

PLANNING COMMISSION REGULAR MEETING MINUTES

MAY 24, 2022

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I. Regular Meeting

Call to Order:

Pursuant to due call and notice thereof, the Regular Meeting of the Planning Commission was held on May 24, 2022. Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners Reed, Thiagarajan, Rivera, Marlow and Hebert. Also, in attendance were Community Development Director Kienberger, Senior Planner Nemcek, Planner Hogan and Recording Specialist Bodsberg.

The Pledge of Allegiance was said.

Additions to Agenda: None.

Audience Input: None.

Consent Agenda:

4.a. Approval of the April 26, 2022, Regular Meeting Minutes.

MOTION by Reed.

Second by Hebert.

Ayes: 6. Nays: 0.

Public Hearing:

5.a. Request by SKB Environmental, Inc. for Approval of a Comprehensive Plan Amendment, Zoning Map Amendment, Preliminary Plat and Amended Interim Use Permit Associated with an Expansion of the SKB Landfill Facility. (22-30-CPA, 22-31-RZ, 22-32-PP, 22-33-FP)

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

Chair Kenninger inquired about where the proposed road will be located. Nemcek showed on the map where it would be and that it'll be aligned with the existing neighbor's driveway.

Commissioner Reed questioned if the added sewer will only be for the buildings. Nemcek stated that is correct.

Commissioner Thiagarajan questioned what the plan is for when the site closes. Nemcek stated that it will be a large hill.

Commissioner Hebert inquired about what kind of waste is being brought onto the site. Nemcek stated that the applicant can confirm.

The public hearing opened at 6:46 pm.

Public Comments:

Ryan O'Gara, 251 Starkey Street, St. Paul, SKB Environmental, Applicant, stated that SKB has been in contact with the surrounding neighbors and addressed their concerns. Required to have 20 years post-closing period. When the site closes, SKB are still the landowners and will be required to maintain the property. The type of waste that we accept is construction and demolition waste, industrial waste, and municipal solid waste.

Commissioner Rivera inquired if the concern about items blowing onto surrounding properties been addressed. Mr. O'Gara stated the concern was addressed. SKB worked with the Dakota County inspector to add additional netting around the property.

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Michael Mohr, 13750 Courthouse Boulevard, stated that the proposed entrance will be right across the street from his driveway. When his property was purchased, Mr. Mohr checked to see what the future zoning of the area would look like. Mr. Mohr stated that he did meet with Mr. O’Gara and feels like none of his concerns have been taken care of. Would like to see SKB continue working with neighbors.

Commissioner Hebert questioned what Mr. Mohr’s main concerns are. Mr. Mohr stated that the traffic being right at the end of his driveway, the noise that will be brought closer to his property and the buildings that are proposed to be added.

Bonnie Troska, 13650 Courthouse Boulevard, stated that she is concerned about the vague application and SKB needs to know exactly where the driveway and buildings are going.

MOTION by Reed to close the public hearing.

Second by Thiagarajan.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 7:09 pm.

Additional Comments:

Chair Kenninger questioned where the proposed buildings will be located. Nemcek stated that the proposed plan shows where the buildings will go.

Commissioner Reed inquired if the landscape plan that is proposed is what will happen. Nemcek stated that the landscape plan was included in the application. There will be trees placed all around the edge of the property on Highway 55, and by the added buildings.

Commissioner Rivera inquired if the truck traffic could be routed differently. Nemcek stated that Conley Ave will eventually be closed. The applicant can better speak to it.

Commissioner Reed inquired to Mr. O’Gara how the tailgate noise will change. Mr. O’Gara stated that the noise issue will stay the same as it is currently. Reed inquired if noise monitoring has ever been required. Mr. O’Gara stated that noise studies have been done in the past. Mr. Reed inquired as to how the dust from SKB will be improved. Mr. O’Gara stated that there is a lot of watering on the site to keep dust down. A street sweeper is also used. A wheel washing system is in place so that the drivers wash down their tires before leaving the site. Reed inquired if along the proposed entrance, could additional landscaping be included to help with noise and viewing. Mr. O’Gara stated that if a specific property is obtained, an additional berm can be created.

