1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission of the City of Rogers was called to order by Chair Carlson on Monday, October 7, 2024, at 7:00 PM at Rogers Community Center, 21201 Memorial Drive, Rogers, MN, 55374.

Commission Members present: Brett Carlson, Zachary Plansky, Adam Fisher, Clark Lohr, Seth Stiebinger, Peter Mullin, Aaron Sattersten
Alternate Commission Todd Kussman (not voting)
Council Liason: Amy Enga
Staff present: Doran Cote, Public Works Director/City Engineer; Brett Angell, Community Development Director; Alec Henderson, City Planner.

2. OPEN FORUM

Chair Carlson opened the open forum. Chair Carlson closed the open forum at 7:01.

3. APPROVE AGENDA

Chair Carlson requested a motion on approving the agenda.

4. CONSENT AGENDA

Chair Carlson requested a motion on the consent agenda.
<u>Commission Member Stiebinger moved, Commission Member Lohr seconded a motion to Approve the Consent Agenda. Motion carried 7-0.</u>

4.1 Approve Minutes from August 5th, 2024 Planning Commission Meeting

4.2 Approve Minutes from September 9th, 2024 Planning Commission Meeting

5. PUBLIC HEARINGS

Chair Carlson introduced the Public Hearing Section of the Agenda.

5.1 Application by Veit & Company, Inc. for Expansion of a Mining Operation for the Parcel with PID 16-120-23-32-0002

Community Development Director, Brett Angell, introduced the Veit & Company, inc. application to expand their current mining operation at their parcel with PID 16-120-23-

32-0002. Angel described the project location and interim use permit proposal. The site is 42 acres, zoned and guided for future Single-Family Residential development and Low Density Residential Development. There is also an ag component on the property as well (where mining is not currently occurring). Last year, their phase 1 mining operation was granted for the 10 northern acres. The IUP was approved with the condition that the expansion of the mining site would follow with a future interim use permit and EAW. Their EAW has been reviewed by adjacent jurisdictions.
Angell explained that their proposal now covers the remaining 33.6 acres over 7 phases. Each phase could have the same access to 144 with a haul route using 144 and Territorial Road (County road system). The hours of operations would be required to be Monday through Friday, 7:00 AM to 7:00 PM, Saturdays 7:00 AM to 3:00 PM, with no mining occurring on Sundays. The mining plan and operation plans include beaming of the entire site, reclamation of each phase followed by full reclamation. The mining could take between 15–36 years depending on market conditions. Staff has recommended approval of the Interim Use Permit and the Draft Resolution in the packet contains roughly 30 conditions similar to the previous approval of Veit's phase 1.

Chair Carlson asked if the commission had questions of staff. No questions asked.

<u>Chair Carlson opened the public hearing at approximately 7:06.</u>
Several residents came forward to speak about the proposal.

Troy and Stacy Gleason of 25203 Mardale Dr came forward. Mr. Gleason voiced concerns about quality of life, and the dangerous conditions a mining pit could create. Gleason described that Hassan, Sand and Gravel are mining currently, which is acceptable, but does not want additional mining operations. The operation has increased traffic [on 144], the traffic speeds are high and dangerous for drivers and pedestrians. Additionally, air quality is a concern with prevailing winds, issues with wildlife impacts, water quality and neighborhood tranquility. Mr. Gleason also voiced concern about them not receiving notice of the hearing.

Mrs. Gleason of 25203 Mardale Dr came forward and read a letter from Josey and Tim Dooley of 25291 Mardale Dr. The letter was not provided to staff nor the commission. The letter had similar concerns as voiced by Mr. Gleason. Mrs. Mardale voiced issues with traffic safety, wildlife issues and the impacts on their home value.

Michale Greengard of 13425 Willandale Rd came forward to voice concerns about the mining operation. Mr Gleason does not want a pit next to their home which decreased value of the property. There are no amenities with this here.

Ryan Thiebault of 25398 Mardale Dr came forward and voiced concern with the mining operation. There are issues with wildlife, and Willandale is already unsafe in the winter and will be higher trafficed. They would not have purchased if they had known this was coming.

