

**PLANNING COMMISSION REGULAR MEETING MINUTES  
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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 October 25, 2022. Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners Thiagarajan, Rivera, Reed, Hebert, and Powell. Commissioner Marlow was absent. Also, in attendance were Community Development Director Kienberger, Senior Planner Nemcek, City Administrator Martin, Public Works Director Egger, Parks and Recreation Director Schultz, City Attorney Tierney and Recording Specialist Paque.

The Pledge of Allegiance was said.

**Additions to Agenda:** None.

**Audience Input:** None.

**Consent Agenda:**

**4.a. Approval of the September 27, 2022, Regular Meeting Minutes.**

**MOTION** by Kenninger.

**Second** by Powell.

Ayes: 6. Nays: 0.

**Old Business:**

**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 the how staff determines the appropriate number of parks within an area. Parks and Recreation Director Schultz addressed the metrics for how a new park is deemed necessary. Generally, for every 2,000 residents or approximately 650 households a new park is built. Schultz presented a comparison of local parks and their square footage to show what is in different developments. In Spring 2023, the City plans to replacement the playground equipment at Claret Park, Kidder Park, and Biscayne Park.

Commissioner Thiagarajan asked if there is an updated timeline for the new parks and the new school. Staff anticipates the parks to start in summer 2023. Staff had not received an update from the school district regarding the new school.

Commissioner Rivera stated that the fifth story of the proposed apartment building has been adjusted and is no longer a concern. Rivera questioned if the traffic from both of the apartment buildings would enter/exit off of Adalyn Avenue. Senior Planner Nemcek confirmed. Public Works Director Egger advised that private driveway access typically does not go out onto collector roadways such as Connemara Trail.

Peter Orth, with Schafer Richardson, Applicant, 900 North 3<sup>rd</sup> Street, Minneapolis, 55401, discussed the changes that were made to the height of the building. Due to the reduction in height, it reduced the number of units by 10 percent, as well as reduced the amount of traffic on the roadways. The project is currently in compliance with the current zoning of the area.

Commissioner Reed requested clarification on the available parking spots for the two buildings. Mr. Orth confirmed that the amount of parking spots has increased from 1.54 spots per unit to 1.7 spots per unit. There is space on the site for 90 parking stalls as reserved parking as well.

**MOTION** by Powell to recommend the City Council approve the preliminary plat for the subdivision of Outlot A, Prestwick Place Townhomes, subject to the following conditions:

1. Drainage and utility easements shall be dedicated over all stormwater ponds, buffers and outlets.
2. Dedication of standard perimeter drainage and utility easements over the property.
3. Approval of a Planned Unit Development Final Site and Building Plan.

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4. Conformance with all requirements of the City Engineer as detailed in the memorandum dated September 15, 2022.

5. Conformance with all requirements of the Parks and Recreation Director as detailed in the memorandum dated September 19, 2022.

**Second** by Herbert.

Ayes: 6. Nays: 0. Motion Passed.

**MOTION** by Reed to recommend the City Council approve a PUD Final Site and Building Plan to construct two multi-family buildings in the northeast quadrant of Connemara Trail and Akron Avenue, subject to the following conditions:

1. Approval of a final plat subdividing Outlot A, Prestwick Place Townhomes.

2. Compliance with all conditions detailed in the Engineer's Memorandum dated September 15, 2022.

3. Payment of cash-in-lieu of park land dedication in the amount of \$762,500.

4. Entry monuments shall be subject to sign permits and normal zoning standards. Appropriate sight distances must be maintained.

5. The applicant shall submit updated elevations indicating the final building height of the eastern building prior to Council review.

6. Entry monuments shall be subject to sign permits and normal zoning standards. Appropriate sight distances must be maintained.

**Second** by Powell.

Ayes: 6. Nays: 0. Motion Passed.

## Public Hearing:

**6.a. 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).

Senior Planner Nemcek gave a presentation and summary of the staff report for the Planning Commission. Staff requested the public hearing be reopened from the hearing on September 27, 2022 due to a shortfall in the number of letters that should have gone out initially notified residents of the public hearing. New letters have since gone out to all appropriate property owners publicizing the public hearing taking place this evening.

Commissioner Rivera requested that staff explain what the term "re-guided" means. Senior Planner Nemcek advised that the City has a comprehensive land use plan that is the overarching guide for development within the City. Below that is the zoning ordinance and the zoning map. When land is "re-guided" it changes the land use designation. Any future zoning must be consistent with the land use designation.

Commissioner Kenninger re-opened the public hearing from September 27, 2022 at 7:10 pm.

## Public Comments:

Andy Bolling, Roers Companies, Applicant, 2 Carlson Parkway, Suite 400, Plymouth, stated their team attempted to move the proposed pool to the northeastern side of the site but ran into setback issues that would have required a variance. The team included a different screening type of the pool area instead.

Commissioner Reed stated that he has some concerns related to how the current plan compares to the original visioning study. Reed requested that the applicant discuss what factors went into the design. Mr. Bolling stated that it primarily came down to the zoning and units per acre.

