

PLANNING COMMISSION REGULAR MEETING MINUTES

JULY 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, July 26, 2016. Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners Clements, Forester, Mele, Henrie, and Freeman. Commissioner VanderWiel left at 8:30 pm and Commissioner Henrie was absent. Also in attendance were Community Development Director Lindquist, Senior Planner Klatt, Planner Nemcek, Project Engineer Hatcher, and Recording Secretary Roudebush.

The Pledge of Allegiance was said.

Additions to Agenda: None

Audience Input: None

Consent Agenda:

- a. Approval of the June 28, 2016 Meeting Minutes.

MOTION by VanderWiel

Second by Clements

 Ayes: 6. Nays: 0.

Public Hearing:

6.a. Request by Metro Land Holdings, LLC. for a major amendment to the Harmony (Brockway Area) Planned Unit Development (PUD) to construct 7 single family lots and an 80 unit apartment building. (16-27-PUD).

Community Development Director Lindquist gave a brief overview of the staff report.

Commissioner Forester inquired if the City's has a goal for high density that they are trying to meet. Lindquist stated that there is not a specific goal that the city has but the City is interested in providing life cycle housing in the community.

Commissioner Clements noted the 4 calls for potential crime at the Waterford in the past 6 months and inquired about the how the Waterford compares to the proposed apartment building. Lindquist stated that the Waterford has 105 units with commercial space on the main level. Clements also questioned if there would be parking on Brockway. Lindquist stated there would not be on street parking on Brockway.

Commissioner Forester asked to define medium density vs. low density and how the neighborhood is a combination of different housing types. Lindquist indicated the guide plan is a combination of low density and medium density residential. The medium density residential is over everything that is not single family or the park and that is because the overall density of the project is about 6 units per acre which is medium density. It would be too hard to have each piece individually guided. Medium density is defined as 5-10 units per acre and high density is above 10 units.

Chair Kenninger inquired if the density would still be medium if apartment building is approved. Lindquist stated it would. Kenninger noted that the original approval was for 624 units, and streets and utilities were set up for this density. Lindquist confirmed that is correct. Kenninger also inquired about the comment in the motion for the exterior embellishments on the south and west wing to be consistent north and east wing be consistent. Lindquist stated the elevations in the packet were mislabeled. The condition means that the interior spaces that face the parking lot would need to match the street side views.

Commissioner Forester asked about how the planning commission analyzes the changes in the PUD. Lindquist lists the 8 purpose statement for use of a PUD. She noted the ordinance allows modifications to be made after a PUD is approved. The council and planning commission review minor and major amendments to modify the original plan, when it is over 5% change then both bodies need to approve. Both the Planning Commission and City Council need to keep in mind the comp plan and zoning when reviewing PUD amendments.

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Commissioner Clements inquired how many homes were built prior to 2008. Lindquist stated that 188 units were built, 22 single family and 166 townhomes were constructed based on the 2007 staff report.

Chair Kenninger confirmed that when a PUD is amended, the developer is not able to go back to the original plan without approval from the City. Lindquist stated that is correct but that previous amendments to Harmony were minor amendments because the number of units was smaller.

The public hearing was opened at 7:12 pm.

Public comments:

Joe McElwain, Metro Land Holdings/Chase real estate, gave a brief overview of who Chase Real Estate is and the proposal for the apartment building. McElwain stated rents would run between \$1,200 and \$2,400 per month; they run background checks on renters and buildings are drug free and non-smoking. He also stated that the Waterford mostly rents to single people or couples without children and there is a waiting list for units at the Waterford. He stated that one building as compared to the townhomes would eliminate driveways and garage doors and one driveway to create a predictable traffic pattern. He went on to address parking, stating that at his other buildings across the metro they find demand of about 1.65 parking stalls per unit. At Waterford the parking ratio is 1.85 and they are about 75% parked and 100% occupied.

Commissioner VanderWiel inquired what kind of common spaces or amenities will this building provide for residents. McElwain stated there will be a clubroom for residents to rent and common spaces, he also stated that most residents expect more amenities.

Chair Kenninger inquired if underground parking is an additional fee. McElwain stated yes there is a fee, currently the Waterford charges \$50 a month and typically is full in the winter.

Commissioner Forester inquired when Metro Land Holdings purchased the property. McElwain stated they purchased the property from Rottland around 2010.

Commissioner Clements inquired if the applicant knew whether the homeowners association amenities were designed to accommodate the senior housing and two apartment buildings. Lindquist states that there has always been an intention for a community building, although the details were never defined and the building was part of the original 2004 plan. Clements also asked if they have looked at other parcels in Rosemount to place an apartment building. McElwain stated they have not.

