



AGENDA

**Planning Commission Regular
Meeting**

Tuesday, June 27, 2023

6:30 PM

City Council Chambers, City Hall

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
- 2. ADDITIONS TO AGENDA**
- 3. AUDIENCE INPUT**
- 4. CONSENT AGENDA**
 - a. Minutes of the May 23, 2023 Regular Meeting Minutes
- 5. OLD BUSINESS**
- 6. PUBLIC HEARINGS**
 - a. Request by David & Kristin Kallaus for a variance to deviate from the property's maximum allowed lot coverage to allow for a patio to be constructed on site.
- 7. NEW BUSINESS**
- 8. DISCUSSION**
- 9. ADJOURNMENT**

**ROSEMOUNT PLANNING COMMISSION
REGULAR MEETING PROCEEDINGS
MAY 23, 2023**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Pursuant to due call and notice thereof, a regular meeting of the Rosemount Planning Commission was held on Tuesday, May 23, 2023, at 6:30 PM in Rosemount Council Chambers 2875 145th Street West.

Chair Kenninger called the meeting to order with Commissioners Reed, Powell, Whitman, Hebert and Rivera in attendance. Commissioner Thiagarajan was absent.

Staff present included the following; Senior Planner Nemcek, Community Development Director Kienberger, and Community Development Technician Rooney.

The Pledge of Allegiance was said.

ADDITIONS TO AGENDA

No additions are being made to the agenda by City staff. However, Senior Planner Nemcek recommended moving the Discussion section after New Business.

Chair Kenninger noted the request.

AUDIENCE INPUT

None.

CONSENT AGENDA

Commissioner Whitman suggested changes to the April 25, 2023 Meeting Minutes. The April 25, 2023 Meeting Minutes were pulled from the Consent Agenda.

Motion by Kenninger. **Second by** Reed.

Motion to approve consent agenda, with the April 25, 2023 Meeting minutes pulled.

Ayes: 6.

Nays: None. Motion Carried.

a. Minutes of the April 25, 2023 Regular Meeting

Commissioner Whitman shared his modifications to the April 25, 2023 Meeting Minutes. Redlined minutes to include his modifications.

Motion by Kenninger. **Second by** Powell.

Motion to approve the modifications.

Ayes: 6.

Nays: None. Motion Carried.

b. Request by Schafer Richardson for approval of a Final Plat to Construct Two Multi-Family Buildings

PUBLIC HEARINGS

a. Request by New Horizon Academy for a Site Plan Review

Senior Planner Nemcek shared an overview of the Site Plan Review for New Horizons, a childcare center proposed on the Northeast corner of the County Road 42 and Business Parkway intersection.

Chair Kenninger asked if parking was permitted on 149th Street West. Senior Planner Nemcek could not verify.

Chair Kenninger asked about the brick facade along County Road 42 and Business Parkway. Chair Kenninger noted she would like to recommend more brick on the sides of the building that face those roadways.

Commissioner Reed asked if there were any fencing requirements around the playground adjacent to County Road 42.

Senior Nemcek stated the dimensions and style of the fence proposed on site.

Commissioner Reed inquired about City Ordinances in regard to the strength or materials for the fencing described by City Staff.

Senior Planner Nemcek noted it would be up to the Building Code.

Chair Kenninger inquired about the property line for the New Horizon's site.

Senior Planner Nemcek provided clarification on the property line and the setbacks from County Road 42.

Commissioner Reed requested clarification on the distance and setbacks on site. Chair Kenninger inquired about the boundary line.

Senior Planner Nemcek noted there is no required setback for fencing.

Chair Kenninger inquired about the exact distance from County Road 42 and the boundary line for the site.

Senior Planner Nemcek could not verify it.

Commissioner Whitman requested clarification on the setback.

Senior Planner Nemcek noted the setback was from the right of way to the structure.

Commissioner Whitman noted the landscaping requirements for the parking lot area.

Commissioner Whitman asked if the applicant was content with the in-leu-park fee. Senior Planner Nemcek differed to the application, but noted that there were no parks anticipated for the site and that cash would be dedicated instead of land.

