

PLANNING COMMISSION REGULAR MEETING MINUTES

APRIL 26, 2016

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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 Tuesday, April 26, 2016. Vice Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners VanderWiel, Clements, Henrie, and Freeman. Commissioner Forester was absent. Commissioner Mele showed for the work session. Also in attendance were Senior Planner Klatt, Planner Nemcek, and Recording Secretary Roudebush.

The Pledge of Allegiance was said.

Oath of Office:

Mayor Droste swore in Michael Clements to the Planning Commissioner.

Election of Chair and Vice Chair: Commissioner Kenninger asked for nominations of Chair.

Commissioner Henrie nominated Kenninger for the position of Chairperson.

There were no further nominations.

MOTION by VanderWiel to elect Commissioner Kenninger by unanimous consent to the position of Chairperson.

Second by Henrie.

Ayes: 5. Nays: 0. Motion approved. Commissioner Kenninger is appointed as Chairperson.

Commissioner Kenninger asked for nominations of Vice Chair.

Commissioner Henrie nominated Commissioner VanderWiel.

There were no further nominations.

MOTION by Henrie to elect Commissioner VanderWiel by unanimous consent to the position of Vice Chair.

Second by Clements.

Ayes: 5. Nays: 0. Motion approved. Commissioner VanderWiel is appointed as Vice Chairperson.

Additions to Agenda: None

Audience Input: None

Consent Agenda:

a. Approval of the February 23, 2016 Meeting Minutes

MOTION by Henrie

Second by VanderWiel

Ayes: 3. Nays: 0. Clements abstain as he was not in attendance.

Public Hearing:

6.a. Request by Northern Natural Gas to construct a 20" natural gas transmission line (16-09-CUP).

Senior Planner Klatt summarized the staff report for the Planning Commission.

Commissioner Henrie inquired how deep underground the pipe would run and if neighboring residents would feel any impact. Klatt deferred to the applicant.

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Commissioner Clements inquired what extended hours meant, is that extra 2 hours or half a day. Klatt stated it depends on where they are in the process. He noted that once the Northern Natural Gas commences with the installation of pipe, stopping can be problematic since it greatly increases the risk of the pipe getting stuck.

Brian Krueger from Northern Natural Gas was on hand to answer questions. He stated drilling will take place in excess of 20 ft. deep, but will need to resurface at tie in points. Soil samples will be taken to determine soil conditions and design the drill to avoid tremors. The drill noise will stay under 55 decibel mandated by city code, if it does exceed they have ways to mitigate the noise. If necessary they are willing put landowners in a hotel during drilling. He also stated that once process is started it can't be stopped in the middle of process. It will take about a day to day and a half to have piping completely pulled through. The need for the additional piping is to increase flow and to provide the needed supply to meet the increased demands from their contract Xcel Energy.

Commissioner Clements inquired how far apart the new pipe will be placed from the existing pipe. Krueger stated it will be about 25 feet but that it may be somewhat closer in some locations where there is less room within the existing easement.

Chair Kenninger inquired about the largest pipe chase and how many residents would be impacted and how long the process will take. Krueger stated that most of the sound will be at entrance points. Pulling the pipeline needs to be continuous and could exceed the 55 decibel range in some locations. They are testing to see how far noise would be heard. In areas where the sound will exceed 55 decibels a sound buffer would be put up. He is unsure of the number of landowners impacted.

Commissioner Clements encouraged open communication with residents about impact of the drilling and pipe installation.

Commissioner Henrie inquired if there is a time line for each pipe chase. Krueger stated that no schedule is set yet but would most likely start with longer drills. He predicted that at most they would be working for a month or two at each location. Henrie also wondered if approval is contingent upon other cities also approving the project. Klatt stated that federal law preempts local ordinances and that the City cannot deny a request for a pipeline company to work within an existing easement. The City may add conditions to the permit in order to protect the welfare of the public.

Chair Kenninger requested information concerning how loud 55 decibels is compared to other activity. Klatt stated that this amount is typically associated with ambient noise levels like traffic.

