

# PLANNING COMMISSION REGULAR MEETING MINUTES

JULY 26, 2022

PAGE 1

## I. Regular Meeting

Call to Order:

Pursuant to due call and notice thereof, the Regular Meeting of the Planning Commission was held on June 28, 2022. Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners Thiagarajan, Rivera, Hebert and Marlow. Commissioner Reed was absent. 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 June 28, 2022, Regular Meeting Minutes.

**MOTION** by Kenninger.

**Second** by Hebert.

Ayes: 5. Nays: 0.

### Public Hearing:

5.a. Request by Garrett Companies for Approval of a Major Amendment to the Amber Fields Planned Unit Development Agreement and Preliminary and Final Plat for Amber Fields 7<sup>th</sup> Addition to construct a 250-unit multifamily community. (22-59-PUD, 22-60-PP, 22-61-FP )

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

Commissioner Hebert inquired how the proposed 250 units fit into the total units for the Amber Fields development. Hogan stated that she does not have the total number, only the number that was initially approved for the development.

Chair Kenninger inquired if this proposal will fit into the 8-unit townhomes. Hogan stated that it will but will be 10-unit townhomes. Kenninger questioned if this development will continue to increase their proposed number of units per townhome. Hogan stated that the number of units was planned for in the master development. Senior Planner Nemcek stated that staff has continued to keep track of the units and would like to stay as close to the anticipated number of units as possible. The developer was asked to stick with the height and set back requirements of the R-3 zoning. Kenninger inquired if the townhomes will be rentals. Hogan confirmed that they will be. Kenninger inquired as to if the PUD required a 5-foot-wide set back on the sidewalks. Hogan stated that it's not required, that it is currently proposed as 4 feet throughout the development. This site is also privately maintained sidewalks.

Commissioner Thiagarajan inquired if there are examples within the city that are similar. Hogan stated that it would be best to ask the applicant.

The public hearing opened at 6:46 pm.

### Public Comments:

Karl Stout, 1051 Greenwood Springs Blvd, Suite 101, Greenwood, IN, The Garrett Companies, Applicant, stated that the rent will be market rate, the types of trees are currently unknown, the trash will be one compactor, and other developments in MN is currently going up in Lakeville. Other developments in different states have been very successful.

Commissioner Hebert inquired about the garage parking vs. outdoor parking. Mr. Stout stated that it is one garage space per unit. Hebert questioned if there will be on-site management. Mr. Stout stated that they will manage the site themselves.

# PLANNING COMMISSION REGULAR MEETING MINUTES

JULY 26, 2022

PAGE 2

**MOTION** by Kenninger to close the public hearing.

**Second** by Hebert.

Ayes: 5. Nays: 0. Motion Passes.

The public hearing closed at 6:51 pm.

## **Additional Comments:**

Commissioner Hebert stated that he is in favor of increasing the density in this area, but that the increase in traffic at the intersection of Akron and 42 is concerning.

**MOTION** by Rivera to recommend the City Council approve the Preliminary and Final Plats for Amber Fields 7<sup>th</sup> Addition, subject to:

- a. Execution of a Subdivision Agreement.
- b. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated July 11, 2022 (and associated stormwater review memo dated July 12, 2022)
- c. Payment of \$82,500.00 as a landscape surety.
- d. 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 Marlow.

Ayes: 5. Nays: 0. Motion Passes.

**MOTION** by Rivera 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 ten (10) dwelling units may be attached per building.
- b. Section 11-4-7. To increase the maximum gross density allowed the Echelon at Amber Fields to 16.12 units/acre.

**Second** by Hebert.

Ayes: 5. Nays: 0. Motion Passes.

**5.b. Request by Akron 42, LLC** for a Comprehensive Guide Plan Amendment and a Major Amendment to the Prestwick Place Planned Unit Development. **(22-54-PUD, 22-55-CPA)**

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

Chair Kenninger inquired if other businesses would be permitted with the change. Nemcek stated that the zoning would stay C4-General Commercial. The uses that are currently allowed, is what would be permitted.

