



AGENDA
Planning Commission Regular Meeting
Tuesday, April 25, 2023
6:30 p.m.
Council Chambers, City Hall

I. REGULAR MEETING

- 1. CALL TO ORDER / PLEDGE OF ALLEGIANCE**
 - a. [Oath of Office / Election of Chair & Vice-Chairperson](#)
- 2. ADDITIONS TO AGENDA**
- 3. AUDIENCE INPUT**
- 4. CONSENT AGENDA**
 - b. [Approval of the March 20, 2023 Regular Meeting Minutes](#)
- 5. PUBLIC HEARING**
 - a. [Request by Las Tortillas for a conditional use permit for additional outdoor seating/dining area](#)
 - b. [Request by Frattalone-Berger for a Small-Scale Mineral Extraction Permit for 2023](#)
 - c. [Request by North 20 for an amendment to the Conditional Use Permit to extend the hours of operation and to allow for outdoor live music](#)
 - d. [Request by Holiday Stationstores for a Condition Use Permit to allow for the expansion of the existing canopy onsite](#)
- 6. DISCUSSION**
- 7. NEW BUSINESS**
- 8. ADJOURNMENT OF REGULAR MEETING**

Planning Commission Meeting Date: April 25, 2023

AGENDA ITEM: Oath of Office	AGENDA SECTION: Oath of Office
PREPARED BY: Adam Kienberger, Director of Community Development	AGENDA NO. 1.
ATTACHMENTS: None.	APPROVED BY: AK
RECOMMENDED ACTION: Administer the Oath of Office	

ISSUE

Minnesota State Statute 358.05 requires that City officials, appointed or elected, must take and sign an Oath of Office before transacting any business or exercising any privilege of office.

BACKGROUND

The City of Rosemount's City Council appointed Kurt Whitman as new Planning Commissioner and reappointed Melissa Kenninger for terms that will expire March 31, 2026.

Planning Commission Meeting: April 25, 2023

AGENDA ITEM: Election of Chairperson and Vice-Chairperson	AGENDA SECTION: Elections
PREPARED BY: Adam Kienberger, Community Development Director	AGENDA NO. 1.
ATTACHMENTS: None.	APPROVED BY: AK
RECOMMENDED ACTION: Elect a new Chairperson and Vice-Chairperson.	

SUMMARY

Each year, the Planning Commission is to elect a new Chairperson and Vice-Chairperson. Since it is only done on an annual basis, the process for electing new positions is often unfamiliar especially if new Commissioners have been appointed. Staff felt it would be helpful to provide the procedures to follow when nominating and electing a new Chairperson and Vice-Chairperson.

DISCUSSION

Following is the procedure to conducting an election of a new position:

- The current Chairperson will begin by asking the Commission for nominations for the position of Chairperson.
- Nominations do not require a “second.”
- After nominations are made, there should be a motion made to close the nominations.
- A second is necessary to close the nominations.
- The Commission needs to vote to close the nominations. Ayes/Nays are needed.

If only one nomination is made, the following motion could be used:

“Motion to elect _____ by unanimous consent to the position of Chairperson.”

- A second to the motion is necessary.
- Ayes/Nays are needed.

If more than one nomination is made:

- The current Chairperson will request a show of hands for each nominee and record the votes.
- Based upon the show of hands, a motion should be made by the Chairperson:

“Motion that _____ is elected to the position of Chairperson.”

- A second to the motion is necessary.
- Ayes/Nays are needed.

The process is then repeated for the position of Vice-Chairperson.

The newly elected Chairperson will preside over meetings beginning with the May 24, 2022, Planning Commission meeting.

RECOMMENDATION

Follow the procedures above to elect a new Chairperson and Vice-Chairperson.

PLANNING COMMISSION REGULAR MEETING MINUTES

MARCH 20, 2023

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 20, 2023. Chair Kenninger called the meeting to order at 6:31 p.m. with Commissioners Thiagarajan, Hebert, Marlow, Reed, Rivera. Commissioner Powell was absent. Also, in attendance were Community Development Director Kienberger, Senior Planner Nemcek, Planner Hogan and Community Development Technician Rooney.

The Pledge of Allegiance was said.

Additions to Agenda: None.

Audience Input: None.

Consent Agenda:

4.a. Approval of the February 28, 2022, Regular Meeting Minutes.

4.b. Request by US Home, LLC, for Approval of the Talamore 3rd Addition Final Plat.

4.c. Request by Maplewood Development for approval of the final plat for Amber Fields 9th Addition.

4.d. Request by Maplewood Development for approval of the final plat for Amber Fields 10th Addition.

MOTION by Kenninger

Second by Reed.

Ayes: 6. Nays: 0.

Public Hearing:

6a. Request by Furlong for renewal of its Small-Scale Mineral Extraction Permit for 2023.

Senior Planner Nemcek gave a presentation and summary of the staff report for the Planning Commission. Danner, Inc is requesting approval for the annual renewal of a small-scale extraction permit subject to the terms and conditions. The property is located at the corner of Fischer Avenue and 150th Street East.

Commissioner comments:

Chair Kenninger asked if there had been any complaints noted from the Police Department, or Chief Dahlstrom.

Planner Hogan noted that there were no complaints from the mine over the last year.

Commissioner Reed commented that he's only concern would have been the noise coming from the mine, but seeing there are not complaints, he has no concerns.

The public hearing opened at 6:37 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 6:37 pm.

Additional Comments:

None.

PLANNING COMMISSION REGULAR MEETING MINUTES

MARCH 20, 2023

PAGE 2

MOTION by Marlow to approve a resolution for Furlong for renewal of its Small-Scale Mineral Extraction Permit for 2023 subject to the terms and conditions.

Second by Rivera.

Ayes: 6. Nays: 0. Motion Passes.

Discussion: Community Development director noted there was no items listed for discussion.

Adjournment: There being no further business to come before this Commission, Chair Kenninger adjourned the meeting at 6:38 pm.

Respectfully submitted,

Riley Rooney, Community
Development Technician

Planning Commission Regular Meeting: April 25, 2023

Tentative City Council Meeting: May 16, 2023

AGENDA ITEM: 23-18-CUP Request by Las Tortillas for a Conditional Use Permit to allow an outdoor seating area for eleven or more seats.	AGENDA SECTION: Public Hearing
PREPARED BY: Anthony Nemcek, Senior Planner	AGENDA NO. 5.a.
ATTACHMENTS: Site Location; Site Aerial; Site Plan; Architectural Renderings	APPROVED BY: AK
RECOMMENDED ACTION: Motion to recommend the City Council approve a conditional use permit for the Las Tortillas Restaurant allowing operation of an outdoor seating or dining area for eleven or more seats, subject to the following conditions: 1. Approval of a building permit. 2. Approval of an amendment to the applicant's existing liquor license to allow alcohol to be served on the outdoor dining area. 3. The applicant shall provide a letter with their building permit application from their insurance company indicating that vehicular barriers of a specific design are not a requirement of the applicant's insurance policy. 4. Provide additional detail regarding proposed plantings, including size. 5. Fencing shall be installed around all sides of the patio so that the only access is provided via the principal structure. An additional, occasional access shall be provided on the east side of the dining area to comply with ADA requirements. 6. No public address system, music, or TV located on the patio shall be audible from a noncommercial or nonindustrial use or district.	

SUMMARY

Applicant:	Las Tortillas Mexican Restaurant, Inc.
Property Owner:	Mark Nivala
Location:	15051 Crestone Avenue
Area in acres:	3.65 Acres
Comp. Guide Plan Desig.:	CC-Community Commercial
Current Zoning:	C4-General Commercial

The applicant, Ryan McGunnigle/Las Tortillas Mexican Restaurant, Inc., requests a conditional use permit to allow operation of an outdoor seating or dining area for eleven (11) or more seats. The subject property is located in the Celtic Crossing shopping center at 15051 Crestone Avenue, and staff is recommending approval of this request.

PROPOSAL

Near the beginning of the Covid-19 pandemic the City adopted policies that allowed for an expedited process to permit temporary outdoor dining areas to help mitigate the impacts of restrictions on indoor dining. These included a waiver of sewer access charges and conditional use permit requirements. The applicant, since the summer of 2020 has been providing outdoor dining in six parking stalls near the entrance to the restaurant. The applicant is requesting to provide permanent outdoor seating in this area, subject to approval of a conditional use permit.

The applicant's plan includes a pergola that will shelter ten four-top tables or seating for 40. The temporary patio has contained 12 tables, as shown in the attached aerial dated April 22nd, 2021, with seating for 48. The outdoor area will feature hanging baskets and concrete planters that will delineate the space and also provide a vehicle barrier. These barriers were recommended by the City's building official and engineering staff. The area in which the patio will be located is the same as what has been used for the past three summers.

In 2010, the Board of Appeals approved a variance that would allow a total of 261 restaurant seats across the entire Celtic Crossing, which was a 120% increase over what would be allowed based on the number of stalls provided on the site. The justification being that one of the other restaurants on the site, Suzie's Kitchen, sees most of its business in the morning whereas Las Tortillas isn't open for breakfast and the majority of its business occurs in the evening hours. Currently, between Las Tortillas' current operation and the other restaurants in the shopping center there are 173 seats on site. The addition of the proposed 40 patio seats will bring that total to 213 seats, well below the maximum of 261.

Conditional Use Permit

Legal Authority. Conditional use permits (CUP) are considered quasi-judicial actions. In such cases, the City is acting as a judge to determine if the regulations within the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance are being followed. Generally, if the application meets these requirements it must be approved.

Purpose. The purpose of conditional use permits is to allow for those uses which are not generally suitable by right within a given zoning district but may be suitable under some circumstances. The burden of demonstrating the proposed use meets the criteria for granting a conditional use permit and meeting all applicable standards lies with the applicant.

As a conditional use, outdoor seating or dining areas for eleven (11) or more seats are subject to the general CUP standards outlined in Section 11-10-7 as well as the standards specific to this use in Section 11-4-14.D. These standards evaluate the City's land use and zoning performance standards and the potential impact of the proposed use on the surrounding neighborhood. These standards and staff findings for each are provided below. Many of the findings have already been proven due to the fact the applicant has been providing outdoor seating and dining for the past 3 patio seasons.

- 1. Will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or the city.**

Finding: The outdoor seating or dining area will not be detrimental to the public health, safety, or general welfare of the neighborhood or the City of Rosemount.

- 2. Will be harmonious with the objectives of the comprehensive plan and city code provisions.**

Finding: The subject property is guided CC – Community Commercial by the comprehensive plan and zoned C-4 – General Commercial. Outdoor seating or dining areas for eleven or more people

are a conditional use in this zoning district.

According to the comprehensive plan, the Community Commercial land use designation is intended to provide retail, professional offices, and personal services that serve the daily and weekly needs of the residents of Rosemount. Close proximity to arterial streets is needed for visibility while individual business accesses shall be provided predominantly from collector, local, or private streets. By comparison the purpose and intent of the C-4 – Community Commercial district is to provide a wide range of goods and services to the entire community. Due to their proximity to major arterial streets, businesses in this district are dependent on large volumes of traffic, thus need to be highly visible and accessible.

- 3. Will be designed, constructed, operated, and maintained so as to be compatible or similar in an architectural and landscape appearance with the existing or intended character of the general vicinity and will not change the essential character of that area, nor substantially diminish or impair property values within the neighborhood.**

Finding: According to the applicant, the materials used for the design of the outdoor dining areas will be attractive and will result in an overall improvement to the site. This design also conforms to the site and building standards of the C-4 district.

- 4. Will be served adequately by existing (or those proposed in the project) essential public facilities and services, including streets, police and fire protection, drainage, structures, refuse disposal, water and sewer systems and schools.**

Finding: The existing shopping center complex is served adequately by existing essential public facilities and services.

- 5. Will not involve uses, activities, processes, material equipment and conditions of operation that will be hazardous or detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.**

Finding: While the outdoor dining area will likely create additional noise, this area is located more than 225' from the nearest residential area and screened by the existing building from the neighborhood to the south.

- 6. Will have vehicular ingress and egress to the property which does not create traffic congestion or interfere with traffic on surrounding public streets.**

Finding: The proposed dining area will not interfere with existing drive aisle. The subject property has direct ingress and egress from Crestone Avenue and 151st Street West as well as access from Shannon Parkway via internal access drives.

- 7. Will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance and will comply with all local, state, and federal environmental quality standards.**

Finding: The proposed use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance and will comply with all local, state, and federal environmental quality standards.

- 8. These standards apply in addition to specific conditions as may be applied throughout this code.**

Finding: Outdoor dining areas for eleven or more seats are also subject to the specific conditional use permit standards in Section 11-4-11.D as outlined below.

In addition to the general conditional use permit standards reviewed above, the proposed use must comply with the specific performance standards for outdoor seating or dining areas for eleven (11) or more seats. These standards along with staff findings are detailed below.

- 1. The site and enclosure(s) shall be designed to limit the effects of outdoor seating or dining areas on contiguous properties and/or public rights of way.**

Findings: According to the applicant, the materials used for the design of the outdoor dining area will be attractive and of high quality. The areas will be located approximately 485' from the 150th Street West (County Road 42) right-of-way and more than 225' from the closest residential area. The applicant's plan calls for the outdoor dining areas to include planters along its north side, but it does not include a detailed planting schedule. Staff recommends that a condition of approval require the applicant to revise the plan to include a detailed planting schedule consistent with the zoning requirement to provide a minimum of one planting every ten (10) linear feet, and staff acknowledges the renderings depict this requirement being met. This distance and design will limit the effects of the areas on contiguous properties and the public right-of-way.

- 2. The seating area shall be located on private property along the front, side or rear of the principal building but shall not be located within a required setback or on the side abutting any residential use or district.**

Findings: The proposed outdoor seating area will be located along the front (north) side of the southern building within the shopping center and 435' beyond the required 30' minimum front yard setback standard.

- 3. The seating area shall not interfere with circulation in any required parking, loading, maneuvering or pedestrian area. A minimum four foot (4') passageway shall be maintained along the private sidewalk for pedestrians.**

Findings: The proposed outdoor seating area has been located within 6 parking stalls on the site over the past three patio seasons and no complaints or issues have been observed in that time. The existing sidewalk along the north side of the building will remain. While the construction of the permanent patio will result in a loss of six parking stalls, based on the number of seats within the restaurant and the site overall, the shopping center still meets the minimum required with the approved 2010 variance. Additionally, staff finds that because the restaurant is located at the end of the building, the intent of the second part of this condition is met.

- 4. The seating area shall be located in a controlled or cordoned area acceptable to the city with at least one opening to an acceptable pedestrian walk.**

Findings: The applicant's plans only show a single fence along the north side of the dining area. Additional fencing is required on all sides, with access provided along the eastern side of the dining area for it to comply with the Americans with Disabilities Act. A condition is included that requires the plans include these barriers and access.

- 5. When a liquor license is granted, an uninterrupted enclosure is required and the enclosure**

shall only have access through the principal building.

Findings: A condition is included that requires the plans to be updated to include fencing up to the building and surrounding the patio.

- 6. The seating area shall not be permitted within two hundred feet (200') of any residential use or district as measured at the property line and shall be separated from residential use or district by the principal structure or other method of screening acceptable to the city. The minimum distance from a residential use or district may be reduced should the city determine the applicant has added sufficient elements to reduce the impact of this use.**

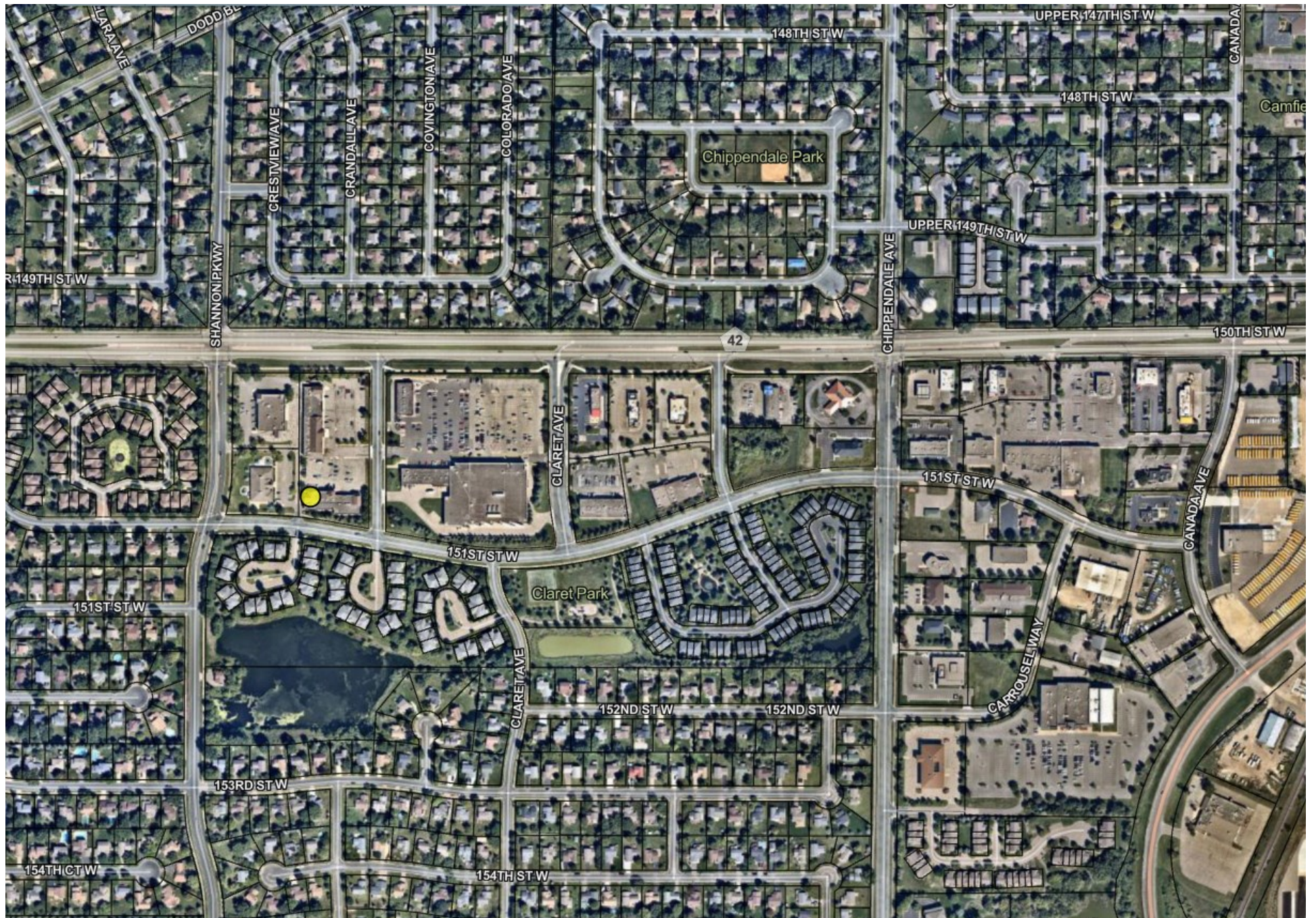
Findings: The outdoor dining areas will be located approximately 189' from the nearest residential district and more than 225' from the closest dwelling. Staff finds the distance as well as the screening provided by the existing building provide sufficient elements to reduce the impact of the proposed use.

