

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, April 23, 2019. Acting Chair VanderWiel called the meeting to order at 6:31 pm. with Commissioners Reed, Rivera, Lundquist, Schmisek, and Freeman. Commissioner Kenninger was absent. Also in attendance were Senior Planner Klatt, Planner Nemcek, Assistant City Engineer Smith and Recording Secretary Barikmo.

The Pledge of Allegiance was said.

Additions to Agenda: None.

Audience Input: None.

Consent Agenda:

Motion by Freeman **Second** by Schmisek

Motion to Approve the Consent Agenda.

- a. Minutes of the April 9, 2019, Regular Meeting Minutes.
- b. Approval for Prestwick Place 19th Addition Final Plat for Prestwick LLC, 19-24-FP, with the following conditions:
 1. Execution of a subdivision agreement
 2. Drainage and utility easements with storm sewer infrastructure, except ponding or infiltration areas, may contain fences, but shall be required to include gates to provide truck access; shall prohibit sheds or other accessory structures; and shall prohibit landscaping that would impede drainage.
 3. Provision of \$14,190 for Landscaping Surety
 4. Provision of \$119,000 for Fee-in-Lieu of Park Dedication
 5. Compliance with the conditions and standards within the City Engineer's Memorandum dated April 23, 2019.

Ayes: 7. Nays: 0.

Public Hearing:

5.a. Request by Metro Land for a Simple Lot Plat for a Sixteen Unit Townhouse Project, east of Bronze Parkway Within the Harmony Neighborhood **(19-22-SMP)**

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

Commissioner Rivera questioned why the developer had decided to construct two-story townhomes instead of single story quads. Klatt advised that the developer would be able to address that question during the Public Hearing.

Commissioner Reed verified with staff that the lift station and culvert must be completed in the Dunmore development before the storm basin is drained. Klatt confirmed that the work has been completed, but there are a few

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extra items that need to be completed before the pond is fully functional. The work being completed in the Dunmore development was all addressed in the subdivision agreement.

Commissioner Schmisek clarified that the only change from the original plan was the number of units, from 12 single story units to 16 two-story units.

Public Hearing opened at 6:50 pm.

Public Comments:

Tom Walter, 2140 West County Rd 42, Burnsville, applicant for the development addressed the change to the two-story townhomes. The models match the styles of what is currently in the neighborhood. Walter stated that it is expensive to fill in the existing pond. To make the development worth the expense, they decided to change to two-story townhomes rather than single story.

Connie Marquart, 2709 134th St W, Rosemount, expressed that what the developer is proposing is not consistent with what is currently in the neighborhood. She is in favor of the quad units instead of the two-story units. She is concerned about the density of the neighborhood. She questioned how the water in the current pond will get across the street.

Cheryl Lauby, 13549 Bronze Parkway, Rosemount, expressed concern about the noise that will be occurring with the proposed units. The units' patios and backyards will be facing her home. With the new development, there will not be adequate parking for all of the residents and guests. She stated that the neighborhood already has very little green space, adding the two-level buildings will decrease it even more.

Wendy Hartley, 2765 134th St W, Rosemount, explained that there is not enough green space for the children in the area. She believed that the prospective buyers for the proposed townhomes will most likely be families with small children. The children play in the street due to lack of green space. Hartley explained that there already is a lack of parking in the area as well. Residents have been parking in the guest parking spots.

Curtis Seabloom, 2781 134th St W, Rosemount, requested that the Planning Commission look into the width of Bronze Parkway. He explained this past winter it was hard to navigate through all the cars parked on the street with the snow. He believes that with the proposed townhomes, that the residents would also be leaving their cars on the street. Seabloom stated that he was also concerned about the limited green space.

Assistant City Engineer Smith addressed the question about the flow of the ponds. There is an existing culvert underneath Hwy 3. With the proposal, the developer would put in catch basins and direct storm water through a pipe that would lead to the culvert. The water would then be deposited into the ponds that were constructed with the Dunmore development, across Hwy 3. The ponds and some of the force for the lift station have been constructed with the first addition of Dunmore. The second addition of Dunmore will include the remaining portion of the force main.