The public hearing was opened at 7:08 pm.

Public comments:

Mark Schroeder, 12535 Dodd Blvd, stated that he is not exactly sure where the pipeline will cross his property and that he would also like clarification concerning how the project will proceed. He also questioned whether or not the proposed easements across his property would affect his property value.

MOTION by Henrie to close the public hearing.

Second by VanderWiel.

Ayes: 4. Nays: 0. Motion Passes.

The public hearing was closed at 7:11 pm.

Additional Comments: None

Chair Kenninger asked staff to get Mr. Schroeder's contact information so they can further address his concerns. Klatt stated that the city is not acquiring easements. The easement is an agreement between the applicant and property owner.

Motion by VanderWiel to recommend the City Council approve the Conditional Use Permit for Northern Natural Gas, subject to the following conditions:

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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. Northern Natural Gas Company shall limit construction noises from horizontal directional drill activities to 55 dBA at any residential dwellings or will work with the resident(s) of said dwellings to temporarily relocate during construction activities.
5. Compliance with the Fire Marshal's recommendations in a memorandum dated 4/20/16.
6. All infrastructure and landscaping removed from City property shall be restored and replaced upon completion of the pipeline project, including a one year warranty period. A letter of credit for 110% of the value of the infrastructure and landscaping shall be submitted to the City prior to work commencing.
7. NNG shall submit an updated map book to the City similar to the maps provided with its Federal Energy Regulatory Commission filing showing the location of the existing and proposed pipeline prior to construction.
8. The Conditional Use Permit shall be valid through the projected completion date of October 31, 2017.

Second by Henrie.

Ayes: 4. Nays: 0. Motion Passes.

6.b. Request by Timeless Homes for a Simple Plat and Minor Amendment to the PUD to modify the design and reduce the number of townhouse in Harmony Village (16-11-AMD, 16-12-SP).

Senior Planner Klatt summarized the staff report for the Planning Commission.

Commissioner Clements inquired about any tax implications when reducing the number of lots. Klatt stated that the park dedication fee was paid during the initial application and additional park dedication fees would not be required. Sanitary sewer and water connection fees collected by the City would be somewhat less because these particular fees are addressed when building permits are issued for each lot.

Commissioner VanderWiel inquired if the approval represented a legislative or quasi-judicial decision. Klatt stated it is a quasi-judicial decision, and reminded commissioners that they are evaluating a simple plat with no additional approvals.

Chair Kenninger asked to clarify the status of the conditions of approval. Klatt stated that no conditions are associated with the simple plat and that the Planning Commission does not need to approve the PUD amendments. The PUD amendments will be addressed by the City Council at a future meeting.

Don Willenbring from Timeless Homes was in attendance to answer questions. He stated that Timeless Homes bought 59 of the remaining Harmony lots in 2014 and that they all sold in about 30 days. There is a shortage of single level townhouses and he wants to change the design to meet demand in the area.

Public Hearing opened at 7:43

Public comments:

Carolyn Nordin, 13457 Bronze Parkway, inquired about the time frame for construction. Willenbring stated he is just waiting for approval and will start as soon as possible. Depending on demand, he will start construction on all three sites this year, and expects the entire project will take about 9 months to complete.

Constance Marquardt, 2709 134th Street, stated she is concerned about accumulation of garbage over the winter from current project and asked if garbage pickups could be more frequent. Willenbring stated he will make sure it's not an issue this time around. Marquardt is in favor of fewer units.

Katie Bisson, 2764 135th Street W, also had concerns about the amount of trash and also inquired if there is anything that can be done to add more parking. Willenbring stated that parking will stay the same, he is not asking for any changes other than the number and style of houses.

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Chair Kenninger inquired if residents know how to get ahold of Willenbring to address concerns. Willenbring stated that his contact info is at various points on the construction site and encouraged residents to call him with issues.

Richard Vee, 2780 135th Street, also expressed concern about the amount of off-street parking in the neighborhood and asked for more to be added. Klatt stated that the parking as approved meets city code requirements, but that the City is interested in the resident's concerns so they be considered as ordinances are reviewed.