Thomas Hartley, 2765 134th Street West, encouraged the Commissioners to not discount the 37 personal letters and 140 signatures. He feels that they should continue to operate under 2008 PUD. He also questions why the traffic study for 2004 is relevant. There are three other sites in Rosemount slatted for apartment buildings, he questions why this location was chosen versus the others. He also stated that the Homeowners Association does not speak to apartment buildings.

Christopher Bates, 2610 133rd Street West, he is on board of both master association and sub association, Harmony West, for about three years. There are three sub associations that make up the master association plus the single family homes. The HOA agreement that he has from when Rottlund was around doesn't address apartments. He doesn't understand how the HOA could reasonably accommodate the apartments and how they would pay and share facilities.

Jon Ottman, 13495 Brass Parkway, lived in his house for the last 8 ½ years. Unlike his neighbors he financially can't afford to move out of his neighborhood if this passes. This is not about figures, but about their neighborhood and the way it would change the dynamics of it. He said his family moved in after the PUD was changed to eliminate the apartment buildings. He suggests looking elsewhere to build an apartment building and encourages the Commissioners to vote no.

Nancy Engel, 2609 133rd Street West, thanked the commission for accommodating the crowd. She also built her home in 2008, based on 2008 PUD Amendment. She found out about the proposal from neighbor about the proposal for the apartment building. She wasn't in the notification area as she doesn't live with 350 feet of the proposed site and also noted that the HOA wasn't informed of the plan either. She never would have built in this neighborhood if she would have known an apartment building was going to be built in this neighborhood. Chase real estate is changing the rules.

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Waterford is between Hwy 3 and the railroad tracks, in a commercial district. She also stated that Metro Land Holdings approached the HOA months ago about this proposal and was told homeowners would not be interested; she feels Metro Land Holdings side stepped the HOA.

Allison Helgren, 133369 Brass Parkway, built her home in 2009 and would not have considered building if apartments would have been in the plan. There were 25 single family homes built before the PUD was amended and now there are 87 homes, most built under the knowledge of no apartment buildings in the neighborhood. She asked the Commission to consider if this is the best fit for all residents of Rosemount. She also stated that the pool capacity is 82.

Marcy Compton, 13260 Brass Parkway, states that 30 % of homes were built before 2008, and 70% after the PUD amendment. She feels that the traffic estimate doesn't account for disc golf, City Park, or ball field traffic or traffic cutting through from Bonaire to get to the light at Connemara. She encourages the Commission to vote no.

Mark Sawyer, 13482 Brilliant Gem Avenue, stated the traffic study is now 12 years old, does it consider all the traffic that is east of Hwy 3 since there has been considerable development in that part of the city since the traffic study. Property values in 2008 are not the same as what they are in 2016. Wouldn't have bought in 2014 if he knew the rules could change and is not fair to the residents of this neighborhood. He would also like to know what is the Metropolitan Council criteria for affordable housing and what is planned for the parcel to the south.

Alex Hedstrom, 13614 Brass Parkway, wants to speak to the point of young professionals moving back to Rosemount. He is in the process of purchasing his parents' home, he grew up in Rosemount and has come back to buy in Rosemount just like the applicant is saying they want young professionals to do. This apartment building would greatly reduce any chance for him to purchase his parent's property. The apartment project is not what anyone was expecting and it would ruin the neighborhood.

Kathryn Farsht, 13604 Brass Parkway, is wondering if the apartments would be accepting any vouchers for other income assistance. She also inquired about the number of police calls since Waterford Commons was built not just the last 6 months. She has had to make many accommodations to her home for her handicapped son and wouldn't be able to move if the apartment buildings were approved. She is disappointed that the rules are being changed in the middle of the game.

Lisa Morley, 2679 133rd st w, thanks the Commission for their hard work and thoughtfulness. She questions the number of police calls on Brockway, as she has called a couple of times in the past 2 years. She is not against apartment buildings as she has an 18 year old son and would love for him to have a place to live in Rosemount. However, the traffic is dangerous and the apartments would have a negative impact on neighborhood; clubhouse, and the pool, which was never built to accommodate an apartment building. To completely change the character of the neighborhood without their consent would greatly affect them. The vision from 2004 is not sustainable and would lower property values. She wants to know if it is city policy for a PUD to be a placeholder until a developer changes their mind. The notice process should be longer and feels the communication was not good.

Joseph Le, 13676 Brass Parkway, moved in 2005 to build a single level townhouse and personally feels his property value will go down. Traffic has increased since he has built in 2005. A house close to an apartment will not bring buyers but deter them.