Klatt addressed the fire lane access concerns and stated that plans are reviewed by the City's Building Code Official/Fire Marshall. According to how the pavement is laid out on the plans, it meets the City's standards for emergency vehicle access.

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Klatt clarified that there are both public and private streets in the development. The internal streets that are next to the townhomes and are providing access to the townhomes are private. The City does not have the ability to enforce parking restrictions on private streets.

Klatt addressed whether or not the development would join the Harmony Home Owners Association. Staff would like to see an association that would be able to manage the common areas, snow removal, and lawn care. The City does not require that the development joins the Harmony Home Owners Association.

Commissioner Reed questioned if the Home Owners Association enforced the parking rules. Klatt and guests in the audience confirmed there is enforcement.

Tom Walter, 2140 West County Rd 42, Burnsville, returned to the stand to discuss joining the master association. Walter clarified that there will also be a sub association to maintain the common areas specific to the townhomes. The separate association will also enforce parking rules within the boundaries. Owners of the units will pay two association fees.

Klatt referenced an email and a letter from residents that were in attendance at meeting.

- Patricia Lawler, 13659 Bronze Parkway, Rosemount, sent an email to staff stating that she is in opposition to the plan. Resident is requesting that the Planning Commission deny the amendment.
- Faison Family, 2786 134th St W, Rosemount, sent a letter to staff expressing concerns for the loss of habitat for filling in the ponds. Faison stated their opposition to the change.

Cheryl Lauby, 13549 Bronze Parkway, Rosemount, returned to the stand to discuss how the culvert underneath Bronze Parkway will connect to the ponds across Hwy 3. Lauby also expressed concern about how the increase in population will affect the amenities, such as the clubhouse and pool.

Curtis Seabloom, 2781 134th St W, Rosemount, returned to the stand to clarify that his parking concerns are on Bronze Parkway, not complexes that are private. The majority of the single family homes on Bronze Parkway had cars parked out on the road during snowfall.

Wendy Hartley, 2765 134th St W, Rosemount, returned to the stand to discuss the Association's plan for the pool. If the Association found it necessary to build another pool, it would be built directly behind the current one. She stated that if a new pool would be built, the residents would be assessed \$500 per unit. Hartley stated that she is in charge of enforcing the parking restrictions in her neighborhood.

Assistant City Engineer Smith addressed the question about the culvert underneath Bronze Parkway. The proposed plan is to add a large circular drainage structure and connect another pipe to that, which will go past the end of the private street. The water will then be discharged into the culvert that goes underneath Hwy 3.

MOTION by Reed to close the public hearing.

Second by Schmisek.

Ayes: 7. Nays: 0. Motion Passes.

The public hearing was closed at 7:33 pm.

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Additional Comments:

Commissioner Reed requested that Klatt clarify the required setbacks for the development. Klatt stated that requirements for this area, based on the zoning and PUD, do not change with the request. The developer is still bound by the same height restrictions, setback and street width requirements.

Klatt gave an additional brief summary of the amendment for the Planning Commission.

Commissioner VanderWiel requested that staff clarify the number of parking spots that are required per unit is set by ordinance. Klatt confirmed. VanderWiel questioned what authority the City has to request the applicant to add more parking even though they meet the requirement. Klatt stated that the City has very limited authority when the applicant already meets the requirements. Staff can make a recommendation to the applicant to add more parking based on the concerns from the area.

Commissioner Freeman addressed Outlot A and questioned if there is an opportunity to have additional parking there. Klatt stated that Outlot A is currently owned by Metro Land. The intent would be for Outlot A be deeded over to the association to the south.