Mike Pierson of 13409 Mardale Dr came forward. He believes that all the benefit is going to this one property owner and no benefits are provided to residents.

Commission Member Plansky moved, Commission Member Stiebinger seconded a motion to close the Public Hearing. Motion carried 7-0.

Chair Carlson asked if there were questions from the Commission.

FIsher asked for clarification on notice requirements.

Angell described the notification process required by state statute and the fact that the property involved and nearby are large and may have impacted how many residents were noticed.

Lohr requested clarification on phasing and if they were concurrent.

Angell stated that the phases are not concurrent.

Carlson asked if traffic occurring was similar to the previous application at 86 trips a day on average.

Angell confirmed that each phase would have 86 trips on average.

Carlson asked to confirm if the hours were the same as previously approved.

Angell confirmed.

Lohr asked staff to clarify the water concerns.

Angell described that the pollution prevention plan and mining plan all account for stormwater and water concerns. The EAW was submitted to 30 regulatory bodies including the MPCA and DNR and no concerns were voiced.

Carlson and Stiebinger discuss traffic on 144 and the intersection there. Carlson asked if there were any plans by the county to improve that section of road.

Doran responded that there are no known plans to improve 144.

Councilmember Enga asked to clarify the peak traffic counts starting a 6:30 and whether that meant that trucks would be waiting before the 7:00 AM start.

Angell responded that the criteria only requires that mining operations may not start before 7:00 AM.

Mullin asked if the Commission could recommend approving phasing separately through IUP.

Angell suggested a timed approach with automatic extensions.

Mullin asked if there was concern about the pit being left open.

Angell responded that the code requires the engineer to approve each phase's reclamation as it is done.

Plansky asked for a refresh on the level of discretion we have.

Angell responded that the discretion is in the middle of the discretionary pyramid. We have some discretion as it relates to interpretation of the code and whether the proposal meets ordinance. IUPs have a definitive end date while CUPs have permanent approval that runs with the land.

Mullin asked if there was a status update on the completion of the first phase.

Angel responded that the applicant could provide that information.

Jesse Rausch with Veit came forward and stated that they were around 20% complete. The mining is for internal/Veit use only. So, if there is no need for materials, they are not actively mining. Additionally, the traffic on 144 was already present prior to Veit opening phase 1 of the mine last year. Regarding groundwater concerns. We are limited to mining above the water table. He believes the requirement is to remain two feet above the water table. The mining plan shows the limits as required by regulations.

Carlson asked if there was a way to limit public use.

Angell responded that he could check with legal to determine if that is possible.

Carlson asked how the date of the IUP was determined.

Angell responded that it was based on the applicant's submittal. Mining is site specific. Some IUPs have an end date with an automatic extension. There is not always consistency with IUP termination.

Carlson stated that it is challenging to limit an applicant when they are meeting all the code criteria. Additionally, we cannot verify that the traffic issues are stemming from Veit's current use of the site. Carlson asked if there was a way to limit dust?

Mullin requested information on berming.

Angell responded that a berm is an earth mound to provide screening. Section 6 of the operation plan describes their dust control measures and our approvals allow for additional measures if dust becomes a problem.

Mullin asked if additional trees could help control dust.

Angell responded that additional screening would be done, but based on the plan, trees may need to be on top of the berm. At full reclamation, those trees may be removed.

Jesse Rausch provided additional information on the reclamation. They may be reclaiming land from phase 1 when phase 2 is being mined.

Lohr asked if grading permits were required for each phase.

Doran responded that with the IUP separate grading permits are not required.

Angell pointed to condition 15, which outlines reclamation requirements.

Jesse Rausch also explained that they would be testing soil during reclamation. Poor reclamation history would impact resale and be detrimental. They want buildable property after reclamation.

Carlson asked if there were additional questions and called for a motion.

The Commission discussed added conditions. Lohr requested that SWPP reports are submitted yearly to the City. Mullin requested reducing the initial approval and automatic approvals thereafter.

Commission Member Stiebinger moved, Commission Member Fisher seconded a motion to approve the IUP with conditions outlined in the resolution with added conditions. Conditions added were: Yearly SWPP reports submitted to the City, and a revised timeline of 16 year approval with up to four automatic 5 year extensions or until mining is complete, whichever comes first. Motion carried 7-0.