Pat Lawler, 13659 Bronze Parkway, says traffic is constant for 12-13 hours a day at Disc Golf Course and Park and also lots of people parking on the street. She lives in the first unit facing the disc golf course, and is concerned about the additional traffic the apartment building would bring to her street.

Mark Sawyer, 2789 134th Street West, is a retired police officer, and has seen that when apartments go up so does crime. He is also concerned that the apartments won't be maintained. He asked the Commission to think about if an apartment building was put in their backyard how they would feel.

Bill Blundell, 13592 Brass Parkway, loves the feel of Harmony Village now, but an apartment building would ruin the neighborhood. His daughter is building a townhome in Harmony and doesn't want to live in an area where people don't take care of their property. It's about people, not about parcels of lands, and there are lots of places to build apartment buildings.

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Connie Marquardt, 2709 134th Street West, bought single level townhouse a year ago, because of the smallness of the beautiful area. When she was a renter she didn't take care of the property as it wasn't her own. Most of the residents in Harmony have bought our property based on the 2008 PUD.

Mark Meunier, 13426 Brilliant Gem Avenue, noted that a developer can come and have the PUD changed at any time to benefit them but homeowners can't just as easily change or move

Dave Fitzgerald, 13630 Brick Path, stated that when he purchased his home he was told that you couldn't rent a unit for more than 3 years or you had to sell because the HOA is concerned about renters. He asked the applicant how close their other buildings are to single family homes or townhouses. The roads are too busy for him to safely walk to the community center. He also asked the Commissioners to call all the association members and see if they can find five people who are for the apartment building because he doesn't think you could find anyone in support.

Wendy Hartley, 2765 134th Street West, purchased her home 6 years ago. Last week when she walked around the neighborhood to gather signatures most people she talked to were older 60's or older, most of them are concerned about the traffic going to the park. Townhouses are being sold and moved in as fast as they can be built. She stated that if you can afford the rent proposed by the developer then why not buy a house.

Dick Victor, 13624 Brass Parkway, said that forcing an apartment building in the neighborhood doesn't seem to fit. He indicated the vacant piece of property across the road that would be a better fit.

Curt Seabloom, 2781 134th Street West, noted that the year after he built his house Rotllund went under and the homeowners have been trying to recover ever since, warranties were gone, management company was gone, reserves were gone and they have been struggling since. He is the president of Harmony West Association and he deals with it on a monthly basis. Homeowners can't afford to have HOA dues raised to make the clubhouse and pool larger to accommodate apartment residents. Many of them are seniors living on a fixed income. He also questioned where trash will be stored and who is going to monitor grass and landscaping. Homeowners have struggled for 12 years to get to where we are now and it isn't fair to raise the fees so they can accommodate renters. He asks the Commissioners to vote no.

Kevin McDermott, 13411 Brass Parkway, he is a father of four and now he feels comfortable to let his older kids go to the park by themselves but he won't be able to if the apartment building goes in. If this passes the first thing he would do is put his home for sale. Buyers would pass up Harmony to other neighborhoods that don't have an apartment building in the neighborhood. A vote to approve would show a lack of care for community and family and encouraged the Commissioners to vote no.

Jerome Kerkhoff, 13454 Brilliant Gem Avenue, his family had a townhouse in Harmony and he and his wife decided to expand his family and chose to build in the same neighborhood because they loved the neighborhood. Also would not allow 10 year old daughter walk the neighborhood park if apartments are built. He will also put his home up for sale as well if proposal goes through.

Brian Guenther, 13341 Brass Parkway, purchased his home 2011, were told no apartments would be built in area. He noted the developer purchased land in 2010 under the PUD without apartments planned. He stated based on 1.6 cars per unit there would be a 109 more cars if an apartment building went in vs. three quad townhouse units. He also inquired how this would be an option to expand housing options when the rent is similar to a mortgage for a townhouse in the neighborhood. He would have not bought, and will sell, if he had known about the possibility of an apartment building in his neighborhood.

Michael Johnson, 13344 Brass Parkway, stated that Brockway is a cut through for drivers, which is going to get worse as development continues to grow to the east. He is also interested in crime around Waterford not just at the apartment building. He noted the developer didn't answer questions about amenities. There is a reason the PUD was changed, because they couldn't attract buyers with an apartment building in the plan. He also would not have purchased if the plans were changeable at any moment and also encouraged the Commission to vote no.