MOTION by Reed to recommend that the City Council approve a Simple Plat for Harmony Parkview 2nd Addition with the following conditions:

1. Dedication of standard drainage and utility easements.
2. Compliance with the conditions and standards within the City Engineer's Memorandum dated April 18, 2019.
3. Approval and execution of a subdivision agreement or general agreement concerning the payment of applicable City fees.
4. Development of the 16 townhouse units created in Harmony Parkview 2nd Addition cannot occur until:
 - a. The applicant enters into an offsite ponding agreement or pays the required off-site ponding with prior to recording of the final plat.
 - b. The regional pond west of the site, within the Dunmore project is installed.
 - c. All required permits from MnDOT to increase discharge across TH 3 have been obtained.

Second by Freeman.

Ayes: 6. Nays: 1. Motion Passes.

5.b. Request by Appro Development for a Preliminary Plat, Rezoning to BP- PUD, Planned Unit Development Business Park, Approval of the PUD Master Development Plan and Phase I Site Plan Approval for Biscayne Business Park, **(19-26-PP, 19-27-PUD, 19-28-SP)**

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

Commissioner VanderWiel questioned if the private drive was the same width as Biscayne Avenue. VanderWiel also questioned how the speed would be regulated in the area. The width of the road is 30 feet. Staff was not clear what the width of Biscayne Avenue is. Klatt explained that it's a short segment so there wouldn't be too much cause for concern. One of the recommendations for the developer would be to install "No Parking" signs to make sure there is adequate room for trucks.

Public Hearing opened at 8:24 pm.

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Public Comments:

Sandy Rahn, 15725 Biscayne Avenue West, Rosemount, expressed concern about the drainage and fencing between her property and the business.

Jim Connelly with Appro Development, 21476 Grenada Avenue, Lakeville, explained the road width is 30 feet to maneuver trucks in and out. He expressed to staff that Appro is working towards a “no water run-off” scenario on the parcels.

Assistant City Engineer Smith addressed the drainage concerns. Staff is currently looking into the stormwater situation, as part of the project to upgrade Biscayne Avenue.

Klatt addressed the questions on fencing. There currently are not any plans to include fencing. The City has not been requiring fences around storm water ponds. Klatt explained that it could be an amendment that the Planning Commission adds to provide separation between parcels.

Commissioner Reed questioned why the landscape plan did not include the northern part of plat. Klatt explained with each phase, they would be required to meet the City’s landscape standards and follow the general plan that is established Lot 1, Block 1.

Jim Connelly with Appro Development, 21476 Grenada Avenue, Lakeville, returned to the stand to stated that Appro is not opposed to running the landscape along Biscayne Avenue. Landscaping the other lots could be problematic due to tearing it out for new developments.

MOTION by Schmisek to close the public hearing.

Second by Lundquist.

Ayes: 7. Nays: 0. Motion Passes.

The public hearing was closed at 8:34 pm.

Additional Comments:

Commissioner VanderWiel requested that Klatt explain more on alternate means of drainage. Klatt stated that the recommendation came from the City Engineer. Smith stated that the roads will have heavy loads. Smith explained when there isn’t a concrete curb on either side of the roadway it can crumble. The engineers’ guidance was to require curb and gutter. Staff is willing to work with the applicant.

MOTION by Reed to recommend the City Council adopt an ordinance rezoning the property from BP Business Park to Business Park Planned Unit Development, BP-PUD.

Second by Freeman.

Ayes: 7. Nays: 0. Motion Passes.

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MOTION by Reed to recommend the City Council approve a PUD Master Development Plan for an eight-lot business park development with construction of an 18,000 square foot office, warehouse, and light manufacturing facility on Lot 1, Block 1 of the subdivision, subject to the following conditions:

- a. Execution of a PUD Agreement.
- b. A deviation from City Code Section 11-5-2 (C.6.d.) to allow driveways with no setback to the adjoining property (shared driveways).
- c. A deviation from City Code Section 11-2-7 to allow construction of buildings on lots without frontage on a public street.
- d. Uses allowed shall be consistent with the City's BP – Business Park zoning district.
- e. Establishment of a private association that assumes responsibility for maintenance of all common areas, including private roadways, shared driveways, storm water retention ponds, and landscaping.
- f. Incorporation of recommendations from the City Engineer in a review memorandum dated April 18, 2019 relative to drainage, grading, easements, utilities, storm water management, and other subjects covered in the review.
- g. Obtain required permit from the Metropolitan Council for a temporary connection to the Met Council's sanitary sewer interceptor within Biscayne Avenue.
- h. No parking will be allowed along the private road and the developer will be responsible for installing no parking signs along this road.
- i. All trees shall be moved away from drainage and utility easement lines along Biscayne Avenue and the proposed private street to a distance acceptable to the City Engineer.
- j. The landscaping plan shall be updated to include the planting of trees along the eastern edge of Lot 8, Block 1 with the first phase improvements.
- k. Individual building signs shall be approved through a separate permit. Freestanding signage will be limited to one for the entire PUD area in a location approved by the Community Development Department.
- l. Revise the storm water plan to consolidate basins per the recommendation of the City Engineer.
- m. Payment of all required area and connection charges consistent with the Engineering memo.
- n. The PUD agreement may allow for flexibility concerning materials and colors for future buildings that observe the general design established by the building on Lot 1, Block 1.

Second by Schmisek.

Ayes: 7. Nays: 0. Motion Passes.

MOTION by Schmisek to recommend the City Council approve a preliminary plat of the Biscayne Business Park, subject to the following conditions:

- a. The developer shall enter into a subdivision agreement with the City concerning installation of private and public improvements.
- b. Incorporation of recommendations from the City Engineer in a review memorandum dated April 18, 2019 relative to drainage, grading, easements, utilities, storm water management, and other subjects covered in the review.

Second by Freeman.

Ayes: 7. Nays: 0. Motion Passes.

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MOTION by Freeman to approve a site plan for the Phase I of the Biscayne Business Park including construction of an 18,000 square foot office, warehouse, and light manufacturing facility.

Second by Schmisek.

Ayes: 7. Nays: 0. Motion Passes.

5.c. Request by Furlong Excavating for a Small Scale Mineral Extraction Permit, (19-29-ME)

Planner Nemcek gave a brief summary of the staff report for the Planning Commission.

Commissioner VanderWiel asked about how much the escrow would be. Nemcek stated that the draft mineral extraction permit specifies \$7,500/acre. One of the conditions of approval includes a cost estimate for the reclamation. The escrow amount will be decided prior to going to City Council on May 7, 2019.

Commissioner Reed questioned if there are any recorded complaints about the previous mining operation. Nemcek confirmed that there were not any complaints received. Staff has only received calls from residents that are in support.

Commissioner Reed questioned if the reclamation was supposed to be done in the previous operation. Nemcek stated that ordinance orders the reclamation to take place within 3 months, following the end of operation. As staff sees on many of the mineral extraction permits, they are not actively removing minerals from the ground, but the permits remain actively renewed each year.

Commissioner Rivera inquired about the hours of operation being 6 days a week from 7AM to 7PM. With City Council having the authority to change the times, she questioned if staff foresees that happening. Nemcek stated that the applicant provided the hours. Large scale mineral operations can be granted 24-hour operation if it's a MNDOT related project. Staff does not permit 24-hour operation for small scale excavations like this.

Commissioner VanderWiel inquired if there are any residences nearby that would be bothered by noise. Nemcek confirmed that there are 6 residences east of the property, along with the golf course. The excavation pit is located some ways off of the road to help eliminate noise.

Public Hearing opened at 8:50 pm.

Public Comments:

John Bremer - Chairman of Nininger Township Planning Commission, 7048 150th St E, Hastings, expressed concern about the maintenance of Fischer Avenue. The road is not in good shape to begin with and the traffic is going to increase. Bremer mentioned that there has not been any discussion about using part of the escrow to restore the road after operations are complete. Nininger Township had required a \$10,000 bond from Furlongs. Nininger Township has not received the bond yet. Bremer questioned if the Planning Commission has decided to include road restoration in the reclamation process. John also mentioned that Nininger Township does not see any conflicts with the current proposed hours of operation.

