

**PLANNING COMMISSION REGULAR MEETING MINUTES
DECEMBER 19, 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 December 19, 2022. Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners Thiagarajan, Powell, Reed, Hebert and Rivera. Commissioner Marlow was absent. Also, in attendance were Community Development Director Kienberger, Senior Planner Nemcek and Planner Hogan.

The Pledge of Allegiance was said.

Additions to Agenda: None.

Audience Input: None.

Consent Agenda:

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

MOTION by Kenninger.

Second by Reed

Ayes: 6. Nays: 0.

Public Hearing:

6a. Request by KJ Walk, Inc for preliminary and final plat approval for Rosewood Commons 2nd Addition.

Planner Hogan gave a presentation and summary of the staff report for the Planning Commission. KJ Walk, Inc is requesting approval of a preliminary and final plats for anticipation of future commercial development on three lots that would be created with the approval of the plats.

Commissioner comments:

Chair Kenninger made a comment on the landscaping plan, noting that the plan listed Ash trees which must be amended before site plan approval.

Commissioner Herbert asked if there was a site plan for the eastern parcel on the Plat. Planner Hogan confirmed that the site plan for that lot would be made available with the site plan review.

The public hearing opened at 6:43 pm.

Public Comments:

None.

MOTION by Kenninger to close the public hearing

Second by Reed.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 6:43 pm.

Additional Comments:

None.

PLANNING COMMISSION REGULAR MEETING MINUTES

DECEMBER 19, 2022

PAGE 2

MOTION by Kenninger to approve a resolution approving a preliminary and final plats subject to conditions 1-5 as listed in the staff report;

Second by Powell.

Ayes: 6. Nays: 0. Motion Passes.

6b. Dakota Aggregates Mineral Extraction Permit Renewal through on the UMore property owned by the University of Minnesota.

Chair Kenninger stated that all the items on the public hearing for the meeting will go to the next City Council meeting in 2023.

Senior Planner Nemcek gave a presentation and summary of the staff report for the Planning Commission. The Planning Commission is being asked to consider a request by Dakota Aggregates for the annual renewal of an Extraction Permit on the UMore property owned by the University of Minnesota subject to terms and conditions. The site is located east of Biscayne Avenue and between 160th street and County Road 42.

Commissioner comments :

Commissioner Reed asked about the timing risks for future mining phases in regard to the Amber Fields Residential Development, more specifically when residents would be moving into the development. Senior Planner Nemcek noted that Dakota Aggregates owned and mined the property prior to the Amber Field development, and the developer is taking the risk of building near the Dakota Aggregate property. Senior Planner Nemcek also noted that Dakota Aggregate has the right to mine on this property until 2028. Senior Planner Nemcek deferred to the developer of the property to answer any questions related to the timeline of the residential development.

Chair Kenninger questioned the phasing of the Amber Fields Development and if any permits have been sent in for the Second Addition of Amber Fields. Planner Hogan noted that there were a few single-family building permits that have come in for Amber Fields Second Addition that is near the Dakota Aggregates Mining site.

The public hearing opened at 6:50 pm.

Public Comments:

Pat Mason for Dakota Aggregates 2500 West County Road Burnsville

He addressed timing for the northeast phasing. He noted that nothing has changed in the timing of the phasing, but Dakota Aggregates was ahead of schedule. He mentioned a potential for fences to be placed between the mining property and Amber Fields development to improve safety in addition to the berming and signage, if mining and residents co-existed. He also noted that any safety precautions would be the responsibility of the developer.

Matt Mettling for Dakota Aggregates 423 Ramsay Court Carver

He addressed timing concerns for the northeast phasing of the mining in relation to the Amber Fields Development. He noted that Dakota Aggregates was on time to finish by the 2028 deadline, and that it was possible to finish mining well before the established deadline.

Carol Olsen 14694 Longfield Way

She mentioned a rattling sound occurring during the week days that could potentially be caused by the mining occurring on the Dakota Aggregates property.

Pat Mason for Dakota Aggregates 2500 West County Road Burnsville

He addressed the comment made by Carol Olsen stating that there was no activity during the times she had noticed the rattling sound in her home.

Matt Mettling for Dakota Aggregates

PLANNING COMMISSION REGULAR MEETING MINUTES

DECEMBER 19, 2022

PAGE 3

423 Ramsay Court Carver

He commented that once the ground freezes, gets below 32 degrees, mining shuts down completely indicating it was unlikely that the rattling had been coming from the mining operations.

Senior Planner Nemcek stated that the street work being done for the Amber Fields development might have more to do with the rattling noise than the mining operations would.

MOTION by Kenninger to close the public hearing.