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Mike Samuelson, 13289 Bronze Parkway, he specifically asked the developer if there were any apartments going to be built in the neighborhood and was told no. He also stated that the neighborhood is being used as a cut through for those who want to avoid traffic at Bonaire or Connemara depending which way they are trying to travel on Hwy 3.

Ben Colburn, 2506 135th Court, found out on the news that Rottlund was going under when they were half finished building their house and they could have backed out and got their earnest money back and went on their way. But they jumped through the hoops to get their house completed, because they liked the neighborhood so much. He also would have not built if there was a possibility of an apartment building. Metro Land Holdings, LLC knew what the PUD was at the time of purchase from Rottlund and shouldn't expect it to change.

Chair Kenninger asked the applicant to come back up to address the questions raised in the public comments, they declined.

MOTION by Clements to close the public hearing.

Second by Freeman.

Ayes: 5. Nays: 0. Motion Passes.

The public hearing was closed at 8:49 pm.

Additional Comments:

Commissioner Mele inquired about the retention ponds and the timeline of completion. Lindquist stated that Dunmore was approved last year but the developer hasn't received final plat approval. The current pond wouldn't be allowed to be moved until the permanent pond is completed.

Chair Kenninger inquired what is the plan for the parcel that is located directly south of the apartment building. Lindquist indicated the parcel directly south is planned for townhouses and the parcel to the southwest approved for small retail.

Lindquist addressed the questions raised in the public comments. She stated notifications requirements are set by state law and that is what the city adopted and uses. The city sends notices to property owners, publishes in the paper, and put up signs on the subject property, the sign isn't required, but the publishing and notice are required. She also understands that there won't be any affordable housing at this building. Records on crime were received from the Rosemount Police Chief. She also encouraged the audience to go to the city's website where they can also look up the calls in Dakota County; it is new software and only have five months of records at this point.

Commissioner Clements inquired about the Met Council's position of affordable housing. Lindquist believes the value that is affordable it is around \$230,000 if owner occupied or 30% of income based on household size for rentals. The Met Council has specific guidelines for the total number of new affordable housing units that Rosemount is to provide in the future, which can be found in the Comp Plan, it a fairly large number for Rosemount. The number is not relevant for this project because affordable housing is not being proposed in this application.

Chair Kenninger inquired how trash will be handled. Lindquist stated she is unsure but often it is interior. Kenninger also inquired if there are other apartment buildings in a similar layout in the county, where the apartments are integrated into a residential neighborhood. Lindquist stated that Cobblestone Lake in Apple Valley has a mixed use. Lindquist also noted, although not exactly the same because they aren't apartments, but Carboury rental townhomes are adjoining Evermore and prompted a similar conversation.

Commissioner Clements inquired if there are any three story townhouses that would have a similar elevation in Harmony. Lindquist stated there are three level townhouses in Harmony, located mostly to the east of the site.

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Chair Kenninger noted she read it would be about a five foot height difference between the two building types. Lindquist stated that at the peaks it would be closer to an eight foot height difference.

Commissioner Clements inquired if a three story town house could be built on the site. Lindquist stated it would be an acceptable use.

Chair Kenninger inquired if there was anything that could have led that applicant to believe that they could build an apartment building since they purchased under the existing PUD. Lindquist stated the applicant would have to answer.

Commissioner Clements inquired if Metro Land Holdings, LLC already owns the property or if there is a purchase agreement on land. Lindquist stated that all open lots are owned by Metro Land Holdings, LLC. Clements also inquired about other spots for apartment buildings in Rosemount. Lindquist stated that the original concept for Prestwick Place had apartments. The lot just east of the railroad tracks and west of El Dorado Packaging is slated for apartments and would be adjacent to single family. They would only be two stories but multiple buildings. There are also places in the southeast portion of the City that are designated as high density residential.

Chair Kenninger inquired the city policy on PUD amendments, referencing the public comment to amend a PUD at the developer's whim. Lindquist stated the main reason a PUD or an amendment a PUD is utilized follows eight points. She noted the Planning Commission's role is more of a technical role on land use and zoning and Council's role is more policy based.

Commissioner Mele has experience as architect and doesn't believe anyone is trying to be evasive. He believes the second motion to create the 7 single family home is a reasonable request. But he has a hard time to going against the residents and not listening to their concerns. He will not recommend the City Council vote yes.

Commissioner Freeman stated she bought her home in 2008 in a neighborhood that was nearly complete because she didn't want something to change on her. She feels that the residents should have some assurance that the information they were given when they purchased their homes stays the same.