Commissioner Marlow inquired if the proposed change is to have the site line up with the current Comprehensive Guide. Nemcek stated that the change is to make the property more developable.

Commissioner Hebert inquired if theoretically there could be two gas stations in this area. Nemcek stated that one would be nice. Applications will be looked at as they come into staff.

Chair Kenninger questioned why the change is proposed now, with no application submitted. Nemcek stated that the area has received a lot of interest lately, but no applications.

The public hearing opened at 7:09 pm.

## **Public Comments:**

# PLANNING COMMISSION REGULAR MEETING MINUTES

JULY 26, 2022

PAGE 3

Brad Garms, 14262 Ailesbury Court, stated that he would like to see the property stay zoned as commercial and not be changed to residential.

Nicolas Labelle, 14260 Ailesbury Court, stated that he agrees with his neighbor, Mr. Garms and would like to see commercial options around their homes.

**MOTION** by Kenninger to close the public hearing.

**Second** by Hebert.

Ayes: 5. Nays: 0. Motion Passes.

The public hearing closed at 7:15 pm.

## **Additional Comments:**

Chair Kenninger questioned how much commercial would be able to fit into the remaining acres. Nemcek stated that it could be developed like commercial properties along Highway 42.

Commissioner Hebert questioned how many units would be able to fit on the 8 acres. Nemcek stated that it would be estimated around 200-unit multi-family.

Chair Kenninger stated that she is struggling to take away the acreage for commercial. Especially without a specific application proposal.

Commissioner Marlow stated that he's also struggling with changing the properties zoning to high density residential.

Commissioner Rivera inquired if this is something that can be revisited if an application gets submitted. Nemcek stated that the land owner can speak to that question.

Melissa Doos, Akron 42, 7697 Anagram Drive, Eden Prairie, representative of property owner, stated that with the market changes throughout the years, we're seeing less big box stores being developed. There is a private residential developer currently working with staff for the multi-family development. The proposed change gives this developer conformation that the change will be happening to the zoning.

Commissioner Thiagarajan questioned if the mixed use residential would be an option in this area. Ms. Doos stated that it has been discussed, but harder to achieve in this specific area.

Commissioner Hebert stated that with the surrounding development in this area that would bring in residents, without having a proposal in front of us, having a hard time justifying the change to the land use.

Commissioner Marlow stated that he agrees with Commissioner Hebert.

Commissioner Thiagarajan stated that it would make sense to keep the zoning commercial to encourage the residents walkability in this area.

Chair Kenninger stated that with keeping the zoning commercial, it would give more opportunities in this area.

**MOTION** by Hebert to recommend the City Council to deny a Comprehensive Land Use Plan Amendment changing the land use designation of the northern 8.1 acres of Outlot I.

**Second** by Marlow.

Ayes: 5. Nays: 0. Motion Passes.

**MOTION** by Marlow to recommend the City Council approve a Major Amendment to the Prestwick Place Planned Unit Development to remove Outlots I and J, Prestwick Place from the scope of the 2007 Prestwick Place Planned Unit Development Agreement and Prestwick Place Commercial Area Guidelines, subject to the following:

# PLANNING COMMISSION REGULAR MEETING MINUTES

JULY 26, 2022

PAGE 4

- a. The subject parcels may only be developed upon any necessary approvals by the Rosemount City Council, including but not limited to Planned Unit Development Agreements, Rezoning, or other applicable actions.
- b. The 2007 Planned Unit Development Agreement is still in effect as it affects other property.

**Second** by Thiagarajan.

Ayes: 4. Nays: 1. Hebert. Motion Passes.

**5.c. Request by Frana Companies** for approval of a Preliminary Plat, Rezoning, Planned Unit Development Master Development Plan, and a Conditional Use Permit to construct a manufacturing facility with outdoor storage. **(22-45-PP, 22-46-CUP, 22-47-PUD, 22-48-RZ)**

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

Commissioner Marlow inquired if Frana plans on operating in both locations. Hogan stated that the applicant can confirm, but that they believe they'll keep both sites. Nemcek stated that is correct and that the proposed is an expansion of the existing site.