Carlson also wished to communicate to the Council that the City should ensure the county studies the traffic issues and intersection issues along County Road 144 and Willandale Road.

5.2 Application by Taylor Development Co LLC for Preliminary Plat Approval for Taylor Inlet, a Rural Residential Development

City Planner, Alec Henderson, summarized the application by Taylor Development LLC for preliminary plat. The developer is proposing a 9 lot rural residential development. The project area is approximately 28 acres and includes the entirety of 23200 109th Ane N and the approximate west 8 acres of 23580 109th Ave N (owned by the Patnode family). The Patnode lot will ultimately need a lot split for the portion to be included in the preliminary plat. The property is zoned and guided for Rural Residential Development. No zoning issues have been identified, the lots have adequately sited septic systems (to be reviewed by the County). There are some engineering comments, but revisions can be made prior to construction.

Chair Carlson opened the public hearing at approximately 8:21 PM.

No one was present to speak at the hearing.

Commission Member Plansky moved, Commission Member Mullin seconded a motion to close the public hearing. Motion carried 7-0.

Chair Carlson invited the applicant to come forward to speak on the application.

Mike Mooney, of Taylor Development LLC, can forward and spoke about the application. He explained that the owner passed away and he is hoping to subdivide the property and has been working with staff to include property to the east.

Chair Carlson asked for a motion.

Commission Member Stiebinger moved, Commission Member Lohr seconded a motion to recommend approval of Resolution 2024-99. Motion carried 7-0.

5.3 Application by Asguard Acquisitions, LLC for Variance and Site Plan Amendment Related to the Mixed Use Apartment at 21225 141st Avenue North (Asguard Addition Lot 2, Block 1)

None moved, None seconded a motion to . Motion carried 0-0.Community Development Director Angell summarized the Asguard Acquisitions, LLC application for Variance and Site Plan amendment for their mixed use apartment a 21225 141st Ave N. The site was previously approved for the use, but the applicant is requesting amendments due to issues related to undergrounding stormwater management systems, and with difficulties siting a fitness center use in the building in the current market. The site is zoned RC and guided for Mixed Use. The revised plan removes the fitness center use and increases the dwelling unit count from 71 to 89 units. Three commercial spaces remain on the first floor. The applicant is requesting variances to the enclosed parking requirement on the lot, all other parts of the application meet zoning code requirements. Angell explained that parking code requires 1 enclosed stall per unit, the new units would not have the allocated enclosed stall, but all total parking requirements would still be met with at-grade parking.

Angell explained that the applicant's variance rational for not being able to include additional underground parking includes: high water table, difficulty with building a detached garage due to pounding and drivelanes, and market conditions creating unfavorable bids.

Plansky asked for information on the rationale for having 1 covered or underground stall per unit.

Angell responded that he is unsure of Rogers' ordinance but believes it is so each unit can utilize at least one cover parking stall. No community has the same parking requirements. Some cities have not requirements.

Lohr asked if there was a net loss of parking due to the removal of the fitness center.

Angell responded that previous approvals authorized a parking plan that had fewer stalls than otherwise required. With the removal of the fitness use, all require stalls (total count) are being met.

Lohr asked for information on the ponds near the school and if they were dry basins.

Angell responded that the applicant may have additional information.

Chair Carlson opened the public hearing at approximately 8:34 PM.

Mike Mergens, representative of Asguard Acquisitions, LLC, came forward. He responded to commissioner Lohrs question regarding the pond explaining it is a dry basin and is not meant to hold water. Mergens further explained that the underground retention system was incredibly difficult to achieve with the soil conditions as well as the water table. He also explained that the fitness center use will not work in today's market and has requested to replace this use with additional housing units.

Commission Member Plansky moved, Commission Member Mullin seconded a motion to close the public hearing. Motion carried 7-0.

Carlson asked if the underground parking is an add on to rent.

Mergens replied that the cost would be between $150-$175 for covered stalls and they typically are not filled.

Carlson asked what governs the pond seeding.

Angell responded that best management practices determine seed variety and are typically native species.