Second by Reed.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 7:01 pm.

Additional Comments:

None.

MOTION by Powell to recommend the City Council to renew Dakota Aggregates' large-scale mineral extraction permit on the Umore property owned by the University of Minnesota.

Second by Herbert

Ayes: 6. Nays: 0. Motion Passes.

6c. Bolander & Sons Mineral Extraction Permit Renewal.

Planner Hogan gave a presentation and summary of the staff report for the Planning Commission. The Planning Commission is being asked to consider a request by Bolander & Sons for the annual renewal of a small-scale extraction permit subject to the terms and conditions. The property is located east of State Highway 52 and directly south of County Road 42.

Commissioner comments:

None.

The public hearing opened at 7:04 pm.

Public Comments:

None.

MOTION by Kenninger to close the public hearing.

Second by Reed.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 7:05 pm.

Additional Comments:

None.

MOTION by Reed to recommend the City Council to renew the Bolander & Sons small-scale mineral extraction permit for properties located at 4992 145th Street East.

Second by Powell

Ayes: 6. Nays: 0. Motion Passes.

6d. Shafer Contracting Mineral Extraction Permit Renewal.

Senior Planner Nemcek gave a presentation and summary of the staff report for the Planning Commission. The Planning Commission is being asked to consider a request by Shafer Contracting for the annual renewal of a small-scale extraction permit subject to the terms and conditions. This property is located west of Blaine Avenue and north of Bonaire Path.

Commissioner comments:

None.

**PLANNING COMMISSION REGULAR MEETING MINUTES
DECEMBER 19, 2022
PAGE 4**

The public hearing opened at 7:09 pm.

Public Comments:

None.

MOTION by Kenninger to close the public hearing.

Second by Powell.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 7:09 pm.

Additional Comments:

None.

MOTION by Reed to recommend the City Council to renew the Shafer Contracting small-scale mineral extraction permit for properties located at 4992 145th Street East.

Second by Powell.

Ayes: 6. Nays: 0. Motion Passes.

6e. Max Steininger Mineral Extraction Permit Renewal.

Planner Hogan gave a presentation and summary of the staff report for the Planning Commission. The Planning Commission is being asked to consider a request by Max Steininger for the annual renewal of a small-scale extraction permit subject to the terms and conditions. This property is located along County Highway 42 and east of State Highway 52.

Commissioner comments:

None.

The public hearing opened at 7:14 pm.

Public Comments:

None.

MOTION by Kenninger to close the public hearing.

Second by Powell.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 7:14 pm.

Additional Comments:

None.

MOTION by Reed to recommend the City Council to renew the Max Stieninger small-scale mineral extraction permit for properties located along County Highway 42 and east of State Highway 52.

Second by Thiagarajan.

Ayes: 6. Nays: 0. Motion Passes.

6f. Vesterra & Stonex Mineral Extraction Permit Renewal.

Planner Hogan gave a presentation and summary of the staff report for the Planning Commission. The Planning Commission is being asked to consider a request by Vesterra, LLC & Stonex, LLC for the annual renewal of a small-scale extraction permit subject to the terms and conditions. This property is located south of Bonaire Path, ¼ mile west of Blaine Avenue.

Commissioner comments:

None.

The public hearing opened at 7:18 pm.

PLANNING COMMISSION REGULAR MEETING MINUTES

DECEMBER 19, 2022

PAGE 5

Public Comments:

None.

MOTION by Kenninger to close the public hearing.

Second by Reed.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 7:18 pm.

Additional Comments:

None.

MOTION by Reed to recommend the City Council to renew the Vesterra, LLC & Stonex, LLC small-scale mineral extraction permit for properties located along County Highway 42 and east of State Highway 52.

Second by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

6g. Jimnist PUD Master Development Plan

Senior Planner Nemcek gave a presentation and summary of the staff report for the Planning Commission. The Planning Commission is being asked to consider a request by Jimnist to approve a PUD Master Development Plan with rezoning and code deviations of the site from AG-Agriculture to BP PUD-Business Park Planned Unit Development for a technology campus on 280 acres. The location of this property is within the UMore property, west of Blaine Avenue and south of County Road 42.

Commissioner comments:

Chair Kenninger asked about and shared concern for the requested deviations near the public right of way and County Road 42. Senior Planner Nemcek noted that the risk that the applicant would build near the public right of way and County Road 42 is relatively low. Chair Kenninger asked whether the deviations in the code, as requested by the applicant, would become precedent on the parcel of land even in the event that the proposed user were to vacate the property. Senior Planner Nemcek clarified that the proposed deviations would become precedent for the site. Community Development Director Kienberger added that even if the proposed deviations were to be approved, the existing (BP) Business Park requirements for any and all improvements to the site would still be in effect, limiting any future business from being able to build near the public right of way.

