

**PLANNING COMMISSION REGULAR MEETING MINUTES
SEPTEMBER 27, 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 September 27, 2022. Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners Thiagarajan, Rivera, Reed, Hebert, Marlow and Powell. 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 August 23, 2022, Regular Meeting Minutes.

MOTION by Kenninger.

Second by Powell.

Ayes: 7. Nays: 0.

Public Hearing:

5.a. Request by Schafer Richardson for Approval of a Planned Unit Development Final Site and Building Plan and Preliminary Plat to construct two multi-family buildings containing 336 dwelling units (22-74-PUD & 22-75-PP).

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

Commissioner Reed questioned about the parking stalls and why not require the extra parking stalls right away? Nemcek stated that to not have unused asphalt sitting around, staff recommends that if more parking is needed in the future, they can add on to the parking. Reed inquired about the park commissions 'recommended park dedication fee' and if the City Council could change that requirement. Nemcek stated that they can.

Commissioner Thiagarajan inquired where the Life Time facility is proposed. Nemcek stated that facility is proposed on the property just south of this site.

Commissioner Powell questioned if the surface water that is still under review would change the site plan once it is complete. Nemcek stated that it is not very common.

Chair Kenninger inquired as to how Adalyn Ave was designed to accommodate a development like the proposed. Nemcek stated that the City Engineer has a better understanding on how the streets are designed, but the surrounding development is considered during the design.

The public hearing opened at 7:04 pm.

Public Comments:

Katie Anthony, Schafer Richardson, Applicant, 900 North 3rd Street, Minneapolis, 55401, stated that this site was chosen as it is in a great location and Rosemount has great schools. The parking studies have been completed and the studies discovered that the parking demand was lower than what has been proposed. The traffic has been a concern in this neighborhood and because of that a traffic study has been completed. The height of the buildings is proposed due to the easements that are currently on the property. The concerns about the surrounding homes property values being altered because of the development are encouraged to reach out to a local realtor.

Chair Kenninger inquired about the building time line. Ms. Anthony stated that 4 years is the proposed length. Both buildings will be under construction at the same time and could be completed in 2.5 years.

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Commissioner Rivera inquired if the buildings are market rate housing. Ms. Anthony stated the two buildings differ in that Building A (east-side) will contain units leased at rents that are market-rate, while the units in Building B will feature rents that are affordable to residents within incomes below a certain threshold.

Tom Fowler, 1259 Lower 143rd Street East, stated that there is not enough proposed parking. The street is too small to accommodate the amount of traffic. The neighbors believe that property values will decrease because of the traffic, amount of people, and the lower income apartments. Also expressed concerns regarding property values and an assessment should be done to determine whether the value will increase or decrease.

Mickey Stone, 1221 142nd Street East, concerns regarding traffic hazards, property values concern, the height of the buildings and public safety concerns with additional units. Also expressed concern regarding lighting.

Logan Wilkinson, 1227 Lower 143rd Street, stated that as a police officer and having worked at lower income apartments, that is where officers spend most of their time and stated crime in the area will increase.

Evan Cesar, 14300 Ailesbury Ave, stated that the public hearing notices should have been mailed out further than 500 feet of the property. Also, questioned if the city be willing to conduct their own traffic study. Would like to see similar developments in other communities that the applicant referenced.

Cindy Fowler, 1259 Lower 143rd Street East, stated that at the neighborhood meeting the developer stated that the project would take 4 years to be completed.

Rakshit Caplash, 14109 Aberdeen Way, why applicant paying for park and dedication fees? Is there not enough green space in the area? Also questioned the parking space availability.

Rebecca, 14121 Addison Ave, questioning how the case study was conducted. Expressed concerned regarding the number of affordable housing units in Rosemount and how close the areas are to one another. Consider rezoning the area and allowing more green space in the area as there currently is no park in the area.

Idolly Oliva, 14277 Ailesbury Ave, inquired about the projection of the increased traffic as the current kids grow up and start driving. Would like to inquire about having information translated for Spanish speaking homes.

MOTION by Kenninger to close the public hearing.

Second by Reed.

Ayes: 7. Nays: 0. Motion Passes.

The public hearing closed at 7:39 pm.

Additional Comments:

Chair Kenninger summarized the questions stated and asked Senior Planner Nemcek, City Engineer Erickson and Katie Anthony of Schafer Richardson for a response

Senior Planner Nemcek addressed the following questions;

The lighting plan would require City Council approval, the level of lighting shall not exceed 0.5 lumens at any residential property line or 1.0 lumen at any nonresidential property line.

The traffic study that was completed was done by Southern Traffic Services (STS) which considered existing and future uses. The study considered they city's comprehensive plan.

