

**PLANNING COMMISSION REGULAR MEETING MINUTES
AUGUST 23, 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 June 28, 2022. Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners Thiagarajan, Rivera, Reed, and Powell. Commissioners Hebert and Marlow were absent. Also, in attendance were Community Development Director Kienberger, Senior Planner Nemcek, Planner Hogan and Recording Specialist Bodsberg.

The Pledge of Allegiance was said.

Oath of Office

Additions to Agenda: None.

Audience Input: None.

Consent Agenda:

5.a. Approval of the July 26, 2022, Regular Meeting Minutes.

5.b. Request by Frana Companies, Inc. for Approval of the Final Plat for the Frana Manufacturing Plant (22-72-FP).

MOTION by Kenninger.

Second by Thiagarajan.

Ayes: 5. Nays: 0.

Commissioners Reed and Powell abstained from approval of item 5.a. July 26, 2022, Regular Meeting Minutes because they were not in attendance at the meeting.

Public Hearing:

6.a. Request by Scannell Properties #527, LLC for Approval of a Minor Subdivision (22-62-MS).

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

The public hearing opened at 6:36 pm.

Public Comments: None.

MOTION by Kenninger to close the public hearing.

Second by Reed.

Ayes: 5. Nays: 0. Motion Passes.

The public hearing closed at 6:37 pm.

Additional Comments: None.

MOTION by Rivera to recommend the City Council approve a Minor Subdivision for Rich Valley 2nd Addition, subject to the dedication of Right-of-Way for a future east-west road prior to City Council approval of any development on the southern portion of the Rich Valley plat.

Second by Powell.

Ayes: 5. Nays: 0. Motion Passes.

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6.b. Request by Pineridge Hillside for Approval of a Site Plan Review (Final Development Plan), Conditional Use Permit, and a Planned Unit Development Master Development Plan to construct a three-building condominium garage facility (22-63-SP, 22-64-CUP, 22-65-PUD).

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

Chair Kenninger inquired about examples of businesses that can be on property. Nemcek stated if someone is running a business out of their home and they need more room.

Commissioner Reed stated that he appreciates the inclusion of condition F.

Commissioner Thiagarajan questioned if the paving going right up to the building. Nemcek stated that is what the plans show. Thiagarajan stated that any run off would go right onto the paving. Nemcek stated that is correct and would be collected in-between the building.

The public hearing opened at 6:53 pm.

Public Comments:

Mark Welch, Griffin Construction Co, 14070 Highway 52 South East, Chatfield, stated that he consulted with the applicant for the proposed project and that they are good with the conditions of approval. Will be working with staff on any questions.

Jim French, Pine Ridge Hillside, LLC, Applicant, N7429 1195th Street, River Falls, WI, Commissioner Thiagarajan questioned if the cement siding on one side and metal paneling on others is intentional. Mr. French stated that it is.

Chair Kenninger questioned if there are plans to have a gate at the entrance. Mr. French stated that an HOA is established once finished and that decision will be left up to the community to decide.

MOTION by Kenninger to close the public hearing.

Second by Reed.

Ayes: 5. Nays: 0. Motion Passes.

The public hearing closed at 7:01 pm.

Additional Comments:

Chair Kenninger stated that a better landscape plan would be appreciated before the item goes to City Council.

MOTION by Reed to recommend the City Council to approve a PUD Master Development Plan with rezoning of the site from BP-Business Park to BP PUD-Business Park Planned Unit Development for a condominium garage facility on Lot 1, Block 1, Rosemount Car Club, subject to the following conditions:

- a. Execution of a PUD Agreement.
- b. A deviation from City Code Section 11-4-15 (F.3) to allow the overall impervious coverage of the site to exceed 75%.
- c. A deviation from City Code Section 11-4-15 (G) to allow buildings that do not meet the City's site and building design standards with regards to entry features and permitted materials. Building design shall be regulated under the PUD Agreement.
- d. A deviation from City Code Section 11-4-13 (D) to allow the facility to be open and available for use for 24 hours per day and not be completely enclosed by a combination of buildings and decorative fencing.
- e. The sanitary sewer angle points and stubs to the building need to be completed at a manhole for maintenance purposes.
- f. The City will be able to access all manholes on the eastern portion of the property to evaluate discharge into the public sanitary and storm sewer system from the site.
- g. Individual units shall be numbered and signed accordingly.
- h. Establishment of a private association that assumes responsibility for maintenance of all common areas and site elements, including but not limited to private access drives, parking areas, storm water retention ponds, landscaping, patios, and exterior building elements.

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- i. Incorporation of recommendations from the City Engineer in a review memorandum dated August 12, 2022, relative to drainage, grading, easements, utilities, storm water management, and other subjects covered in the review.
- j. No parking will be allowed along the driveways providing access between buildings and the developer will be responsible for signage marking these areas following the recommendation of the Fire Marshall.
- k. Freestanding signage will be limited to one for the PUD area in the location identified on the site plan.
- l. No overnight stays are permitted on the site, and any uses other than the storage of vehicles must conform to the permitted uses listed in the BP-Business Park district use standards.
- m. Payment of all required area and connection charges consistent with the Engineering memo.
- n. The landscape plan shall be updated to bring the site closer to compliance with the City's minimum landscape requirements for overstory trees. Any remaining shortfall shall be accounted for in the PUD agreement.
- o. A landscape letter of credit for 110% of the site landscaping is required.

Second by Powell.

Ayes: 5. Nays: 0. Motion Passes.

MOTION by Reed to recommend the City Council approve a Conditional Use Permit for a self-service storage facility to allow the construction of a 67-unit car condominium garage facility.

Second by Thiagarajan.

Ayes: 5. Nays: 0. Motion Passes.

MOTION by Reed to recommend the City Council to approve the Final Site and Building Plan for a condominium garage facility.

Second by Thiagarajan.

Ayes: 5. Nays: 0. Motion Passes.

5.c. Request by Flint Hills Resources for approval of a Transmission Facility Permit to construct a pipeline between its Pine Bend Refinery and CF Industries' anhydrous ammonia terminal (22-67-TFP).

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

Commissioner Reed inquired what the process is to inspect the pipe during construction. Nemcek stated that the City is not involved in the inspection process of this type of project.

Commissioner Powell inquired if the City will make sure that the applicant obtains all required permits. Nemcek stated that the applicant will obtain all necessary permits.

The public hearing opened at 7:12 pm.

Public Comments:

Jake Reint, Flint Hills Resources, Applicant, 681 Lexington Parkway South, St. Paul, stated that this project is a safety project that will allow them to take 10-12 anhydrous ammonia trucks a week off the road by replacing it with this pipeline.

Commissioner Rivera questioned about the uses of the anhydrous ammonia. Mr. Reint stated that it is used for fertilizer. Rivera inquired if there will be a long-term agreement. Mr. Reint stated that they do have a long-term agreement with CF Industries.

Commissioner Reed inquired about the inspection process during construction. Mr. Reynolds stated that both State and Federal permits and inspections will be done.

MOTION by Kenninger to close the public hearing.

Second by Powell.

Ayes: 5. Nays: 0. Motion Passes.

The public hearing closed at 7:16 pm.

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Additional Comments: None.

MOTION by Powell to recommend that the City Council approve the Transmission Facility Permit for Flint Hills Resources, subject to the following conditions:

1. Submittal and approval of a City Utility Permit from the City Engineer.
2. All construction and restoration activities shall conform to the City of Rosemount General Specifications and Standard Detail Plates for Street and Utility Construction.
3. Construction hours outside of those specified in City Code Section 9-7-2 are permitted provided the extended hours are necessary to complete horizontal directional drilling work for long runs that cannot be completed during the permitted construction time period. The applicant shall provide advance notice to the City when activities will extend beyond the working hours specified by the City Code.
4. The permit shall expire at the completion of the project.