Chair Kenninger inquired about the architectural appearance of the proposed gate houses and their proximity to the right of way. Chair Kenninger noted that as the gate houses would be the most visible to the public, the gate houses should look presentable. Senior Planner Nemcek noted that the language in the proposed deviations to the code indicates the description of the architectural appearance of the proposed gate houses including the quality and appearance of materials.

Commissioner Reed asked about additional landscaping to provide a greater buffer between the proposed use and the right of way. Senior Planner Nemcek deferred to the applicant. However, he noted that the applicant is interested in preserving many of the trees currently located on the property as reflected of their desire to have a private site, and to provide additional landscaping that furthers that goal.

Commissioner Rivera asked if the proposed technology campus would be used by the University of Minnesota. Senior Planner Nemcek noted that the use was not intended for the University of Minnesota, the University would be selling the property to the applicant. Commissioner Rivera also asked whether the technology campus would serve the Rosemount community or the greater Twin Cities community. Senior Planner Nemcek deferred to the applicant to answer Commissioner Riveras' questions.

Commissioner Hebert requested information on the site plan regarding the plan for future development near the southern-most boarder along East 142nd Street. Senior Planner Nemcek noted that future development on the property would need to comply with the current land use plan as well as the AUAR for the UMore property. Commissioner Hebert inquired what the land use south and east of the property was guided as. Senior Planner Nemcek confirmed that the land south and east of the property was guided as

PLANNING COMMISSION REGULAR MEETING MINUTES

DECEMBER 19, 2022

PAGE 6

BP Business Park. Community Development Director Kienberger, noted that the roads currently located within the UMore Park are private roads belonging to the University of Minnesota.

Chair Kenninger asked what the setback would be if another user were to come in to the property south of the proposed site. Planner Nemcek noted that the setback was 300ft indicating a significant buffer.

Commissioner Thiagarajan asked if there was any plan to add landscaping between the fencing and the property line and the right of way. Senior Planner Nemcek noted that there is interest in incorporating landscaping along the fence line.

Chair Kenninger noted her concern for building and entrance architectural appearance.

Commissioner Powell noted his concern for granting approval without reviewing a site plan and the high level of flexibility in this project. He asked if staff could recall any proposals with a similar level of flexibility. Senior Planner Nemcek noted that there have not been many projects like this in the past.

The public hearing opened at 7:44 pm.

Public Comments:

Trish C. from Kimley Horn.
767 Eustis Street, St. Paul, Minnesota

Trish is speaking on behalf of the project team. She noted the landscaping along County Road 42 will meet or exceed the code by providing extensive screening. She noted that landscaping on the property will include existing and proposed trees, as well as a natural, wetland to buffer the proposed use and public right of way.

Trish also noted that she cannot disclose who the technology campus will serve as the applicant is still confidential, however, she indicated that it will not serve the University of Minnesota or its network.

She also addressed the order of approvals as brought up by Commissioner Powell. Trish indicated that the project team had significant interest in knowing what is permissible on site prior to creating a site plan as the proposed project is very extensive in terms of acreage, time, and monetarily.

Lastly, she commented on the building architecture as brought up by Chair Kenninger. Trish mentioned that the user has a high degree of architecture standards.

MOTION by Kenninger to close the public hearing.

Second by Reed.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 7:50 pm.

Additional Comments:

Chair Kenninger mentioned that she shared the same concerns as Commissioner Powell regarding the number of deviations requested by the applicant. However, she noted that the project would be a great addition to the community.

Commissioner Powell noted his concern again for the number of requested deviations and the risk involved.

Commissioner Reed concurs with the comments made, noting that he hopes the City does not make a habit of proposing projects without reviewing a site plan.

Commissioner Rivera echoed the comments made indicating her concern.

MOTION by Reed to recommend the City Council to approve the PUD Master Development Plan with rezoning of the site from AG-Agriculture to BP PUD-Business Park Planned Unit

PLANNING COMMISSION REGULAR MEETING MINUTES

DECEMBER 19, 2022

PAGE 7

Development for a technology campus on 280 acres west of Blaine Avenue and south of County Road 42.

Second by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

New Business: Community Development director noted there was no new business information to note, but that the New Community Development Technician position has been filled by Riley Rooney and that she will be in attendance of the next Commission meeting.

Adjournment: There being no further business to come before this Commission, Chair Kenninger adjourned the meeting at 7:55 pm.

Respectfully submitted,

Riley Rooney, Community
Development Technician