Commissioner Powell inquired about the adjacent pond capacity and which condition would cover an expansion if needed.

Senior Planner Nemcek noted that Commissioner Powell may choose to add or amend an additional recommendation for his concern.

Public Hearing opened at 6:51 pm.

Peter Helger

14 Pheasant Lane, North Oaks, MN 55127

Mr. Helger shared his excitement about the project. He addressed the stormwater question from Commissioner Powell and mentioned that the site is expected to have plenty of capacity to support the use. He also addressed Commissioner Whitman's comment on landscaping. Mr. Helger noted the exterior materials comment by Chair Kenninger, stating the amount of hard surface materials that will be used on site. He then addressed the fencing and setback from the highway. He mentioned that he is always concerned about proximity to roadways and his reasoning for the placement of the playground. He noted that he distances from the edge of the road to the fence is roughly fifty-five (55) feet. He restated the dimensions and style of the fence.

Commissioner Whitman inquired about the fencing.

Mr. Helger mentioned the reasoning for the type and style of the fence.

Commissioner Whitman inquired about the height of the fencing.

Mr. Helger further explained the reasoning for the height of the fence. Commissioner Whitman commented that the fence is standard for this type of use.

Commissioner Whitman inquired about the park dedication fee.

Mr. Helger mentioned the applicant is within budget for the park dedication fee.

Mr. Helger mentioned the applicant may elect to move the trash enclosure.

Public Hearing closed at 6:59 pm.

Senior Planner Nemcek noted that the future expansion area is under the minimum threshold to require a formal site plan review before the Planning Commission.

However, all the requirements of the Zoning Ordinance would still need to be met and would be reviewed by City staff.

Commissioner Rivera shared her support for the Childcare Center.

Commissioner Reed noted it will be a big benefit to the community.

Chair Kenninger asked if Commissioner Powell was interested in adding a condition on

the Engineering Memo.

Comment from Powell declined a need to do so.

Motion by Reed **Second by** Whitman.

Motion to approve a site plan review allowing New Horizon Academy to construct a child care center at 2730 149th Street West, subject to the following conditions:

1. Recording of the Rosewood Commons 2nd Addition Plat.
2. Council approval of the vacation of existing easements located within the site.
3. If the proposed future expansion is constructed, a revised landscape plan must be submitted prior to approval of any building permits.
4. The architectural elevations shall be updated to provide a minimum of 50% natural stone or brick.
5. A sign permit is required for any on-site signage.
6. Conformance with all comments contained in the engineer's memo dated May 2, 2023.
7. Payment of \$19,710 in lieu of park land dedication, to be collected with the building permit fee.

Ayes: 6.

Nays: None. Motion Carried.

Chair Kenninger noted that the item will not need to go forward to City Council.

NEW BUSINESS

None.

DISCUSSION

Senior Planner Nemcek mentioned Chair Kenninger's desire for a joint session between the City Council and the Planning Commission in addition to a training session for the Planning Commission.

Chair Kenninger mentioned that it would be good to do a joint meeting between the City Council and the Planning Commission as there have been new additions to both the Council and Commission. She mentioned that early fall might be a good timing for both the City Council and the Planning Commission. Chair Kenninger also noted her interest in reviewing what is in the purview of the Planning Commission and the roll of the Commissioners.

Community Development Coordinator Kienberger noted the City Administrator will coordinate with City Council to organize a joint meeting.

Chair Kenninger reviewed the dates for the June, July, and August Planning Commission Meetings.

ADJOURNMENT

Meeting adjourned at 7:04 pm.

Respectfully submitted,

Riley Rooney
Community Development Technician

Planning Commission Regular Meeting: June 27, 2023

AGENDA ITEM:	Request by David & Kristin Kallaus for a variance to deviate from the property's maximum allowed lot coverage to allow for a patio to be constructed on site.	AGENDA SECTION:	PUBLIC HEARINGS
PREPARED BY:	Julia Hogan, Planner	AGENDA NO.	6.a.
ATTACHMENTS:	Resolution , Site Location, Site Plan, Property Survey, Applicants Narrative	APPROVED BY:	AK
RECOMMENDED ACTION: Motion by the Board of Appeals and Adjustments to Adopt a Resolution Approving a Variance from the R-1 PUD-Low Density Residential Planned Unit Development Standard for the Property at 13200 Aulden Avenue from Thirty Five Percent (35%) to Forty Percent (40%).			