Commissioner Hebert inquired if staff has any concerns over the parking discrepancies in the required parking vs. proposed parking. Hogan stated that staff currently does not. There is room to add additional parking if needed. Hebert inquired what the current businesses to west are. Hogan stated that it's an auto repair company.

Chair Kenninger questioned if a condition should be added that if parking is needed. They would be required to add additional parking. Hogan stated that would be an option. Kenninger questioned if another user would come into this property, would they also get the outdoor storage. Hogan stated that they would, it is kept with the land.

The public hearing opened at 8:00 pm.

## Public Comments:

Brandon Gess, 2785 160<sup>th</sup> Street West, Applicant, stated that the proposed project will be an expansion of their current facility.

**MOTION** by Kenninger to close the public hearing.

**Second** by Marlow.

Ayes: 5. Nays: 0. Motion Passes.

The public hearing closed at 8:02 pm.

## Additional Comments:

Chair Kenninger stated that they should add a condition to motion three an i. that would require them to add parking, if it becomes an issue.

**MOTION** by Hebert to Approve the Preliminary Plat for Frana Companies, subject to the following conditions:

- a. Approval of a Planned Unit Development Agreement Master Development Plan with Rezoning.
- b. Conformance with all the requirements of the City Engineer as detailed in the attached memorandum dated June 14, 2022.
- c. 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

# PLANNING COMMISSION REGULAR MEETING MINUTES

JULY 26, 2022

PAGE 5

d. Payment of \$68,250 as cash-in-lieu of Park Dedication.

**Second** by Marlow.

Ayes: 5. Nays: 0. Motion Passes.

**MOTION** by Hebert to Recommend the City Council Approve a Zoning Map Amendment to Rezone the site from BP-Business Park to LI-Light Industrial.

**Second** by Marlow.

Ayes: 5. Nays: 0. Motion Passes.

**MOTION** by Kenninger to Recommend the City Council Approve the Planned Unit Development Master Development Plan with Rezoning of the property from LI-Light Industrial to LI PUD-Light Industrial Planned Unit Development, subject to the following conditions:

- a. Execution of a PUD Agreement.
- b. A deviation from City Code Section 11-4-15-1 F to permit the main structure on site to be 40-feet away and parking and circulation on site to be 20-feet away from a minor arterial road right-of-way.
- c. A deviation from City Code Section 11-6-1 H to allow for fewer parking stalls than required.
- d. A deviation from City Code Section 11-5-2 C to permit an eight (8) foot tall security fence that will be chain linked with privacy slats.
- e. Incorporation of the recommendations of the City Engineer as detailed in the attached memorandum dated June 14, 2022.
- f. Conformance with the requirements of the Fire Marshall as detailed in the memorandum dated July 22, 2022.
- g. Signs Shall be subject to sign permits and normal zoning standards.
- h. The applicant shall update the landscaping plan to incorporate the additional plantings and additional trees needed to meet the outdoor storage requirement for landscaping. Any final shortfall from the number of trees required by the City Code shall be incorporated into the Planned Unit Development Agreement.
- i. **Will address any parking shortages with adding parking if needed.**

**Second** by Hebert.

Ayes: 5. Nays: 0. Motion Passes.

**MOTION** by Hebert to Recommend the City Council Approve a Conditional Use Permit for Outdoor Storage in the LI-Light Industrial Zoning District.

**Second** by Marlow.

Ayes: 5. Nays: 0. Motion Passes.

**5.d. Request by LTF Lease Company LLC** for Approval of a Preliminary Plat, Major Amendment to the Prestwick Place Planned Unit Development, and a Site Plan Review to construct a Life Time Athletic facility. (22-56-PP, 22-57-PUD, 22-58-SP )

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

Chair Kenninger stated that the proposed plans are very exciting. The parking looks like they are short 24 spots, will it be required before this moves onto City Council that they show where those spots would be added. Nemcek stated that would be possible. Additional parking will be an option along with development to the south of this project.