The gas line agreement is addressed through the gas line operator and the developer. For example, the City is unable to issue permits unless a written notice is given from the gas line operator if a resident wanted to build something in the area of the gas line on their property.

Park Dedication is required by every development to donate a certain amount of land or fee in lieu of land for nonresidential properties. The City's Parks Master Plan does not call for a park in this area, so staff is recommending the City collect cash in-lieu of land to meet the parks dedication requirements.

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The parking space calculation is for the total number of stalls required and is not indicating there would be partial parking stalls.

Commissioner Reed questioned if the fee-in-lieu of a park money gets used to develop new parks and maintain current parks. Nemcek stated that is correct.

Community Development Director stated that the state minimum for the mailing of public hearing notices is 500 feet from the application property per our City Code and mailed within 10 days of the public hearing. The City of Rosemount is requiring more than state statute requires. The policy would have to go to City Council for review for any changes.

City Engineer Erickson addressed the following questions;

Access to the site is from Adalyn Avenue at two locations. The traffic study completed took into consideration the maximum number of cars per hour.

Commissioner Reed inquired if sidewalks have been considered to be added along Adalyn Ave. Erickson stated that they have not looked at including sidewalks.

The stormwater management initial submittal has been reviewed and there was nothing at that time that would indicate changes need to be made. Any changes that would need to be completed would be included within the city council action item.

Kathy Anthony addressed the following questions;

The financing portion starts after the developer knows a project will work. Currently, there is no financing in place for Building A. For Building B, the developer will seek a different option for financing. If construction starts in 2023, if the buildings can get built concurrently, then they will be completed in approximately 2.5 years from ground break.

Many Conversations have been had with the gas company. There are no buildings over the gas line, it is only impervious surfaces.

For more information on examples of the developer's development, the public can view the developer's website. The most recent comparable development was finalized this summer in Richfield and another one in White Bear Lake in 2021.

Commissioner Reed inquired about the security of the property. Ms. Anthony stated that in each building there will be onsite building managers, security features inside and outside, and both buildings will be fobbed in order to get inside. Kenninger inquired if background checks are done. Ms. Anthony stated that background and credit checks are both done no matter the type of building.

Chair Kenninger inquired if there is an increase in crime around other buildings and areas in town that have high density. Nemcek stated that there have been no comments or concerns made by the Police Chief.

If the request is denied for the developer to increase the one building height to 55 feet, the developer would need to go back to the drawing board to determine the next steps.

Ms. Anthony noted the public notice was only provided in English language and stated translating this in the future is an important point.

Planning Commissioners further discussed the item;

Commissioner Powell stated that the fact that the traffic study hasn't been reviewed creates concern. The height of the proposed building that is higher than the max that the Council just set not that long ago is also concerning.

Commissioner Rivera stated that the height of the building and parking requirements are concerning and recommends the applicant stay within the guidelines that the City Council approved in January.

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Commissioner Reed stated that the building height is concerning. Reed has confidence in the outcome of the traffic study as they have been completed in the past. A 5-story building doesn't fit the vision that commissioners had for the area.

Commissioner Thiagarajan stated she would like more information regarding the traffic study before making a recommendation.

Chair Kenninger stated that the height of buildings was just increased from 35 to 48. She would like to see the height of the building to stay within the height requirements of the City code and what other options would look like. Kenninger is ok with the parking space requirements.

Commissioner Powell stated that he would prefer to make a motion to continue this item until additional information is provided regarding the lighting plan and traffic study.

Motion by Powell Second by Rivera.

Motion to continue this item to the October 25, 2022, Planning Commission meeting and include information about the traffic study and lighting plan

Ayes: 7. Nays: 0. Motion Passes.

Chair Kenninger confirmed there will not be another notice mailed out as this is a continuation and the sign will remain posted. The agenda item will be listed as an "old business" item and will not be a public hearing on October 25th. However, Kenninger will confirm with staff if public comment will be allowed at the meeting on the 25th.

5.b. Request by Akron 42, LLC for Approval of Preliminary and Final Plats, Site Plan Review, and Rezoning of a portion of the site to develop a 225-unit multi-family community. (22-76-SP, 22-78-FP, 22-79-PP, 22-80-RZ)

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

Commissioner Rivera clarified a similar application was brought before Planning Commission at a prior meeting where the Planning Commission chose not to vote in favor and City Council voted in favor of it. Staff confirmed the prior request was re-guiding the comprehensive plan and not rezoning. Also noted, this time there is an actual developer and project proposed for this property.

Chair Kenninger informed all the comprehensive plan is helpful for developers to see the vision of what development is desired in the area long term completed every ten years.

The public hearing opened at 8:52 pm.