Commissioner Clements stated that while those who bought before 2008 knew that the PUD had apartment buildings; those who purchased after were told there would not be apartments so it doesn't seem right to put an apartment in a community that has completely changed. He has a hard time approving the apartments, but is in favor of the seven single family homes.

Senior Planner Klatt read Commissioner VanderWiel's comments aloud. She is in favor of approving the apartments but with the condition that 2 parking spaces per unit be provided as required by ordinance. She also feels that screening of parking lot needs to be reviewed. She noted that she drove through neighborhood before the meeting; she doesn't feel it is likely that the public would drive through the neighborhood to access Connemara Trail and there was very little traffic at the time of her drive through. She also feels that the apartment building has a similar appearance to three story townhouses across the street. While she appreciates the many concerns, most of the issues raised are policy issues. On a purely quasi-judicial basis she feels this complies. She goes on to mention that she has had her business in Waterford for last five years, it is very safe, no crime, nice amenities, including a large exercise room and community room. It also looks the same as it did five years ago. She stated it seems like there would be little impact on the HOA recreational spaces.

Chair Kenninger stated she is in the same spot as the residents here today, not an apartment building, but similar situation. It is a very tough decision to make but the apartments fit the land use and comp guide. Nothing has changed from 2004 to now in regards to land use, zoning, comp guide. She would also recommend two parking spaces per unit

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and screening on the parking lot. Is a tough decision, but based on land use she is in favor of the apartments and the seven single family homes.

Commissioner Forester stated buyers need to do due diligence, he agrees with Kenninger and everything she said but based on info residents had at the time of purchasing he is voting no.

1. **MOTION** by Clements to deny Approval of the Major Amendment to the Harmony PUD to permit an 81 unit 3-story rental apartment instead of 29 townhome units.
Second by Freeman
Ayes: 4. Nays: 1-Kenninger opposed

2. **MOTION** by Clements Recommend Approval of the simple plat application for Harmony 7th Addition:
 - a. Dedicate standard drainage and utility easements.
 - b. Development of the seven single family lots created in Harmony 7th Addition cannot occur until:
 - i. The applicant enter into an offsite ponding agreement
 - ii. The regional pond west of the site, within the Dunmore project be installed
 - c. The applicant to comply with the Engineers Memo dated July 19, 2016 for the Harmony 7th Addition
Second by Forester
Ayes: 5. Nays: 0.

Recess taken at 9:24 pm and meeting reconvened at 9:30 pm.

6.b. Request by CalAtlantic Group, Inc. for a Preliminary Plat, Planned Unit Development Master Development Plan with Rezoning and Final Plat to Develop a 169 Lot Subdivision named Greystone III (16-28-PP, 16-29-FP, 16-29-PUD).

Staff notified the Planning Commission that this item has been continued to the August 23rd Planning Commission Meeting.

6.c. Request by Prestwick LLC for a revised Preliminary Plat and Final Plat for Prestwick Place 13th Addition to build an additional 41 single family homes in the first development phase of the preliminary plat area. (16-21-PP, 16-22-FP).

Senior Planner Klatt gave a brief overview of the staff report.

Chair Kenninger inquired if not requiring three stall garages was allowed in other developments. Klatt stated not in Prestwick but has been allowed in Greystone, with allowing smaller lots it is hard for the developer to fit a third stall into the plans.

Commissioner Mele inquired if it is possible to be able to offer a third garage stall with the lots proposed. Klatt stated it depends on the lot.

Commissioner Forester confirmed that the standards set forth in previous Prestwick additions is generally the same. Forester also inquired about the northern road and the challenge to break up the monotony of the road. Staff indicated that the proposed design is the best alignment from a safety aspect. Although it is not ideal, there are a few spots having a slight curve, which should help calm traffic along the street.

Commissioner Clements inquired if the current easement allows double-loading the sidewalk on both sides of the street. Klatt stated that the City's standard is to have a sidewalk on one side of the street. Clements also inquired about the Park and Rec commission's recommendation. Klatt stated at the July 25th meeting the Park and Rec Commission recommended a sidewalk on both sides of the street due to the length and conditions of the road.

Commissioner Forester wanted to ensure that staff reviewed the layout of Ashford Ave and is OK with the proposed street. Engineer Hatcher stated they met early on with the developer to find the best possible layout and are content with the design presented.

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Commissioner Freeman inquired if there are stop signs proposed within the development. Hatcher replied that there are none other than at Connemara Trail. Typically within residential neighborhoods the traffic volumes do not warrant stop signs.

Commissioners Clements, Kenninger, Freeman, and Mele agree with Park & Rec Commission's recommendation to have sidewalks on both sides of Ashford Path.

