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PLANNING COMMISSION AGENDA MEMO

To: Planning Commission
From: Tony Wippler, Planning Manager
Department: Planning Commission
Subject: Approve Planning Commission Minutes
Meeting: Planning Commission - Jun 11 2024

INTRODUCTION:

Attached, are the minutes from the May 14, 2024 regular meeting.

DISCUSSION:

Not applicable

BUDGET IMPACT:

Not applicable

ACTION REQUESTED:

Approve the minutes from the May 14, 2024 regular meeting.

ATTACHMENTS:

[May 14, 2024 PC Minutes](#)

**CITY OF FARMINGTON
PLANNING COMMISSION MINUTES
REGULAR MEETING
MAY 14th, 2024**

1. CALL TO ORDER

The meeting was called to order by Chair Rotty at 7:00pm

Members Present: Rotty, Lehto, Tesky, Windschitl, Snobeck

Staff Present: Tony Wippler, Planning Manager

Jared Johnson, Planning Coordinator

Deanna Kuennen, Community and Economic Development Director

2. APPROVAL OF MINUTES

MOTION by Tesky, second by Lehto to approve minutes of Planning Commission for April 9th, 2024 regular meeting. **APIF MOTION CARRIED**

3. PUBLIC HEARINGS

Chair Rotty opened all public hearings

3.1 Ordinance Amendments to Titles 4 and 10 of the Farmington City Code –Withdrawal. Planning Coordinator Jared Johnson requested the commission accept the withdrawal and close the public hearing for ordinance amendments to Titles 4 and 10 of the Farmington City Code. **MOTION** by Windschitl, second by Snobeck to accept withdrawal and close the public hearing. **APIF MOTION CARRIED**

3.2 1. Petition to rezone property from A-1 (Agriculture) to MUCI (Mixed Use Commercial/Industrial) - PID's 07-00500-76-011 and 07-00500-76-012

2. Petition to rezone property from B-1 (Highway Business), R-1 (Low Density Residential), R-2 (Low/Medium Density Residential), R-3 (Medium Density Residential) and P/OS (Park and Open Space) to MUCI (Mixed Use Commercial/Industrial) - 2830 220th Street W
Planning Manager Tony Wippler presented the requests for rezoning for these parcels, the proposed use of these parcels is for a master planned technology park, which is a permitted use in the MUCI zoning district. He explained the City is in process of a mid-cycle comprehensive plan amendment. The amendment will include guiding all three of these parcels as Mixed Use (Commercial/Industrial). The rezoning will be contingent upon approval of the comprehensive plan amendment being approved by the City Council and ultimately the Metropolitan Council.

Chair Rotty opened up the public discussion.

- Alan Catchpool from Kimley Horn Engineering on behalf of Tract, introduced himself and stated he is available to answer questions.

- Resident Nathan Ryan 22390 Cambrian Way - made statement for the record. "We believe the request to change the zoning of the Olsen property also known as Fountain Valley Golf Course is not in the best interest of anyone that surrounds this parcel. We believe that by re-zoning this property the city is creating an island of mixed-use commercial, which could also be an illegal use of zoning known as spot zoning and does not follow the guiding principals adopted in the comprehensive plan. We also believe that re-zoning this parcel is against the orderly annexation agreement (OAA) between City of Farmington and Castle Rock Township." He then explained additional reasons they believe this would not be a good decision for the community and property owners.
- Cathy Johnson on Berring Ave. -shared they have created a citizens group regarding this proposal. She discussed the School District 192 property sale being used as Data Center Campus and the concerns of the impact from it including noise, water usage and electricity. She is opposed to the re-zoning in the location proposed to accommodate data centers.
- Jeffrey Schottler 22420 Calico Ct. - shared environmental and safety concerns as it is adjacent to his property. He voiced concern about putting commercial and/or industrial in between two neighborhoods.
- Eszter Varga 3094 225th St. - discussed property tax concerns about tax credits and impacts on residents and assessment for the residents. She supports diversifying in the community but not in between residential areas.
- Jamie Williams 22315 Berring Ave. – voiced concerns about the water usage and other environmental issues.
- Andy Berg resident since 2005 – asked planning commission to vote no for re-zoning. Discussed concerns with spot zoning.
- Jason Folger 3015 224th St. – stated a data center does not promote sustainability and does not protect natural resources.
- Stefan Petrashek 2982 225th St W. – discussed how when purchased home the 2040 plan was for residential.
- Terrie Pearson 2475 225th St W – hopes the planning commission does it due diligence to ensure decision is good for all citizens.
- Lynn Greenslit 22405 Berring Ave. – has been here for 40 years and does not think the Data Center is good. Her horse and riding is impacted by the surroundings.
- Gina Trebil 22402 Calico Ct. – shared concerns for the home values decreasing.
- Ryan Pietsch 22272 Cambrian Way – stated this is not the place for industrial lots. He has had issues with the industrial behind him.