Joe Jablonski, representing Akron 42, LLC, Landowner, 16305 36<sup>th</sup> Avenue W, Plymouth, advised that Lennar is a part owner of the property. The property was marketed actively for the past 10 years. The property owner came to the Planning Commission in July of 2021 requesting that the northern portion of the property be rezoned from commercial to high-density residential. The Planning Commission approved the rezoning in July 2021. The southern part of the property is still zoned as commercial.

Brooke Skin, 14363 Aldborough Avenue, discussed the proposed new schools for Rosemount. Ms. Skin stated that she spoke with the Financial Director of the school and they currently do not have the funding for the two new proposed schools.

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Nick Labell, 14260 Ailesbury Court, questioned what the screening for the pools actually are. He requested to know what material will be used. Mr. Labell requested that the developer explain what their security plan and how they are calculating their market rate pricing as well.

Katie Nemitz, 14268 Alma Avenue, addressed the shortage of letters that the City sent out prior to the September meeting. If the correct number of letters were initially sent out, she suspects there would have been a higher number of attendees.

Kevin Z., 14301 Ailesbury Ave, discussed the traffic safety for the neighborhood and the transition plan from single family to multi-family/apartment buildings. Kevin questioned the plan for the school district and new schools due to the growing population in Rosemount. concerns.

Clay Maricle, 14388 Alma Avenue, stated that his neighborhood currently has 269 signatures of their petition to oppose rezoning of the plat for high density purposes. Mr. Maricle requested that the commission vote against the rezoning.

Evan Cesar, 14300 Ailesbury Avenue, requested that the commission hold off on approving the rezoning until the housing development along County Road 42 has started.

Idolly Olivia, 14277 Ailesbury Avenue, discussed the challenges of finding day care within Rosemount. Ms. Olivia expressed concern for the safety issues that come with high density housing and requested to know what the plan is.

Mike Polski, 14176 Ailesbury Avenue, stated concerns about increasing the population at the intersection of Akron Avenue and Connemara Trail.

Sarah Sidwell, 14129 Abercorn Avenue, discussed concerns about safely accessing parks across Akron Avenue.

Kristina Powell, 14240 Ailesbury Court, discussed the commercial needs east of Highway 3 so that residents can stay within Rosemount to get gas or go shopping.

Tina Angerer, 14276 Ailesbury Avenue, stated that Rosemount has a hometown feel and would like to see that feel continue. Ms. Angerer requested that the commission consider more community space.

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

**Second** by Reed.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 7:43 pm.

### **Additional Comments:**

Chair Kenninger summarized the questions stated and asked staff and the applicant for responses.

Senior Planner Nemcek stated the visioning study for the site and area are currently just a concept plan. An application analysis has not been completed yet for the proposed project. The comprehensive plan identifies high density residential as compatible with most uses except industrial land use. Care should be taken to provide buffering, such as landscaping, distance, berms, etc.

Nemcek addressed the vacant land on the east side of Rosemount. The majority of the east side of Rosemount is currently owned by Flint Hills Refinery. They have indicated that they would only allow industrial and business park development on their land. The eastern side of Dakota County Technical College (DCTC) is guided for business park and industrial uses. South of DCTC is contaminated. The area of Dakota Aggregates is planned to be mined until 2040.

Community Development Director Kienberger added the Port Authority is aware of the commercial and high-density acreage that resides in the City. The City is currently operating under the 2040 Land Use Plan as required by the Metropolitan Council. The plan gets updated every 10 years based on active reviews and assessments. Amendments can be granted within the Land Use Plan.

City Administrator Martin updated the commission and public that the City meets with the School District every 2-3 months to discuss population growth in the City and share other updates. The school district intends to come to tax

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payers for a bond referendum in Summer or Fall 2023. The school district currently owns lands at the intersection of Bonaire Path and Akron Avenue and also looking at an additional property to acquire.

Mr. Martin addressed the concerns regarding the safety comments made. The Fire Department and Police Department are both a part of the development review committee. City Council has agreed to hire 1 new police officer every year as the population continues to grow. The Police Department is getting a new facility in 2024.

Lennar has been approaching the City for many years requesting to put housing on the parcel of topic. The quadrant near DCTC is a high demand area for developers. The City has been protecting it to try and meet the commercial needs of residents. Retail is anchored by a density provider. The proposed development will help anchor retail interest to this quadrant. Life Time plans to join this quadrant in 2024.

Community Development Director Kienberger discussed the shortage of letters that were mailed out prior to the original public hearing for the proposed developed. Staff has discussed adding additional feet as a best practice to the required "x-amount" of feet from a proposed project. Senior Planner Nemcek added that residents can sign up for email alerts for each city meeting.

Commissioner Kenninger addressed the concerns regarding childcare. Senior Planner Nemcek advised that child care centers are permitted in commercial zoned areas and business park zoning district. Home day cares are a permitted use in residential areas as well.