BACKGROUND

Applicant and Owner:	Daivd and Kristin Kallaus
Location:	13200 Aulden Ave
Area in Acres:	0.27 Acres
Comp Guide Plan Designation:	LDR-Low Density Residential
Current Zoning:	R1PUD-Low Density Residential Planned Unit Development

The Planning Commission, acting as the Board of Appeals and Adjustments, is being asked to consider a request by David and Kristin Kallaus for a variance from the maximum lot coverage standard to allow for the construction of a 650-square foot patio and pizza oven in the rear yard of their property at 13200 Aulden Ave, located in the Bella Vista 3rd Addition subdivision. The applicant is requesting a variance that would increase the allowed maximum lot coverage from the current 35% to 40%.

SUMMARY

The subject parcel is located north of Aulden Ave and directly west of the northern portion of Horseshoe Lake and is located within the Bella Vista 3rd Addition subdivision. Bella Vista has a total of seven additions with the 3rd addition's final plat being approved by the City Council in April 2015. In 2016 the developer of Bella Vista came forward asking for a minor amendment to the Bella Vista Planned Unit Development Agreement to increase the lot coverage allowed throughout the development from the standard 30% to a tiered coverage of 40% for lots less than 11,250-square feet, 35% for lots between 11,250 and 15,000-square feet and 30% for lots greater than 15,000-square feet. When the Bella Vista Planned Unit Development Master Development Plan request came forward to the City in 2013 the developer requested a number deviations from the R-1-Low Density Residential zoning district, but did not request an increase in lot coverage as the first phase of Bella Vista had deep

lots due to the setbacks from Bacardi Avenue and the wetlands and trees on the north side of the development so originally there were no concerns with the standard 30% lot coverage allowed per the City's code. The second phase of the development included many lots that were only 120 feet deep due to acquisition of the areas surrounding the lake and wetlands for public purposes. This resulted in lot coverage issues for a number of the lots within the second phase, so the amendment to increase the lot coverage allowance throughout the development was requested by the developer and approved by the City Council in 2016.

The square footage of the subject property is 11,875-square feet, which puts the property within the 35% lot coverage category. With how the southern portion of the lot is shaped the house had to be constructed further back from the front property line, which resulted in needing a larger driveway to accommodate that. The total impervious surface coverage that was approved with the building permit for the property was 4,099-square foot or 34.5%. This leaves a total 57-square feet of impervious surface coverage that could be added to the property, since the maximum lot coverage allowed on site is 35%. The surrounding homes along Aulden Avenue fall into the 40% lot coverage category, which the applicant is requesting to increase their lot coverage to that amount. The applicant is proposing a 650-square foot patio addition that would be constructed in their rear yard located under, north and east of their existing deck. This addition would put their property at around 40%, which is consistent with the surrounding area.

As with all public hearings, notices were sent to the owners of all properties within the code-required radius of the subject parcel. Staff has received no comments regarding this variance request and finds that the request meets the standards for issuing a variance, and therefore recommends approval of the request for a variance from the maximum lot coverage standard of the R-1 PUD-Low Density Residential Planned Unit Development zoning district. Those standards and staff's findings are listed below.

ISSUE ANALYSIS

Variance Standards

According to Section 11-12-2.G, there are five criteria for the Board of Appeals and Adjustments to review when considering a variance request. The five criteria used to assess each request along with staff's findings for each are listed below. While weighing a variance request against these criteria, there are also two key issues to consider. The first is whether the variance request allows for reasonable use of the property. The second is whether the project can be redesigned to eliminate or reduce the need for a variance. The Board of Zoning Appeals must approve or deny each request based on findings related to each of the five standards.

1. The variance request is in harmony with the purposes and intent of the ordinance.

Finding: Staff finds that the request is in harmony with the purposes and intent of the ordinance. Patios are allowed within the R-1 PUD zoning district and the Bella Vista Planned Unit Development Agreement allows for certain properties to have up to 40% lot coverage.