- Susan Ferrozzo 1646 240th St. W – shared a letter of petition of objection in the re-zoning of School District 192 Angus Farm and Fountain Valley Golf course.

Chair Rotty explained for community members that the planning commissions duty is to review and make recommendations to the City Council, the City Council has the final decision regarding re-zoning applications.

- Nancy Cassa Beaumont Ave. – was concerned about not being communicated with and finding out through social media.
- Mo Feshami 2528 220th St. – He designed data centers in his career and offered his knowledge. His concerns are about the cooling and not being efficient. Requests that they have more information before making decisions.
- Justin Wiles 22240 Cambrian Way – Wants to remind that he likes having it be a quiet, small community and does not think data center is good fit.
- Dorraine Dorneman 22295 Albatross Circle – shared concern about water shortages (gave examples of droughts in the past).
- Diana Bell 1109 Maple St. – Questioned conserving water and the protected ponds.
- Gerry Risto 516 Lower Heritage Way – concerned about the school district sale of property and not being transparent with the sale and planned use.

Resident asked where water supply will come from Empire or Farmington? Planning Manager Tony Wippler answered from the city system.

- Dan May 22665 Berring Ave. - asked if the Planning Commission has opinions yet for approval. Chair Rotty explained this is just the public hearing, they will review after this meeting before making any decisions.
- Denise May 22665 Berring Ave. – asked what is next in the process? Chair Rotty asked Planning Manager Tony Wippler and he said they will send out additional notifications. He explained the city code for notifying residents.
- Gary Johnson 22280 Berring Ave. – requested the notification be expanded to include a bigger area.
- Bruce Betzold 22248 Cambrian Way – concerned about being surrounded by data centers on both sides of neighborhood.
- Jennifer Motzko 407 11th St. – discussed the long-term effects, and plan when becomes obsolete.

Chair Rotty explained that they are not reviewing site plans, just reviewing changing the zoning in this meeting. He discussed that the commission understands how quickly this came up and they will continue to research before presenting a recommendation to City Council. He recommends a continuance.

Commissioner Tesky stated she is looking to see what the infrastructure will look like to support the technology park and plans for sustainability, she is recommending a continuance.

Commissioner Windschitl agrees with the other members for a continuance and is looking for more information about benefits of the data center to the city.

Commissioner Lehto also agrees to delay in making any decisions until they can review further. She asked Planning Manager Tony Wippler to explain the 2040 Comp Plan and timelines. He reviewed the process and explained why they looking to make updates to the plan.

Commissioner Snobeck would like to look further into the water usage and sustainability.

Chair Rotty requested additional information for the utilities, plans for water usage and sustainability.

Community Development Director Deanna Kuennen shared that there will be a “training” session with a consultant (President of Afcom) to help explain processes for the environmental review etc. A neutral 3rd party expert will be there to educate on technologies etc.

MOTION by Windschitl, second by Snobeck to continue public hearing until June 11th meeting. **APIF MOTION CARRIED**

Chair Rotty called for a recess until 9:20 pm. Chair Rotty called the meeting back to order at 9:20 pm.

3.3. Preliminary and Final Plat, Conditional Use Permit, and Three Variances to Construct a 168-Unit Apartment Building at the Northwest Corner of Dushane Parkway and Spruce Street. Planning Coordinator Jared Johnson presented request for variance.