Commission Member Stiebinger moved, Commission Member Mullin seconded a motion to recommend approval of Resolution 2024-97. Motion carried 7-0.

6. NEW BUSINESS

6.1 Capital Improvement Plan Review and Recommendation to forward to City

Council

City Planner Henderson summarized the item related to the Capital Improvement Plan (CIP) review. Henderson explained that a CIP is similar to the comprehensive plan in that is is a financial guide plan over a span of 5 to 10 years. It provides an overview of planned expenditures and projected timelines, and funding sources to help cities budget for future improvements. Henderson explained that a CIP is intended to assist implement the Comprehensive Plan and not intended as blanket approvals of any of the individual items in the CIP as each project will still need direct authorization and approval by the City Council. Henderson explained that the Commission just needs to forward a recommendation that the CIP is consistent with 2040 Comprehensive Plan.

Plansky requested additional information on a few items in the CIP including the 94 pedestrian bridge and PMP projects.

Public Works Director Doran Cote explained that PMP is a pavement management program indicator. He further explained that examples of items consistent with the Comprehensive Plan includes the Fletcher Bypass, which is in the transportation plan as goal, well improvements, which are consistent with utility plans, and the possibility of the water treatment facility. These goals make their way into the City's CIP.

Mullin requested an update on the I94 pedestrian bridge.

Cote responded that the funding is set to expire at the end of the year and the City is pausing any further progress on that project due to timing issues.

Plansky asked for information on the RAC expansion.

Cote responded that the Council has been approached multiple times for assistance with expanding the RAC with a second sheet of ice. The Council as agreed to enter into an agreement with the Rogers Youth Hockey Association to make significant contributions to construct a future second sheet of ice. The upgrades to the current RAC ice plant are sized for a future sheet of ice. The current ice plan needs to be replaced due to age and technology.

Carlson asked if the CIP adequately addresses infrastructure concerns which have been voiced recently in previous public hearings around development.

Cote responded that the items in the CIP are in the Comp Plan and include studies by consultants of current infrastructure needs and growth projections to better time additional infrastructure expenditure.

Carlson asked if there is anything in the CIP that helps with capacity, pressure or water discoloration.

Doran responded that yes, there are items related to Rogers' two pressure zones that address pressure needs, as well as additional wells for capacity, and the possibility of treatment.

Commission Member Mullin moved, Commission Member Lohr seconded a motion to affirm to the City Council that the CIP is consistent with the 2040 Comprehensive Plan. Motion carried 7-0.

6.2 Application by the City of Rogers for a Site Plan for the Turf Facility at 14160 James Road

City Planner Henderson summarized the City's Turf Facility application for site plan approval. The Turf Facility is planned on the two parcels at 14160 James Road and a portion of the Rogers Activity Center (RAC) parcel at 21080 141st Ave N will be used for parking. The improvement area is approximately 9 acres. Henderson described the use an indoor recreation/institutional use which are permitted on the parcels which are zoned RC, R3, and guided mixed use and Institutional. Henderson explained that the Turf Facility building did receive approval of bids for the structure itself and additional bids for site improvements would be forthcoming. Staff is recommending approval conditioned on future rezoning, so all parcels are of the same district (likely institutional) and re-platting the lots depending on the future RAC facility plans as well as a few other standard conditions related to civil plans and stormwater review.

Lohr asked if the City has looked into energy-saving measures like geothermal.

Cote responded that they have not included that in the construction plans. Cote explained that the initial bids for the first version of this were in the 30 millions, and the cost of this facility would be nearly 12 million, which is still beyond what has been allocated by the local option sales tax funds. The City is not in support of additional expenditures other than what is proposed today due to the high construction costs. The rigid fabric construction building was the most cost-effective option for the facility.

Plansky asked what expitures are related to 2nd sheet of ice so far.

Doran responded that the ice plant replacement for the current facility will be sized for a 2nd sheet of ice.

Carlson asked for a motion.

Commission Member Mullin moved, Commission Member Carlson seconded a motion to approve the site plan for the City Turf Facility. Motion carried 6-1.

