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REQUEST FOR COUNCIL ACTION

MEETING DATE: 03-03-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-9
ITEM DESCRIPTION: **Annexation Petition #03-02 by Payne Company to annex approximately 1.07 acres of land located east of East Circle Drive (CSAH 22), south of Viola Road NE and north of Silver Creek Road NE.**		PREPARED BY: Theresa Fogarty, Planner

February 24, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission reviewed this annexation request on February 12, 2003. The Commission found that this property is adjacent to the city limits and can be served by City services. The Planning Commission therefore recommends approval of this request.

Mr. Burke moved to recommend approval of Annexation Petition #03-02 by Payne Company. Mr. Ohly seconded the motion. The motion carried 6-0.

Planning Department Recommendation:

See attached staff report, dated January 30, 2003.

Minnesota Statutes now specify that the property taxes payable in the year an annexation is effective shall be paid to the Township. For the five years following the annexation, the City must make a cash payment to the Township equaling 90%, 70%, 50%, 30% and 10% of the Townships share of the taxes in the year the property was annexed. The Township Taxes on this property for 2002 is **$0.65.**

Council Action Needed:

1. **Following the public hearing, if the Council wishes to proceed as petitioned, it should instruct the City Attorney to prepare an ordinance to be adopted and transmitted to the MN Planning /Office of Strategic and Long Range Planning.**