Commissioner Thiagarajan questioned if any bike storage was planned on site. Nemcek stated that the city can work with Life Time to ensure that there is bike storage on site, but the applicant can also speak to that. Thiagarajan questioned if the City has a requirement for the type of material that needs to be on the proposed building. Nemcek stated that the biggest recommendation is that there is a limit on how much eifs is included. Thiagarajan stated that the color of the building seems more dated.

Commissioner Hebert questioned if there is street parking allowed along Connemara. Nemcek stated that there is not parking allowed.

# PLANNING COMMISSION REGULAR MEETING MINUTES

JULY 26, 2022

PAGE 6

Commissioner Marlow inquired if there are plans to have a controlled pedestrian crossing on Akron Ave. Nemcek stated that there isn't currently one.

The public hearing opened at 8:27 pm.

## Public Comments:

Robert Mitchell, 1251 143<sup>rd</sup> Court East, stated that this development will be a great addition. There are no "No Parking" signs posted along Connemara.

Megan Eaton, 2902 Corporate Place, Chanhassen, Life Time, stated that they didn't want to propose overparking, if members aren't able to park at the club, then they lose members. Life Time is confident in the number of parking stalls proposed. Bike stations are included at the front of the building. Life Time does try to use timeless materials and colors on the exterior of their buildings.

Commissioner Hebert questioned about the building timeline. Ms. Eaton stated that they are going to try and start construction later this year.

Chair Kenninger questioned how long the development will take to complete. Ms. Eaton stated that they plan on opening in 2024.

**MOTION** by Kenninger to close the public hearing.

**Second** by Hebert.

Ayes: 5. Nays: 0. Motion Passes.

The public hearing closed at 8:33 pm.

## Additional Comments:

Chair Kenninger inquired if the "No Parking" signage along Connemara could be looked into. Nemcek stated that he will. Kenninger inquired if the pedestrian crossing can also be brought up to Dakota County. Nemcek stated that he will bring that up to them.

**MOTION** by Thiagarajan to recommend the City Council approve the Preliminary Plat for Prestwick Place 23<sup>rd</sup> Addition, subject to the following conditions:

- a. The plat should contain the private streets within outlots for mapping purposes.
- b. The plat should incorporate the comments contained within the Engineer's Memorandum dated July 5, 2022.

**Second** by Marlow.

Ayes: 5. Nays: 0. Motion Passes.

**MOTION** by Thiagarajan to recommend the City Council approve a Major Amendment to the Prestwick Place Planned Unit Development Master Development plan, subject to the following conditions:

- a. Approval of a Major Amendment to the Prestwick Place Planned Unit Development removing the subject parcel from the scope of the Commercial Area Guidelines for Prestwick Place.
- b. A deviation from Section 11-4-14 F.10. increasing the maximum building height from thirty-five (35) to forty-eight (48) feet.

**Second** by Marlow.

Ayes: 5. Nays: 0. Motion Passes.

**MOTION** by Thiagarajan to recommend the City Council approve the Site Plan for the Life Time athletic facility, subject to the following conditions:

- a. The trash enclosure must be constructed of material similar to the principal structure.
- b. If the proposed number of parking stalls results in a shortage of parking, additional stalls must be added to meet the minimum requirement of the Zoning Ordinance.
- c. Incorporation of all comments contained within the Engineer's memo dated July 5, 2022.

**Second** by Marlow.

Ayes: 5. Nays: 0. Motion Passes.

**PLANNING COMMISSION REGULAR MEETING MINUTES**

**JULY 26, 2022**

**PAGE 7**

**Discussion:** None.

**Reports:** None.

**Adjournment:** There being no further business to come before this Commission, Chair Kenninger adjourned the meeting at 8:39 pm.

Specialist

Respectfully submitted,  
Stacy Bodsberg, Recording