6.3 Application by Word of Peace Lutheran Church for a Site Plan Amendment for a Proposed Addition at 21705 129th Avenue North

City Planner Henderson summarized the application by World of Peace for a site plan amendment for a proposed addition to the church at 21705 129th Ave N. Henderson described the site and improvements. The site is 8.69 acres zoned R2 and guided as institutional. Religous Assemblies are permitted in the district. The improvements consist of 8,660 square feet addition to the north with a small parking lot expansion on the west side of the building. Henderson explained that the plan had no issues identified, the existing pond is sized to handle the improvements, and no changes to utilities are proposed. Staff recommended approval.

Chair Carlson asked if there were questions.

No questions were posed.

Commission Member Stiebinger moved, Commission Member Plansky seconded a motion to recommend approval of Resolution 2024-100. Motion carried 7-0.

6.4 Application by Craft & Crew Hospitality for Site Improvements at 21400 John Milless Drive (Municipal Bar Property)

Community Development Director Angell summarized the site plan application by Craft & Crew for improvements to 21400 John Milless Dr. The Site is zoned LC, Local Employment Center District and approximately 2 acres. The application includes exterior site improvements, including patio improvements, re-striping and re-surfacing the existing parking, landscaping, and sand volleyball court placement. Facade improvements and interior remodels are also planned for the property. Angell communicated that staff is recommending approval.

Chair Carlson asked if the parking pool on site would be lost.

Angell responded that the parking pool is not an official use. Staff would inform those parking and re-direct them to the formal shared parking lot on the north side of I-94.

Lohr asked if there were any shared parking agreements or any parking island requirements.

Angell responded that there are no formal recorded agreements with adjacent properties. No parking islands exist currently and nor are they required with a parking lot restripe.

Lohr commented that there seems to be a parking problem currently and with the additional day time use there could be issues.

Plansky agreed with parking being an issue, but commented that without the parking pool use, there may not be as much usage as is there currently.

Angell responded that based on counts while on site during the days, it seems that there are around 20 cars using the lot.

Plansky commented that some overflow parking could be done at CVS.

Carlson asked to confirm that there are no variances being requested.

Angell responded that no variances are requested and no changes, other than interior and facade, are being requested for the building.

Councilmember Enga asked there were barriers between the patios and the parking.

Angell responded that bollards are proposed at the west patio and staff as requested that bollards be added to the front patio.

Stiebinger asked where the share sign with Holiday is currently located.

Agnell responded that the current location is near the middle of the proposed volleyball court and the sign may be moved further to the north, but will remain on the property.

Carlson and Stiebinger requested clarification on the parking count requirements.

Angell explained that parking is based on building size and use as well as any other uses on site. The volleyball is an outdoor use, and seasonal but the code does not have a calculation for all uses and the parking need is estimated. Staff believes parking as proposed is adequate for the use.

Lohr requested information on outdoor events and music.

Luke Derheim with Craft & Crew came forward to provide additional information. They do not plan live outdoor music, but they will have speakers. Parking is also important to business. Craft & Crew does have a parking agreement with an adjacent property to ensure their staff parking can be held offsite to ensure all spaces on site are used by customers. The exception would be for bartenders closing due to safety concerns.

Fisher asked for information on timing.

Derheim responded that they are hoping to close on the property in November. They have a 16 week timeline for the improvements with the restaurant work as phase 1. They are looking at a possible March or April open to the restaurant with the volleyball court hopefully by memorial day.

Lohr asked for clarification on total seating.

Derheim responded that it is roughly 200 seats for the restaurant and patio.

Carlson asked for a motion.

<u>Commission Member Fisher moved, Commission Member Plansky seconded a motion</u>

to approve the site plan request by Craft & Crew for improvements to 21400 John Milless Dr. Motion carried 7-0.

7. OTHER BUSINESS

7.1 Reschedule the November Planning Commission Meeting from Monday, November 4th to Wednesday, November 6th due to Elections.

Carlson invited a short discussion on the November meeting schedule. A quorum is expected and the Commission supports the rescheduling to November 6th due to elections.

8. ADJOURN

Commission Member Stiebinger moved, Commission Member Plansky seconded a motion to adjourn at approximately 9:33 PM. Motion carried 7-0.

Respectfully Submitted,

Alec Henderson, CIty Planner