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Kim Dimmick, 15001 Fischer Ave, Hastings, stated that she does not have a problem with the pit itself. She stated that she is mainly concerned about the truck traffic. The last time that the pit was open, there was a fatality caused by the semis. She explained that the semis have a hard time exiting onto HWY 55.

Ms. Dimmick requested that the hours of operation be modified for the safety of the general public. Fischer Avenue is in horrible condition.

John Bremer, 7048 150th St E, Hastings, came back to the stand to request that Nininger Township and the City of Rosemount discuss Fischer Avenue and who is responsible for the maintenance. Nininger Township would like a written maintenance agreement with the City of Rosemount.

Kim Dimmick, 15001 Fischer Ave, Hastings, returned to the stand to discuss the sign that was posted on Fischer Avenue about the road work on HWY 42. The sign was placed too close to Fischer Avenue and is blocking the view of the traffic. Residents in that area have requested that the sign be pushed back.

Commissioner VanderWiel requested that staff address Nininger Township's concerns about Fischer Avenue. Nemcek explained where Fischer Avenue is located within the City. Klatt stated that the midpoint of road marks the border with Nininger Township. VanderWiel questioned if the City were to obtain a surety, would it address Nininger Township's concerns. Klatt stated that there appears to be two issues with Fischer Avenue. The first one being, the current condition of the road. This ties in with who is responsible for the road. Staff had a phone conversation with John Bremer, and the City is open to creating a formal maintenance agreement. The Public Works Director is looking into example agreements. Klatt then explained the second issue would be the truck traffic on Fischer Avenue. There is a surety requirement in the draft agreement. This amount will be used to cover the cost of restoration, regrading, revegetation, and also to ensure compliance with the conditions of the mining permit. Staff will seek legal guidance whether or not they can use part of the surety to pay for some of the road restoration.

Commissioner VanderWiel addressed the question about hours of operation and asked staff if there have been any traffic evaluations completed. Assistant City Engineer Smith stated that the City has not completed any traffic evaluations. Smith invited the applicant up to the stand to talk about what they are expecting for traffic and which haul routes they will be using.

David Albright, 7814 131st St W, Saint Paul, representing the applicant, Tom Furlong, addressed the safety concerns of traffic. Albright stated that Furlong Excavating is required by state and federal law to have a safety plan in place. The safety plan has to be approved by multiple agencies. The route that the company plans on using is a quarter mile on Fischer Avenue, heading north to HWY 55, then a right onto HWY 55, heading east. Trucks will then take a left onto HWY 42, heading northeast.

Tom Furlong, 14690 Furlong Circle, Hastings, explained why residents were seeing so much traffic in past operation. When the Minneapolis Airport was being rebuilt, Ames Construction needed 2 million yards of material. Furlong explained that the current project only needs 50,000 yards of material. At the end of the working day, drivers may have complications crossing HWY 55 to get onto Fischer Avenue due to rush hour traffic. Furlong stated that it may be helpful to adjust the hours of operation.

Randy Huiras, with Mathiowetz Construction Company, stated that they intend to purchase sand from Furlong Excavating. Huiras addressed the sign that is placed on Fischer Avenue regarding the road work on HWY 42. Mathiowetz Construction is using sub-contractors to put up the signs. Mathiowetz Construction is told by Dakota County where the signs can be placed and are closely regulated. Huiras will call Dakota County Transportation the next business day to see if the sign can be moved.

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Commissioner VanderWiel requested that Huiras address the concern about the safety plan and hours of operation. Huiras stated that they could start earlier, 6AM to 6PM but was not sure how much of an effect that would have on the traffic. Huiras stated that they have a very comprehensive safety plan. Mathiowetz Construction completes drug and alcohol tests and reasonable suspicion tests. All of their truck drivers get annual physicals. Before the drivers go on the road, they get a road test by Mathiowetz Construction and the Bureau of Transportation. Mathiowetz Construction also has a traffic manager and safety officer that will occasionally drive behind the trucks to watch for hazards.

