

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 Tuesday, October 25, 2016. Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners VanderWiel, Clements, Forester, Henrie, and Mele. Commissioner Freeman was absent. Also in attendance were Community Development Director Lindquist, Senior Planner Klatt, Planner Nemcek, Public Works Director/City Engineer Morast, 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 September 27, 2016 Meeting Minutes.
- b. Approval of the October 10, 2016 Work Session Meeting Minutes

MOTION by Henrie.

Second by Mele.

Ayes: 6. Nays: 0.

Public Hearing:

5.a. Request by Copperhead Development Inc. and Warren Iraelson for a preliminary plat, site plan review with rezoning and reguiding, and final plat to construct a development named Rosewood Commons that would consist of 232 multi-family units. Rezoning the property from BP: Business Park and R-1: Low Density Residential to R4: High Density Residential Planned Unit Development. (16-35-SP).

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

Commissioner Clements confirmed that there are two parcels and total acreage is 12.28 acres total. Klatt confirmed that was correct. Clements went on to question if zoning doesn't change on the southern portion then a townhome development could be built and traffic could be directed through the current access point on Lower 147th Ct W. Klatt stated that is correct and with the proposed design nothing is planned to go through the current neighborhood except emergency traffic. Clements inquired if there is any concern about application timing; going over the 120 days to process the application. Klatt said there is not any concern and it is closely monitored. Clements also wondered if the applicant has to pay park dedication along with needing to provide recreation space. Klatt confirmed both are required.

Commissioner Mele inquired about the width of the drive lane and the sidewalk. Klatt stated those are two issues staff has highlighted; staff is recommending the drive lane be a minimum of 28 feet wide and a four feet of separation be added between curb line and sidewalk areas. Mele noted that would require the buildings to be pushed back eight feet. Mele also inquired if El Dorado had any concerns about residents using the other two entrances into El Dorado's lot. Klatt stated that is why they are asking for more details at the entrance. Mele asked how many trains crossed 145th Street; Klatt estimated about 6-10 trains a day but many seem to take longer to clear intersection due to switching cars onto different tracks. It was recognized that when trains are running, left turns will be problem regardless of the land use on site. Mele also inquired about snow removal. Klatt stated that is something that the applicant needs to address but the loop system allows for moving snow around and can push to storm water drainage areas. Mele inquired about the tree replacement plan. Klatt stated that the applicant will need to bring the site as close to the 240 trees required as possible and pay a fee in lieu of the trees required. Engineer Hatcher stated that this is a private site so City Public works doesn't plow the drive and snow removal is a private issue.

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Commissioner Henrie inquired about the previous PUD approved in 2007 and asked if that would allow the applicant to build that plan without City approval. Klatt stated there are no entitlements with a concept approval and therefore they must go through this process. Henrie inquired if there are any other options to solve the parking issue other than removing a building. Klatt stated the recommendations laid out are really the only options from staff's perspective, but the applicant feels they can address the issue without removing the building.

Commissioner Forester acknowledges the effort to combine the properties to direct traffic away from residential area. Originally he wasn't for the plan but now is leaning toward approval and he appreciates the opportunity to table it and take in all the information. He went on to ask for clarification about the previous plan. Klatt stated that it was designated for urban residential, which consist of townhouses and single family. In 2009 the ranges in the Comp Plan were modified and the city felt the site was better suited for something other than single family.

Chair Kenninger inquired about the landscape plan and resulting tree coverage between the 2007 concept plan and the current plan. Klatt stated it might be doable to follow original plan but some plan adjustments might be needed. She also inquired why the applicant went away from underground parking to street level. Klatt stated he would let the applicant answer.

Commissioner Forester inquired if site lighting been has been addressed. Klatt stated that the city has requirements; if this goes forward the applicant would address them before next meeting.

Chair Kenninger inquired about protection and screening from the rail line. Klatt noted there are some spots there is screening but most is too small to count towards the city threshold. Kenninger inquired about fencing. Klatt stated along the spur there a fence, should the project go forward the city is asking for a plan to provide a buffer between the project and railroad tracks.

Commissioner Clements stated that he visited 147th Street before the meeting, he feels the street seems tight and if the street would be changed to accommodate emergency vehicles. Lindquist stated that the Fire Marshal indicated the 147th Street access would open for residents to get out; fire and police would use main entrance.