2. The variance request is consistent with the Comprehensive Plan.

Finding: The site is designated as Low Density Residential. The variance request is consistent with that

designation.

3. The property owner proposes to use the property in a reasonable manner.

Finding: The variance permits the homeowners to use the property in a reasonable manner that is consistent with many others in the R-1 PUD zoning district.

4. There are unique circumstances to the property which are not created by the landowner.

Finding: Staff finds that there are unique circumstances to the property. The southern portion of the lot is shaped at an angle due to the location of the natural gas pipeline and pipeline easement, which is a reason why the house had to be set further back on the property. Due to the house being set further back from the front property line, a larger driveway was needed and ultimately added to the total lot coverage calculation.

5. Granting of the variance does not alter the essential character of the locality.

Finding: The essential character of the locality would not be altered by granting the variance. Many other properties in the vicinity are allowed to have up to 40% lot coverage and many have patios as well. Variances were not needed in those instances due to the ability to add additional impervious surface coverage to the property.

RECOMMENDATION

Staff is recommending approval of the variance request by the Board of Appeals and Adjustments based on the information contained in this report and provided by the applicant.

**CITY OF ROSEMOUNT
DAKOTA COUNTY, MINNESOTA**

RESOLUTION BA2023-01

**A RESOLUTION APPROVING A VARIANCE FROM THE R-1 PUD-LOW DENSITY
RESIDENTIAL PLANNED UNIT DEVELOPMENT MAXIMUM LOT COVERAGE
STANDARD FOR THE PROPERTY AT 13200 AULDEN AVENUE FROM THIRTY
FIVE PERCENT (35%) TO FORTY PERCENT (40%)**

WHEREAS, David & Kristin Kallaus (the “Applicant”) has submitted an application to the City Rosemount (the “City”) for a variance from the R-1 PUD-Low Density Residential Planned Unit Development maximum lot coverage standard for the property at 13200 Aulden Avenue from thirty five percent (35%) to forty percent (40%); and

WHEREAS, notice has been published, mailed and posted pursuant to the Rosemount Zoning Ordinance, Section 11-12-2; and

WHEREAS, the Rosemount Board of Appeals and Adjustments held a public hearing for a variance from the 35% maximum lot coverage standard to 40% on June 27, 2023; and

NOW, THEREFORE, based on the testimony elicited and information received, the Rosemount Board of Appeals and Adjustments makes the following:

FINDINGS

1. That the procedures for obtaining said Variance are found in the Rosemount Zoning Ordinance, Section 11-12-2.
2. That all the submission requirements of said Section 11-12-2 have been met by the Applicant.
3. That the proposed Variance will allow for the construction of a patio at 13200 Aulden Avenue because it would put the property over its maximum allowed lot coverage required by the Zoning Ordinance.
4. That the Variance will be located on property legally described as follows: Lot 8, Block 3, BELLA VISTA 3RD ADDITION, Dakota County, Minnesota
5. That the request is in harmony with the purposes and intent of the ordinance. Patios are allowed within the R-1 PUD zoning district and the Bella Vista Planned Unit Development Agreement allows for certain properties to have up to 40% lot coverage.

6. That the site is designated for Low Density Residential. The variance request is consistent with that designation.
7. That the variance permits the homeowners to use the property in a reasonable manner that is consistent with many others in the R-1 PUD zoning district.
8. That there are unique circumstances to the property. The southern portion of the lot is shaped at an angle due to the location of the natural gas pipeline and pipeline easement, which is a reason why the house had to be set further back on the property. Due to the house being set further back from the front property line, a larger driveway was needed and ultimately added to the total lot coverage calculation.
9. That the essential character of the locality would not be altered by granting the variance. Many other properties in the vicinity are allowed to have up to 40% lot coverage and many have patios as well. Variances were not needed in those instances due to the ability to add additional impervious surface coverage to the property.

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's application for a Variance is granted.