Commissioner VanderWiel inquired what the city can do to address the parking issues. Klatt stated that the current request does not alter any of the approved parking spaces and meets the city code. He noted that the City of Rosemount cannot add conditions after the fact, but that the City would be willing to talk to homeowners about the current situation.

Willenbring stated if his proposal is not passed then he will go back to original request of 28 homes and that would negatively impact the area. The City has already approved plans for 28 homes, and these could be constructed with only a building permit from the City.

MOTION by Henrie to close the public hearing.

Second by VanderWiel.

Ayes: 4. Nays: 0. Motion Passes.

The public hearing was closed at 8:01 pm.

Additional Comments:

Kenninger stated that homeowners need to talk to their HOA because they have control over the common areas within the Harmony development. It was also pointed out that there are easements within many of these common areas that limit the amount of land available for parking.

Motion by VanderWiel to recommend the City Council approve a Simple Plat for Harmony 7th Addition without conditions.

Second by Henrie.

Ayes: 4. Nays: 0.

6.c. Request by Vesterra, LLC/Stonex, LLC for renewal of 2016 Mineral Extraction Permit (16-08-ME).

Planner Nemcek summarized the staff report for the Planning Commission.

Chair Kenninger inquired if any mining this year has been done this year. Nemcek stated no mining has been done this year.

Jim Bauer with Vesterra/Stonex stated that there was minimal activity this winter for an emergency..

Public Hearing opened at 8:09 Public comments: None

MOTION by Henrie to close the public hearing.

Second by VanderWiel.

Ayes: 4. Nays: 0. Motion Passes.

The public hearing was closed at 8:09 pm.

Additional Comments: None

Motion by Henrie to recommend the City Council approve renew the Vesterra, LLC and Stonex, LLC Mineral Extraction Permit for 2016.

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Second by Clements.

Ayes: 4. Nays: 0.

Old Business: None.

New Business: None.

Reports: None

Adjournment: There being no further business to come before this Commission, Chair Kenninger adjourned the meeting at 8:46 p.m.

II. Work Session

7.b. Comprehensive Plan 2040 Discussion

Planner Klatt stated that the City of Rosemount will be hosting two neighborhood meetings to get residents feedback regarding these specific planning areas. The North Central meeting will be held May 25th, 6:00 pm at the Community Center and the South East meeting will be June 2nd, 6:00 pm at the Steeple Center. Klatt asked for Commissioners to Volunteers to be on the task force for each area; Clements and VanderWiel volunteer for the North Central Task Force and Commissioner Mele volunteered for the South East task force.

The Commission reviewed the over-arching goals that were included in the 2030 Comprehensive Plan and suggested that the second goal concerning housing opportunities include a statement about the lack of housing options for young adults. The Commission also requested that the objective regarding increasing tax base in the community be reworded to make the intent of this goal clearer.

Commissioners discussed various approaches and visions for the future of Rosemount, including the following questions, ideas, and comments:

- Continue to promote options for walkability throughout the community.
- Determine the best options for commercial development near the Highway 42 and Highway 52 intersection and find ways to integrate this area with the rest of Rosemount.
- Create a series of districts in Rosemount that can develop with their own look and feel.
- Identify ways to make Rosemount a destination and to continue to attract good jobs and tax base for the community that can differentiate the City from others in the Twin Cities area.
- Develop strategies for creating high quality residential neighborhoods that take advantage of Rosemount's location at the edge of the Twin Cities metropolitan area.
- Identify opportunities to provide transitions between heavy industrial users and planned residential development.
- Embrace the wide mix of uses and activities that are found in Rosemount.
- Identify gaps in the housing market that are currently not being met and provide housing opportunities for those at the older and younger ends of the aging spectrum.

The Commission suggested taking advantage of opportunities for additional public outreach concerning the Comprehensive Plan update, including reaching out to the community at school events and general community events.

Respectfully submitted,

Amy Roudebush, Recording Secretary