PLAT REVIEW

- Re-plat part of the “square-a-bout” (Outlot J) and existing 15 acre parcel owned by Hy-Vee (Outlot C) of the Vermillion River Crossings plat into two parcels.
- Newly dedicated street on northside of Lot 2, extension of Spruce Street south of Lot 2.
- Lot 1 to be 11 acres
- Lot 2 to be 3.5 acres
- Newly dedicated right-of-way to be 5.25 acres
- Vacation of right-of-way from “Outlot J” is scheduled for the May 20th City Council meeting

CUP SITE PLAN REVIEW

- Apartment Buildings are a conditional use in SSMU zoning District
- 4-story, 168 units at market rate
- Mix of studio, 1bed, 1 bed plus den, 2 bed and 3 bed

- Balconies, surface and underground parking, bicycle parking, fitness center, outdoor amenity space and dog run
- 252 parking spaces required, 252 parking spaces proposed

VARIANCE REVIEW

- Variance for building height. Max allowed is 40 feet, proposed is 53 feet 9 inches. High water table requires elevated underground parking
- Variance for parking lot setback from both the north and west property line. Minimum 10-foot setback, 5-foot setback proposed. Necessary to meet parking requirements.
- Meets all other zoning requirements.

ACTION REQUESTED

1. Motion to recommend the City Council approve the requested combined preliminary and final plat for Vermillion River Crossings 3rd Addition subject to the following conditions:

- The vacation of right-of-way from a portion of “Outlot J” in the Vermillion River Crossings Plat is approved by City Council
- The dedicated “new street” shall have its name changed to 214th St. W and be reflected as such on the preliminary and final plat
- All engineering comments are satisfied
- A development contract between the developer and the City of Farmington shall be executed and security fees and costs shall be paid. Submission of all other documents required under the development contract shall be required.

2. Motion to approve the requested conditional use permit and three variances to construct an apartment building at the northwest corner of Dushane Parkway and Spruce Street subject to the following conditions:

- The preliminary and final plat for Vermillion River Crossings 3rd Addition is approved by the City Council
- All necessary building permits are obtained
- A sign permit shall be obtained for any exterior signage
- All Engineering comments are satisfied
- An exterior lighting plan is submitted and approved by Planning staff

Chair Rotty opened up public hearing. Sheldon Berg with DJR Architecture is available for questions.

- Peggy Moore Vermillion River Crossings – concerned about the water table. Chair Rotty verified the engineering has been thorough, Planning Manager Tony Wippler stated the applicant has done a geotechnical report and submitted to the City
- Blanche Riker Vermillion River Crossings – concerned about traffic and noise, Planning Coordinator Jared Johnson explained where the new road entrance will be.

- Terry Lomas 21400 Dushane Pkwy – questioned if all units will be market rate and are they going to replace any greenspace Planning Manager Tony Wippler explained there will be a better use of the greenspace versus in the square-a-bout. She also had concerns for traffic and requesting a stop light to get onto HWY 50, Tony explained the county is the authority for HWY 50

Chair Rotty asked commissioners if they have any questions.

Commissioner Tesky had concerns around the variances, they explained the parking is not a concern they did calculations based on the types of units and it was adequate. The height variance was done to match the Vermillion Crossings pitched roof and due to raising out of the water table. The project would not be viable as a three-story building.

Chair Rotty verified there is enough parking for guests as well.

Commissioner Windschitl verified there is no on street parking planned on Dushane Pkwy. He also asked about security access, they run off fob system.

Commissioner Lehto confirmed that there are ADA entrances and units. She also asked if they know what the rates will be, he answered not at this time. She asked what timeline for starting construction is, goal is to start end of this summer.

Commissioner Snobeck inquired about the setbacks possibly creating any concerns for sidewalk safety, Jared responded with no concerns.

MOTION by Windschitl, second by Lehto to close the public hearing.
APIF MOTION CARRIED

MOTION by Windschitl , second by Snobeck for a favorable recommendation to City Council approve the combined preliminary and final plat for Vermillion River Crossings 3rd addition. **APIF MOTION CARRIED**

MOTION by Lehto, second by Windschitl to approve conditional use permit and three variances with five contingencies. **APIF MOTION CARRIED**

4. DISSCUSSION - None

MOTION by Snobeck, second Tesky to adjourn at 10:03 pm. **APIF MOTION CARRIED**

Respectfully submitted,

Tony Wippler

Tony Wippler, Planning Manager