The public hearing was opened at 7:55 pm.

Public comments:

Warren Israleson, the applicant, was on hand to answer questions. He has owned the land for about 15 years; the first concept had a different developer who backed out when the market crashed. He will maintain ownership and his design is different than the original plan.

Commissioner Forester inquired if Mr. Israleson has looked at medium density vs. high density. Israleson stated he has but city hasn't been very receptive a project similar to the housing already in the neighborhood, and is leaning towards a higher density development. He went on to explain that this is a family business and wants to have something for his son to take on. He has looked at the comments and feels he could meet the staff requested requirements. If he does do townhouses they would be for sale but agrees the city does need more rental. Since the site is surrounded by railroad tracks he feels apartments are the way to go.

Commissioner Clements inquired why the deviation from the original design. Israleson stated this is a small family business and they want to reduce the size and limit their exposure. Clements also inquired whether or not parking would be included in the rental fee. Israleson stated he hasn't determined if it will or not at this point. Clements feels if a fee is associated with parking then the visitor parking will be over encumbered and snow removal could become an issue for parking. Clements inquired if the plan is reduced to six buildings it would hurt cash flow. Israleson stated they would build one at a time and could make 30 unit buildings instead of 32 if needed to meet the parking requirement. Most are one unit or efficiency apartments which are typically only one tenant per unit.

Chair Kenninger felt that garage spaces would be used for storage instead of parking, where underground parking would actually be used for parking and reduce issues associated with parking.

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Commissioner Forester inquired how landscaping would be done if only one building is completed at a time. Israelson stated they wouldn't want to put landscaping in where it would be disturbed but would add trees that wouldn't be disturbed right away.

Commissioner Clements wondered if curb and gutter would be done in the first phase. Israelson stated no, they would start on the west along the railroad tracks and continue south.

Chair Kenninger clarified that the first year would be building one and the leasing building along with the garages.

Commissioner Forester inquired if the applicant has answers to all the issues the city has raised. Israelson stated the only issue is being 14 stalls short, but they could reduce the number of units by seven to accommodate.

Commissioner Clements asked for further clarification on the phasing process and how and when the connection to the emergency exit would get completed. The applicant stated it could possibly take 5-7 years to complete the project. Lindquist stated that the applicant would need to have a more deliberate phasing plan when it comes back before the Commission to address the access to the emergency exit.

Clint Hanson, 2683 Lower 147th Ct W, stated the stub piece is currently used by residents for parking, and asked for consideration of the current use by residents.

Jason Maag, 2686 Lower 147th Ct W, is concerned about density and how it will affect property values. He is also concerned about adequate screening along the property line and whether or not the sewer system is designed to handle the additional residents.

Michele Elin, 2674 Lower 147th Ct W, stated she doesn't like the idea of her view being blocked by the apartment buildings. She also asked for more permanent fencing as part is ripped down. She also questioned if there were better uses for this site.

Maria Mojica, 2695 Lower 147th Ct W, is concerned about maintenance of the road and who will pay, currently HOA maintains road. She is also concerned about lighting and if it will be visible at her home. She inquired about the price range of the apartments and the demographics of the renters as well as the height of the buildings. She stated that three homes have put their houses up for sale since this proposal has come up.

Jeremy Oliver, 14795 Boise Circle, feels that there is an advantage to have more people in the community but need to look at consequences as well. He feels that there shouldn't be any deviation from the required 2 stalls per unit. He also inquired about an agreement on Lower 147th Ct W to keep it a private road. He also brought up the broken fence and the need to fix it. He is also concerned about the hill at the railroad tracks that restricts the view of traffic and the possibility of accidents. He feels that there should be a restriction on left turns from the site.

Brenda Rivera, 2358 Birch Street, stated she works for the railroad. She feels that there will be a traffic issue on 145th with the increase in residents in that area. There are three different railroads that use the line and it is an interchange location for CP, which blocks the railroad for a longer period of time. She feels that traffic should be restricted from making left turns.

David Heil, 14671 Blanca Ave, stated he also works for the railroad. He has major concerns about chemicals and materials that are transported on the rail and could be harmful to the apartment residents if there was a spill or derailment. He thinks there is a security issue as well, kids are curious about the trains and need a fence to keep them out as well as other security measures need to be taken. He thought a government building would be a better use of the property, or something other than residential.