Commissioner Forester clarified that tonight the Planning Commission is only approving the final plat for Prestwick 13th addition which is the first phase shown on the preliminary plat. He also inquired if staff foresees anything changing in the future. Klatt stated no, any intentions should be shown on the preliminary plat.

Commissioner Freeman inquired if the side setback was changed to 7.5 feet if the number of homes would decrease. Klatt stated the number of homes would be the same.

Chair Kenninger clarified that the houses would need to be smaller if the side set back was changed.

The public hearing was opened at 10:04 pm.

Public comments:

Scott Johnson, President of Prestwick LLC, stated that the sidewalk issue was just brought to his attention tonight, and he is neutral on the double sidewalk. He also stated that a 5 foot setback would give more flexibility but they can work with 7.5 foot setback.

Commissioner Clements inquired if there is anywhere else in Prestwick that has double loaded sidewalks. Johnson stated that there are none that he can think of. Clements also inquired how many builders would be active in the development. Johnson stated there will be three with this phase also.

Commissioner Forester inquired if there is any existing vegetation along railroad. Johnson stated there is but there might be a few places they could add plantings.

MOTION by Mele to close the public hearing.

Second by Freeman.

Ayes: 5. Nays: 0. Motion Passes.

The public hearing was closed at 10:07 pm.

Additional Comments:

Chair Kenninger stated she is in favor of adding a double sidewalk. Commissioner Mele agrees with her.

1. **Motion** by Forester to recommend that the City Council approve the Preliminary Plat for Prestwick Place 13th Addition, subject to conditions:
 - a. Approval of a Planned Unit Development master plan and rezoning the subject property and designating minimum lot requirements and setbacks.
 - b. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated July 21, 2016.
 - c. Conformance with all requirements of the Parks and Recreation Director as detailed in the attached memorandum dated July 21, 2016
 - d. Dedication of Drainage and Utility easements and must be dedicated over all ponding areas.

Second by Mele.

Ayes: 5. Nays: 0

2. **Motion** by Forester to recommend the City Council approve the Planned Unit Development Master Development Plan with the Rezoning of the property from AGP – Agricultural Preserve to R1 PUD – Low Density Residential Planned Unit Development, subject to conditions:

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- a. The front elevation design shall include one of the following elements:
 - i. Three and a half (3.5) feet of brick or stone wainscoting, excluding doors, windows or the wall behind the front porch;
 - ii. A front porch with railing that extends at least 30% of the width of the front elevation, including the garage;
 - iii. A side entry garage;
 - iv. Or, no more than 70% lap siding, excluding doors and windows.
- b. A deviation from City Code Section 11-2-15 F. so that the home designs do not need to include an option for a three garage stall.
- c. A deviation from City Code Section 11-4-5 F.1. to reduce the interior lot minimum area of 10,000 to 8,600 square feet and corner lot minimum area from 12,000 to 10,200 square feet.
- d. A deviation from City Code Section 11-4-5 F.2. to reduce the minimum lot width to sixty five (65) feet for interior and eighty (80) feet for corner lots.
- e. A deviation from City Code Section 11-4-5 F.4. to reduce the front yard setback to twenty five (25) feet.
- f. A deviation from City Code Section 11-4-5 F.5. to reduce the side yard setback to seven and one half (7.5) feet.
- g. A deviation from City Code Section 11-4-5 F.9. to reduce the maximum lot coverage to forty percent (40%) for lots less than 9,750 square feet in size and thirty five percent (35%) for lots over 9,750 square feet.
- h. Each corner lot will have two overstory trees, one fronting on each road. The seed mix in the ponding areas should be modified to include more wildflowers in the mix. Both of these modifications should be made to the landscape plan prior to release of the final plat.
- i. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated July 21, 2016
- j. Conformance with all requirements of the Parks and Recreation Director as detailed in the attached memorandum dated July 21, 2016.
- k. The landscape plan shall be updated to include additional plantings of evergreen or deciduous trees along railroad right-of-way.
- l. The landscape plan shall be updated to include additional plantings of evergreen or deciduous trees along Connemara Avenue, and Akron Avenue and/or a berm subject to approval by the City.
- m. Follow Park and Rec Commission's suggestion to add a sidewalk on both sides of Ashford Ave.

Second by Mele.

Ayes: 5. Nays: 0.