- 7. No public address system shall be audible from a noncommercial or nonindustrial use or district.**

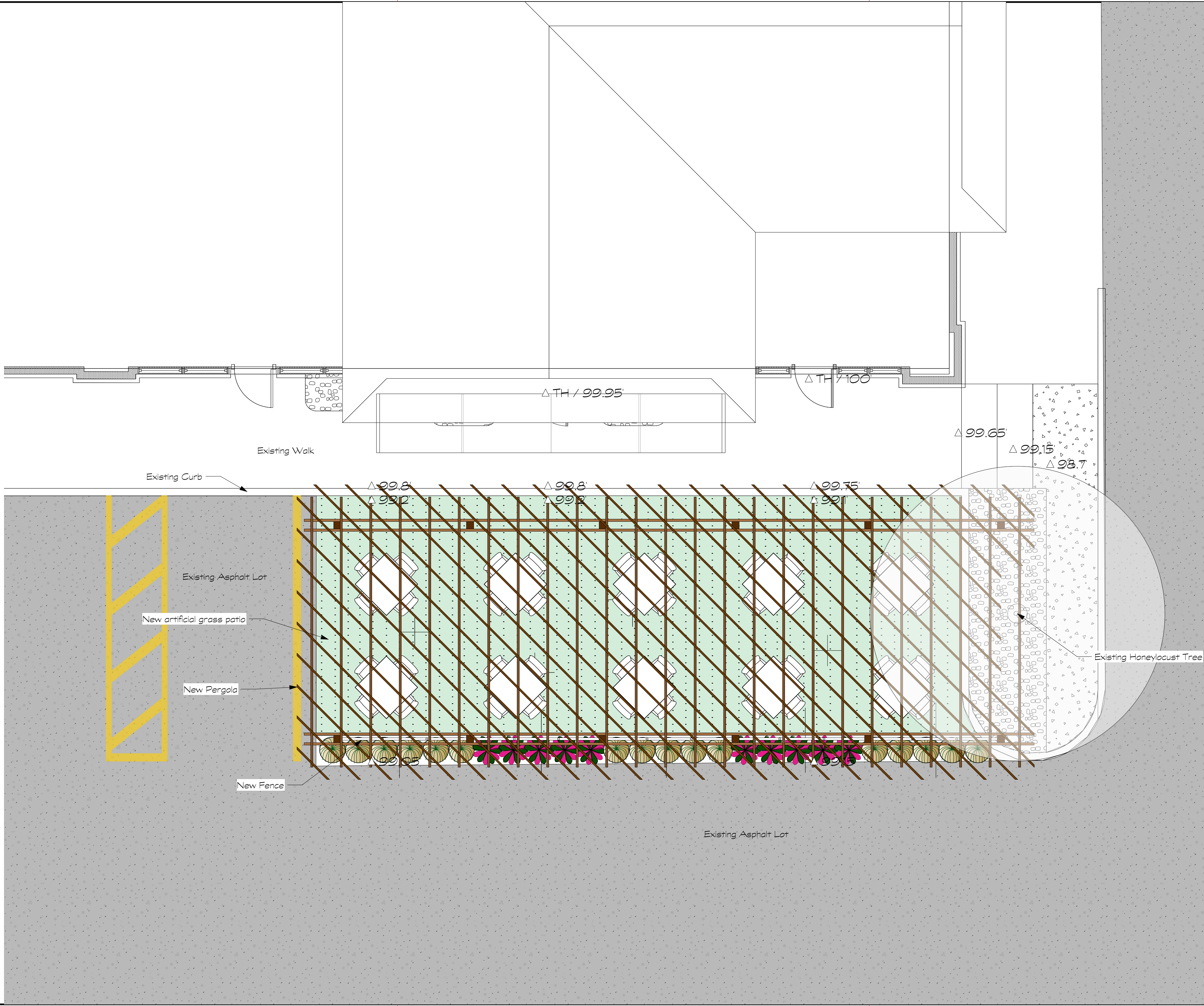
Finding: A condition of this approval will note that no public address system shall be audible from any residential use or district.

CONCLUSION

Staff recommends approval of conditional use permit to allow operation of an outdoor seating or dining area for eleven (11) or more seats at the Las Tortillas restaurant located at 15051 Crestone Avenue subject to the conditions of approval outlined in the recommended action section of this report. This recommendation is based on the plans submitted by the applicant and the findings made in this report.







2383 Pilot Knob Rd
Mendota Heights, MN 55120
Phone: 651-203-3000
Fax: 651-455-1734
SouthviewDesign.com

NO.	Date	Issue Notes
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NO.	Date	Revision Notes
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Las Tortillas
Landscape Design
15051 Crestone Ave
Rosemount, MN 55068

Designer:
Ryan Slipka

Design Associate:
Chris Barber

Measure Team:

Measure Input:

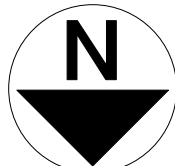
Print Date: 2023-03-02
File Name:
2022-12-20_McGunnigle.vwx

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Released By:
Date Released: / /

Sheet
1 of 5

Scale:
1/4" = 1'-0"





Designer:
Ryan Slipka

Design Associate:
Chris Barber

Sheet
5 of 5

Print Date: 2023-04-20
File Name: 2023-04-14_McGunnigle.vwx

Measure Input:

Measure Team:

LasTortillas 3D Views

15051 Crestone Ave
Rosemount, MN 55068

NO.	Date	Revision Notes

NO.	Date	Issue Notes

2383 Pilot Knob Rd
Mendota Heights, MN 55120

Phone: 651-203-3000
Fax: 651-455-1734
SouthviewDesign.com



Scale:
Not to Scale

Released By: _____ Date Released: / /



	Designer: Ryan Slipka		Measure Input:	LasTortillas 3D Views 15051 Crestone Ave Rosemount, MN 55068				2383 Pilot Knob Rd Mendota Heights, MN 55120 Phone: 651-203-3000 Fax: 651-455-1734 SouthviewDesign.com 
	Design Associate: Chris Barber		Measure Team:					
	Sheet 2 of 5	Print Date: 2023-04-20 File Name: 2023-04-14_McGunnigle.vwx			NO.	Date	Revision Notes	
Scale: Not to Scale	This drawing contains proprietary information which belongs to Southview Design Inc. Any unauthorized duplication or use is strictly prohibited.							
	Released By: _____		Date Released: / /		NO.	Date	Issue Notes	

Planning Commission Regular Meeting: April 25, 2023

Tentative City Council Meeting: May 16, 2023

AGENDA ITEM: 23-17-ME Frattalone Companies, Inc., Small Scale Mineral Extraction Permit – New Mining Operation	AGENDA SECTION: Public Hearing
PREPARED BY: Anthony Nemcek, Senior Planner	AGENDA NO. 5.b.
ATTACHMENTS: Location Map, Draft Mineral Extraction Permit, Project Narrative, Existing Conditions Map; Site Aerial; Mining Plan; Reclamation Plan.	APPROVED BY: AK
RECOMMENDED ACTION: Motion to recommend the City Council approve the Frattalone Companies, Inc. Small Scale Mineral Extraction Permit, subject to the terms and conditions in the attached Draft 2023 Conditions for Mineral Extraction and subject to the following additional conditions: 1. The reclamation plan shall be updated to provide a maximum slope of 4:1 at the edges of the mining area. 2. The applicant shall secure a permit from Dakota County for the proposed access to TH42. 3. The applicant shall provide the location of stockpiles not used for diversion/screening berms. 4. The initial mineral extraction permit shall be valid until the end of 2024. The applicant shall provide an operations update prior to December 30, 2023, for review by City staff. This update will include the amount of material excavated and removed from the site, the total quantity of material stockpiles on the site, and other relevant information as requested by the City.	

SUMMARY

The Planning Commission is being asked to consider a request from Frattalone Companies, Inc. for a new small-scale mineral extraction permit that will be located on a portion of a larger 79 acre parcel immediately west of Emery Avenue and south of County Highway 42. Small scale mineral extraction is permitted in the City as an Interim Use within specified areas, and the proposed site is located with the City's mineral extraction overlay district. As an interim use, permits for mineral extraction are valid for one calendar year (January 1 – December 31); however, staff is recommending that the initial Frattalone permit be issued through 2024, with an administrative staff review at the end of 2023.

Location:	Minnesota
Area:	Immediately west of Emery Avenue along CSAH 42;
Comp. Guide Plan Designation:	73.39 Acres (overall site); 26.08 (active mining area)
	CC-Community Commercial, MDR-Medium Density
	Residential, HDR-High Density Residential
Current Zoning:	AG – Agriculture

Staff recommends approval of the request based upon a review of the information submitted by the applicant, the mineral extraction standards in Section 11-10-4 of the City Code, and the attached permit.

BACKGROUND

The applicant, Frattalone Companies, Inc., owns a construction and excavation business in Little Canada and is asking to establish a new mineral extraction site along Highway 42 in Rosemount. Because the mineral extraction use will be closely tied to the applicant's primary business, there will be limited sales of materials to outside projects from the mine. The applicant has provided a detailed application packet for the mining operation and has hired Carlson McCain to help prepare plans for the site and to provide information as required under the City's mineral extraction ordinance.

The site under consideration is located along the western frontage of Emery Avenue and south of County Highway 42 (145th Street East). Similar to other neighboring properties along Highway 42, there is a 45-50-foot rise in height between the northern and southerly property lines, with a steep ridge that provides a break/transition between the lower portions of the property along Highway 42 and the higher elevations to the south. Other than the ridge, most of the site is gently rolling, but relatively flat.

There are currently no structures on the site, which has been used for agricultural fields for many years, similar to much of the surrounding land. The other uses in the area include single-family residences southeast of the site, and the Danner and Bolander mineral extraction uses to the west. The applicant's mine will share a common border with Bolander, and as excavation occurs in both gravel pits along this boundary, the final grades for each mine will likely be adjusted to match each other. This shared lot line approach has been used on the other side of the Bolander operation (adjacent to Danner) and the final reclamation plans may be able to eliminate the western slope as currently shown. Because the boundary is within the latter phases of the Bolander mining permit, the reclamation plan should continue to show the slope as proposed until Bolander progresses to its later stages.

The proposed extraction activity will take place on 26.08 acres in the southern portion of the site in accordance with the "mine boundary" depicted in the mining plan. The applicant is proposing primary access to the active mining area via a new driveway from Highway 42 running along the western property border. This new access point will require a permit from Dakota County, and has been placed as far as possible from the intersection of CSAH 42 and Emery Avenue. A secondary access is shown on Emery Avenue near the northeast portion of the mining area. This access would be utilized in the event that the County denies an entrance permit for the access onto 42. Truck traffic would be limited during spring road restrictions. Staff and the Applicant continue working with the County on having access onto 42, as that is the preferred haul route.

Mining is proposed to occur over two phases generally moving from the east to the west on the southern portion of the property. Excavation will lower the active mining portions of the site to the 840-850 elevation range, which represents cut of roughly 40 feet across the active mining part of the site. The proposed final grades as depicted on the reclamation plan will bring the southern portion of the property very close to the elevation of the northern part of the property. Essentially, the applicant is proposing to excavate into the ridgeline and maintain these grades (with a slight incline) throughout the mine. The phases have been developed to comply with the City's extraction requirements that each phase be no more

than 15 acres in size. The applicant has stated that they anticipate removing 100,000 cubic yards of material per year, which corresponds to an operational life of the facility of 16 years.

The applicant's project narrative includes citations referencing all of the City's mineral extraction standards, and the document demonstrates compliance with each of these requirements. As part of its initial submission materials, the applicant did not specify a specific location or extent of any material stockpiles beyond a description of their use as screening berms along the perimeter of the mining area. The location of any stockpiling not used for that purpose shall be provided prior to Council action on the permit.

ISSUE ANALYSIS

Aggregate mining is reviewed through an interim use permit which is a Quasi-Judicial action. As such, the City has a set of standards and requirements for review. Generally, if the applications meet the ordinance requirements they must be approved. The standards and requirements for this mineral extraction are detailed in Section 11-10-4 of the Zoning Ordinance and the attached Mineral Extraction permit.

The subject property is zoned AG – Agriculture and meets or exceeds the applicable performance standards for small scale mineral extraction. Small scale mineral extraction is listed as an interim use within the Agriculture district. The table below details the current land use, zoning, and future land use information for the surrounding properties. These properties are all currently zoned Agricultural and are located within the 2040 Metropolitan Urban Service Area (MUSA). The 2040 Future Land Use Map anticipates a mixture of residential and commercial uses in this area.

<i>Surrounding Land Use and Zoning Information</i>			
<i>Direction</i>	<i>Current Land Use</i>	<i>Zoning</i>	<i>Guided Land Use</i>
<i>North</i>	<i>Agriculture</i>	<i>Agricultural</i>	<i>CC-Community Commercial</i>
<i>South</i>	<i>Agriculture</i>	<i>Agricultural</i>	<i>LDR – Low Density Residential</i>
<i>East</i>	<i>Agriculture</i>	<i>Agricultural</i>	<i>CC-Community Commercial</i> <i>MDR – Medium Density Residential</i> <i>HDR-High Density Residential</i>
<i>West</i>	<i>Agriculture/Mining</i>	<i>Agricultural</i>	<i>CC-Community Commercial</i> <i>LDR-Low Density Residential</i> <i>MDR – Medium Density Residential</i>

The 2040 Comprehensive Plan designates commercial development at the intersection of Emery Avenue and County Road 42, while medium- and high-density residential development is designated over the proposed mining and grading area. Future reclamation of the site will need be performed before an impacted area may be developed for housing. Because of the site's location farther east of 52, the development staging of properties in the area should not create as much of an impact on the timing of mining operations in the future as it would on the mining operations to the west, such as the Steiniger pit.

The proposed reclamation plan provides for 3:1 slopes at the edge of the mining area that taper back to the adjacent properties. The City Engineer is recommending that no final, reclaimed slopes exceed 4:1, so staff has added a condition of approval that the reclamation plan be updated accordingly. Although the slope between the Bolander and proposed Frattalone mines may eventually go away as work progresses in the Bolander operation, the other slopes will need to be incorporated into future redevelopment projects.

The water table is located at an approximate elevation of 800 feet or lower based on information provided by Dakota County, and the lowest mining elevation is well above that number. Throughout the majority of the site, there will be approximately 40 feet between the bottom of the mine and groundwater, which is

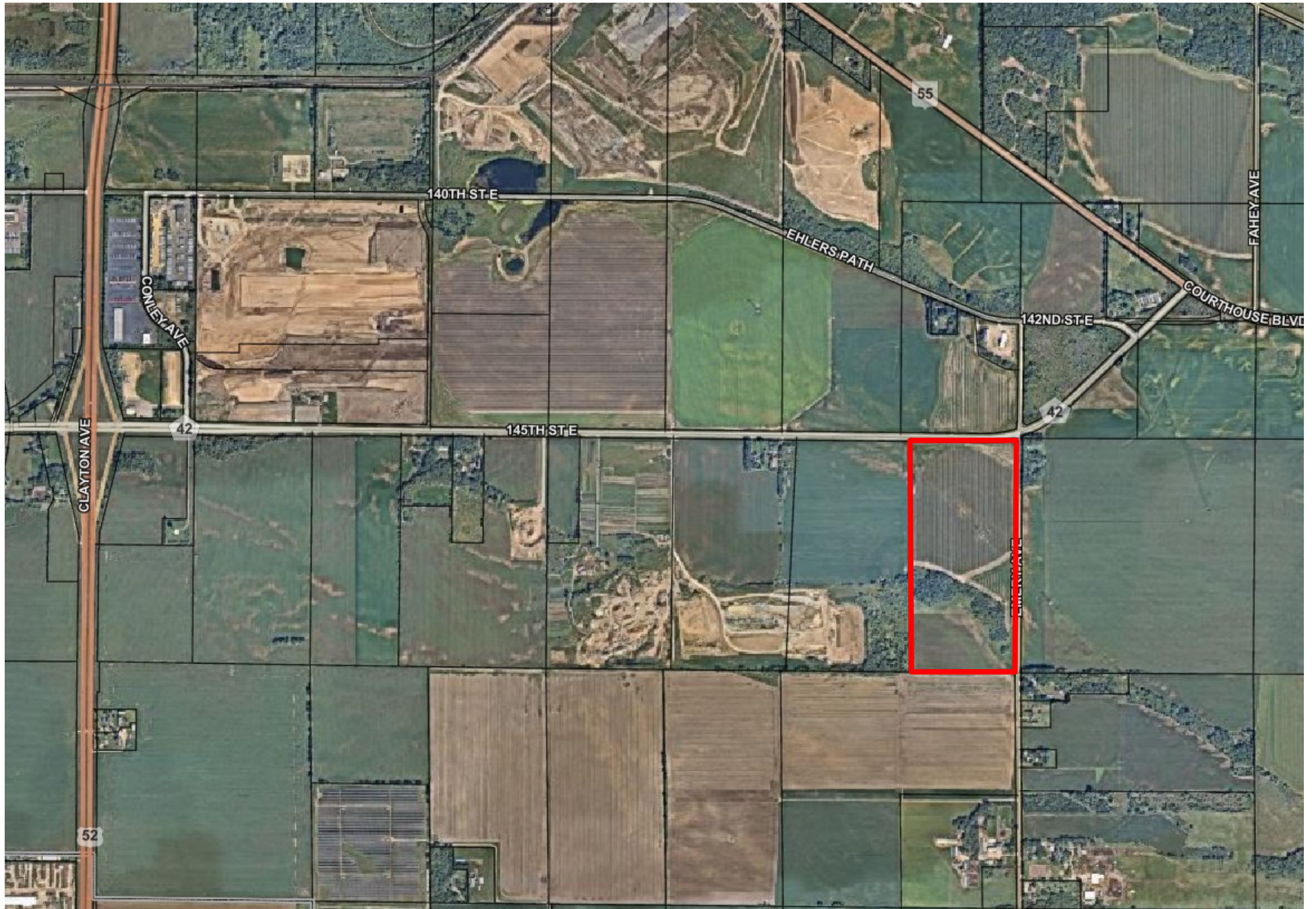
consistent with other mines in the vicinity.

Because the applicant will likely not begin excavation activity until at least halfway through the year, staff is recommending that the initial operating permit be extended until the end of 2024, at which point the site would require an annual review like all similar mining operations. Staff is recommending a condition of approval that the applicant provide the basic information needed as part of its annual review by the end of the year for review by staff. Staff also anticipates conducting an inspection before the end of the year that coincides with the other mineral extraction permit reviews. In addition to a site inspection, the annual mineral extraction permits include consultation with the Rosemount Police Department regarding any police activity at the site. Staff will request these records prior to the end of the year and as part of the 2024 permit review. This is consistent with the approval of the Steiniger mining operation that also received approval midyear.

Staff has drafted a proposed permit with conditions for review by the Planning Commission as part of its review.

RECOMMENDATION

Staff recommends approval of this request based upon a review of the information submitted by the applicant, the mineral extraction standards in Section 11-10-4 of the City Code, and the attached permit with conditions of approval.



Mineral Extraction Permit
2023-2024 Conditions for Small Scale Mineral Extraction Permit
FRATTALONE COMPANIES, INC.