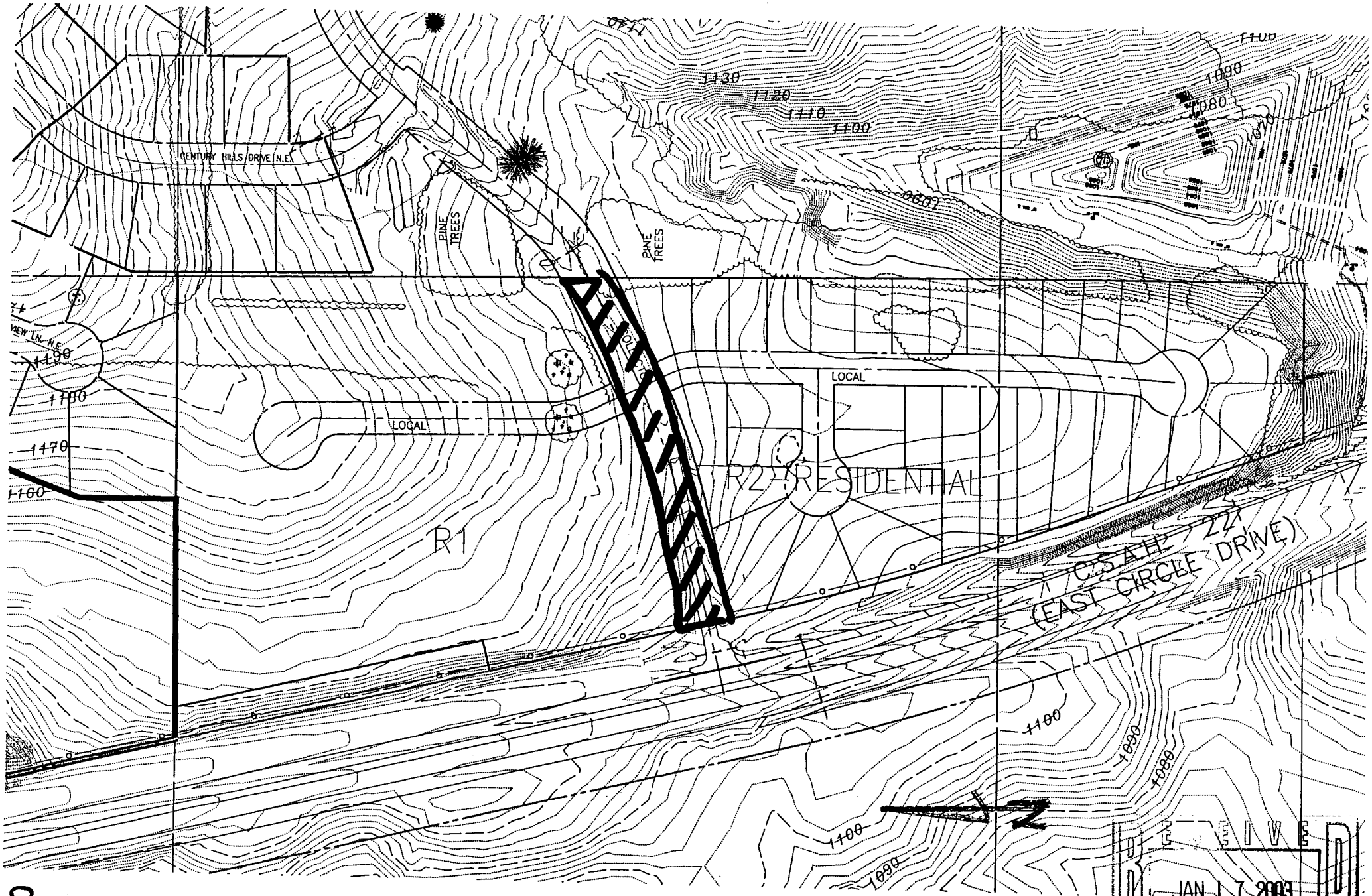
Attachments

1. Staff report, dated January 30, 2003.
2. Copy of the minutes of the Februrary12, 2003, CPZC meeting

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney: Legal Description Attached
4. City Finance Director: Tax Information Attached
5. Planning Department File
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, March 3, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.

COUNCIL ACTION: Motion by:_____ Second by:_____ to:



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PLANNING DEPARTMENT

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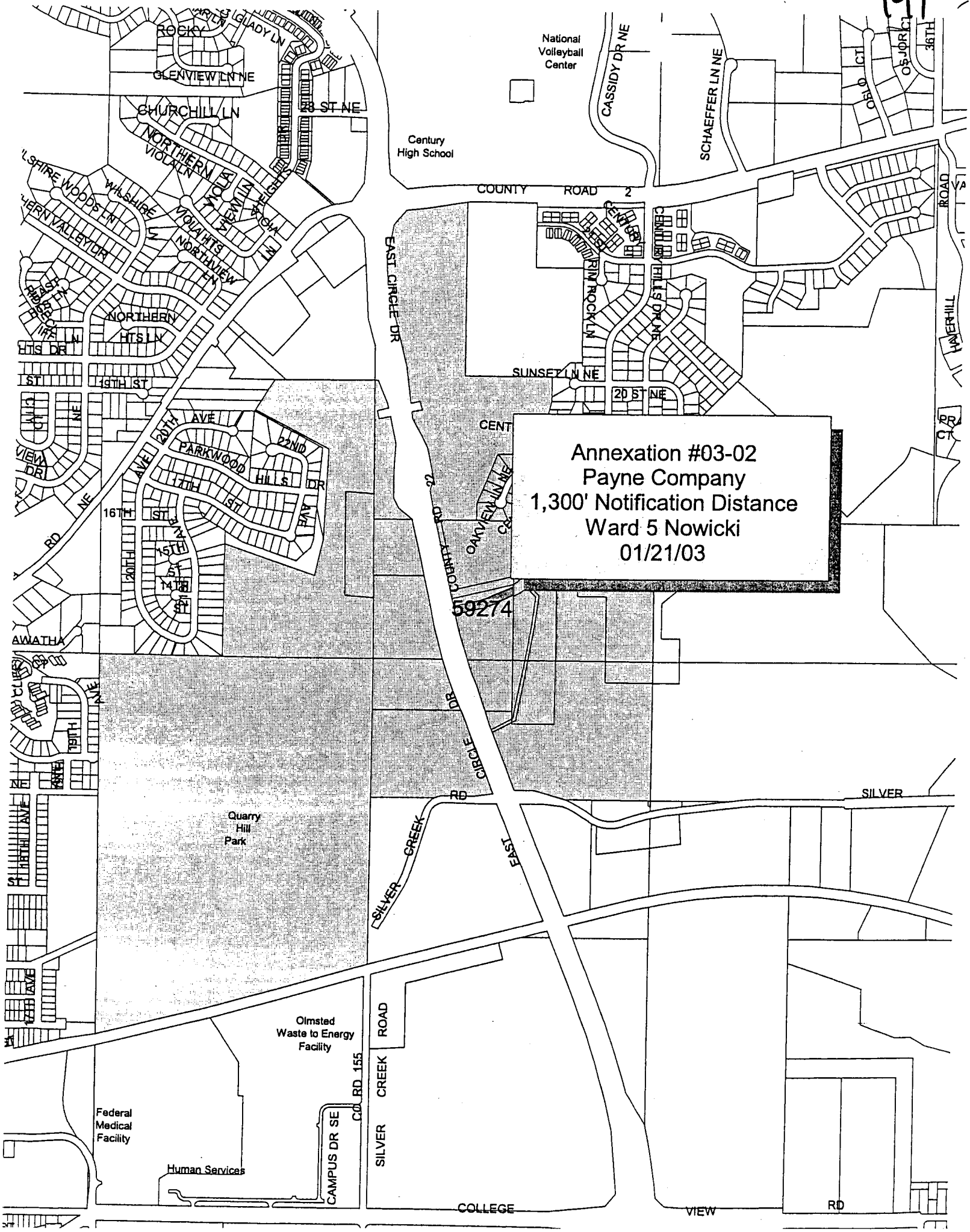
Annexation #03-02
Payne Company
1,300' Notification Distance
Ward 5 Nowicki
01/21/03
National Volleyball Center
Century High School
COUNTY ROAD 2
EAST CIRCLE DR
SUNSET LN NE
20 ST NE
CASSIDY DR NE
SCHAEFFER LN NE
OSLO CT
OSJOR CT
36TH
ROCKY
GLENVIEW LN NE
CHURCHILL LN
28 ST NE
NORTHERN VIOLA LN
WILSHIRE WOODS LN
WILSHIRE LN
VIOLA VIEW LN
VIOLA HTS
NORTHVIEW LN
NORTHERN HTS LN
19TH ST
20TH AVE
PARKWOOD HILLS DR
22ND AVE
17TH ST
16TH ST
15TH ST
14TH ST
AWATHA
19TH AVE
18TH AVE
17TH AVE
OAKVIEW LN NE
COUNTY RD 22
59274
EAST CIRCLE DR
SILVER CREEK RD
SILVER
Quarry Hill Park
Olmsted Waste to Energy Facility
Federal Medical Facility
Human Services
CAMPUS DR SE
CO RD 155
SILVER CREEK ROAD
COLLEGE VIEW RD
HAVERHILL ROAD