Huiras also noted for Nininger Township that Mathiowetz Construction will supply a surety bond. Mathiowetz Construction needs a signed written document stating what the bond is for and the amount before their bonding company will issue a bond.

Kim Dimmick, 15001 Fischer Ave, Hastings, returned to the stand to discuss the truck traffic. Mathiowetz Construction will back up traffic as they wait to turn on Fischer Ave from HWY 55.

David Albright, 7814 131st St W, Saint Paul, representing the applicant, returned to the stand to state that this will be a one-year project.

Kim Dimmick, 15001 Fischer Ave, Hastings, returned to the stand to inform the Commission that she knows an individual that Furlong has bought property from to complete this project. She was informed that the project could potentially be a 6 or 7-month project.

MOTION by Freeman to close the public hearing.

Second by Schmisek.

Ayes: 7. Nays: 0. Motion Passes.

The public hearing was closed at 9:17 pm.

Additional Comments:

Commissioner VanderWiel expressed that she does not believe that the Commission received enough information on traffic. VanderWiel would request that staff have further communication with the applicant and further investigate at their safety plan.

Commissioner Reed agreed with VanderWiel. He would like to see a safety study completed. Reed recalled a study that was done for SKB and the County required an acceleration lane for the project. Reed acknowledged that there are some safety concerns. Staff acknowledged that they would take additional steps to investigate the concerns and seek additional input from affected agencies.

Klatt informed the Commissioners that there is a section of the ordinance that states that the City should periodically inspect. After the completion of the project, the applicant should make the necessary repairs to the road, as recommended by the City.

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MOTION by Freeman to recommend the City Council approve the Furlong Excavating Small Scale Mineral Extraction Permit, subject to the terms and conditions in the attached Draft 2019 Conditions for Mineral Extraction and subject to the following conditions:

- a. The applicant shall submit a revised reclamation plan, including cost estimate, prior to approval.
- b. Escrow for site restoration shall be submitted prior to starting work on the site.
- c. The initial mineral extraction permit shall be valid until the end of 2020. The applicant shall provide an operations update prior to December 30, 2019, for review by City staff. This update will include the amount of material excavated and removed from the site, the total quantity of material stockpiles on the site, and other relevant information as requested by the City.
- d. Compliance with all conditions contained within the Engineer's Memo dated April 23, 2019.

Second by Reed.

Ayes: 7. Nays: 0. Motion Passes.

5.d. Request by City of Rosemount for Site Plan Review of a Building Addition to the Rosemount Family Resource Center at 14521 Cimarron Avenue (**19-25-SP**)

Planner Nemcek gave a brief summary of the staff report for the Planning Commission.

Commissioner Rivera questioned what the hours of operation are of the building. Nemcek stated that the applicant was in attendance and could address her question during the Public Hearing.

Public Hearing opened at 9:32 pm.

Public Comments:

Quin Hutson with CNH Architect, addressed the hours of operation. The hours are generally, Monday through Thursday to the public. There are some closed staffed hours on Fridays. The building is rented through 360 Communities. Organization of other meetings would have to go through 360 Communities.

MOTION by Lundquist to close the public hearing.

Second by Freeman.

Ayes: 7. Nays: 0. Motion Passes.

The public hearing was closed at 9:35 pm.

Additional Comments: None.

MOTION by Rivera to approve the Rosemount Family Resource Center Site Plan subject to the following conditions:

- a. The applicant shall add or relocate some foundation plantings along the north side of the trash enclosure facing 145th Street West.
- b. Conformance with all requirements of the City Engineer as outlined in the Engineer's Memo dated April 23, 2019

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Second by Reed.
Ayes: 7. Nays: 0. Motion Passes.

New Business: None.

Old Business: None.

Reports: Klatt reminded the Planning Commission about the special meeting on Tuesday, May 14, 2019, for the Public Hearing on the 2040 Comprehensive Plan.

Adjournment: There being no further business to come before this Commission, Acting Chair VanderWiel adjourned the meeting at 9:36 pm.

Respectfully submitted,
Jessie Barikmo, Recording Secretary