3. **Motion** by Forester to recommend the City Council approve the Final Plat for Prestwick Place 13th Addition, subject to conditions:
 - a. Approval and execution of a subdivision agreement.
 - b. Trees installed on individual lots shall be planted in a location that does not interfere with curb stops or individual sewer or water connections.
 - c. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated July 21, 2016.
 - d. Conformance with all requirements of the Parks and Recreation Director as detailed in the attached memorandum dated July 21, 2016.
 - e. All easements as requested by the City shall be documented on the Final Plat.
 - f. Vacation of existing drainage and utility easements over Outlot C of Prestwick Place 2nd Addition and the dedication of new easements as required by the City.

Second by Clements.

Ayes: 5. Nays: 0.

Set to go before City Council on August 16th, 2016.

6.d. Request by SKB Environmental for a Planned Unit Development Master Development Plan for a Metals Recycling Facility and Maintenance Shop. (16-16-PUD).

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Community Development Director Lindquist notified the Planning Commission that this item has been continued to a future Planning Commission Meeting.

6.e. Request by Flint Hills Resources for a Zoning Ordinance Text Amendment to Allow Combined Heat and Power Plants as a Conditional Use Within the HI-Heavy Industrial Zoning District.(16-31-TA)

Planner Nemcek gave a brief overview of the staff report.

Commissioner Forester inquired if the environmental worksheet is still valid since it showed an old site. Nemcek stated that the only site that has changed. Forester also inquired what the material on the cooling tower would be. Question was deferred to Mr. Kern.

Chair Kenninger inquired if the system can produce more than 49.9 kW or can the system do more. Nemcek stated it can produce a bit more, but they would need additional approvals to produce more. Kenninger inquired if there is any benefit to add that requirement to the conditional use permit. Nemcek stated that the conditional use permit states it needs to comply with all state and federal laws. Kenninger inquired if there would be any reason that the city would want to review it at that time. Lindquist stated it might make sense but it is hard to know since this is the first one.

Commissioner Clements inquired if there is something that is identifying to a regulatory body that it is capped. Nemcek referred to the Applicant.

Chair Kenninger inquired about the location of the landscaping, it's not in the general area but to screen those residents in the west. Nemcek they would continue that conversation with the applicant. Lindquist stated that the City has received feedback from residential developers about the view of Flint Hills to have a berm and landscaping near Ryland and to the south.

The public hearing was opened at 10:40 pm.
Public comments:

Don Kern, Flint Hills, stated that traffic would be entering and exiting to the east. Construction will be small relative to other projects at Flint Hills, working on traffic issues with county for a longer term plan. Capacity rated at 49.9, but machine capacity is 60 MW of power and anything over 50 MW triggers another set of regulations. The CHP is a pollution friendly, green machine want to integrate in their process. They will consume all the energy internally at the plant.

Commissioner Forester inquired about material on the cooling tower. Kern stated a tan material, typically its sheet metal but whatever is the City's preference.

Kern also stated that he is working with one of the developers on berming and landscaping. Plant over 10,000 trees in the area, most are seedlings that are only year or two old. They want to look at berming in the more challenging areas but doesn't want this to hold up progress on this project.

Commissioner Clements what controls are in place to keep the machines running at 49.9 kW. Kern stated there is software that limits capacity; they are required to keep records and could get fines if go over.

Commissioner Kenninger inquired about smell and air quality. Kern stated it should reduce other emissions on site.

Frank Knoll, representing St. John's Church, stated that after hearing the report the location is not going to affect the church and is in support of the project. He also hopes Flint Hills plants better trees than those along the pathway that hasn't been built, they had all died out. Lindquist stated goal is to plant on perimeter to the south and west, more the adjoining property they don't own.

Cynthia Sievert, 14180 Blaine Avenue, inquired about the sound it will generate. Kern stated that it will be less than background noise, they have decibel requirements they need to meet. She shouldn't hear any additional noise. Sievert stated Flint Hills has been a great neighbor.

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MOTION by Mele to close the public hearing.

Second by Freeman.

Ayes: 5. Nays: 0. Motion Passes.

The public hearing was closed at 10:52 pm.

Additional Comments:

Commissioner Clements inquired about what type gas is flared. Kern state it is various types but most is recovered and put back into the refinery.

Planner Nemcek reviewed the conditions.

Motion by Clements to recommend approval of a Conditional Use Permit for Flint Hills Resources to construct a Combined Heat and Power Plant subject to the following conditions:

1. Submission of a stormwater management plan with hydraulic model and details for the underground storage system
2. Compliance with the conditions and standards within the City Engineer's Memorandum dated July 21, 2016.
3. Submission of an elevation for the entire facility showing how the building relates to the cooling apparatus and the 170' stack.
4. The applicant shall comply with landscape ordinance standards for the project. Final landscape plans are required prior to issuance of a building permit.
5. Limit operation to a maximum capacity of 49.9 megawatts.