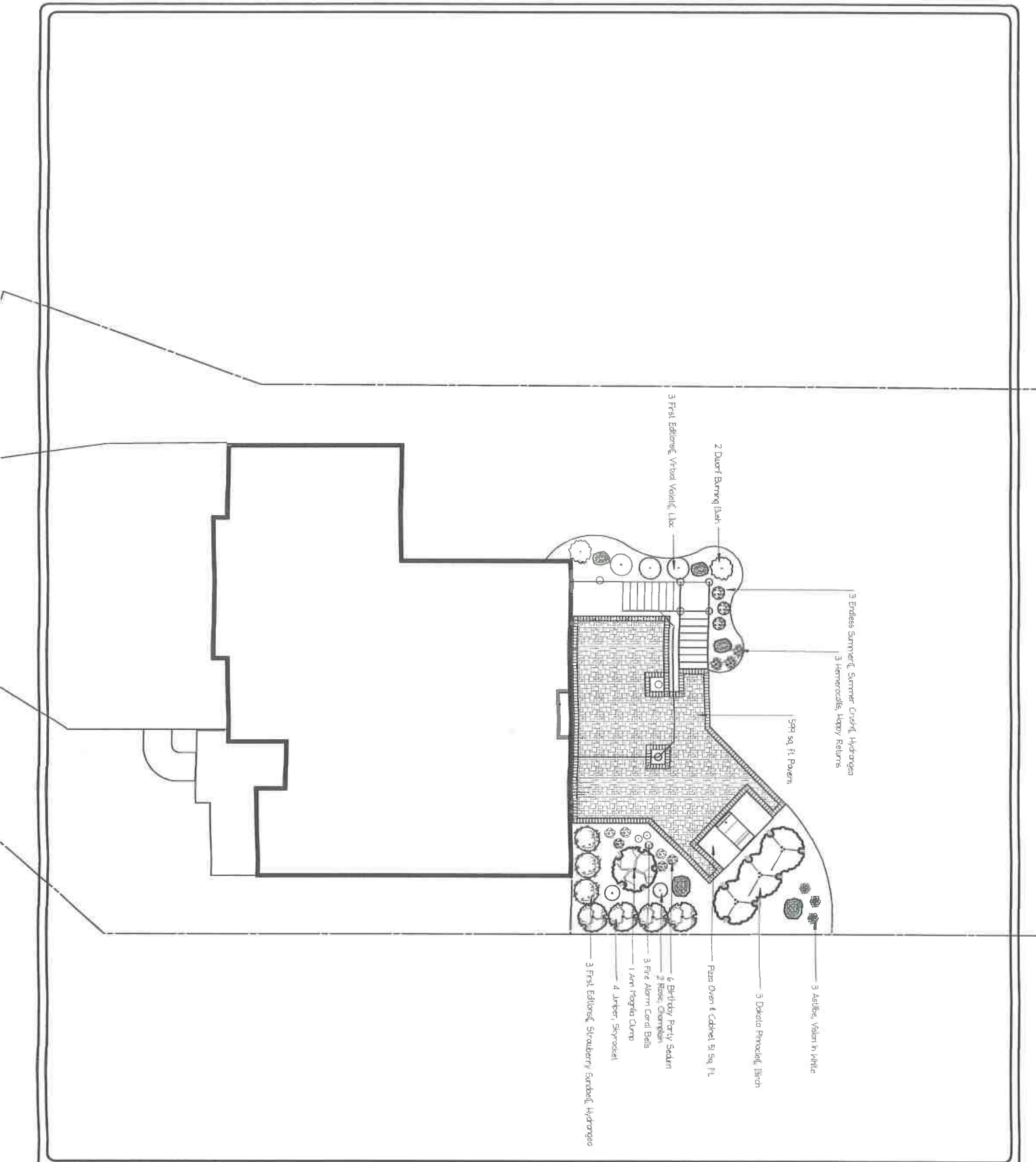
Passed and duly adopted this 27th day of June 2023, by the Board of Appeals and Adjustments of the City of Rosemount, Minnesota.

