on Bonaire Ave and Highway 3. Nemcek stated that the current volume is well within the allowed volume. The warrants that need to be met in both directions will likely not be met in order for a light to be added.

Community Development Director Kienberger stated that the City Council have made it a priority to monitor the traffic in this intersection.

Commissioner Hebert inquired if there is a plan to continue paving Bonaire Ave. Nemcek stated that as development continues there are long term plans to continue paving toward Blaine Ave.

PLANNING COMMISSION REGULAR MEETING MINUTES

MARCH 29, 2022

PAGE 3

The public hearing opened at 7:09 pm.

Public Comments:

Dwayne Sikich , 9531 78th Street, Eden Prairie, Builders Lot Group, LLC, stated that they see no issues with the proposed conditions and will comply.

MOTION by Hebert to close the public hearing.

Second by Reed.

Ayes: 7. Nays: 0. Motion Passes.

The public hearing closed at 7:11 pm.

Additional Comments: None.

MOTION by Reed to recommend the City Council approve the Preliminary Plat for Bray Hill, subject to the following conditions:

- a. Approval of a Planned Unit Development Master Development Plan and Rezoning the subject property and designating minimum lot requirements and setbacks.
- b. Conformance with all the requirements of the City Engineer as detailed in the attached memorandum dated March 23, 2022.
- c. Conformance with all the requirements of the Parks and Recreation Director as detailed in the attached memorandum dated March 23, 2022.
- d. Compliance with the requirements of the Dakota County Plat Commission contained in the memorandum dated March 18, 2022.
- e. Incorporation of any easements necessary to accommodate drainage, ponding, trails, underpasses, conservation areas, streets and utilities.

Second by Rivera.

Ayes: 7. Nays: 0. Motion Passes.

MOTION by Reed to recommend the City Council approve the Planned Unit Development Master Development Plan with Rezoning of the property from AG-Agricultural to R2 PUD-Moderate Density Residential Planned Unit Development, subject to the following conditions:

- a. Execution of a Planned Unit Development 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 City Code Section 11-4-5 F.1. to reduce the lot minimum area of 12,000 to 7,000 square feet.
- d. A deviation from City Code Section 11-4-5 F.2. to reduce the minimum lot width from one hundred (100) feet to fifty-two (52) feet for fourteen (14) lots and from one hundred (100) feet to fifty-seven (57) feet for thirty-five (35) lots.
- e. A deviation from City Code Section 11-4-5 F.4. to reduce the front yard setback from thirty (30) feet to twenty-five (25) feet.
- f. A deviation from City Code Section 11-4-5 F.5. to reduce the side yard setback from ten (10) feet to five (5) feet.
- g. A deviation from City Code Section 11-4-5 F.9. to increase the maximum lot coverage from forty percent (40%) to forty eight percent (48%) for lots between 7,000 square feet and 8,999 square feet in size.
- h. Incorporation of the recommendations from the City Engineer in a review memorandum dated March 23, 2022, relative to drainage, grading, street design, easements, utilities, and the adjacent sidewalks.
- i. Three identified existing easements listed in the City Engineer's memorandum must be vacated prior to the filing of the final plat.
- j. Conformance with all requirements of the Parks and Recreation Director as detailed in the attached memorandum dated March 23, 2022.
- k. Submission of a storm water pollution prevention plan prior to final approval of a final plat.

PLANNING COMMISSION REGULAR MEETING MINUTES

MARCH 29, 2022

PAGE 4

- l. National Pollutant Discharge Elimination System (NPDES) permit is required prior to the start of construction.
- m. Subdivision monuments shall be subject to sign permits and ordinance standards.
- n. The developer shall be responsible for all development fees as estimated by the City Engineer, including sanitary sewer trunk charges, water main trunk charges, and storm sewer trunk charges.
- o. 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.
- p. Maintenance of all trees planted within outlots shall be the responsibility of a private homeowner's association; the applicant shall enter into an agreement with the City concerning said maintenance.
- q. Payment of a landscape surety in the amount of \$110,550.

Second by Schmisek.

Ayes: 7. Nays: 0. Motion Passes.

MOTION by Reed to recommend the City Council approve the Final Plat for Bray Hill, subject to the following conditions:

- a. Approval and execution of a Subdivision Agreement.
- b. Conformance with all the requirements of the City Engineer as detailed in the attached memorandum dated March 23, 2022.
- c. Conformance with all requirements of the Parks and Recreation Director as detailed in the attached memorandum dated March 23, 2022.
- d. Payment of \$166,600 as cash-in-lieu of Park Dedication.
- e. Compliance with the requirements of the Dakota County Plat Commission contained in the memorandum dated March 18, 2022.
- f. Payment of all applicable fees including GIS, Park Dedication and other fees identified in the current fee schedule.
- g. Incorporation of any easements necessary to accommodate drainage, ponding, trails, underpasses, conservation areas, streets and utilities.

Second by Hebert.

Ayes: 7. 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 7:17 pm.

Respectfully submitted,
Stacy Bodsberg, Recording Specialist