Second by Reed.

Ayes: 5. Nays: 0. Motion Passes.

6.d. Request by Robert McNearney Custom Homes for Approval of a Major Amendment to the Meadows of Bloomfield Planned Unit Development Agreement, Rezoning, and Preliminary and Final Plat to construct 12 townhome units (22-68-FP, 22-69-PP, 22-70-PUD, 22-71-RZ).

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

Commissioner Reed questioned if the residents need additional parking, where would that parking be. Hogan stated that the additional 6 stalls onsite seemed enough.

Chair Kenninger inquired about the parking requirements for townhouses. Nemcek stated that .5 stalls per unit for townhomes, and for twin homes there are no requirements for additional stalls. So, the extra six parking stalls are not required.

Commissioner Rivera inquired what the neighboring property is. Hogan stated that they are townhomes as well.

The public hearing opened at 7:28 pm.

Public Comments:

Stephen Kukulka, 13752 Atrium Avenue, stated that his front door will look out right onto this development. Mr. Kukulka questioned if there will be any division between the two developments.

Robert McNearney, 21382 Heywood Avenue, Lakeville, is the applicant and is available for questions. Mr. McNearney stated that there will be space between the two developments.

Aaron Peterson, 13740 Atrium Avenue, stated that drainage is a concern and it seems like a small property to squeeze twelve townhomes.

Mr. Kukulka, 13752 Atrium Avenue, questioned where the entrance will be to the development.

Mr. McNearney stated that their engineers have provided the City with all of the necessary grading information, the dirt pile has to be moved before building can begin. Would like to save as many trees as possible and will be planting additional trees. The density of the proposed project is in line with all of the City requirements. The development will be privately owned at this time, with an HOA in place. The entrance into the development will be off Autumn Path.

Commissioner Reed inquired if a resident feels like their home has been impacted because of construction nearby, how do they deal with that. Community Development Director Kienberger stated that they can certainly reach out to the City to get information on what the project is. If the project is compliant than it would have to be dealt with between property owners.

Mr. Kukulka, 13752 Atrium Avenue, stated that he has concerns with the townhomes proposed as rentals. Planner Nemcek stated the City does have a rental home licensing requirement and that there are a lot of rentals throughout the City in both single family and townhomes.

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MOTION by Kenninger to close the public hearing.
Second by Reed.
Ayes: 5. Nays: 0. Motion Passes.

The public hearing closed at 7:48 pm.

Additional Comments: None.

MOTION by Thiagarajan to recommend the City Council approve the Preliminary and Final Plats for Autumn Terrace, subject to:

- a. Execution of a Subdivision Agreement.
- b. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated August 12, 2022.
- c. Incorporation of any easements necessary to accommodate drainage, ponding, streets and utilities.
- d. Payment of all applicable fees including GIS, Park Dedication and other fees identified in the current fee schedule.
- e. Payment of \$3,960 as a landscape surety.
- f. Payment of \$40,800 for Fee-in-Lieu of Park Dedication.
- g. 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 Reed.
Ayes: 5. Nays: 0. Motion Passes.

Commissioner Powell stated that item b. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated August 12, 2022 will need to be addressed.

MOTION by Thiagarajan to recommend the City Council approve a Zoning Map amendment to rezone the site from R1 PUD-Low Density Residential Planned Unit Development to R2 PUD-Moderate Density Residential Planned Unit Development.

Second by Reed.
Ayes: 5. Nays: 0. Motion Passes.

MOTION by Thiagarajan to recommend the City Council approve a Major Amendment to the Meadows of Bloomfield Planned Unit Development inserting the development plans for Autumn Terrace into the agreement.

Second by Reed.
Ayes: 5. 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 7:59 pm.

Respectfully submitted,
Stacy Bodsberg, Recording Specialist