Nathan Marks, 14676 Blanca Ave, wanted to know whether the school district has weighed in on this new development and is concerned that capacity will reach 90% again.

Greg McElroy, 14611 Boxwood Path, has a background in fire and emergency access. He stated that it is hard for him to maneuver his truck around Lower 147th Ct W and doesn't think a fire truck would fit. He is also concerned that the

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emergency access eventually open up to daily use and who would be responsible for snow removal if access is opened up. He agrees the City needs more apartment buildings, but this is not the spot.

Greg Roob, 14838 Boise Circle, is concerned that there could be multiple cars per unit. He thought the reason the land south of this area was rezoned from residential to commercial because of the proximity to the railroad. He noted it was weird that further north that reasoning isn't used.

Mr. Israleson responded to the citizen comments. He stated he is looking to get market rate for rent and is planning on using nice finishes to attract higher end renters. Rent would be similar to the Waterford with the exception of not adding three room apartments to deter families from renting there.

MOTION by Clements to continue the public hearing to the November 22, 2016 Planning Commission Meeting.

Second by Mele.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing was continued to the November 22nd meeting at 8:45 pm.

Additional Comments:

Klatt stated that he has written down comments and questions and will address a few of them tonight and the rest will be addressed before the next meeting.

Lindquist provided a map of the community and stated that the railroad bisects a good portion of the city and most of it runs through residential developments. The uses have been a mix of single and multi-family along the railroad. The garages would act as a physical barrier from railroad. All city projects are reviewed by Fire Marshal, including access and sprinkler requirements. Adjoining property would maintain their side and applicant would maintain to his property line.

Klatt stated that looking at city as whole they are trying to balance growth across the city. He noted that the City meets yearly with the school district to address attendance concerns and Rosemount is one of the few in the district that is in the growth phase and the district is aware of the continuing growth within the City.

Chair Kenninger inquired about the height of the buildings. Klatt stated they at the peak it would be about 30-32 feet in height, about 6-8 feet lower than current single family.

Commissioner Clements clarified that if applicant only used southern lot they could put up 84 town homes in this area and they would gain access through Lower 147th Ct w. Mr. Israelson stated that the intent was always to direct traffic to the north. Klatt went on to say that if the developer does townhouses it would have an association and they would maintain the private streets.

All questions not answered tonight will be addressed in the staff report for the November 22nd meeting.

Motion by Henrie to continue public hearing to November 22, 2016 and direct the applicant to address the issues noted in Staff Report under "Conclusion and Recommendation".

Second by Mele.

Ayes: 6. Nays: 0. Motion Passes.

5.b. Request by City of Rosemount for a Text Amendment to increase the public notice area from 350' to 500' (16-51-TA)

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

Commissioner Mele stated the change feels like the change is a reaction to the complaints to the Harmony Apartment application and what will happen the next time when 500 ft. isn't enough. Due to the turnout on the recent Harmony public hearing he feels that the system isn't broken and shouldn't react to those who cry the loudest.

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Chair Kenninger confirmed that using subjective criteria isn't recommended. Lindquist stated that both the city attorney and staff agree it is best to have a specific range. It is hard to define what each person defines as an appropriate area or the boundaries of the neighborhood. The city also uses many other outlets to reach all citizens interested; social media, signs on the property, publishes in the newspaper, and posts on the website.

Commissioner Forester confirmed that the 500 foot radius is always from the property line, Lindquist confirmed that is correct.

Commissioner VanderWiel feels that the State has spent time reviewing and determining the appropriate limit and feels there isn't a need to increase the notice radius.

Commissioner Henrie stated that he feels that each city would need to determine what is best for them and may need to adjust accordingly.

Commissioner Clements feels it is a common courtesy for citizens and the cost is minimal to the city.

Public Comment opened at 9:16

Public comments: None

MOTION by VanderWiel to close the public hearing.

Second by Henrie.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing was closed at 9:16 pm.

Additional Comments:

Chair Kenninger agrees with both Clements and VanderWiel's comments.

Motion by Henrie recommend approval of an amendment to Rosemount City Code, Section 11-12-2; Board of Appeals and Adjustments Procedure changing the notification radius from 350' to 500'

Second by Forester.

Ayes: 4. Nays: 2, Mele and VanderWiel.

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 9:18 p.m.

Respectfully submitted,

Amy Roudebush, Recording Secretary