- A Frattalone Companies Inc., hereinafter referred to as the “Property Owner”, shall sign a written consent to these conditions binding itself and its successors or assigns to the conditions of said permit.
- B The property Owner shall comply with all terms of this permit as well as the standards for mineral extraction listed in Section 11-10-04 of the City Code.
- C This permit is granted for the area designated as Phase 1 (approximately 15 acres) on Exhibit A, Mineral Extraction Permit Mine Plan, which is attached hereto as an exhibit. Regrading and reclamation shall occur in the area designated Phase 1 on Exhibit A in accordance with the requirement of Section 11-10-4.4 of the City Code. Reclamation is not expected to occur in the 2023 or 2024 calendar year,
- D The term of the permit shall extend from the date approved by the City Council until December 31, 2024 unless revoked prior to that for failure to comply with the permit requirements. An Annual Mining Permit fee shall be paid to the City of Rosemount.
- E All required permits from the State of Minnesota, County of Dakota and City of Rosemount (hereinafter "City") or any of their agencies shall be obtained and submitted to the City prior to the issuance of the permit. Failure by the Property Owner to comply with the terms and conditions of any of the permits required under this paragraph shall be grounds for the City to terminate said mining permit.
- F The final grading for the permit area shall be completed in accordance with the Final Reclamation Plan, attached as Exhibit B, or as approved by the City Engineer, and any other conditions that may be imposed by the City from time to time.
- G Primary access to the site by all gravel trucks and other mining related traffic shall be from County State Aid Highway 42, pending approval by Dakota County of an access permit. It shall be the Property Owner's responsibility to obtain any access permits or easements necessary for ingress and egress. The location of the accesses and/or easements for ingress and egress shall be subject to approval by the City, as well as the County Highway Department if any changes occur relative to the mining process. If an access permit is not granted by the County, access shall be from Emery Avenue, subject to seasonal restrictions.
- H A plan for dust control shall be implemented and subject to approval by the City. The Property Owner shall clean dirt and debris from extraction or hauling operations related to the Mineral Extraction Permit from streets. After the Property Owner has received 24-hour verbal notice, the City may complete or contract to complete the clean-up at the Property Owner's expense. In the event of a traffic hazard as determined by the Public Works Director or Rosemount Police Department, the City may proceed immediately to complete or contract cleanup at Property Owner's expense without prior notification.
- I The surface water drainage of the mining area shall not be altered so as to interfere, contaminate, or otherwise affect the natural drainage of adjacent property.
- J No topsoil shall be removed from the site and the Property Owner shall take necessary measures to prevent erosion of the stockpiled topsoil. The location of the stockpiled topsoil shall be as indicated on Exhibit A.
- K Any costs incurred now or in the future in changing the location of existing public or private utilities including but not limited to pipelines, transmission structures and sewer infrastructure located within the permit area shall be the sole obligation and expense of the Property Owner.

- L. All costs of processing the permit, including but not limited to planning fees, engineering fees and legal fees, shall be paid by the Property Owner prior to the issuance of the permit. The Property Owner shall reimburse the City for the cost of periodic inspections by the City Engineer or any other City employee for the purpose of insuring that conditions of the permit are being satisfied. The Property Owner agrees to reimburse the City for any other costs incurred as a result of the granting or enforcing of the permit.
- M. The daily hours of operation for the mining area shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday, subject, however, to being changed by the City Council.
- N. The Property Owner shall deposit with the Planning Department a surety bond or cash escrow in the amount of Seven Thousand Five Hundred Dollars per acre (\$7,500.00/acre) of active phase in favor of the City for the cost of restoration, regrading and/or revegetating land disturbed by mining activities and to assure compliance with these conditions by the Property Owner. The required surety bonds must be:
 - (1) With good and sufficient surety by a surety company authorized to do business in the State of Minnesota with the right of the surety company to cancel the same only upon at least thirty (30) days written notice to the permit holder and the City.
 - (2) Satisfactory to the City Attorney in form and substance.
 - (3) Conditioned that the Property Owner will faithfully comply with all the terms, conditions and requirements of the permit; all rules, regulations and requirements pursuant to the permit and as required by the City and all reasonable requirements of the City Engineer, or any other City officials.
 - (4) Conditioned that the Property Owner will secure the City and its officers harmless against any and all claims, or for which the City, the Council or any City officer may be made liable by reason of any accident or injury to persons or property through the fault of the Property Owner.
 - (5) The surety bond or cash escrow shall remain in effect from June 1, 2023 to July 31, 2025.

Upon thirty (30) days' notice to the permit holder and surety company, the City may reduce or increase the amount of the bond or cash escrow during the term of this permit in order to insure that the City is adequately protected.

- O. The Property Owner shall furnish a certificate of comprehensive general liability insurance issued by insurers duly licensed within the State of Minnesota in an amount of at least Five Hundred Thousand and no/100 (\$500,000.00) Dollars for injury or death of any one person in any one occurrence, bodily injury liability in an amount of at least One Million Five Hundred Thousand and no/100 (\$1,500,000.00) Dollars and property damage liability in an amount of at least Two Hundred Fifty Thousand and no/100 (\$250,000.00) Dollars arising out of any one occurrence. The policy of insurance shall name the City as an additional insured and shall remain in effect from June 1, 2023 to July 31, 2025.
- P. The storage of equipment (unrelated to the sand and gravel mining and processing), manure, construction debris, or hazardous materials of any kind shall not be permitted on site. The placement of construction debris, manure, asphalt in any form or hazardous materials within the pit as fill shall be strictly prohibited.
- Q. No processing or mixing of materials shall occur on the site, except as approved by the Dakota County Environmental Management Department as incidental to a sand and gravel mining operation. Any such activities will be enclosed with snow or cyclone fencing or as approved by City staff. Construction of any ponding areas, wash plants or other processing or equipment brought to the site shall require additional site and grading plan information subject to review and approval of the City Engineer.
- R. The Property Owner shall hold the City harmless from all claims or causes of action that may result from the granting of the permit. The Property Owner shall indemnify the City for all costs, damages or expenses, including but not limited to attorney's fees that the City may pay or incur in consequence of such claims.

- S. The Property Owner shall comply with such other requirements of the City Council as it shall from time to time deem proper and necessary for the protection of the citizens and general welfare of the community.
- T. Complete mining and reclamation is required in all phases before any additional mining is authorized. Modifications or expansion of the mining areas must be approved in writing to the City. Property Owner shall submit to the City semiannually a written report indicating the amount of material extracted from the site for the prior six-month period.
- U. The Property Owner shall incorporate best management practices for controlling erosion and storm water runoff as specified by the Minnesota Pollution Control Agency and the United States Environmental Protection Agency.
- V. Reclamation shall include the replacement of the entire stockpile of topsoil on the mined area, reseeding and mulching necessary to re-establish vegetative cover for permanent slope stabilization and erosion control. The minimum depth of topsoil shall not be less than two inches after reclamation. No restored slopes may exceed a gradient of 25% or four to 1 (4:1).
- W. The Property Owner must show how materials stockpiled for recycling will be processed and inform the City of all stockpiled materials.
- X. The Property Owner may not assign this permit without written approval of the City. The Property Owner will be responsible for all requirements of this permit and all City ordinances on the licensed premises for the permit period unless the Property Owner gives sixty (60) days prior written notice to the City of termination and surrenders the permit to the City. The Property Owner shall identify all Operators prior to their commencement of mineral extraction-related activities in the pit area. The City shall have the authority to cause all mineral extraction activities to cease at any time there is an apparent breach of the terms of this Permit.
- Y. The Property Owner shall install and maintain a “stock” gate (or equivalent) at the entrance to the property where the mining operation is located. The gate must be secured at 7:00 p.m. and at any time the pit is not in use.
- Z. There shall be no “haul-back” of materials from any other property or job site that would be imported to the property for fill or other purposes other than incidental concrete recycling as referred to in paragraphs Q, W, and topsoil imported for the purpose of re-establishing turf as accepted by the City.
- AA. Mining to the elevation of 840 feet above mean sea level provided that the site is reclaimed to the elevation shown on Exhibit A with haul-back, clean-fill material. In no instance shall mining occur in the groundwater aquifer.
- CC. Blasting or the use of explosives is prohibited.
- DD. Truck operators within the pit area shall not engage in practices involving slamming tailgates, vibrating boxes, using of “jake” or engine brakes (except in emergency situations) or other such activities that result in excessive noise.
- EE. The City of Rosemount shall have the ability to collect independent soil and water samples.
- FF. The operator shall install and maintain “No Trespassing” signs consistent with the standards outlined in Minnesota State Statute 609.605.

Frattalone Companies, Inc., Property Owner, hereby consents and agrees to the foregoing conditions of said mining permit.

IN WITNESS WHEREOF, the Property Owner has hereunto set his hand this ____ day of _____, 2023.

Frattalone Companies, INC.

By:_____

Its: _____

STATE OF MINNESOTA)
COUNTY OF _____) §

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by _____, on behalf of Frattalone Companies, Inc., Property Owner.

Notary Public

1.0 INTRODUCTION

1.1 Application Request

Frattalone Companies, Inc. (Frattalone) is applying for a Small Scale Mineral Extraction Permit for a gravel mining pit to be located on a parcel located within Section 29, Township 115, Range 18, Dakota County, Minnesota. The proposed site will be used for soil borrow, staging/stockpiling, and backfill.

The following sections of this document describe information required under Rosemount, Minnesota City Code Chapter 10 Section 11-10-4 Small Scale Mineral Extraction.

1.2 Applicant Information

Name: Frattalone Companies, Inc.
Contact Person: Scott Spisak
Address: 3205 Spruce St, St Paul, MN 55117
Telephone (office): (651) 484-0448
Email: scotts@frattaloneco.com

1.3 Site Location and Ownership

The mining pit (Facility) will be located on the south half of the parcel listed below according to the corresponding Dakota County Parcel ID number:

Parcel ID 340290075010

Owner	Landspec Fund 4, LLC
Address	4558 Trading Post Trl S, Afton, MN 55001
Mapped Acres	73.39
Zoning	Agricultural
Tax Description	E 72 ½ A of SE ¼ Subj to Hwy Easmt Parcel 17 on CTY R/W Map 21A, Section 29, Township 115, Range 18, Dakota County, Minnesota.

The location of this parcel is shown on Sheet 1 in the Pollution Prevention Plan in Appendix A. Frattalone will operate the Facility under a lease agreement with the landowner(s). The property is currently farmed and will return to agricultural use following site reclamation.

2.0 PROJECT DESCRIPTION

2.1 Stormwater Pollution Prevention Plan

A Pollution Prevention Plan (P2 Plan) is attached in Appendix A and includes the location map, adjacent land owners, site plans, proposed excavation grades, proposed reclamation grades, stormwater management plan, and erosion and sediment control plan for the Facility. The P2 Plan consists of the following sheets:

- Sheet 1 - Index Sheet
- Sheet 2 - Existing Conditions and Adjacent Land Owners
- Sheet 3 - Site Plan
- Sheet 4 - Reclamation Plan
- Sheet 5 - Narrative
- Sheet 6 - Inspection Form
- Sheet 7 – Training Form

The P2 Plan shows existing features including: 2-foot existing Lidar contours provided by the Minnesota Department of Resources (DNR); wetland boundaries provided by the US Fish and Wildlife Service National Wetland Inventory (NWI); property boundaries and roadways provided by Dakota County GIS; and building locations and existing vegetation shown on aerial imagery obtained from Google Earth. The P2 Plan also illustrates pertinent site development information including site access, existing structures, existing vegetation, topsoil management, best management practices (BMP's) and site grading.

2.2 Site Preparation and Operations

Site preparation will primarily include installing erosion and sediment controls, stripping and stockpiling topsoil for later use in reclamation, grading access roadways on the site, and excavating an infiltration pond to contain stormwater from initial site development. Primary activities to be conducted at the Facility include soil and aggregates excavating, processing, loading, stockpiling, backfill, and grading. All mining activities will take place within the mining boundary illustrated on Sheets 2-4 of the P2 Plan.

The Phase 1 mining boundary encompasses a total area of 15-acres which will be stripped in segments as mining progresses. Mining would begin in the north portion of Phase 1 and work southward along the east mining boundary. Once reaching the southern limits, mining would progress in a westerly direction along the entire north-south pit face. Backfill with haul back material would follow in much the same method to restore the site to reclamation grades. Phase 2 shall not be mined until at least seventy percent (70%) of Phase 1 has been rehabilitated as per City Code and as described in subsequent sections of this application. Phase 2 encompasses 11.08-acres and would be mined in a westerly direction along the north-south pit face.

Sheet 3 of the P2 Plan shows anticipated excavation grades for the mine. The bottom elevation of 840 feet above mean sea level results in mining depths of approximately 2 to 54 feet below existing ground surface. Actual mining depth may vary from that shown on Sheet 3 based on market demand and subsurface conditions encountered. Mining will not extend below the groundwater table, which is anticipated to occur at an elevation of 800 feet MSL or lower, based on water table contours available on the Dakota County GIS website. A maximum excavation slope of 4H:1V will be maintained on the east edge of mining, which is adjacent to a gas utility easement. Other sideslopes of excavation around the site will be limited to a maximum of 1H:1V.

The overall soil excavation volume of the earthwork represented by the grading contours on Sheet 3 is approximately 1,588,500 cubic yards. An estimated 39,000 cubic yards of this volume will be topsoil, which will be stripped and stockpiled as diversion/screening berms graded around mining activities. All topsoil will remain onsite for use in reclamation. Existing topsoil is estimated to be 11-inches thick on average across the 26.08-acre mining area, based on data from the US Department of Agriculture Natural Resources Conservation Service (NRCS) Web Soil Survey. The NRCS soil survey data is included in Appendix B.

Mining will be phased to reduce open area by backfilling and restoring the site to the grades shown on Sheet 4 of the P2 Plan once respective segments of the pit have been fully excavated. Once all reclamation has been completed, the site will be returned to agricultural use. The overall backfill volume to establish reclamation grades is approximately 1,018,500 cubic yards, which includes re-spreading all 39,000 cubic yards of stripped topsoil. Additional details on site reclamation are presented in Section 4.

Excavation is estimated to occur at a rate of 100,000 cubic yards per year which corresponds to an estimated operational life of the Facility of 16 years. Backfill material is estimated to be backhauled at a rate of 65,000 cubic yards per year. Actual rates of excavation and backfill of the site will vary depending upon market demand for aggregate materials.

2.3 Adjacent Land Owners

Land owners within $\frac{1}{4}$ of a mile of the property are shown on Sheet 2 of the P2 Plan. Address labels for adjacent land owners are attached in Appendix D.

3.0 OPERATIONAL STANDARDS

3.1 Hours of Operation

Hours of operation for the Facility will be 7:00 a.m. to 7:00 p.m., Monday through Saturday.

3.2 Site Access

Access to the Facility will be via a constructed gravel driveway. Frattalone intends to make application to Dakota County for an entrance directly from County Highway 42 as shown on Sheet 3 of the P2 Plan. Similar to existing mining permitted properties immediately to the west, this would be the site access.

In the event that Dakota County denies an entrance permit or imposes conditions and requirements above and beyond similar adjacent properties and permitted operations, creating a competitive disadvantage, Frattalone would utilize the entrance off of Emery Avenue, also shown on Sheet 3 of the P2 Plan.

A rock construction exit will be installed at each driveway exit prior to topsoil stripping and material hauling to prevent offsite soil tracking. Frattalone will be responsible for maintaining the construction entrance and removing any soil tracked onto adjoining roadways. Sediment tracking BMP's and maintenance are further described in the P2 Plan.

3.3 Borrow Limits and Setbacks

Setbacks for mining activities from the south and west edge of the property are 30-feet from adjacent properties to the south and west. A gas line runs through the east side of the parcel and mining activities are setback 5' west from the utility easement. To the north, mining limits are bound by the lease boundary. Setbacks are shown on Sheet 3 in the P2 Plan. Documentation of utility easements on the property are attached as Appendix C.

3.4 Floodplains and Shorelands

The site is not located within floodplains or shorelands.

3.5 Wetlands

Wetlands mapped by the NWI in the vicinity of the Facility are shown on Sheet 1 of the P2 Plan. A formal wetland delineation has not been completed. No wetlands exist on the property and no wetlands will be drained, filled, excavated, or receive discharges from pit operations. The nearest wetland is approximately 3,200-feet east of the Facility. All stormwater contacting disturbed land during pit operations will be infiltrated.

3.6 Stockpile Slopes

Typical slopes of stockpiles may vary between 1H:1V and 2.5H:1V. Steep slopes will be monitored for erosion and slope stability. Any slopes that show signs of instability or excessive erosion shall be re-graded. Vegetation shall be established on diversion/screening berms graded from topsoil within 7 days of final grading.

3.7 Housekeeping and Site Safety

The Facility will employ good housekeeping practices. Examples of these good housekeeping practices include the following:

- Equipment will be inspected daily during normal operations and kept in good working order.
- Equipment washing will not occur onsite.
- Any fuel or chemical stored onsite will be stored in compliance with all applicable Minnesota Pollution Control Agency (MPCA) requirements. Secondary containment will be provided for all tanks.
- Leaks and spills will be promptly cleaned up and reported to the site manager and MPCA as appropriate. Spill cleanup material will be stored onsite in an accessible location.
- Appropriate waste receptacles will be available to employees and customers to prevent litter around the site.
- Sanitary facilities will be available onsite and will be serviced regularly.
- Routine employee training is conducted on good housekeeping practices and spill response.

Frattalone maintains a corporate safety manual which describes safety standards that will be employed at the Facility.

3.8 Environmental Review

The project size does not trigger preparation of a mandatory Environmental Assessment Worksheet. Operational practices used to prevent environmental impacts are presented in the following sections.

3.9 Dust

Facility activities generate dust through vehicle traffic on unpaved roads, processing operations, such as loading from stockpiles, and other material handling and transport operations. Fugitive dust will be controlled with best management practices to comply with MPCA standards. The following is a list of BMP's that will be employed to minimize fugitive dust emissions at the site.

- Applying water to unpaved roads
- Stabilizing unworked areas with topsoil and vegetation
- Maintaining unpaved roads in a well-graded condition

- Limiting unnecessary traffic through the Facility
- Limiting traffic speed within the Facility
- Performing prompt reclamation of disturbed areas following termination of Facility operations

3.10 Noise

Site activities will generate noise through operation of earthmoving and processing equipment. Levels of noise will be controlled to comply with standards established by the MPCA and US Environmental Protection Agency. Noise generated at the site will be mitigated using the following techniques, which have proven effective at other similar facilities:

- Truck traffic will be routed in a loop to the extent practical in order to minimize the use of back up alarms.
- White noise backup alarms will be utilized if existing controls do not sufficiently mitigate the noise generated by traditional beeping backup alarms.
- Equipment will be maintained in good working order and with standard noise reduction equipment such as mufflers.

3.11 Existing Vegetation

Existing trees and vegetation will be preserved to all extents feasible, however site preparation will require clearing and grubbing of approximately 7.5-acres of trees as shown in the P2 Plan. Wooded areas will be maintained until respective areas will be opened for mining. Following site reclamation, land will be returned to agricultural use with prairie grasses established on steeper slopes which will not be farmable.

3.12 Traffic

Traffic will access the site from County Highway 42 or Emery Avenue East, as discussed in Section 3.2.

3.13 Stormwater and Erosion Control

Stormwater management for the mining pit and reclamation operation will comply with regulations as specified by the MPCA as well as requirements of the National Pollutant Discharge Elimination System (NPDES), including obtaining a permit and adoption of the P2 Plan included as Appendix A.