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ROCHESTER-OLMSTED PLANNING DEPARTMENT
2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744
COUNTY OF Olmsted
www.olmstedcounty.com/planning

CITY OF ROCHESTER MINNESOTA INCORPORATED AUGUST 5 A.D. 1858

TO: City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE: January 30, 2003

RE: Annexation Petition #03-02 by Payne Company to annex approximately 1.07 acres of land located east of East Circle Drive (CSAH 22), south of Viola Road NE and north of Silver Creek Road NE.

Planning Department Review:

Applicants/Owners:	Payne Company 1700 Northwood Drive NE Rochester, MN 55906
Consultant / Engineer:	Not applicable.
Location of Property:	The property is located east of East Circle Drive (CSAH 22), south of Viola Road NE and north of Silver Creek Road NE.
Existing Land Use:	This property is currently undeveloped land.
Size:	The property proposed for annexation is approximately 1.07 acres of unplatted land.
Existing Zoning:	The property is zoned A-4 (Agricultural Urban Expansion) district on the Olmsted County zoning map.
Future Zoning:	Upon annexation, the property will be zoned R-1 (Mixed Single Family Residential) district on the Rochester zoning map.
Land Use Plan:	The property is designated for "low density residential" uses on the Rochester Urban Service Area Land Use Plan. This parcel is indicated as a roadway on the approved Century Hills General Development Plan.
Adjacency to the Municipal Limits:	The property is adjacent to the city limits along its northern and southern boundaries.
Sewer & Water:	This annexation is being request to provide a roadway for future residential development. The need for sewer & water extension is not applicable.

Utilities:	Pursuant to Minnesota Statutes 414.033 (subd. 13), a municipality must notify a petitioner that the cost of electric utility service may change if the land is annexed to the municipality. A notice has been provided to the applicant.
Townboard Review:	Minnesota State Statutes require that the Townboard members receive a written notice, by certified mail, 30 days prior to the public hearing. The City Council will hold a public hearing on this item on March 3, 2003. The City Clerk has sent the certified 30 day notice.
Referral Comments:	Referral agencies responded with " no comments".
Report Attachments:	1. Annexation Map 2. Location Map

Staff Recommendation:

This property is adjacent to the City limits. Considering this annexation is necessary to provide a roadway for future residential development, the Planning staff recommends that the City proceed to adopt an ordinance annexing the property according to Minnesota Statutes 414.033, Subdivision 2(3).