Second by Freeman.

Ayes: 5. Nays: 0. Motion Passes

6.f. Request by Flint Hills Resources for a Conditional Use Permit for a Combined Heat and Power Plant.(16-23-CUP)

Planner Nemcek gave a brief overview of the staff report.

Commissioner Forester inquired if the environmental worksheet is still valid since is showed an old site. Nemcek stated that the only the site has changed. Forester also inquired what is the material on the cooling tower. Question was deferred to Mr. Kern.

Chair Kenninger inquired if the system can produce more than 49.9 kW or can the system can do more. Nemcek stated it can produce a bit more, but they would need additional approvals to produce more. Kenninger if there is any benefit to add that requirement to the conditional use permit. Nemcek stated that the conditional use permit states it needs to comply with all state and federal laws Kenninger inquired if there would be any reason that the city would want to review it at that time. Lindquist stated it might make since but it is hard to know since this is the first one.

Commissioner Clements inquired if there is something that is identifying to a regulatory body that it is capped. Nemcek referred to the Applicant.

Chair Kenninger Inquired about the location of the landscaping, it's not in the general area but to screen those residents in the west. Nemcek they would continue that conversation with the applicant. Lindquist stated that the City has received feedback from residential developers about the view of Flint Hills to have a berm and landscaping near Ryland and to the south.

The public hearing was opened at 10:40 pm.

Public comments:

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machines capacity is 60 mw of power and anything over triggers another set of regulations. The CHP is pollution friendly, green machine want to integrate in their process. They will consume all the energy internally at the plant.

Commissioner Forester inquired about material on the cooling tower. Kern stated a tan material, typically its sheet metal but whatever is the City's preference.

Kern also stated that he is working with one of the developers on berming and landscaping. Plant over 10,000 trees in the area, most are seedlings that are only year or two old. They want to look at berming in the more challenging areas but doesn't want this to hold up progress on this project.

Commissioner Clements what controls are in place to keep the machines running at 49.9 kW. Kern stated there is software that limits capacity; they are required to keep records and could get fines if go over.

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Cynthia Sievert, 14180 Blaine Avenue, inquired about the sound it will generate. Kern stated that it will be less than background noise, they have decibel requirements they need to meet. She shouldn't hear any additional noise. Sievert stated Flint Hills has been a great neighbor.

MOTION by Mele to close the public hearing.

Second by Freeman.

Ayes: 5. Nays: 0. Motion Passes.

The public hearing was closed at 10:52 pm.

Additional Comments:

Commissioner Clements inquired about what type gas is flared. Kern state it is various types but most is recovered and put back into the refinery.

Planner Nemcek reviewed the conditions.

Motion by Clements to recommend approval of a Conditional Use Permit for Flint Hills Resources to construct a Combined Heat and Power Plant subject to the following conditions:

6. Submission of a stormwater management plan with hydraulic model and details for the underground storage system
7. Compliance with the conditions and standards within the City Engineer's Memorandum dated July 21, 2016.
8. Submission of an elevation for the entire facility showing how the building relates to the cooling apparatus and the 170' stack.
9. The applicant shall comply with landscape ordinance standards for the project. Final landscape plans are required prior to issuance of a building permit.
10. Limit operation to a maximum capacity of 49.9 megawatts.

Second by Freeman.

Ayes: 5. Nays: 0. Motion Passes

6.g. Request by the City of Rosemount for a Zoning Ordinance Text Amendment to Extend Approval Time of Preliminary Plats. (16-32-TA)

Community Development Director Lindquist gave a brief overview of the staff report.

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The public hearing was opened at 10:57pm.

Public comments: None.

MOTION by Clements to close the public hearing.

Second by Freeman.

Ayes: 5. Nays: 0. Motion Passes.

The public hearing was closed at 10:57 pm.

Additional Comments:

Chair Kenninger inquired if five years too long a time frame. Lindquist stated staff has no concerns.

Motion by Mele to Recommend Approval of the Text Amendment to the City Council

Ayes: 5. Nays: 0. Motion Passes

Old Business: None.

New Business: None.

Reports: Lindquist inquired about having training before the August 23rd meeting. Freeman cannot make it but the other commissioners can meet starting at 5:00 pm.

Chair Kenninger also reminded the commissioners of the SKB event on August 18th.

Adjournment: There being no further business to come before this Commission, Chair Kenninger adjourned the meeting at 11:01 p.m.

Respectfully submitted,

Amy Roudebush, Recording Secretary