Site subsoils predominantly consist of poorly graded sand, silty sand, and poorly graded gravel or USCS groups SP, SM, and GP soils, which correspond to hydrologic soil groups A and B soils. Soil data obtained from the NRCS Web Soil Survey is included in Appendix B. Hydrologic soil group A and B soils allow water to infiltrate well, so all water contacting mining activities will be contained at the Facility and infiltrated. An infiltration pond will be graded during initial site development

and will be sized as necessary to contain all stormwater contacting mining activities. As mining progresses, stormwater will be infiltrated across the floor of the mine pit. Run-on and run-off diversion/screening berms will be graded from stripped topsoil around the perimeter of the site. Silt fence shall be maintained downstream of the berms until vegetation is established (at least 70% coverage) on the berms. If erosion or sediment transfer off the property occurs, the issues shall be dealt with promptly by removing any deposited sediment, re-grading or repairing the area as necessary, seeding, and stabilizing the area with mulch, hydro-mulch, or erosion control blanket, as appropriate.

Additional details on stormwater control can be found in the P2 Plan.

3.14 Topsoil Management

Topsoil will be stripped to the full depth as a part of site preparation and segregated into dedicated diversion/screening berms or stockpiles. Diversion/screening berms will be graded on the north, east, and south sides of pit, as those respective portions of the Facility are excavated. Berms will be uniformly graded and vegetated so that pit operations will be screened. Berms and stockpiles will be stabilized within 7 days of final grading. Topsoil will not be exported from the site and import of topsoil is not expected to be necessary for reclamation.

As stated previously, the average depth of existing topsoil is approximately 11 inches. For site reclamation, stripped topsoil will be re-placed uniformly to approximately the same depth, but in no case less than 6-inches deep. Compaction of the soil layer will be limited to the equipment necessary to spread the layer.

4.0 SITE RECLAMATION

Site reclamation will include removal of all equipment, stockpiles, temporary haul roads, driveways, etc., re-grading and placing backfill materials, and establishing vegetation. Imported fill will be used to establish the reclamation grades and topsoil will be placed as described in Section 3.14 over imported fill to establish the approximate grades shown on Sheet 4 of the P2 Plan.

Once finished reclamation grades are established, vegetation will be established within 7 days of final grading by seeding with MnDOT seed mixture 32-241 at a seeding rate of 38-pounds per acre or MnDOT seed mixture 35-241 at a seeding rate of 36.5-pounds per acre and applying MnDOT Type 1 Mulch (2-tons per acre) and commercial fertilizer (application rate will be determined from soil testing prior to reclamation). As necessary, downstream silt fence shall remain in place and be maintained until vegetation is established (at least 70% coverage) on all seeded areas. Once vegetation is established, all temporary synthetic erosion and sediment control BMP's shall be removed. Upon establishment of end-use conditions, sediment carried by stormwater over reclaimed areas will be collected within surrounding surficial depressions and ponds, in a similar manner to the current surface drainage.

The following additional reclamation standards will be implemented:

- All materials used for reclamation backfill shall be free of contaminants and shall be non-noxious, non-flammable and non-combustible.
- The graded or backfilled area shall not collect or permit stagnant water to remain therein, unless there is an approved ponding area or wetland restoration or creation.
- Graded or backfilled areas shall be surfaced with at least six inches of soil of a quality at least equal to the topsoil of the surrounding area.
- Final stabilization will be achieved within 3 months after termination of Facility activities. This includes removal of all equipment, vehicles, machinery, materials, stockpiles, and other materials incidental to the Facility operation.
- Reclamation will not result in an increase in impervious area from existing conditions.
- Erosion and sediment control measures specified in the P2 Plan will be followed until the termination of applicable permits (e.g. NPDES).

5.0 CERTIFICATION

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.



Brannon Peterson, P.E.

Project Engineer

Date: 3/22/2023 License # 58910

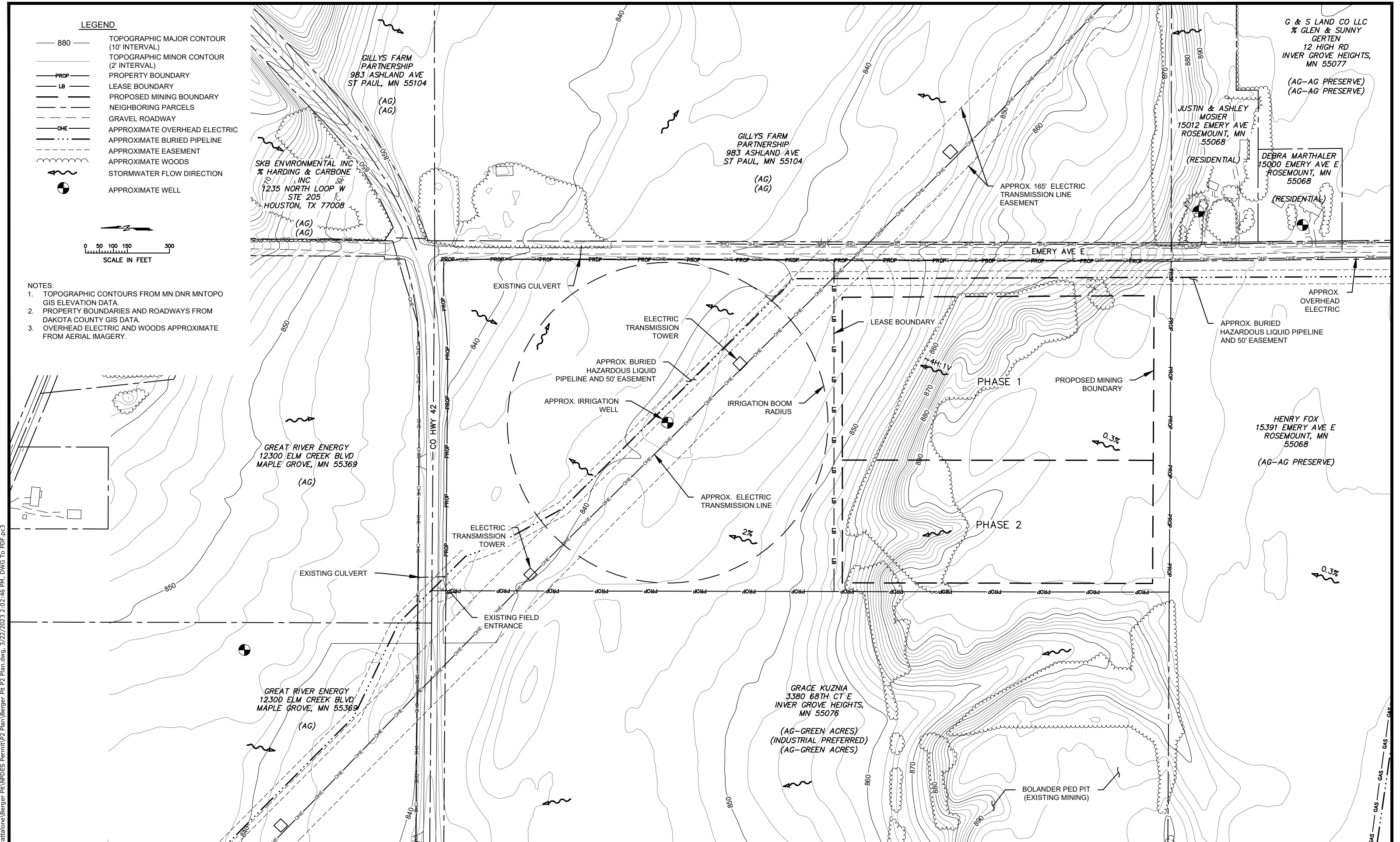


Nicholas Bonow, P.E., P.G.

Principal Engineer/Geologist

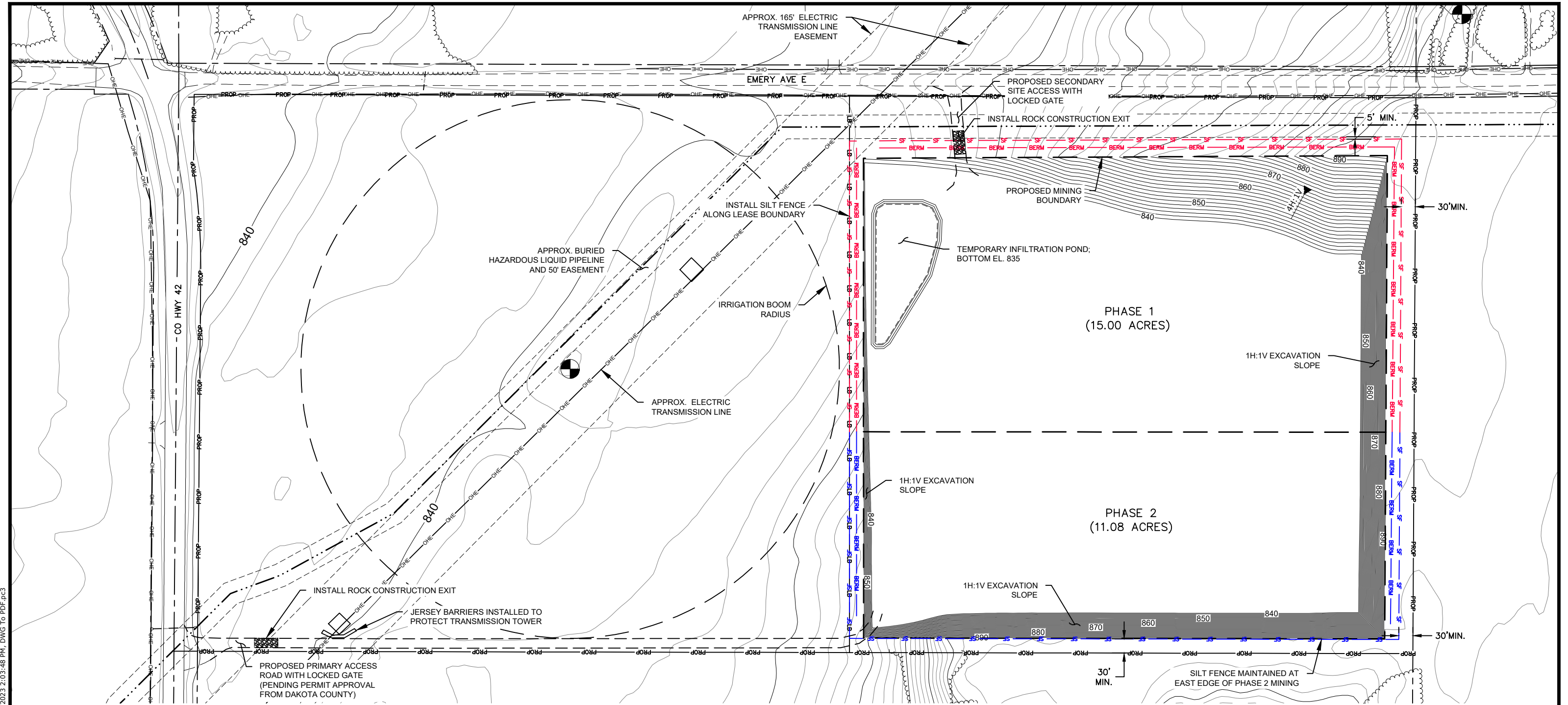
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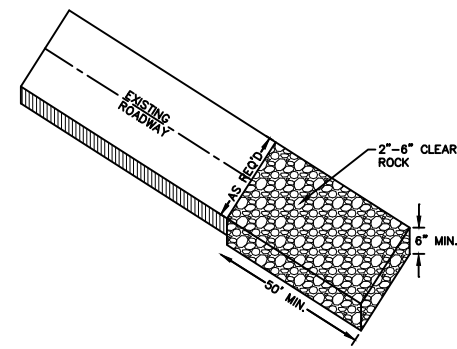


LEGEND

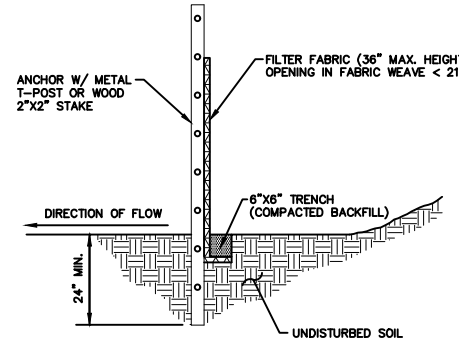
- 880 TOPOGRAPHIC MAJOR CONTOUR (10' INTERVAL)
- PROP TOPOGRAPHIC MINOR CONTOUR (2' INTERVAL)
- LB PROPERTY BOUNDARY
- MINING BOUNDARY
- NEIGHBORING PARCELS/SUBDIVISIONS
- GRAVEL ROADWAY
- OHE EXISTING OVERHEAD ELECTRIC
- APPROXIMATE BURIED PIPELINE
- APPROXIMATE EASEMENT
- APPROXIMATE WOODS
- 930 EXCAVATION MAJOR CONTOUR (10' INTERVAL)
- EXCAVATION MINOR CONTOUR (2' INTERVAL)
- SF PHASE 1 SILT FENCE
- BERM PHASE 1 DIVERSION/SCREENING BERM
- SF PHASE 2 SILT FENCE
- BERM PHASE 2 DIVERSION/SCREENING BERM
- APPROXIMATE WELL

NOTES:

1. PHASE 2 SHALL NOT BE EXCAVATED UNTIL AT LEAST 70% OF PHASE 1 HAS BEEN RECLAIMED AS SHOWN ON SHEET 4. MINERAL EXTRACTION IS NOT TO EXCEED 19.5 ACRES OF OPEN EXCAVATION AT ANY ONE TIME.
2. INSTALL DIVERSION BERMS AS NECESSARY TO CONTAIN ALL STORMWATER AS MINING PROGRESSES.
3. STABILIZE ALL DIVERSION AND SCREENING BERMS WITH VEGETATION ON THE UPSTREAM AND DOWNSTREAM SIDE OF THE BERMS. ENSURE BERMS ARE 70% COVERED WITH VEGETATION BEFORE REMOVING SILT FENCE. MAINTAIN VEGETATION ON THE BERMS AS NECESSARY.
4. MAINTAIN ROADWAYS IN WELL GRADED CONDITION, LIMIT HAUL TRAFFIC TO ROADWAYS, AND LIMIT TRAFFIC TO 15 MPH TO PREVENT OFFSITE SEDIMENT TRACKING, INCLUDING MUD AND OTHER DEBRIS.



1 ROCK CONSTRUCTION EXIT
3 NO SCALE

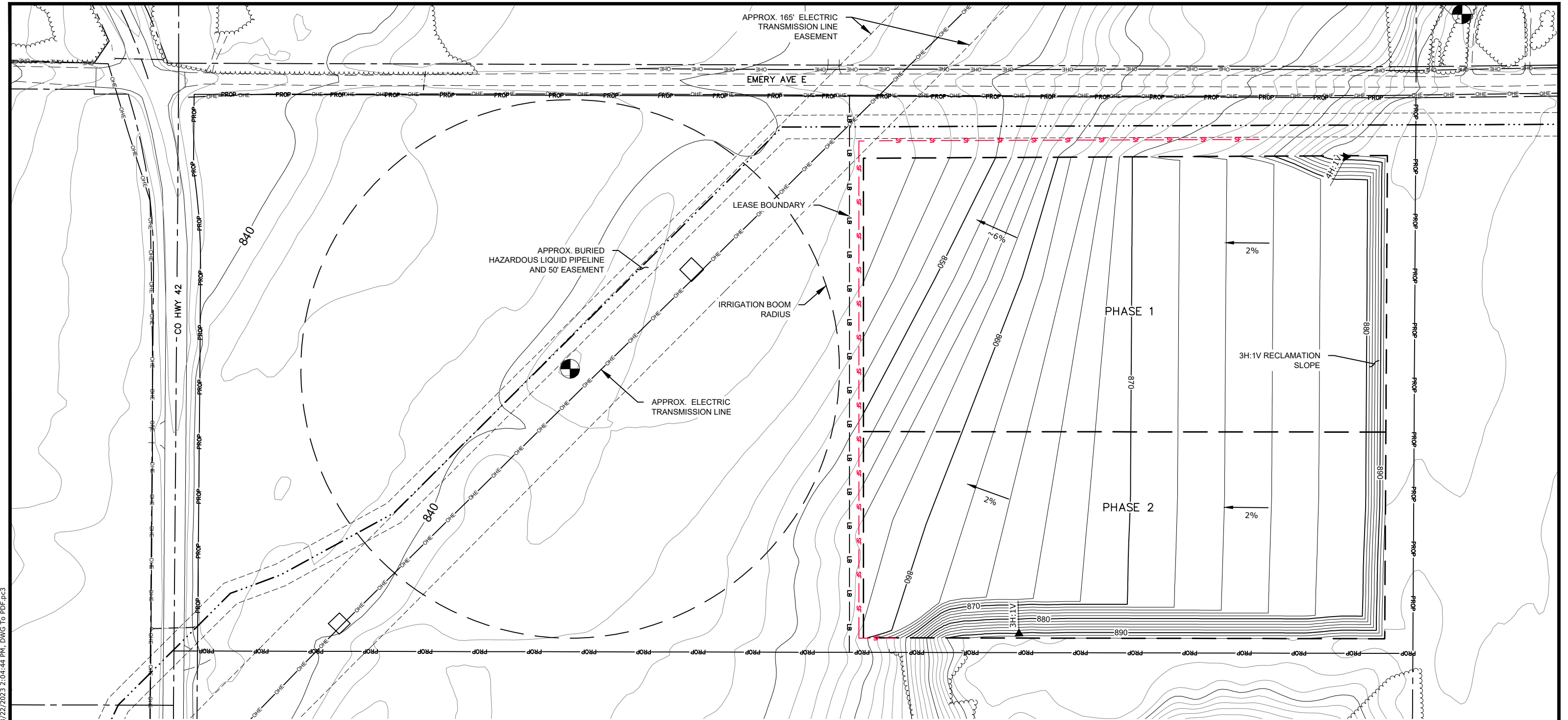


2 SILT FENCE
3 NO SCALE

NOTES:

1. DIG A 6"x6" TRENCH ALONG THE INTENDED SILT FENCE LINE.
2. DRIVE ALL ANCHOR POSTS INTO THE GROUND AT THE DOWNHILL SIDE OF THE TRENCH.
3. POSTS SHALL BE SPACED A MAXIMUM OF 6 FEET APART.
4. LAY OUT SILT FENCE ALONG THE UPHILL SIDE OF THE ANCHOR POSTS AND BACKFILL 6"x6" TRENCH.
5. SECURELY ATTACH SILT FENCE TO ANCHOR POSTS W/ MINIMUM OF THREE ATTACHMENTS PER POST.
6. SEE MNDOT SPECIFICATIONS 2573 & 3886.