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MINUTES OF THE
CITY OF ROCHESTER PLANNING COMMISSION
2122 CAMPUS DRIVE SE – SUITE 100
ROCHESTER MN 55904

Minutes of the regularly scheduled meeting of the City Planning and Zoning Commission held on Wednesday, February 12, 2003, at 7:00 p.m. in the Council/Board Chambers of the Government Center, 151 4th Street SE, Rochester, MN.

Members Present: Ms. Mary Petersson; Ms. Leslie Rivas; Mr. John Hodgson; Mr. Robert Haeussinger; Mr. James Burke; and Mr. Paul Ohly

Members Absent: Ms. Lisa Wiesner, Chair; Mr. Michael Quinn, Vice Chair; and Mr. Randy Staver

Staff Present: Ms. Mitzi A. Baker and Ms. Jennifer Garness

Other City Staff Present: Pat Alfredson, City Attorney

ADMINISTRATIVE BUSINESS:

> **Mr. Burke made a motion to approve the minutes of January 22, 2003, as written. Mr. Ohly seconded the motion. The minutes from January 22, 2003 were approved unanimously.**

Ms. Baker stated that the applicant for Annexation Petition #03-01 asked to continue the request to February 26, 2003. She further explained that the applicant for Zoning District Amendment #03-02 and General Development Plan #200 asked to continue the requests to February 26, 2003.

Ms. Baker asked that the Commission discuss appointing members to the Commercial and Industrial Parking Committee under "Other Business."

> **Mr. Burke made a motion to approve the agenda, as written. Mr. Ohly seconded the motion. The motion carried unanimously.**

ANNEXATIONS:

Annexation Petition #03-01 by Rad Nasrin to annex approximately 12 acres of land located north of Viola Road (CR 2), west of Osjor Estates and east of Schaeffer Lane NE. A General Development Plan for the entire property, and a Zoning District Amendment for a portion of the property are being considered concurrent with this application.

Mr. Haeussinger moved to continue Annexation Petition #03-01 by Rad Nasrin to February 26, 2003. Mr. Hodgson seconded the motion. The motion carried 6-0.

Annexation Petition #03-02 by Payne Company to annex approximately 1.07 acres of land located east of East Circle Drive (CSAH 22), south of Viola Road NE and north Silver Creek Road NE.

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Ms. Mitzi A. Baker presented the staff report, dated January 30, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Burke moved to recommend approval of Annexation Petition #03-02 by Payne Company. Mr. Ohly seconded the motion. The motion carried 6-0.

RIGHT-OF-WAY VACATION:

Vacation Petition #03-01, by Robert and Linda Johnson, to vacate Right-of-Way. The applicant is requesting to vacate a 25.5 foot wide reserved and excepted public right-of-way adjoining to and southwesterly of the northeasterly line of Terryville Subdivision.

Ms. Mitzi A. Baker presented the staff report, dated February 4, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Rivas moved to recommend approval of Vacation Petition #03-01 by Robert and Linda Johnson. Mr. Ohly seconded the motion. The motion carried 6-0.

PUBLIC HEARINGS:

Land Subdivision Permit (preliminary plat) #03-01 by Bamber Valley Estates LLC to be known as Bamber Valley Estates. The Plat proposes to subdivide approximately 35 acres of land located north of Salem Road SW (CR 25) and east of Westhill Drive SW. The Plat proposes approximately 56 lots for single family development and 5 Outlots.

Ms. Mitzi A. Baker presented the staff report, dated February 7, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Baker stated that the City can take action on a general development plan and preliminary plat before annexation, but no development permits or final plats could be approved.

Mr. Haeussinger asked why the property wouldn't be completely annexed before going through the process of getting a preliminary plat.

Ms. Kristi Clarke, of McGhie and Betts, Inc. addressed the Commission. She stated that the annexation was reviewed and approved by the City Council. However, they are waiting for final approval from the State of Minnesota.

Ms. Clarke stated that the applicant agrees with the staff-recommended conditions. However, they plan to change the width of Outlot A to 28 feet so that there can be parking on one side. She asked that the condition be reworded.

Ms. Baker stated that the condition also referred to no parking along Autumn Lake Avenue SW.

Ms. Clarke responded that they planned to only widen Outlot A to 28 feet.

Ms. Baker suggested the following wording for condition number 8 as follows: "No parking shall be allowed at any time along either side of Autumn Lake Avenue SW and shall be posted "No Parking." In addition, Outlot A is indicated at 28 feet in width and shall be posted "No Parking" parking along one side."