Public Comments:

Andy Bolling, Roer Companies, Applicant, 2 Carlson Parkway, Suite 400, Plymouth, stated Lennar owns the property and noted the parcel to the south will be commercial which Roer is not purchasing. The 225-unit market rate complex will be kept as close to county road 42 as possible and the parking will remain behind the building. The northern stormwater area will be maintained. Construction will take approximately 1 ½ years.

Kevin Zoch, 14301 Ailesbury Ave, stated that he's concerned about the additional traffic this project would bring. The apartments would disrupt neighboring views and noise levels will be raised. Also concerned about the notices that were provided and stated the notices should have been issued further. Also voiced concerns about the number of parks in the area. Mr. Zoch also noted he started a petition for this item and there are over 125 signatures.

Clayton Maricle, 14388 Alma Ave, stated that he highly disapproves placing low income housing units. Questioned whether the city and developer receive any additional funds or tax incentives for high density housing or low-income housing, i.e. federal/state grants.

Thomas Hellmann, 14242 Ailesbury Court, stated that Connemara Trail traffic will be highly increased with this proposed project.

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Nicolas Labelle, 14260 Ailesbury Court, stated the height of a four-story or five-story building doesn't fit in this neighborhood. The pool and patio are right across from his yard, concerned about potential swearing and noise and questioned if the pool patio could go towards the other side where the noise wouldn't impact as many people.

Michael Sweeney, 14259 Alma Ave, stated that the closest park to the proposed development, Ailesbury Park, is already busy and now proposing so many additional people in the area will make it even more busy. Also, questioned the plans and renderings and the process of getting the area re-zoned.

Brooke Skinn, 14363 Aldborough Ave, stated that the sports or activities that are scheduled in the surrounding park and with the cars parked on the street will cause additional safety concerns. She questioned whether the city has the resources (i.e. fire, police, schools, etc.) to provide for this additional population.

Courtney Pennington, 14258 Ailesbury Court, questioned the plan for public safety and if the city has a plan in place to hire additional officers. Also concerned about the future of the middle and high school as additional space will be needed. Also wanted to know how to increase the public notice radius as the requirements for notices should be further than 500 feet.

Evan Cesar, 14300 Ailesbury Ave, questioned where Lennar was this evening. Questioned the shortage on trees and parking, but how both could be added.

James Arndt, 14245 Ailesbury Ave, asked the commissioners to listen to the citizens that currently live here rather than the people who do not.

Allison Rothstein, 14237 Ailesbury Ave, stated that their neighborhood is currently safe, and their kids are their main concern.

Dan Tong, 14358 Alma Ave, stated that there is concern about additional traffic driving through their neighborhood.

Brian Ludvigson, 14312 Aldborough, stated he reviewed the comprehensive plan online and the plan states to provide adequate transitions between uses of land. He believes having high density flowing into low density does not meet that statement.

Kristina Powell, 14240 Ailesbury Court, stated that the increase in traffic and the safety of the neighborhood is concerning.

Jessica Schwartz, 14185 Ailesbury Ave, stated that Rosemount currently doesn't have enough police and fire to support the additional people. Also stated the neighborhood is currently outnumbered by the number of children to adults.

Brian Schwartz, 14185 Ailesbury Ave, stated that the potential crime increase is concerning. Crime statistics should be discussed when reviewing potential projects.

Katie Nemitz, 14268 Alma Ave, inquired about how full the current apartment buildings in Rosemount are.

Kendra Eisenschenk, 14301 Ailesbury Ave, stated that it's concerning that the City Council didn't listen to the Planning Commissions' decision.

MOTION by Kenninger to close the public hearing.

Second by Thiagarajan.

Ayes: 7. Nays: 0. Motion Passes.

The public hearing closed at 9:34 pm.

Additional Comments:

Chair Kenninger summarized the questions stated and asked staff members for a response.

Chair Kenninger inquired how it's determined how many police officers and fire fighters are on staff. Hogan stated interdepartmental meetings are held to discuss upcoming projects and there were no concerns regarding this item. Kienberger stated the metrics used to determine how many fire and police are needed as the city continues to grow is not available tonight, however will be provided and discussed with City Council.

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Hogan stated zoning change are made when a project comes forward.

The city communicates with the school district to know what's forthcoming development wise in order to forecast appropriately.

Crime statistics is an important piece that should be taken into consideration when the planning commission is considering projects.

Nemcek confirmed this apartment complex will be market rate and in the past apartment complexes have converted from income restricted to market rate housing once tax credits are received.

The city doesn't receive any funding for this project. A developer could seek tax credits for workforce housing complexes. However, in this scenario since it is market rate, there is no tax incentives for the developer.

Kenninger requested any residents who believes they should have received a public notice but did not, to bring your address forth to city staff to verify whether a notice should have been sent.

Kenninger informed residents they can email city council members that the public notice radius should be further increased from 500 feet including the reasoning why.