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LEGEND

- 880 TOPOGRAPHIC MAJOR CONTOUR (10' INTERVAL)
- PROPR TOPOGRAPHIC MINOR CONTOUR (2' INTERVAL)
- LB PROPERTY BOUNDARY
- LEASE BOUNDARY
- MINING BOUNDARY
- NEIGHBORING PARCELS/SUBDIVISIONS
- GRAVEL ROADWAY
- OHE EXISTING OVERHEAD ELECTRIC
- APPROXIMATE BURIED PIPELINE
- APPROXIMATE EASEMENT
- APPROXIMATE WOODS
- 930 RECLAMATION MAJOR CONTOUR (10' INTERVAL)
- RECLAMATION MINOR CONTOUR (2' INTERVAL)
- SF PROPOSED SILT FENCE
- APPROXIMATE WELL

NOTES:

1. INSTALL SILT FENCE, AS NECESSARY, ALONG ALL DOWNSTREAM PERIMETERS OF RECLAMATION ACTIVITIES.
2. ALL TEMPORARY ACCESS ROADS SHALL BE SALVAGED AND REMOVED FROM THE SITE.
3. ALL RECLAIMED AREAS SHALL RECEIVE A MINIMUM OF 6" OF TOPSOIL.

1. TURF ESTABLISHMENT SHALL APPLY TO ALL DISTURBED AREAS AND SHALL BE ACCORDING TO MnDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION (LATEST EDITION) EXCEPT AS MODIFIED BELOW.
2. TURF ESTABLISHMENT SHALL OCCUR AS SOON AS POSSIBLE BUT IN NO CASE NO MORE THAN 14 DAYS AFTER FINAL LAND GRADING ACTIVITIES.
3. SEED: MnDOT MIXTURE 32-241 AT 38 POUNDS PER ACRE OR 35-241 AT 36.5 POUNDS PER ACRE.
4. DORMANT SEED: SHALL BE APPLIED AT TWICE THE NORMAL RATE AFTER NOVEMBER 1ST.
5. MULCH: TYPE 1 AT 2 TONS PER ACRE (DISK ANCHORED).
6. FERTILIZER: TYPE AND RATE TO BE DETERMINED FROM TOPSOIL TESTING..

1 TURF ESTABLISHMENT
4 NO SCALE



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PLYMOUTH, MN 55446
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FAX (952) 346-3901
CARLSONMCGAIN.COM

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Print Name: Brannon L. Peterson, PE
Signature: *Brannon L. Peterson*
Date: 3/22/23 License #: 58910

Drawn: BLP
Designed: BLP
Date: 3/22/23

REV	DATE	BY	DESCRIPTION
1	3/22/23	BLP	ISSUED FOR PERMIT APPLICATION

FRATTALONE COMPANIES, INC.
3205 SPRUCE STREET, ST. PAUL, MN 55117

BERGER PIT
ROSEMOUNT, MN

RECLAMATION PLAN
POLLUTION PREVENTION PLAN

Planning Commission Regular Meeting: April 25, 2023
Tentative City Council Meeting: May 16, 2023

AGENDA ITEM: 23-19-CUP Request by David Schmitz for an amendment to the Conditional Use Permit that was approved in 2020 for North 20 Brewing to extend the hours of operation and to allow for outdoor live music and food trucks on site.	AGENDA SECTION: Public Hearing
PREPARED BY: Julia Hogan, Planner	AGENDA NO. 5.c.
ATTACHMENTS: Site Location; Applicant Correspondence; Previously Approved Conditional Use Permit with Requested Amendments; Aerial Image; Public Comments	APPROVED BY: AK
RECOMMENDED ACTION: Motion to recommend the City Council approve an amendment to the existing Conditional Use Permit for North 20 Brewing located at 12296 Bacardi Avenue to extend the hours of operation and to allow for outdoor live music and food trucks on site, subject to conditions: 1. Conformance with all requirements of the original conditional use permit outlined in Resolution 2020-75, excluding the conditions that are amended. 2. Food trucks that will be on site must comply with the Mobile Food Units Chapter of the City's Code. 3. The property will need to adhere to all noise requirements that are found within the City's Code.	

SUMMARY

Property Owner and Applicant:	David Schmitz
Location:	12266 Bacardi Avenue
Site Area in Acres:	2.5 Acres
Comprehensive Plan Designation	RR – Rural Residential
Current Zoning:	AG – Agriculture

The Planning Commission is being asked to consider a request by David Schmitz to amend the existing Conditional Use Permit for North 20 Brewing that was approved by the City Council in 2020 to extend the hours of operation and to allow for outdoor live music and food trucks on site. The Conditional Use Permit that was approved for the microbrewery and taproom contained 17 conditions. The applicant is looking at amending conditions 3 and 17 of the Conditional Use Permit. Condition 3 states “Hours of operation shall be limited to the following: Monday-Thursday 4:00 PM to 9:00 PM; Friday 4:00 PM to 10:00 PM; Saturday 11:00 AM to 10:00 PM; Sunday 11:00 AM to 9:00 PM. On all days, the outdoor patio shall be closed at the same time as the taproom.”. The applicant is looking to extend the current hours of operation that are stated in condition 3 to Monday-Thursday 11:00 AM to 10:00 PM; Friday-Saturday 11:00 AM to 11:00 PM; Sunday 11:00 AM to 10:00 PM. Condition 17 states “Outdoor live music or on-

site food trucks are prohibited.” The applicant is requesting to amend this condition within the Conditional Use Permit which would allow for outdoor live music and food trucks on site. If the 17th condition is amended to allow for outdoor live music and food truck, there will still be provisions to allow for both on site. Food trucks will need to adhere to the requirements of Mobile Food Units chapter of the City Code. The property, including the use of outdoor live music, will need to comply with the noise standards that are found within the City’s Code as well. The remaining conditions that are a part of the existing conditional use permit will remain in effect and will be required to be complied with. Staff recommends approval of the request, subject to the conditions outlined in the recommended action section above.

BACKGROUND

In 2020, the applicant came forward to the City requesting a Conditional Use Permit, Simple Plat, and a Variance to facilitate the construction of a microbrewery with taproom on land he owned in the AG-Agricultural zoning district. The original subject parcel owned by the applicant is located at 12296 Bacardi Avenue, which currently contains a single-family residential structure and a detached accessory building. The applicant requested a simple plat to divide the 19.83-acre parcel into two separate lots so that the microbrewery could be located on a separate parcel. The site is located a little more than one mile north of Bonaire Path and ¼ mile south of 120th street on the eastern side of Bacardi Avenue. The site is split between open fields and grass areas in the northern half of the property and heavily wooded areas covering the southern portion of the property. The applicant proposed a 4,355 square foot microbrewery designed to look like a rural structure complete with gabled barn-style roof, vertical siding panels, large overhead doors and other decorative elements intended to mimic a barn or other agricultural structure. The microbrewery was proposed to be located on a relatively flat portion of the site closer to Bacardi Avenue and accessed via a new driveway off of Bacardi Avenue as well.

The microbrewery design showed that within the structure roughly half of the floor space would be devoted to the brewing operation, which included fermentation tanks, coolers, and other brewing equipment. The other portions of the operation included a bar and seating area for the taproom, restrooms, meeting area, and kitchen. The applicant indicated that the kitchen would serve a limited menu of food items (i.e. pizza and appetizers) to compliment the beer available for sale. The plans also included an outdoor concrete patio in the northeast corner of the building which would provide an outdoor seating area for patrons of the facility. The overall interior seating capacity was expected to be 89 persons, with an additional 23 seats available in the patio area, which resulted in a parking requirement of 38 stalls (including the brewery operations).

This item went in front of the Planning Commission at both the April and May 2020 meetings. During the first meeting the Commissioners discussed the application and public hearing comments and stated that they would like additional information from staff before moving forward. The second meeting included staff addressing questions that the Commission had on the additional information. During that meeting the applicant also expressed concern over the reduced hours of operation proposed by staff and asked the Commission to consider later hours that would allow customers to take advantage of the longer daylight hours during the summer months, particularly on the patio. The applicant explained their plans for the property stating that they envisioned a small neighborhood brewery that is very family-friendly. The Commission and applicant arrived at an agreement for hours of operation. After completing the review, the Commission approved the requested variances and recommended approval of the Simple Plat and CUP for the microbrewery. The Simple Plat and CUP for the proposed microbrewery was then approved by the City Council at their June 2020 regular meeting.

Since the approval by the Council, the Microbrewery and taproom known as North 20 Brewing has finished construction and opened to the public in July 2022.

Conditional Use Permit

Legal Authority

Conditional use permits (CUP) are considered quasi-judicial actions. In such cases, the City is acting as a judge to determine if the regulations within the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance are being followed. Generally, if the application meets these requirements it must be approved.

Purpose

The purpose of conditional use permits is to allow for those uses which are not generally suitable by right within a given zoning district but may be suitable under some circumstances. The burden of demonstrating the proposed use meets the criteria for granting a conditional use permit and meeting all applicable standards lies with the applicant. In reviewing such applications, the city may attach reasonable conditions necessary to mitigate anticipated adverse impacts associated with these uses, to protect the value of other property within the district, and to achieve the goals and objectives of the comprehensive plan and city code provisions.

As a Conditional Use, microbreweries are subject to the general CUP standards outlined in Section 11-10-7 and as well as the standards specific to AG-Agricultural zoning district for microbreweries. Below is a list of the requirements for approving a conditional use permit and along with that are the findings that staff found back in 2020 during the original CUP process along with updated information as well.

Review and Analysis (CUP Requirements and Findings)

- 1) ***Will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or the city.***

Finding: The zoning ordinance allows certain specific activities that are more commercial in nature within the AG – Agricultural zoning district and that allow a reasonable economic return on larger parcels that have historically been used for farming activities but are no longer viable for such activities. The site design and conditions of approval are intended to address any off-site impacts from construction and operation of a microbrewery on the site. The brewing of beer and service of food and beverages will take place entirely within enclosed structure except for an outdoor patio facing away from the public street.

- 2) **Will be harmonious with the objectives of the comprehensive plan and city code provisions.**

Finding: The site is guided for Rural Residential land uses, and the AG – Agricultural zoning district is listed as an acceptable zoning for this land category. The Comprehensive Plan supports activities that promote a reasonable economic return on larger agricultural properties outside of the City's MUSA boundary. The Plan further supports the expansion of restaurant and local shopping opportunities within the community. The proposed microbrewery complies with all applicant site and building design standards in the zoning ordinance.

- 3) **Will be designed, constructed, operated and maintained so as to be compatible or similar in an architectural and landscape appearance with the existing or intended character of the general vicinity and will not change the essential character of that area, nor substantially diminish or impair property values within the neighborhood.**

Finding: The microbrewery is designed to resemble an agricultural building, and will use architectural features and elements that look like a historic farm out building

- 4) **Will be served adequately by existing (or those proposed in the project) essential public**

facilities and services, including streets, police and fire protection, drainage, structures, refuse disposal, water and sewer systems and schools.

Finding: The site will be served with private well and septic systems designed to meet current standards and appropriately sized for the expected uses.

- 5) Will not involve uses, activities, processes, material equipment, and conditions of operation that will be hazardous or detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors.**

Finding: All processing associated with the microbrewery will occur within an enclosed building, and no external impacts, including noise, smoke, fumes, glare or odors are expected from the use.

- 6) Will have vehicular ingress and egress to the property which does not create traffic congestion or interfere with traffic on surrounding public streets.**

Finding: The use will generate additional truck and vehicular traffic, but not in a capacity that would be substantially different from an active agricultural use. There is sufficient capacity along Bacardi Avenue to handle additional traffic from the use. The applicant has designed the site to comply with all parking and access spacing requirements.

- 7) Will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance and will comply with all local, state, and federal environmental quality standards.**

Finding: The project will have little to no environmental impact, nor will it result in the destruction, loss, or damage of any natural, scenic, or historic feature of major importance. The site is located adjacent to the Wiklund Nature Preserve, but the microbrewery will be situated over 150 feet from this boundary and will leave existing trees along the northern property line in place that will act as a buffer to the preserve.

The AG – Agriculture zoning district includes several specific requirements for microbreweries as follows:

- 1) The site and building(s) shall be designed to limit the effects of this use on adjacent properties and public rights-of-way. No loading docks or overhead vehicle doors shall be on a side abutting any public rights-of-way or any residential use or district.**

Finding: The building does not include a loading dock, and the pull up doors providing access to the outdoor patio face away from the public street.

- 2) The principal building shall be the primary source for screening of the loading area or any required outdoor equipment.**

Finding: Other than the screened trash enclosure area, the applicant is not planning to install any outdoor equipment or designate a loading area for the facility.

- 3) All drives, loading and parking areas for the microbrewery and associated uses shall be paved with a concrete or bituminous surface including concrete curbing.**

Finding: Staff included a condition of approval that required paving of the driveway and parking lot at the time the City paved Bacardi Avenue in front of the use. The delay in paving is consistent with the agricultural character of the area.

- 4) **Pedestrian circulation between the parking area and the microbrewery and associated uses shall be provided through sidewalks at least five feet (5') in width and paved with concrete, bituminous, pavers or similar hardscape.**

Finding: A concrete walkway connecting the parking lot, building, and outdoor patio was shown on the development plans and has been installed.

- 5) ***Outdoor seating is subject to the performance standards outlined for outdoor seating in section 3-1-14 of this Code and subsection 11-4-14D of this chapter.***

Finding: The applicant will need to comply with these standards.

RECOMMENDATION

Staff recommends approval of an amendment to the existing conditional use permit for North 20 Brewing located at 12266 Bacardi Avenue to extend the hours of operation from the current Monday-Thursday 4:00 PM to 9:00 PM; Friday 4:00 PM to 10:00 PM; Saturday 11:00 AM to 10:00 PM; Sunday 11:00 AM to 9:00 PM to Monday-Thursday 11:00 AM to 10:00 PM; Friday-Saturday 11:00 AM to 11:00 PM; Sunday 11:00 AM to 10:00 PM and to allow for outdoor live music and food trucks on site. Staff recommendation of approval is based on the information provided by the applicant and reviewed within this report



From: schmitdl@frontiernet.net <schmitdl@frontiernet.net>

Sent: Monday, March 6, 2023 3:55 PM

To: Logan Martin <Logan.Martin@rosemountmn.gov>

Subject: North 20 Amendments to CUP

Good Afternoon Logan,

We would like to formally request two amendments to the terms of our conditional use permit.

1) We would like to be able to update our hours to the following:

Monday 11:00am-10:00pm

Tuesday 11:00am-10:00pm

Wednesday 11:00am-10:00pm

Thursday 11:00am-10:00pm

Friday 11:00am-11:00pm

Saturday 11:00am-11:00pm

Sunday 11:00am-10:00pm

We will likely have shorter hours than this the majority of the year but would like the ability to extend our hours if it seems beneficial to do so.

2) We would like the ability to host live music at the brewery.

We appreciate your consideration of these updates.

Please let me know if you have any questions or require any additional information.

Thank you,

Christian Schmitz
North 20 Brewing Co
651-815-2541

From: schmitdl@frontiernet.net <schmitdl@frontiernet.net>
Sent: Friday, March 31, 2023 2:28 PM
To: Anthony Nemcek <Anthony.Nemcek@rosemountmn.gov>
Subject: North 20 CUP Amendment

Anthony,

We would like to have our conditional use permit amended to expand the hours we are able to be open to the public. We feel it would be beneficial to be able to expand hours depending on the seasons to take advantage of the weather and when people have time off during the year.

We would also like the ability to host live music as we have had a large number of patrons asking for this and we feel it would be beneficial to the community to have this additional option for entertainment.

We appreciate your consideration of these amendments.

Thanks

Dave Schmitz

From: schmitdl@frontiernet.net
To: [Julia Hogan](#)
Subject: Re: North 20 CUP Amendment
Date: Tuesday, April 18, 2023 2:58:50 PM
Attachments: [microsoftteams-image_ef2f6c6e-e43a-48ba-9790-ed6c40241373.png](#)

Good afternoon Julia,

If you could add the ability to allow food trucks as part of the amendment that would be great. Thank you.

Dave Schmitz

**CITY OF ROSEMOUNT
DAKOTA COUNTY, MINNESOTA**

RESOLUTION 2020-75

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP)
FOR DAVID SCHMITZ TO ESTABLISH A MICROBREWERY AND ANCILLARY
TAPROOM ON LOT 1, BLOCK 1 OF THE NORTH 20 BREWERY ADDITION.**

WHEREAS, the Community Development Department of the City of Rosemount received an application from David Schmitz, 12296 Bacardi Avenue requesting a Conditional Use Permit (CUP) to establish a microbrewery and ancillary taproom on Lot 1, Block 1 of the North 20 Brewery addition; and

WHEREAS, on May 12, 2020, the Planning Commission of the City of Rosemount reviewed and conducted a public hearing for the conditional use permit application of North 20 Brewery; and

WHEREAS, the Planning Commission adopted a motion to recommend that the City Council approve the conditional use permit application for North 20 Brewery with conditions; and

WHEREAS, on June 2, 2020, the City Council of the City of Rosemount reviewed the Planning Commission recommendations for the conditional use permit.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Rosemount hereby approves the conditional use permit to establish a microbrewery and ancillary taproom on Lot 1, Block 1 of the North 20 Brewery addition, subject to the following conditions:

1. Submission of updated grading, drainage, and erosion control plans and a storm water management plan that reflects the updated site plan submitted for the May 12, 2020 Planning Commission meeting.
2. Installation of septic system designed by a licensed septic designer and meeting all applicable city and county standards.
3. Hours of operation shall be limited to the following: Monday-Thursday ~~11:00 AM to 10:00 PM~~ 11:00 AM to 9:00 PM; Friday ~~Saturday 11:00 AM to 11:00 PM~~ 11:00 AM to 10:00 PM; Saturday ~~11:00 AM to 10:00 PM~~ 11:00 AM to 9:00 PM; Sunday ~~11:00 AM to 10:00 PM~~ 11:00 AM to 9:00 PM. On all days, the outdoor patio shall be closed at the same time as the taproom.
4. Secure a liquor license for the taproom and compliance with all City standards for the taproom as regulated by the license.
5. Compliance with all requirements of the Building Official in a memorandum dated April 8, 2020.
6. All driveways and parking areas shall be capable of supporting access by emergency vehicles and equipment.
7. The parking area shall comply with the minimum setback of 50 feet from the Bacardi Avenue right-of-way.
8. The driveway and parking area shall be paved with concrete or bituminous surface at the time the city paves Bacardi Avenue in front of the Microbrewery property at the owner's expense. All parking stalls shall be clearly marked to ensure the maximum capacity of the parking area is available for use at all times.
9. No parking for patrons of the microbrewery is allowed along Bacardi Avenue or within surrounding neighborhoods. Should parking problems occur at the site, the applicant will be required to expand the on-site parking lot.
10. City may sign Bacardi Avenue for no parking if necessary.
11. The applicant shall designate an overflow parking area that may be used during peak visitation periods above and beyond 4-proof of parking stalls depicted on site plan

12. Submission of a lighting plan that includes lighting at the driveway entrance and uses down cast fixtures. All lighting shall comply with the City's lighting requirements.
13. Submission of an updated landscape plan that meets the City's minimum requirements for commercial development (1 tree per 3,000 square feet of area) and that includes the required foundation plantings. Additional plantings may be required along the western edge of the parking lot to provide a fully screen the parking lot from Bacardi Avenue.
14. Compliance with the performance standards outlined for outdoor seating in section 3-1-14 and subsection 11-4-14D of the City Code.
15. Submission of a dust control plan for the driveway and parking area.
16. The taproom operation shall operate in compliance with the City definition of a microbrewery which means no more than 3,500 barrels of malt liquor can be produced in a calendar year and taproom which means that sales are limited to the on-sale of the malt liquor produced by the brewery.
- ~~17. Outdoor live music or on-site food trucks are prohibited.~~

ADOPTED this 2nd day of June, 2020 by the City Council of the City of Rosemount.