Melissa Kenninger, Chair

ATTEST:

Riley Rooney,
Community Development Technician





NOTES

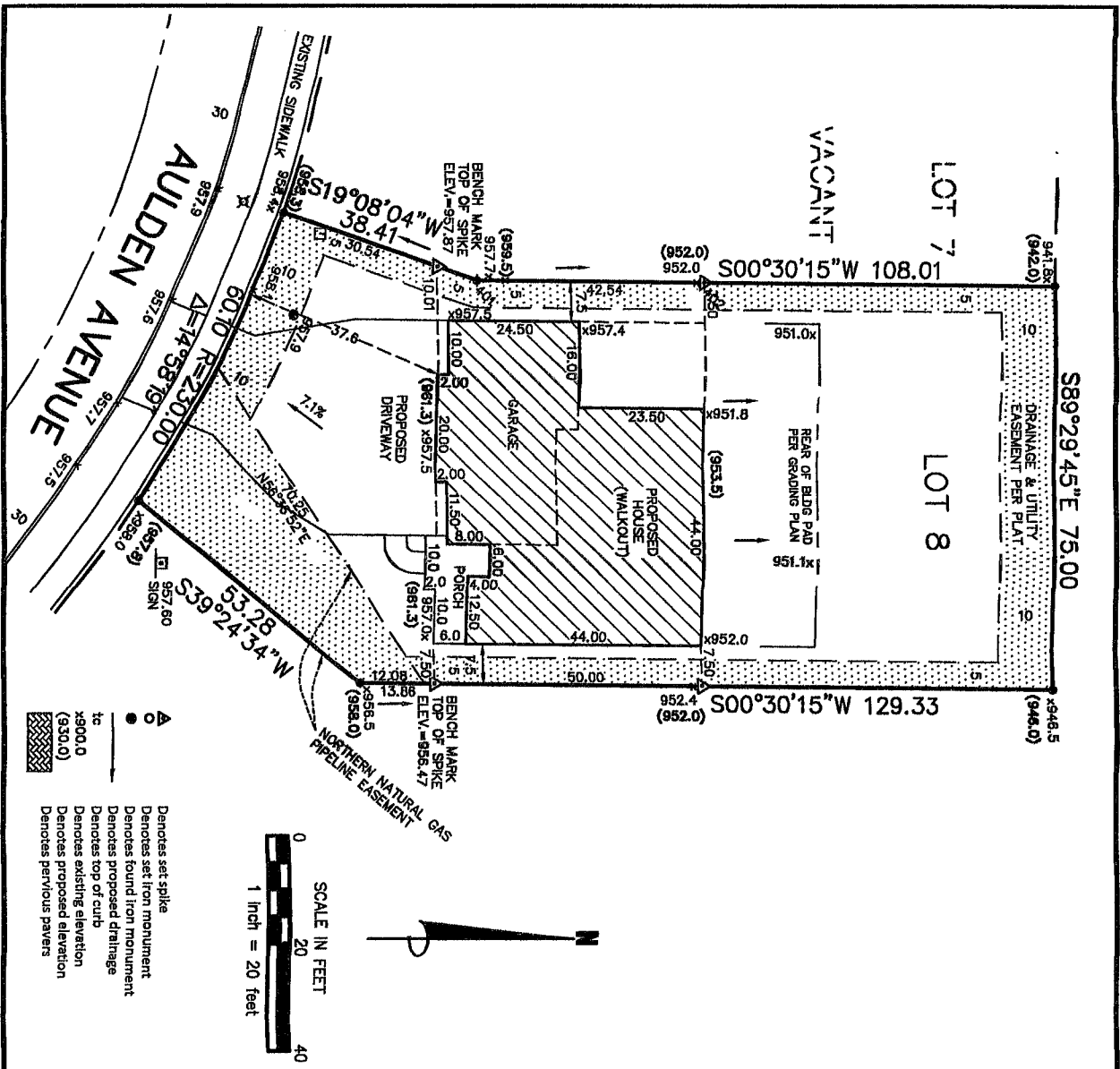
NO.	DATE	REVISIONS



Kallius Residence

13200 Auden Ave
Rossmore

DATE	1/1/20
DESIGNER	B. Borden
CLIENT	13200 Auden Ave
PROJECT	PP
SCALE	1/4" = 1'-0"