Any Ailesbury Park current concerns, i.e. parking, garbage, etc. should be addressed to Parks & Recreation Director Dan Schultz.

The Parks & Recreation Department reviews the master park plan and no park fits within this plan and that is why the park dedication fee was selected for this project.

City Engineer Erickson stated there should be less impact for traffic in this neighborhood as the entrance and exit will flow into the collector streets, i.e. Akron Avenue, Connemara Trail and Abbeyfield Ave. Connemara Trail is built to be a collector street to take on heavier traffic and that is why there are not driveways on Connemara Trail. The residents' concern is that people will use Ailesbury Avenue to cut across to Connemara Trail and Ailesbury Park. However, staff confirmed the plan for the applicant's entrance/exit is further north of Ailesbury Ave which makes a better connection to Connemara Trail.

Nemcek noted the staff reports that go to City Council for action do include residents' public comments as well as the minutes from the planning commission meeting.

The developer confirmed there is no funding assistance being received for this project. Also noted, once you build at market rate, it is not allowed to go to income based and the current pool location is being considered to move to the northeast area and include tree buffers. The developer also confirmed they will meet the tree requirements. A market study confirmed a 300-unit site would fit the need for this area and stated there is a significant demand for rentals in the south metro. Also noted, there is area to the north of the property that the developer would be willing to deed to the city for a park if that is of interest.

Staff, Planning Commission and City Council reviewed this area in 2021 and determined this area to have adequate transition of higher density to lower density and found this to be the vision for the area.

Commissioner Reed stated that because of the amount of the units involved in the proposed plan the need to consider the schools, public safety and the master parks plan is necessary. Reed is not in favor of the proposed plan.

Commissioner Rivera stated that the property should stay zoned for commercial projects as that is what is needed in this area.

Commissioner Powell inquired about the steps if Planning Commission denies the request for re-zoning, what the next steps would be if the current area is guided for high density.

Community Development Director Kienberger stated that an area is re-zoned to conform with a comprehensive guide. Kienberger noted if the Planning Commission does not approve the zoning update, the applicant is able to challenge this matter. Kienberger also noted the 60-day rule; the 60-day rule requires governmental entities to approve or deny a written request for certain actions within 60 days or the request is approved.

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Commissioner Powell stated that he would like to see more information included, and specifically a traffic study.

A traffic study is not required per our city code; however, staff encourages developers to do a traffic study as well as conduct a neighborhood meeting. Commercial generates a higher level of traffic during all hours versus residential during certain hours and the current roads were built considering commercial.

Commissioner Thiagarajan inquired if the building could be able to be broken down instead of having one long, tall, four story building. Chair Kenninger stated with trying to keep the parking in the back and the pipeline, smaller buildings may not be an option. Also asked if there is a possibility to guide traffic away from residential streets and Nemcek stated there is a traffic safety committee that addresses concerns, i.e. stop sign needed, speed studies, etc.

The developer stated there is a possibility to bring the southwestern part of the building down to 3-stories.

Chair Kenninger stated this proposal is a fair design and in line with the vision that staff, Planning Commission, City Council and Port Authority has for the area especially with the comments the developer made to reconsider a few design items, i.e. pool to northwestern side, lower to 3-stories in southwestern part, etc.

The comprehensive plan change to this area would have included a notification to residents identical to who was notified for this project, a sign would also have been placed on the property.

MOTION by Kenninger to recommend the City Council approve a Zoning Map amendment to rezone the site from C4 – Community Commercial Planned Unit Development to R4 – High Density Residential subject to Metropolitan Council approval of the Comprehensive Land Use Plan change of the site from CC – Community Commercial to HDR – High Density Residential.

Second by Powell.

Ayes: 3. Powell, Kenninger, Thiagarajan. Nays: 4. Marlow, Rivera, Reed, Hebert. Motion Failed.

MOTION by Reed to continue this until the plans are updated to reflect how the design better matches the comprehensive plan from a transition standpoint, that the plans clarify parks & recreation coverage in the area and traffic volumes are better analyzed at the October 25, 2022 Planning Commission Meeting.

Second by Kenninger.

Ayes: 5. Powell, Marlow, Kenninger, Reed, Thiagarajan. Nays: 2. Rivera, Hebert. Motion Passes.

Chair Kenninger confirmed there will not be another notice mailed out as this is a continuation and the sign will remain posted. Staff will review the notices that were sent for the meeting. The agenda item will be listed as an “old business” item and will not be a public hearing on October 25th unless staff find that there were notices that were not mailed out and should have been.

Discussion: None.

Reports: None.

Adjournment: There being no further business to come before this Commission, Chair Kenninger adjourned the meeting at 10:42 pm.

Respectfully submitted,

Stacy Bodsberg, Recording Specialist