William H. Droste, Mayor

ATTEST:

Erin Fasbender, City Clerk

September 2022 Aerial



April 17, 2023

City of Rosemount
Planning Commission
2875 145th Street West
Rosemount, MNH 55068

Benson
1330 121st Street W
Rosemount, MN
55068

RE: Public Hearing for Live Outdoor Music at North 20 Brewing

Planning Commission –

We live on 8 acres at 1330 121st Street West in Rosemount and are long term residences of the city. Our home is approximately 1/2 mile due east of the North 20 Brewing facility. We are writing in response the Public Hearing Notice that was sent to our home. We are not opposed to North 20 Brewing's proposed extended hours of operation. We are opposed to the outdoor live music.

At our home we can hear trains and the closest tracks to our house are approximately one mile away. We can also hear the Friday night football games at Rosemount High School and we can hear the band practicing. The school is approximately three miles away from our house. We are not opposed to those sounds, but reference them as they indicate how sound travels.

North 20 Brewing is much closer than the high school and railroad tracks. It is 1/2 mile away. We and all our neighbors – and neighbors in other directions from North 20 Brewing will hear the outdoor music at their homes. Live outdoor music will be heard at our home and it will lower our quality of life and decrease the value of our home.

We are not able to attend the April 25 Planning Commission meeting, but are willing to have further discussions about our concerns. We can be reached at ianb4000@gmail.com

Thank you for considering our concerns,

A handwritten signature in black ink, appearing to read "Ian Benson". The signature is stylized with a large "I" and a cursive "an".

Kate and Ian Benson

4-21-23

Dear Planning Commission —

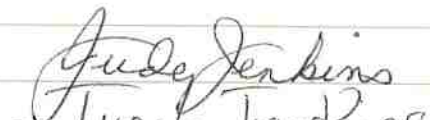
Re: Public Hearing April 25, 2023.

We are against any outdoor music at the brewery. This would bring a certain number of rowdy people too drunk to control their actions.

The extension of hours would be acceptable.

This is an agricultural type of area with families. The brewery should never have been approved for this location. We want to keep the speeding down on our streets as well as the noise.

Remember, outdoor music is always loud.


Bob Jenkins + 
Judy Jenkins

2219 - 126th St. W.
Rosemount MN 55068

Planning Commission Regular Meeting: April 25, 2023
Tentative City Council Meeting: May 16, 2023

AGENDA ITEM: 23-15-CUP Request by Holiday Stationstores, LLC for a Conditional Use Permit to allow for the expansion of the existing canopy and onsite improvements.	AGENDA SECTION: Public Hearing
PREPARED BY: Julia Hogan, Planner	AGENDA NO. 5.d.
ATTACHMENTS: Site Location; Property Survey; Existing Site Plan; Proposed Canopy Expansion/Improvement Site Plan; Grading Plan	APPROVED BY: AK
RECOMMENDED ACTION: Motion to recommend approval of the Conditional Use Permit to allow for the expansion of the existing canopy and onsite improvements, subject to the following conditions: 1) Applicant shall obtain a building permit for any renovation requiring a permit. 2) The applicant receives all applicable state, county and city licenses. 3) Applicant must provide a response/statement from the MPCA considers the proposed installation of the new underground storage tanks to be compliant with all measures necessary to protect underground drinking water supply in the area. 4) No public address system, music, or TV located on site shall be audible from a noncommercial or nonindustrial use or district.	

SUMMARY

Applicant &
Property Owner: Holiday Stationstores, LLC
Site Location: 15066 Chippendale Ave
Site Area: 1.1 Acres
Land Use Des.: CC-Community Commercial
Current Zoning: C4-General Commercial

The Planning Commission is being asked to consider an application for a Conditional Use Permit to allow for the expansion of an existing canopy and onsite improvements at the existing Holiday Station Store at 15066 Chippendale Ave. Staff is recommending approval of the conditional use permit subject to the conditions.

PROPOSAL

The applicant came forward to the City requesting to add an expansion and as well as make improvements to the existing Holiday Stationstore off of Chippendale Ave. The Holiday was built back in 1985, prior to when conditional use permits were required for nonservice motor fuel stations within the C4-Genreal Commercial zoning district. With the request to make improvements to the site, the City is requiring the

applicant to obtain a conditional use permit for the site as well.

The applicant is requesting to add an expansion off the existing canopy on site to be able to add an additional 3 fuel dispensers and adding LED lighting to the canopy. They will also be adding new underground tanks, a new diesel dispenser and island, new pump islands under the existing canopy, a new step in freezer, a new storage shed, and also relocating the existing parking onsite to the north to accommodate the expansion of the canopy. They will also be demoing the existing trash enclosure and replacing it. These improvements and additions to the site can be seen in the site plans that were submitted by the applicant and included in the attachments of this report.

Across Country Road 42 from this site is a City Wellhead. The City has a Wellhead Protection Plan with regards to regulating underground storage tanks which speaks on the existing federal and state regulations provide adequate controls to manage underground storage tanks within the DWSMA (Drinking Water Supply Management Area). Since Holiday is adding new underground tanks to their site a condition of approval will note that a response/statement from the MPCA stating that by meeting the requirements of the permit through the state the MPCA considers the proposed installation to be compliant with all measures necessary to protect underground drinking water supply in the area. This will need to be submitted to the City prior to City Council review.

CONDITIONAL USE PERMIT

Legal Authority. Conditional use permits (CUP) are considered quasi-judicial actions. In such cases, the City is acting as a judge to determine if the regulations within the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance are being followed. Generally, if the application meets these requirements it must be approved.

Purpose. The purpose of conditional use permits is to allow for those uses which are not generally suitable by right within a given zoning district but may be suitable under some circumstances. The burden of demonstrating the proposed use meets the criteria for granting a conditional use permit and meeting all applicable standards lies with the applicant.

As a conditional use, nonservice motor fuel stations are subject to the general CUP standards outlined in Section 11-10-7 as well as the standards specific to this use in section 11-4-13.D. These standards evaluate the City's land use and zoning performance standards and the potential impact of the proposed use on the surrounding neighborhoods. Many of the findings have already been proven due to the fact that this Holiday Stationstore has been operating since the 1980s.

1. Will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or the city.

Finding: The existing Holiday Stationstore will not be detrimental to the public health, safety, or general welfare of the neighborhood or the City of Rosemount. This business has been on this site since the 1980s and has functioned without issue. The requested expansion and improvements to the site will improve the character of the property.

2. Will be harmonious with the objectives of the comprehensive plan and city code provisions.

Finding: The subject property is currently zoned C4-General Commercial and guided for CC-Community Commercial. The City Code allows for nonservice motor fuel stations as a Conditional Use within the C4 zoning district.

According to the comprehensive plan, the Community Commercial land use designation is

intended to provide retail, professional offices, and personal services that serve the daily and weekly needs of the residents of Rosemount. The existing fuel station is a personal service that serves residents of Rosemount daily and weekly.

- 3. Will be designed, constructed, operated, and maintained so as to be compatible or similar in an architectural and landscape appearance with the existing or intended character of the general vicinity and will not change the essential character of that area, nor substantially diminish or impair property values within the neighborhood.**

Finding: The proposed changes are to expand on to the exiting canopy onsite, which exteriorly the expansion will match the existing canopy. The existing parking will be moving further north on the property but will be in the same vicinity as where the current parking spaces are.

- 4. Will be served adequately by existing (or those proposed in the project) essential public facilities and services, including streets, police and fire protection, drainage, structures, refuse disposal, water and sewer systems and schools.**

Finding: The existing fuel station is served adequately by existing essential public facilities and services.

- 5. Will not involve uses, activities, processes, material equipment and conditions of operation that will be hazardous or detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.**

Finding: The proposed expansion and improvements will not generate any additional external impacts that would be expected from the existing convenience store/gas station. The closest residential structure is 150-feet away across County Road 42 with the majority of the surrounding uses being commercial.

- 6. Will have vehicular ingress and egress to the property which does not create traffic congestion or interfere with traffic on surrounding public streets.**

Finding: The proposed canopy expansion will not interfere with the existing drive aisle. The applicant is proposing moving the current parking spaces on the north end of the expansion further north for a larger drive aisle. The property's existing vehicular ingress and egress will remain as presently located on the site.

- 7. Will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance and will comply with all local, state, and federal environmental quality standards.**

Finding: The proposed use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance and will comply with all local, state, and federal environmental quality standards.

- 8. These standards apply in addition to specific conditions as may be applied throughout this code.**

Finding: Nonservice motor fuel stations are also subject to the specific conditional use permit standards in 11-4-13.D.

The proposed use must comply with the specific performance standards for nonservice motor fuel

stations. These standards along with staff findings are detailed below.

- 1. The site and building(s) shall be designed to limit the effects of this use on adjacent properties and public rights of way. No gasoline pumps shall be located on a site abutting any residential use or district. Sites or properties separated by a public right of way shall not be considered abutting.**

Finding: This property abuts up to two separate road ways, which are County Road 42 and Chippendale Ave. The areas to the south and east of the site are both commercial uses. This site does not abut up to any residential use or districts.

- 2. The principal building shall be the primary source for screening the gasoline pumps from adjacent properties and/or rights of way. Landscaping and berming shall be a secondary source for screening gasoline pumps. Should landscaping and berming be found ineffective by the city, the city may approve screening walls and/or decorative fencing as an alternative. Screening walls shall be constructed of the same materials as the principal building and shall not extend more than twenty-five feet (25') without a change in architecture to reduce their mass and appearance. The secondary source of screening (landscaping and berming or walls and/or decorative fencing) shall provide a minimum ninety percent (90%) opacity screen to a height of four feet (4').**

Finding: Since this Holiday Stationstore has been operating on this site for 30 plus years, there is established screening currently on site. There are trees located along all sides of the property, with the majority of them being on the east side and on west side, which abuts up to Chippendale Ave. With the proposed parking on site moving further north, the applicant will be adding berming/additional landscaping for screening requirements and they plan to add additional landscaping on western side of the property as well.

- 3. Stacking for gas pumps shall be provided for at least one car beyond the pump island in each direction in which access can be gained to the pump. Each space shall be a minimum of nine feet (9') wide by eighteen feet (18') long.**

Findings: The applicants site plans shows that there is room a for at least one car beyond the pump island in each direction for both the existing pump islands and the proposed new ones.

- 4. Stacking areas shall be designed and located to minimize noises, emissions, and headlight glare upon adjacent properties and shall not interfere with circulation through any required parking, loading, maneuvering or pedestrian area.**

Finding: The proposed additional berming/landscaping will assist in limiting headlight glare across of County Road 42 and Chippendale Ave and the existing landscaping will continue to screen headlight glare to the east of the property. The staking areas on site do not interfere with circulation or any required parking, loading, maneuvering or pedestrian area.

- 5. Fuel pumps shall be installed on pump islands. Pump islands shall be elevated six inches (6") above the traveled surface of the site and shall conform to the applicable principal building setback. Additionally, there shall be sufficient area around the pump island(s) to allow for safe and efficient movement of vehicles through the site, with a minimum twenty-four feet (24') between pump rows, measured curb face to curb.**

Finding: The applicant has submitted plans showing the existing pump islands and as well as the proposed additional pump islands that would be located under the canopy expansion. The plans

show sufficient area around the pump islands to allow for safe and efficient movement of vehicles through the site and meets the requirement of at least 24-feet between pump rows.

- 6. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations that do not conflict with circulation, access and other activities on the site.**

Finding: The applicant has submitted a site plan showing where the fuel storage tanks are located and as well as a diagram of how the site has adequate access for motor fuel transports to access the site without conflict.

- 7. A protective canopy structure may be located over the pump islands, subject to the following standards:**
 - a. The edge of the canopy shall maintain setbacks as required for the principle building.**
 - b. The architectural design, colors, and character of the canopy shall be consistent with the principal building on the site. The canopy posts/signposts shall not obstruct traffic or the safe operation of the gas pumps.**
 - c. The canopy shall not exceed eighteen feet (18') in height and must provide at least fourteen feet (14') of clearance to accommodate a semitrailer passing underneath. The height of the canopy may be increased should the city council determine the architectural design enhances the site and/or is more consistent with the principal building.**
 - d. The canopy fascia shall not exceed three feet (3') in vertical height.**
 - e. Canopy lighting shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the bottom face of the canopy. Total canopy illumination shall not exceed one hundred fifteen (115) foot-candles below the canopy at ground level. The fascia of the canopy shall not be illuminated.**
 - f. Signage may be allowed on a canopy, however such signage will apply toward the allowable sign area for the principal building and/or ground sign.**

Finding: The applicant will be expanding on to the existing canopy and adding 3 additional fuel dispensers. The expansion of the canopy will be on the north end of the existing canopy and will also include LED lighting within the expansion. The expansion's design, color and character will be consistent to both the existing building and as well as the existing canopy.

- 8. No public address system shall be audible from a noncommercial or nonindustrial use or district.**

Finding: The applicant did not provide information regarding public address systems or speaker systems on site, but since there are noncommercial/nonindustrial districts across County Road 42 from this site a condition of this approval will note that no public address system shall be audible from any residential use or district.

- 9. The sale, storage, or display of vehicles is prohibited.**

Finding: There have not been any previous issues at this site with the sale, storage, or display of vehicles and the applicant has not indicated that this is something they are looking to do.

- 10. No outside storage, display, or services shall be allowed except as follows:**

- a. Propane sales limited to twenty (20) pound capacity tanks may be located outside provided the tanks are secured in a locker and the use meets all state building and fire codes.
- b. Sale or display of goods shall be allowed on the private sidewalk immediately in front of the principal building, provided that a minimum four foot (4') clearance is maintained for pedestrian access and that the display does not exceed four feet (4') in height and is maintained in an orderly fashion. Display shall not block the handicap accessible route.
- c. Sale or display of goods shall be allowed in an area underneath the canopy adjacent to the pump island provided that the display does not exceed three feet (3') in height or extend beyond the concrete base of the pump island. This area shall be maintained in an orderly and safe fashion and in accordance with applicable state fire code regulations.

Finding: The applicant's site plan does not show an area where outdoor storage is located. The applicant does plan to add a new storage shed, which will help alleviate the need for outdoor storage.

11. Any repair, assembly, disassembly or maintenance of vehicles shall require an additional conditional use permit subject to the performance standards outlined in this subsection for automotive repair.

Finding: The applicant has not indicated that repair, assembly, disassembly or maintenance of vehicles would be happening onsite. If that changes then the applicant will be required to obtain an additional conditional use permit.

12. A car wash facility not accessory to automobile repair or a nonservice motor fuel station shall require an additional conditional use permit subject to the performance standards outlined in this subsection for car wash, full or self-service.

Finding: There is no car wash associated with this nonservice motor fuel station, and there are no plans to add one with the intended improvements.

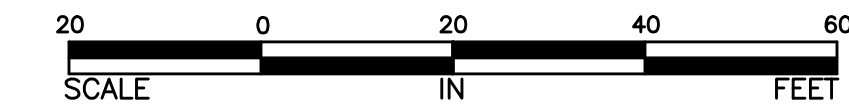
RECOMMENDATION

Based on the information contained in this report and provided by the applicant, staff is recommending approval of the request for a conditional use permit for the Holiday Stationstore to expand the existing canopy and to make added improvements on site.



LEGEND

- ⊕ FIRE HYDRANT
⊗ WATER VALVE
○ MANHOLE
☐ CATCH BASIN
⊗ POWERPOLE
⊙ LIGHT POLE
— GUY
☒ TRANSFORMER
⊡ ELECTRIC METER
⊡ TV PEDESTAL
⊡ TELEPHONE PEDESTAL
⊡ AIR CONDITIONER
⊡ HAND HOLE
○ SEMAPHORE
⊡ GAS METER
S SANITARY SEWER
ST STORM SEWER
W WATERMAIN
G UNDERGROUND GAS MAIN
T UNDERGROUND TELEPHONE
E UNDERGROUND ELECTRIC
TV UNDERGROUND CABLE T.V.
OU OVERHEAD UTILITY LINES
● IRON MONUMENT FOUND
○ IRON PIPE MONUMENT SET
x EXISTING SPOT ELEVATION
● SOIL BORING
+ SIGN
☐ DECIDUOUS TREE
☐ CONIFEROUS TREE
☐ DENOTES TREE AND BRUSH LIMITS
△ DENOTES FLARED END SECTION
⊗FD DENOTES FRENCH DRAIN
⊗CS CURB STOP
O/O CLEAN OUT
⊗MW MONITORING WELL
⊗BG BARBECUE GRILL
⊗ AUTO SPRINKLER
⊗ BASKETBALL HOOP
☐ BENCH
⊗ WATER SPIGOT
☐ TRENCH DRAIN
☐ TRAFFIC CONTROL PANEL
☐ STORM DISIPATER
☐ SATELITE DISH
☐ TELEPHONE
☐ ELECTRIC PEDESTAL
☐FP FLAG POLE
☐ GROUND LITE
☐ MAILBOX
☐ ROOF DRAIN
☐ TRANSMISSION TOWER
☐ VENT PIPE
● WELL
E DENOTES ELEC. LINE
X DENOTES FENCE LINE
FO DENOTES FIBER OPTIC
G DENOTES GAS LINE
S DENOTES SANITARY SEWER
ST DENOTES STORM SEWER
T DENOTES TELEPHONE LINE
TV DENOTES TV LINE
OU DENOTES OVERHEAD UTL.
W DENOTES WATERMAIN
WETLAND DENOTES WETLAND
+ DENOTES TREELINE
+ DENOTES RAIL ROAD



ALTERATIONS TO THIS DRAWING ARE PROHIBITED WITHOUT THE EXPRESS WRITTEN PERMISSION OF HONSA SURVEYING COPYRIGHT 2022 HONSA SURVEYING.

THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF UTILITIES AND INFORMATION AVAILABLE FROM ASBUILT DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANTY THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED UNDERGROUND UTILITIES.