Chair Kenninger inquired if the acquired properties will then become a part of SKB Environmental. Mr. O’Gara stated that the process hasn’t gotten that far. But the idea would be to use that property to add additional landscape and screening. Kenninger inquired about additional nets around the property. Mr. O’Gara stated that they will be, depending on the cell height. Kenninger questioned what the additional buildings will be used for. Mr. O’Gara stated that they will be a truck scale, a lab, an office building, a replacement of our gem-ash building, and a recycling building. The buildings will all be built in phases.

Commissioner Marlow inquired what the life expectancy of the expansion. Mr. O’Gara stated that the expansion will allow for an additional 15-17 years of life, depending on the incoming volumes.

Tim Hanson, City Engineer, WSB Engineering, stated that the primary concern is having the trucks on a local street. The current condition of Ehlers Path and 142nd Street would not be able to withstand continued heavy truck traffic. There is not a lot of options to moving the layout of the road.

Commissioner Thiagarajan stated that the access into the site could be off Ehlers Path. Nemcek stated that the streets would have to be completely reconstructed. The road should go right away north/south to connect the two streets. Nemcek stated that noise studies are done in the evening. The landfill is only open during the day. It would be hard to monitor.

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MOTION by Reed to recommend the City Council approve a Comprehensive Plan Amendment to change the future land use designation of 113 acres east of the existing SKB landfill from GI-General, LI-Light Industrial, and BP-Business Park to WM-Waste Management.

Second by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

MOTION by Reed to recommend the City Council approve a Zoning Map Amendment to change the zoning of 113 acres east of the existing SKB landfill from GI-General Industrial and AG-Agricultural to WM-Waste Management.

Second by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

MOTION by Reed to recommend the City Council approve the SKB Rosemount 2nd Addition Preliminary Plat subject to the following conditions:

- a. Dedication of an 80-foot right of way for the planned new City street connecting Courthouse Boulevard and Ehlers Path along the east side of Lot 1, Block 1 of the plat.
- b. Dedication of a minimum of 50 feet of right-of-way along the southern edge of the plat for Ehlers Path.
- c. Execution of a subdivision agreement concerning the extension of a City water main to the project site and construction of a new public street east of Lot 1, Block 1.
- d. Provision of all easements on the final plat as required by the City Engineer.
- e. Compliance with the City Engineer's review memorandum dated May 10, 2022.
- f. Payment of development fees specified in the City Engineer's review memorandum dated May 10, 2022.
- g. Payment of a fee in lieu of park land dedication of \$260,000 for 52.41 acres of platted industrial land.

Second by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

MOTION by Reed to recommend the City Council approve an Interim Use Permit amendment allowing an expansion of the SKB Environmental landfill and related building construction subject to the following conditions:

- a. Approval of the expansion plans by the Minnesota Pollution Control Agency and Dakota County.
- b. The utility plans must be updated to include the extension of trunk water main service along the northern boundary of Lot 1, Block 1 and within the right-of-way for the new City street immediately east of Lot 1, Block 1.
- c. Provision of a minimum of a 30-foot easement outside of the street right-of-way for the planned regional trail along Ehlers Path/140th Street. The grading plans must be updated to include grades that will support future construction of a trail.
- d. The existing private access driveway to Courthouse Boulevard (State Highway 55) will be eliminated upon completion of the new public street east of Lot 1, Block 1.
- e. Payment of all City costs associated with the design and construction of the new public road east of Lot 1, Block 1.
- f. The septic treatment area shall be clearly delineated on the development plans and conflicts with other activities in this area, including utilities, vehicle access, landscaping and other site improvements, must be avoided.
- g. The septic system must comply with all applicable city and state regulations with a final design and location approved by City.
- h. The buildings on the site will be required to connect to public sanitary sewer service within one year of this service being extended and available to the site. The City will plan on a service connection in the location shown on the site development plans.
- i. All new buildings within the landfill expansion area will be subject to the City of Rosemount's site plan review process. This review shall verify compliance with the City's building design, parking, and other site development requirements.