Public Works Director Egger spoke to the pedestrian improvements that were installed in the Akron Avenue area. Improvements are made when there is concentrated usage in a particular area. Egger thanked the audience for making staff aware that drivers are not acknowledging crosswalk signage and beacons. Law enforcement will be made aware of this issue to continue enforcement action. Akron Avenue is under the jurisdiction of Dakota County. The City does not have the ability to make improvements to Akron Avenue.

Erin LaBrie - County Engineer with Dakota County, stated that the County has been working with the City to review proposed improvements for traffic impacts. Projects can be programmed if improvements are needed once a proposed development has been approved.

Commissioner Reed questioned the buffer area west of the parcel, closest to the single-family homes. Senior Planner Nemcek advised that the pipeline companies have concerns about fill within their easement areas. Buffers are used for traffic and noise verse a residential use. Staff reviewed the landscaping plan for project. When the trees are planted, the coniferous trees are 6 feet in height and the deciduous trees are 2 ½ caliper inches at the base. Larger trees do not have the viability if they are transplanted.

Commissioner Thiagarajan questioned where the mechanical units would be on the proposed plan. Senior Planner Nemcek stated that the code is written so that the units are not see at street level. In most cases, the units are placed on the roof. Andy Bolling with Roers Companies and their architect discussed design aspects of the building. Architects will review colors for lighter options to improve the scale perception of the building.

Commissioner Rivera added that she went out to the proposed project area and advised that she could not envision the proposed apartment buildings in the location.

Commissioners discussed their stance on the proposed project and how it will impact Rosemount as a whole.

**MOTION** by Powell to recommend City Council approve a Zoning Map amendment to rezone the site from C4 PUD – 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 Reed.

Ayes: 4. Powell, Kenninger, Reed, Thiagarajan. Nays: 2. Rivera, Hebert. Motion Passed.

**MOTION** by Reed to recommend City Council approve the Site Plan Review for the proposed multifamily community, subject to the following conditions:

- a. Approval of rezoning of the site from C4 PUD – Community Commercial Planned Unit Development to R4 – High Density Residential.
- b. Approval of the Preliminary and Final Plats for the Roers apartment project.

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c. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated September 14, 2022.

d. Conformance with the conditions and standards within the Park and Recreation Directors Memorandum dated September 19, 2022.

**Second** by Powell.

Ayes: 5. Kenninger, Reed, Hebert, Thiagarajan, Powell. Nays: 1. Rivera. Motion Passed.

**MOTION** by Kenninger to recommend City Council approve the Preliminary and Final Plats for the Roers Apartment Project, subject to the following conditions:

a. Execution of a Subdivision Agreement.

b. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated September 14, 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 a Landscaping Surety equal to 110% of the landscaping.

f. Payment of \$562,500 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. Kenninger, Reed, Hebert, Thiagarajan, Powell. Nays: 1. Rivera. Motion Passed.

**6.b. Request by Hawkins Inc.** for approval of a site plan review related to the construction of two additions onto the existing manufacturing and warehouse building onsite. (22-81-SP)

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

The public hearing opened at 8:44 pm.

## Public Comments:

None.

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

**Second** by Reed.

Ayes: 6. Nays: 0. Motion Passed.

The public hearing closed at 8:45 pm.

## Additional Comments:

None.

**MOTION** by Powell to approve the site plan and building design review for Hawkins, Inc., to allow the construction of two additions totaling 47,000 square feet onto the existing manufacturing and warehouse building on site, subject to the following conditions:

1. Conformance with all conditions of the City Engineer as outlined in the memo dated October 17, 2022, including compliance with the stormwater review memo.

2. Work with staff to meet the parking stall requirement prior to City Council approval.

3. Conformance with the standards of the existing Planned Unit Development associated with the property.

**Second** by Rivera.

Ayes: 6. Nays: 0. Motion Passed.

**6.c. Request by McGough Development** for preliminary and final plat approval related to a future development at South Robert Trail and 160th Street West. (22-85-FP & 22-86-PP)

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

The public hearing opened at 8:48 pm.

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**Public Comments:**

None.

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

**Second** by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 8:49 pm.

**Additional Comments:**

Chair Kenninger thanked the applicant for bringing the plan forward to get the area further developed.

**MOTION** by Powell to recommend the City Council approve the preliminary and final Rosemount Industrial Addition plats subject to the following conditions:

1. Execution of a subdivision agreement.
2. Incorporation of recommendations and requirements contained in the Engineer's memorandum dated October 17, 2022.
3. Vacation of a seventeen-foot-wide private easement along the southern edge of the parcel.
4. Vacation of existing public easements that are being platted or placed in right of way.
5. Payment of \$109,000 cash in lieu of park land dedication.

**Second** by Hebert.

Ayes: 6. Nays: 0. Motion Passed.

**New Business:** None.

**Updates:** Community Development Director Kienberger thanked the Planning Commission for their review of the items for the evening.

**Adjournment:** There being no further business to come before this Commission, Chair Kenninger adjourned the meeting at 8:53 pm.

Respectfully submitted,

Jessie Paque, Recording Specialist