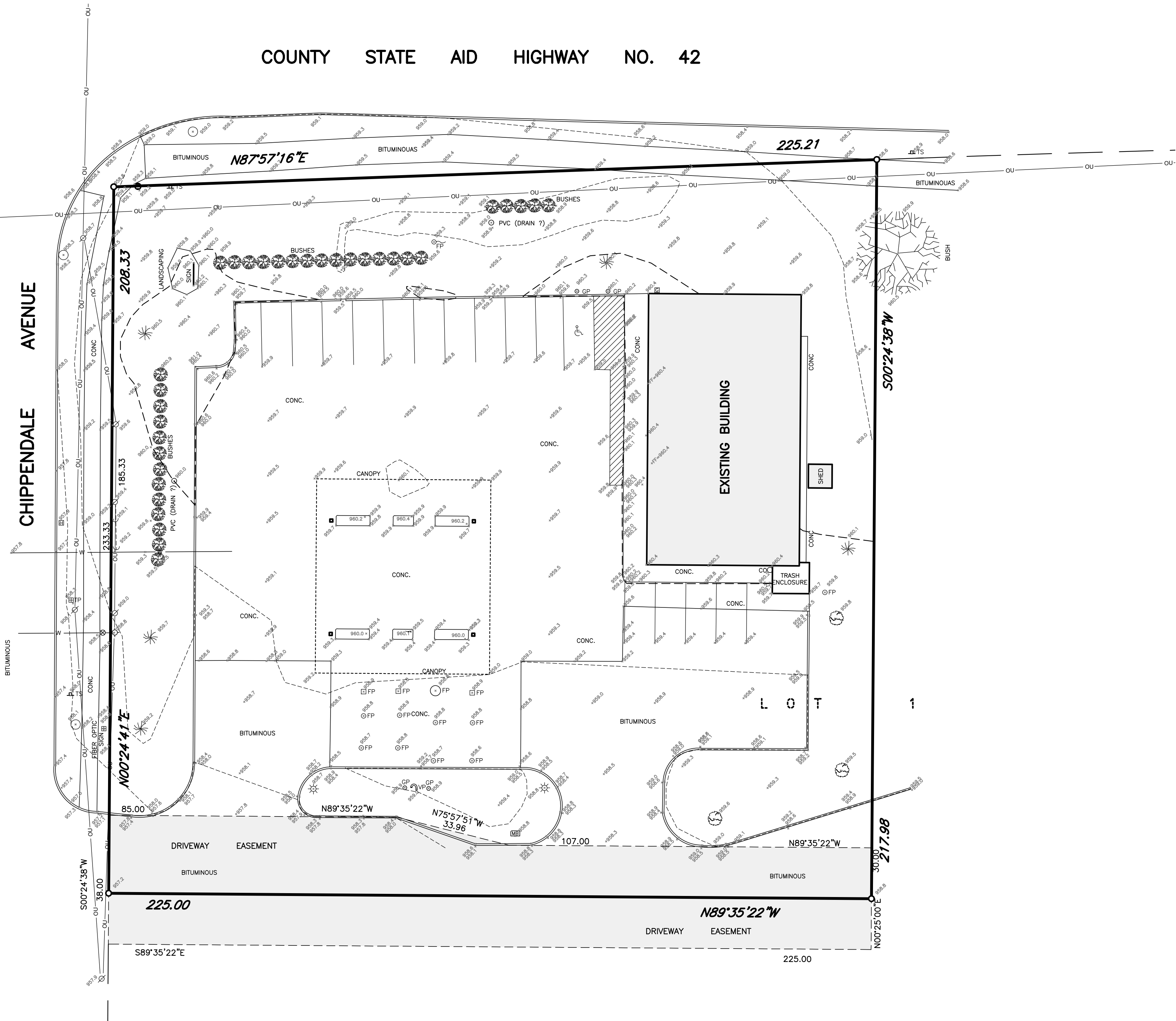
CERTIFICATE OF SURVEY FOR: HOLIDAY STATIONSTORES

15066 CHIPPENDALE AVENUE, CITY OF ROSEMOUNT, DAKOTA COUNTY, MINNESOTA

STORE NO. 222

COUNTY STATE AID HIGHWAY NO. 42

COUNTY STATE AID HIGHWAY NO. 39
CHIPPENDALE AVENUE



LEGAL DESCRIPTION:

ALL THAT PART OF LOT 1, BLOCK 1, SOUTH ROSE PARK ADDITION REPLAT, ACCORDING TO PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER, DAKOTA COUNTY, MINNESOTA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 87 DEGREES 45 MINUTES 57 SECONDS EAST ON AN ASSUMED BEARING ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 225.21 FEET; THENCE SOUTH 0 DEGREES 13 MINUTES 19 SECONDS WEST A DISTANCE OF 217.98 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 41 SECONDS WEST A DISTANCE OF 225.00 FEET TO THE WEST LINE OF SAID LOT 1; THENCE NORTH 0 DEGREES 13 MINUTES 19 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 208.33 FEET TO THE POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH A NONEXCLUSIVE EASEMENT FOR DRIVEWAY PURPOSES OVER AND ACROSS THAT PART OF SAID LOT 1 DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 1 A DISTANT 223.33 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 89 DEGREES 46 MINUTES 41 SECONDS EAST AT RIGHT ANGLES TO SAID WEST LINE A DISTANCE OF 225.00 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 19 SECONDS EAST A DISTANCE OF 30.00 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 41 SECONDS EAST A DISTANCE OF 107.00 FEET; THENCE NORTH 76 DEGREES 09 MINUTES 04 SECONDS WEST A DISTANCE OF 33.96 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 41 SECONDS WEST A DISTANCE OF 85.00 FEET TO THE WEST LINE OF SAID LOT 1; THENCE SOUTH 00 DEGREES 13 MINUTES 19 SECONDS WEST A DISTANCE OF 38.00 FEET TO THE POINT OF BEGINNING.

AREA:

THE PROPERTY CONTAINS 47,960 SQUARE FEET OR 1.10 ACRES.

FLOOD ZONE:

BY GRAPHIC INTERPRETATION ONLY, THIS PROPERTY LIES IN ZONE X (AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER NATIONAL FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 27037C0210E. SAID RATE MAP HAS AN EFFECTIVE DATE OF DECEMBER 12TH, 2011. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE.

CERTIFICATION:

I HEREBY CERTIFY THAT THIS A TRUE AND CORRECT REPRESENTATION OF A SURVEY OF THE ABOVE REAL PROPERTY AND THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA. SIGNED THE 15TH DAY OF JUNE, 2022.

Dennis M. Honsa

DENNIS M. HONSA
MINNESOTA LICENSE NO. 22440
FOR: HONSA SURVEYING



JOB NO. 127127

HONSA SURVEYING

1592 PACIFIC AVENUE, EAGAN, MN 55122 (651) 492-6725

STORE 2756222
15066 CHIPPENDALE AVE
ROSEMOUNT, MN

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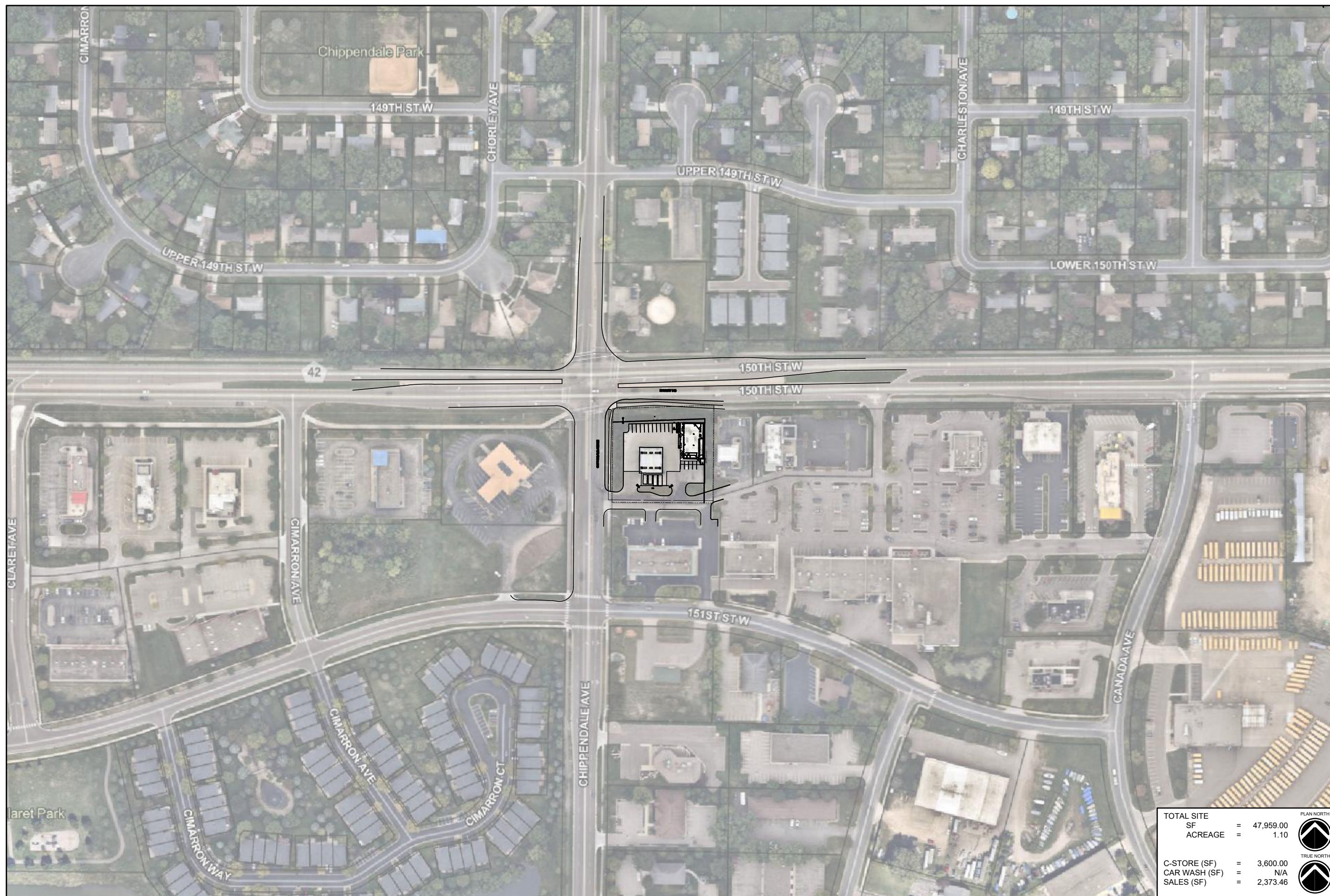
PROJECT:
EXISTING SITE PLAN

OPTION / REVISION:

DATE:	DRAWN BY:
6/24/2022	BDB

STORE #2746222

C 1.0

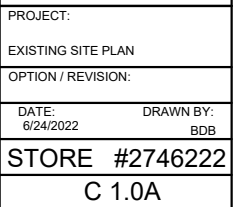


TOTAL SITE	
SF	= 47,959.00
ACREAGE	= 1.10

C-STORE (SF)	=	3,600.00
CAR WASH (SF)	=	N/A
SALES (SF)	=	2,373.46



1 EXISTING SITE PLAN - WITH AERIAL OVERLAY
1.0 SCALE : 1" = 200'-0"



STORE 2756222
15066 CHIPPENDALE AVE
ROSEMOUNT, MN

- (3,600) / 250 = 15
- Provided:
- Standard (9.5'x18') = 16
- ADA Space (9.5'x18' with Access Stall = 1
- TOTAL PROVIDED: 17

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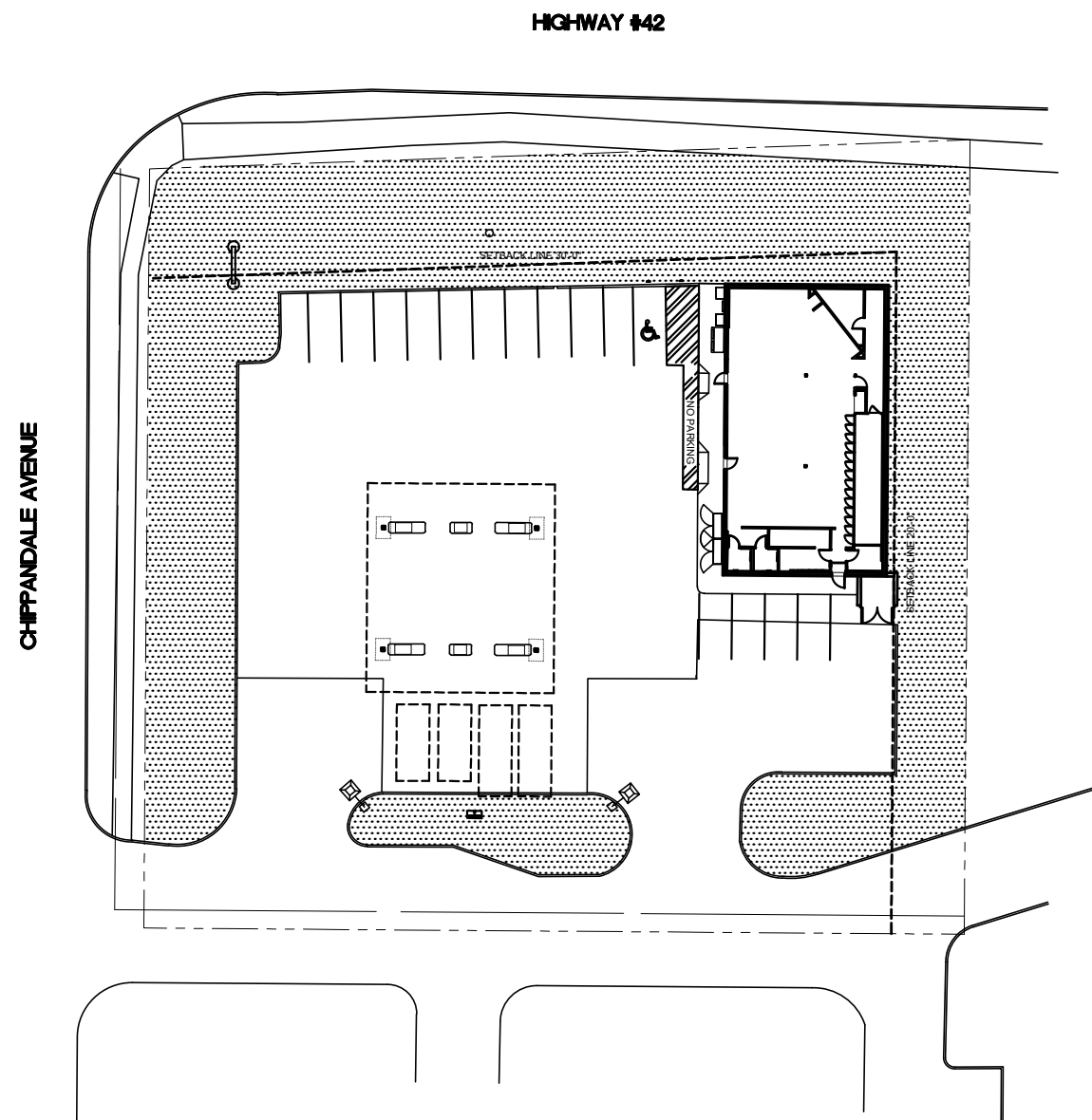
PROJECT:
EXISTING SITE PLAN

OPTION / REVISION:

DATE:	DRAWN BY:
7/8/2022	BDB

STORE #2746222

C 1.0G



TOTAL SITE	=	47,959.00
SF	=	1.10
ACERAGE	=	
GREENSPACE		
SITE	=	47,959.00
PROVIDED (SF)	=	17,184.82
PROVIDED (%)	=	36%

1.0G EXISTING SITE PLAN - GREEN SPACE
SCALE : 1" = 50'-0"

STORE 2756222
15066 CHIPPENDALE AVE
ROSEMOUNT, MN

- TOTAL PROVIDED: 1

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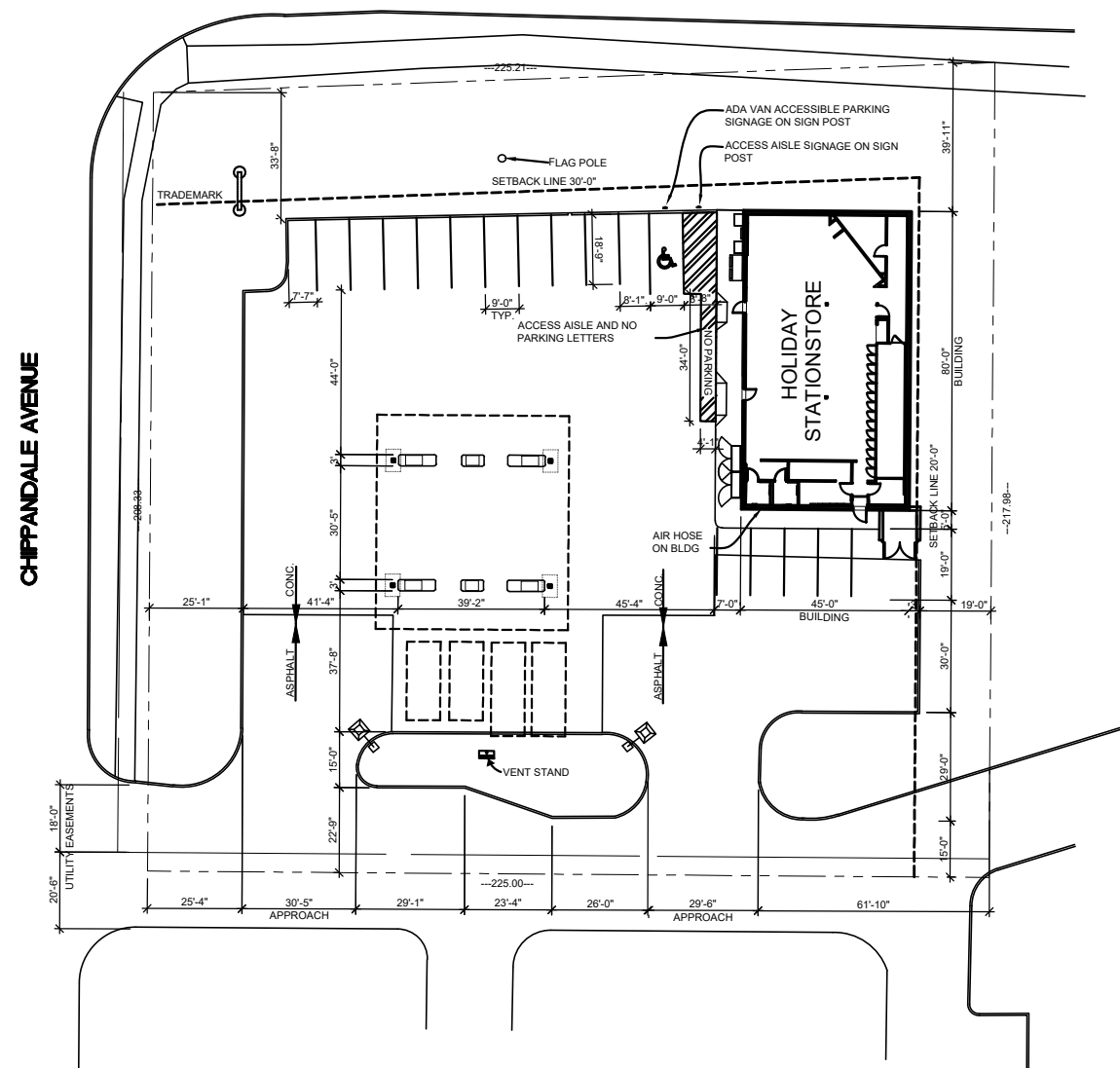
PROJECT:
EXISTING SITE PLAN

OPTION / REVISION:

DATE:	DRAWN BY:
6/24/2022	BDB

STORE #2746222

C 1.0W



TOTAL SITE		
SF	=	47,959.00
ACREAGE	=	1.10

C-STORE (SF)	=	3,600.00
CAR WASH (SF)	=	N/A
SALES (SF)	=	2,373.46



1 EXISTING SITE PLAN
1.0W SCALE : 1" = 50'-0"

STORE 2756222
15066 CHIPPENDALE AVE
ROSEMOUNT, MN

TRUE NORTH

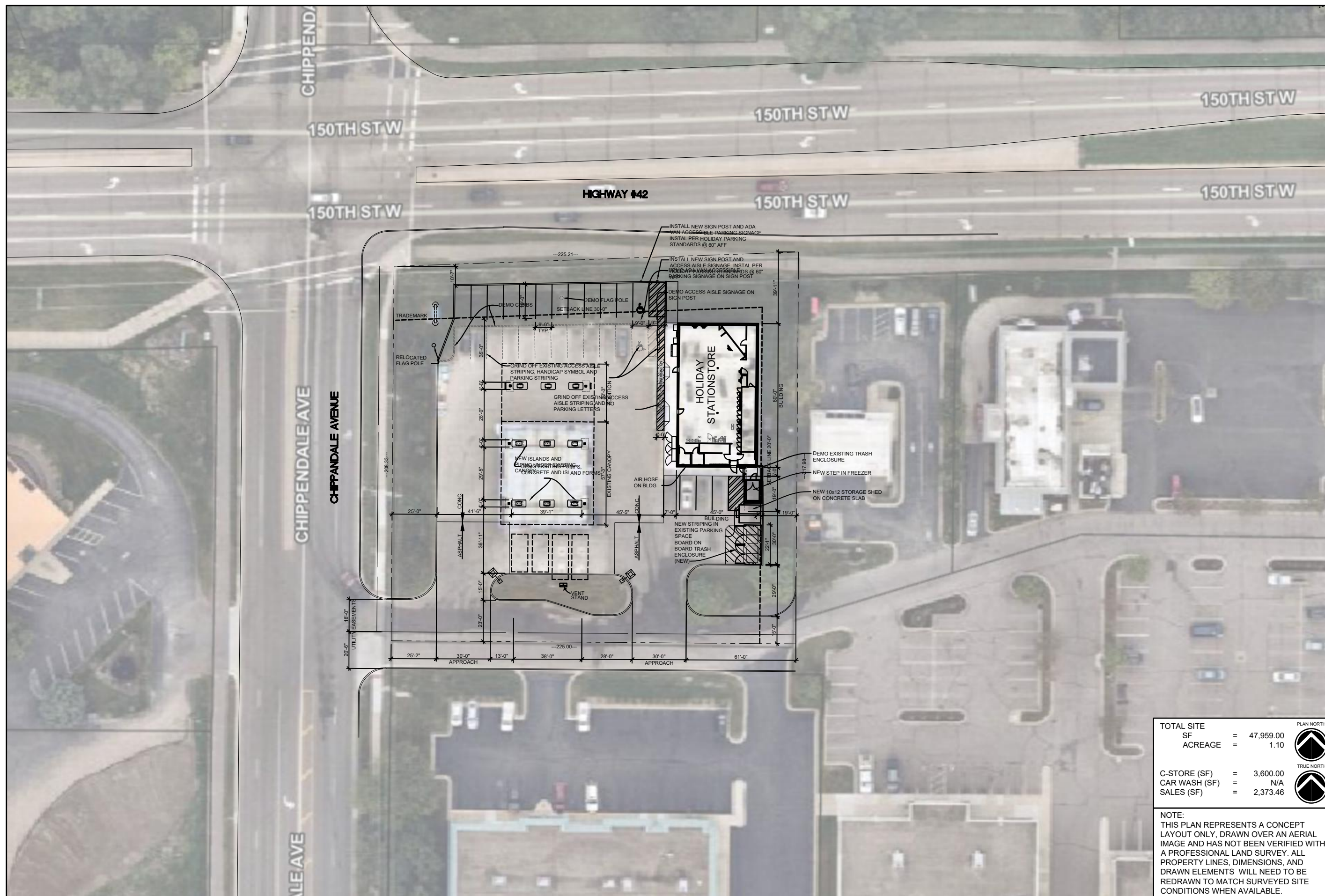
NOTE:
THIS PLAN REPRESENTS A CONCEPT LAYOUT ONLY, DRAWN OVER AN AERIAL IMAGE AND HAS NOT BEEN VERIFIED WITH A PROFESSIONAL LAND SURVEY. ALL PROPERTY LINES, DIMENSIONS, AND DRAWN ELEMENTS WILL NEED TO BE REDRAWN TO MATCH SURVEYED SITE CONDITIONS WHEN AVAILABLE.

STORE 2756222
15066 CHIPPENDALE AVE
ROSEMOUNT, MN

Abstract

[illegible]

C 2.0A



C-STORE (SF)	=	3,600.00
CAR WASH (SF)	=	N/A
SALES (SF)	=	2,373.46

NOTE:
THIS PLAN REPRESENTS A CONCEPT
LAYOUT ONLY, DRAWN OVER AN AERIAL
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A PROFESSIONAL LAND SURVEY. ALL
PROPERTY LINES, DIMENSIONS, AND
DRAWN ELEMENTS WILL NEED TO BE
REDRAWN TO MATCH SURVEYED SITE
CONDITIONS WHEN AVAILABLE.

STORE 2756222
15066 CHIPPENDALE AVE
ROSEMOUNT, MN

- (3,600) / 250 = 15
- Provided:
 - Standard (9.5'x18') = 15
 - ADA Space (9.5'x18' with Access Stall = 1
 - TOTAL PROVIDED: 16

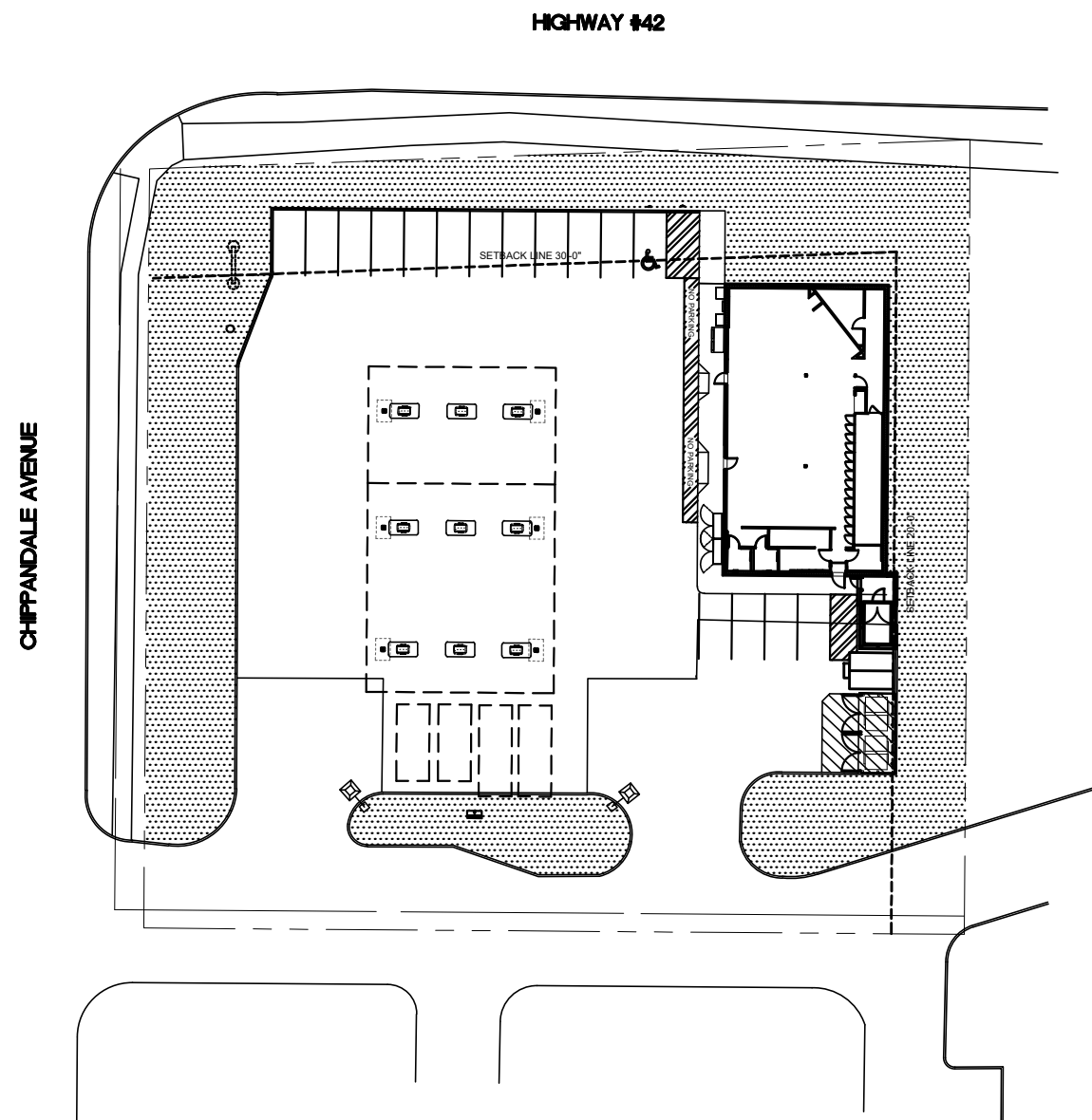
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PROJECT:
PROPOSED CANOPY
EXPANSION

OPTION / REVISION:
OPTION 1

DATE:	DRAWN BY:
7/8/2022	BDB

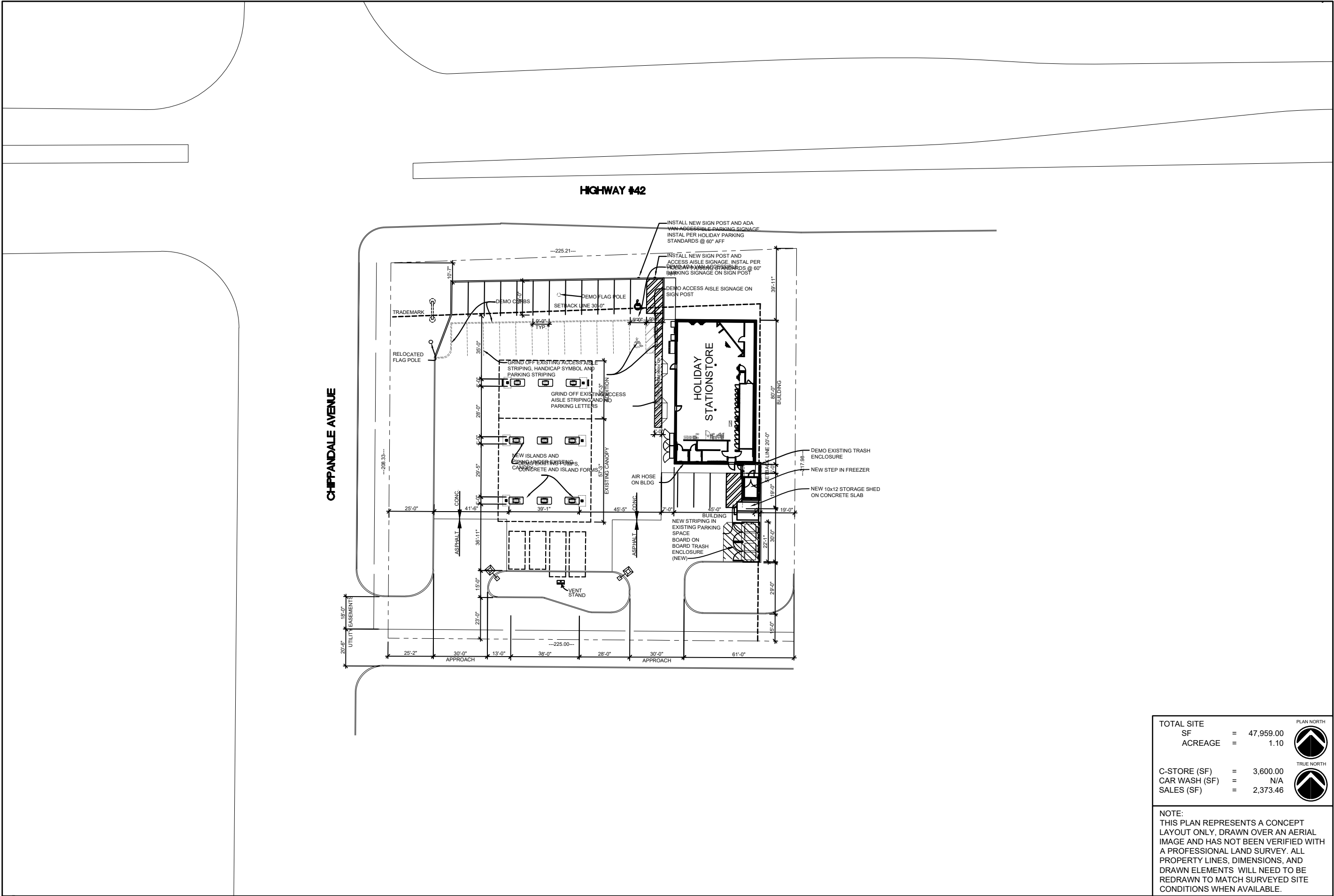
STORE #2746222



TOTAL SITE		
SF	=	47,959.00
ACERAGE	=	1.10
GREENSPACE		
SITE	=	47,959.00
PROVIDED (SF)	=	14,369.97
PROVIDED (%)	=	30%

1 PROPOSED SITE PLAN - GREEN SPACE
1.0G SCALE : 1" = 50'-0"

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1 PROPOSED SITE PLAN
2.0W SCALE : 1" = 50'-0"



Holiday

CIRCLE K STORES INC.

NORTHERN TIER
BUSINESS UNIT

STORE 2756222
15066 CHIPPENDALE AVE
ROSEMOUNT, MN

Parcel ID: 347115001012

Zoning Designation (Current):

Overlay District:

Parcel Size: 1.10 ACRES

Setbacks: Building Buffers
Front
Side
Rear

Parking
- Required: Retail: 1 per 250 gross SF floor area
(3600) / 250 = 15
- Provided:
Standard (9.5x18') = 16
ADA Space (9.5x18' with Access Stall = 1
- TOTAL PROVIDED: 17

TOTAL SITE		
SF	=	47,959.00
ACREAGE	=	1.10
C-STORE (SF)	=	3,600.00
CAR WASH (SF)	=	N/A
SALES (SF)	=	2,373.46

PLAN NORTH



TRUE NORTH



NOTE:
THIS PLAN REPRESENTS A CONCEPT
LAYOUT ONLY, DRAWN OVER AN AERIAL
IMAGE AND HAS NOT BEEN VERIFIED WITH
A PROFESSIONAL LAND SURVEY. ALL
PROPERTY LINES, DIMENSIONS, AND
DRAWN ELEMENTS WILL NEED TO BE
REDRAWN TO MATCH SURVEYED SITE
CONDITIONS WHEN AVAILABLE.

REV # DATE REVISION DESCRIPTION

PROJECT:
PROPOSED CANOPY
EXPANSION

OPTION / REVISION:
OPTION 1

DATE: 6/22/2022 DRAWN BY:
BDB

STORE #2746222

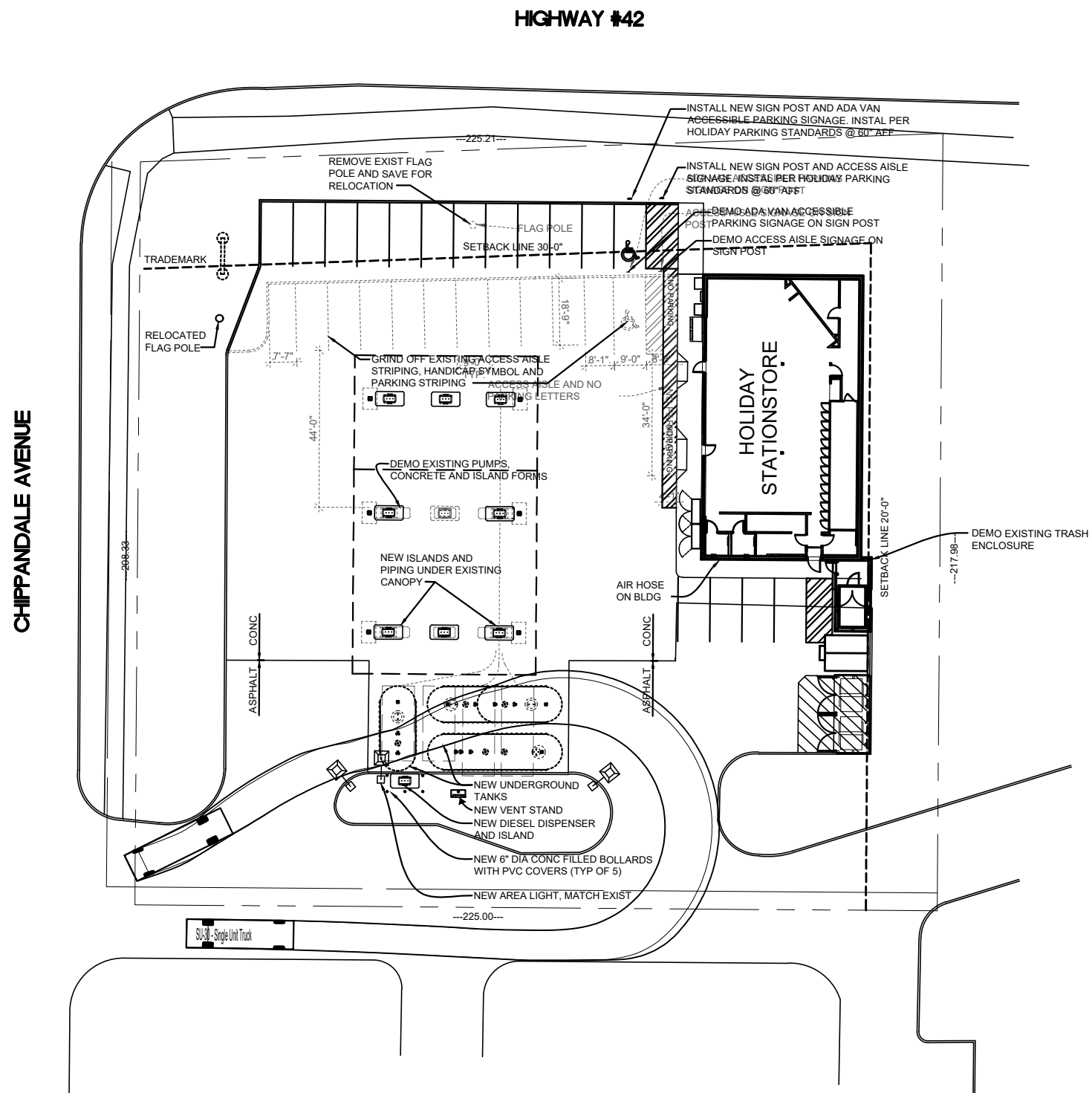
C 2.0W

STORE 2756222
15066 CHIPPENDALE AVE
ROSEMOUNT, MN

1000

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C 1.0TT



TOTAL SITE		
SF	=	47,959.00
ACREAGE	=	1.10
C-STORE (SF)	=	3,600.00
CAR WASH (SF)	=	N/A
SALES (SF)	=	2,373.46



COUNTY STATE AID requirements NO. 42

6 ST. S. CB
TOP = 958.50
INV. = 954.00

84LF 6" PVC @ 4.2%

6" APRON
INV = 857.50

65LF 12" HDPE @ 0.80%

5 ST. S. MH
TOP = 959.90
INV. = 953.48

131LF 12" HDPE @ 0.88%

2 ST. S. MH
TOP = 217.30
INV. = 951.90

3 ST. S. CB
TOP = 957.60
INV. = 952.33

4 ST. S. CB
TOP = 958.10
INV. = 953.22

54LF 14" PVC SCH 40 @ 0.80%

111LF 12" HDPE @ 0.80%

110LF 15" RCP @ 0.80%

rework grading to
the ramp area.

existing ramps not
ADA compliant.