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- j. The landscape plan shall be updated to include all required replacement plantings above and beyond any previous payments to the City as a fee in lieu of required trees.
- k. All buildings shall comply with fire code requirements for access around buildings.
- l. No outside storage around the recycling buildings is allowed unless specifically authorized in the interim use permit.
- m. Incorporation of all review comments from MnDOT.
- n. Submission of route maps of truck circulation within the facility and off-site.
- o. Tree clearing and grubbing will occur between August and March to avoid impacts to endangered species within the project area.
- p. Compliance with the mitigation strategies included in the EAW for the project.
- q. Compliance the City Engineer's review memorandum dated April 19, 2018.
- r. Entry signs shall be subject to sign permits and normal zoning standards. Appropriate sight distances must be maintained.
- s. Compliance with conditions from 2018 Interim Use Permit renewal, including the following:
 - i. Stormwater basins 6A, 6B, 6C and associated grading shall be removed from within 50 feet of the 140th Street East centerline in conjunction with the updated storm water modeling. As an alternative, SKB Environmental may direct stormwater that would have otherwise been accommodated within these basins to the adjacent property east of the landfill provided it does not require a substantial change to the approved PUD and grading plans on the adjacent site.
 - ii. SKB Environmental shall maintain an MPCA approved ground water monitoring system on the site and notify the City prior to the construction of any replacement wells.
 - iii. Implement sediment control best management practices to reduce sediment tracking and dust on and off-site.
 - iv. Approval of the transfer facility and composting operation will be removed from IUP if operations not commenced prior to November of 2023.
- t. Compliance with all other requirements of the City Engineer's review memorandum dated October 23, 2018.

Second by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

5.b. Request by Landco Investments of Rosemount for a Rezoning and Site Plan Review Approval to Construct a Memory Care and Assisted Living Facility. (22-36-SP, 22-37-RZ)

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

Commissioner Rivera inquired about the location of the facility. Nemcek stated that it'll be located where the original plan had the hotel, and the hotel will move further west on the property.

Commissioner Thiagarajan questioned if some color could be added to the exterior gray and maybe add a few features to tie in the surrounding existing buildings.

Commissioner Rivera inquired if the developers are the same for the projects. Nemcek stated that the overall site is the same developer, the builders of the apartments and assisted living facility are different. The proposed project is anticipated to start first.

The public hearing opened at 8:02 pm.

Public Comments:

Jeremy Larson, 1824 Buerkle Road, Landco Investments of Rosemount, Applicant, stated that the exterior color can absolutely be adjusted. Grading on the site will start at the same time that the roads will be constructed.

MOTION by Kenninger to close the public hearing.

Second by Reed.

Ayes: 6. Nays: 0. Motion Passes.

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The public hearing closed at 8:05 pm.

Additional Comments: None.

MOTION by Thiagarajan to recommend the City Council approve a rezoning of the subject parcel from C4 PUD-General Commercial Planned Unit Development to R4 PUD-High Density Residential Planned Unit Development.

Second by Marlow.

Ayes: 6. Nays: 0. Motion Passes.

MOTION by Hebert to approve the site plan to allow Landco Investments of Rosemount to construct a 32-unit assisted living and memory care facility on Lot 1, Block 1, Rosewood Commons, subject to the following conditions:

- a. Approval of a Minor Amendment to the Rosewood Commons Planned Unit Development Agreement.
- b. The applicant shall update the landscape plan to provide a total of 25 trees.
- c. Site signage shall require a separate sign permit and meet the requirement of signs in the R4 zoning district.
- d. The maximum height for pole-mounted lighting is 20”.
- e. Conformance with the requirements contained in the Engineer’s memo dated April 26, 2022.

Second by Marlow.

Ayes: 6. Nays: 0. Motion Passes.

5.c. Request by Carol and Gerald Groff for a Variance from the Side Yard Setback Requirement for Accessory Buildings in the RR-Rural Residential District.

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

Chair Kenninger inquired if the fence goes past the shed. Ms. Hogan stated that it does not.