PROPERTY DESCRIPTION

Lot 8, Block 3, BELLA VISTA 3RD ADDITION, Dakota County, Minnesota

PROPERTY ADDRESS

13200 Aulden Avenue, Rosemount, Minnesota

NOTES

1. Bearings are based on the recorded plat.
2. Building dimensions shown are for horizontal and vertical placement of structure only. See architectural plans for building and foundation dimensions.
3. No specific soils investigation has been completed on this lot by James R. Hill, Inc. the suitability of soils to support the specific house proposed is not the responsibility of James R. Hill, Inc. or the surveyor.
4. No specific title search for existence or non-existence of recorded or un-recorded easements has been conducted by the surveyor as a part of this survey. Only easements per the recorded plat are shown.
5. Proposed grades shown were taken from the grading &/or development plan prepared by Westwood Professional Services, Inc.
6. Grading plan date/revision date: 12/29/2014.
7. Sanitary service invert elevation per City engineering department: 949.60.
8. Plan No. 402.4-WASHBURN 'C'

BENCHMARK

Top nut of hydrant located opposite of Lot 7, Block 3 = 961.83

FLOOR ELEVATIONS

Garage Floor @ Front	Proposed
Garage Top of Block	= 961.6
House Top of Block	= 962.0
Lowest Floor	= 962.0
	= 954.0

HARD COVER CALCULATIONS

Lot	= 11,875 sq. ft.
House/Garage	= 2,446 sq. ft.
Porch	= 158 sq. ft.
Driveway	= 1,455 sq. ft.
Total Impervious	= 4,099 sq. ft. or 34.5% of lot

SURVEYOR'S CERTIFICATE

I hereby certify that this survey, plan or report 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. That this survey does not purport to show all improvements, easements or encroachments, to the property except as shown thereon.

Signed this 4th day of March, 2016

Marcus F. Hampton, M.N. L.S. No. 47481

CERTIFICATE OF SURVEY

FOR

Lennar

Lot 8, Block 3, BELLA VISTA 3RD ADDITION, Dakota County, Minnesota.

James R. Hill, Inc.
 PLANNERS / ENGINEERS / SURVEYORS
 2500 WEST COUNTY ROAD 42, SUITE 120,
 BURNSVILLE, MN 55337
 PHONE: (652) 860-6044 FAX: (652) 860-6244

CAD FILE
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PROJECT NO.
 350454
SHEET 1 OF 1

DRAWN BY
JCS

DATE
12/8/2015

REVISIONS

12/10/15 Revise

12/11/15 EIP Ins

12/28/15 Revise

1/17/16 EIP Ins

1/21/16 James Hill

3/2/16 Rev Ins

5/2/16 Rev Ins

5/2/16 Rev Ins

DATE
12/8/2015

DATE
12/11/15

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12/28/15

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1/17/16

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12/8/2015

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12/11/15

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12/28/15

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5/2/16

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5/2/16

City of Rosemount Planning Commission:

We are requesting a variance to the impervious surface limit to allow us to install a patio and pizza oven behind our house.

For our neighborhood, Bella Vista, lots that are under 11,250-square feet are allowed to have up to 40% impervious surface coverage, lots that are between 11,250-15,000-square feet are allowed to have up to 35% coverage and lots over 15,000-square feet are allowed up to 30% coverage.

Our lot is 11,875 square feet meaning we are allowed 35%. The builder used 34.5% just with our house, garage, front porch, and driveway, there is no slab by the basement door. This means we have only 57 sq. ft of impervious surface we can add before we reach the limit for our lot.

Our lot is an irregular shape due to the pipeline running next to our front yard. This caused our house to be set further back on the lot and at an angle to the street. Because of this, our driveway is larger than the others in the neighborhood, using up more of the impervious surface allowance.

We would like to install a paver patio under the deck and extend it out so that we can put a pizza oven at least 10 feet away from the house and deck. Currently there is no pad under the deck so it has turned to mud.

The plans are included. This would add approximately 650 square feet of impervious surface to our property, bringing us to 40% (the limit for 10 of my closest neighbors).

We would appreciate being granted a variance so that we do not need to use permeable pavers which are more costly and have more maintenance.

Thanks for your consideration,

Kristin and Dave Kallaus