Commissioner Reed inquired if the awning was added after the shed was built. Ms. Hogan confirmed that it was.

Commissioner Rivera inquired if a building permit was required. Ms. Hogan stated that because of the size of the shed, it did not require a building permit. But when adding the awning, that makes it closer to the property line.

The public hearing opened at 8:19 pm.

Public Comments:

George Groff, 2984 120th Street West, Applicant, stated that they were unaware that they needed to be a specific measurement from the property line. Is willing to do what is needed to do, adding a fence, added landscaping or enclosing the side of the awning. There is no other location on the property that the shed can be placed.

Katherine Gayl, 2980 120th Street West, stated that there is no issue with the shed. The issue lies with the overhang and does not want to look at a tractor.

Chair Kenninger stated that the tractor would be able to be parked in that location whether there was a shed or not. Would adding a fence, enclosing the side of the shed and/or additional landscaping be acceptable? Ms. Gayle stated that adding landscaping will take too long to mature. The fence and enclosing the side of the shed would be acceptable.

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MOTION by Kenninger to close the public hearing.

Second by Reed.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 8:32 pm.

Additional Comments:

Chair Kenninger inquired if adding the fence and enclosing the overhang to the conditions would be acceptable. Ms. Hogan stated that they can be added. Kenninger stated that both options seem feasible.

Commissioner Marlow stated that the fence should be their first option.

Commissioner Reed inquired on how to word the additional condition.

Chair Kenninger inquired if it was possible to continue the item and bring it back to the Planning Commission in June. To give the neighbors an opportunity to decide on what is acceptable.

MOTION by Kenninger the Board of Appeals and Adjustments to continue this item until the June PC Meeting

Second by Reed.

Ayes: 6. Nays: 0. Motion Passes.

5.d. Request by Maplewood Development, Inc. for approval of the Amber Fields 3rd Addition Preliminary and Final Plats and a Major Amendment to the Amber Fields Planned Unit Development. **(22-39-AMD, 22-40-PP, 22-41-FP)**

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

Chair Kenninger clarified if part of this property would require only four dwelling units, because it is located next to R1-Low Density Residential. Hogan stated that it is okay to have the 6 dwelling units. Kenninger inquired if side-walks will be apart of the plan. Hogan stated that the developer will need to include a trail or side-walk in their site plan review. Kenninger question if there will be additional guest parking spots. Hogan stated that prior to City Council approval, the applicant will have to show where the additional parking will be located.

Commissioner Reed inquired if there will be street parking. Hogan stated that there will not be, provided will be 364 garage stalls and driveway stalls. Nemcek stated that there will be as much parking available as possible throughout the development.

The public hearing opened at 8:52 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 8:53 pm.

Additional Comments: None.

MOTION by Hebert to recommend the City Council approve the Preliminary and Final Plats for Amber Fields 2nd Addition, subject to:

- a. Execution of a Subdivision Agreement.

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- b. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated May 11, 2022.
- c. Drainage and utility easements shall be dedicated over all outlots.
- d. An updated parking plan must be submitted prior to City Council review showing compliance with the parking stall requirements.
- e. Payment of \$62,700 as a landscape surety.
- f. Payment of trunk area charges in the amount of:
 - i. Sanitary Sewer Trunk Charge: \$1,075/acre
 - ii. Watermain Trunk Charge: \$6,500/acre
 - iii. Storm Sewer Trunk Charge: \$6,865/acre

Second by Thiagarajan.

Ayes: 5. Nays: 0. Motion Passes.

MOTION by Hebert to recommend the City Council approve a Major Amendment to the Amber Fields Planned Unit Development Agreement, subject to:

- a. Section 11-2-18 A. Single-Family Attached Dwellings and Townhome Requirements:
Building Site: A maximum of eight (8) dwelling units may be attached per building.

Second by Reed.

Ayes: 6. Nays: 0. Motion Passes.

Discussion: None.

Reports: None.

Adjournment: There being no further business to come before this Commission, Chair Kenninger adjourned the meeting at 8:54 pm.

Specialist

Respectfully submitted,
Stacy Bodsberg, Recording