CITY OF ROCHESTER
COUNCIL AGENDA
COUNCIL/BOARD CHAMBERS
GOVERNMENT CENTER
151 4TH STREET SE

MEETING NO. 5 **MARCH 3, 2003**
REGULAR **7:00 P.M.**

PLEDGE OF ALLEGIANCE

PAGE

1-2 **A) OPEN COMMENT PERIOD**

B) CALL TO ORDER

C) LETTERS AND PETITIONS

3-4 1) Girl Scout Flag Ceremony - - **PRESENTED** - -

5-6 **D) CONSENT AGENDA/ORGANIZATIONAL BUSINESS**

1) Approval of Minutes - - **APPROVED** - -

7-10 2) Appointment to Police Civil Service Commission - - **APPROVED** - -

11-14 3) Appointment to Committee on Urban Design and Environment - - **APPROVED** - -

15-16 4) Contract Amendment AGA Consulting - - **APPROVED** - -

17-18 5) Advertise for bids for Terminal Ramp repair project - - **APPROVED** - -

19-24 6) Licenses, Bonds & Miscellaneous Activities - - **APPROVED** - -

25-26 7) Transfer of Wine and 3.2% Malt Liquor License for China Dynasty - - **APPROVED** - -

27-28 8) Transfer of On Sale Intoxicating Liquor to Wine and On Sale 3.2% Malt Liquor for Hilton Garden, Inc. - - **APPROVED** - -

29-30 9) Transfer of Wine and 3.2% Malt Liquor License for Zorba's Greek Restaurant - - **APPROVED** - -

31-32 10) BMI License Agreement for Local Government Entities - - **APPROVED** - -

33-34 11) Approval of Accounts Payable - - **APPROVED** - -

35-36 12) Change Order #3 – Fire Station 3 - - **APPROVED** - -

37-38 13) Labor Agreement for 2002-2004 IAFF Local #3869 - - **APPROVED** - -

39-40	14)	State of Minnesota Department of Public Safety Gang Strike Force Reimbursement Grant **- - APPROVED - -**
41-42	15)	Donation of Metal Detector **- - APPROVED - -**
43-44	16)	Supplemental Agreement #1: Project 6316-4/3-00 (J9711) The Milling and Overlay of 16th Ave N.W./S.W. **- - APPROVED - -**
45-46	17)	Supplemental Agreement #1: Project 6260-3-99 (J9321) Reconstruction of 60th St. S.W. **- - APPROVED - -**
47-48	18)	Supplemental Agreement #1: Project 6110-00 (J9615) The Milling and Overlay of Elton Hills Drive N.W. **- - APPROVED - -**
49-50	19)	Supplemental Agreement #1: Project SW-M001 (J2460) Construction of Hillcrest Regional Pond, S.W. **- - APPROVED - -**
51-52	20)	Supplemental Agreement #2: Project 6202-3-03 (J9851) The Milling and Bituminous Overlay of 2nd St. S.W. **- - APPROVED - -**
53-54	21)	Award of Contract: (J9824) Realignment & Construction of Hwy 52 East Frontage Rd from 33rd St NW to 37th St NW **- - APPROVED - -**
55-56	22)	Real Estate – Partial Release of Development Agreement – Lot 6, Block 1, Rochester Marketplace **- - APPROVED - -**
57-58	23)	Owner Contract – Sanitary Sewer & Watermain Extension to Serve New River Subdivision (replat of Outlot "A", Seehusen Industrial Park) (J5057) **- - APPROVED - -**
59-60	24)	Owner Contract – Public Utilities to Serve part of Glendale Hills Fourth (J5055)
61-62	25)	Design Variance Request: "Reconstruction of Center Street from 3rd Ave W. to Zumbro River Bridge" (J9618) **- - APPROVED - -**
63-64	26)	Advertise for Bids: Sanitary Sewer and Watermain in the Rose Haven Subdivision Area, J9750 **- - APPROVED - -**
65-66	27)	Advertise for Bids: Sanitary Sewer and Watermain in the Southport Subdivision Area, J9792 **- - APPROVED - -**
67-68	28)	Consideration of Public Utility Board Action **- - APPROVED - -**

E) HEARINGS

69-70	1)	General Development Plan #199 to be known as 37th Street Commercial Park **- - CONTINUED TO MARCH 17 - -**
71-72	2)	Annexation Petition #03-01 by Rad Nasrin to annex land located north of Viola Road, west of Osjor Estates and east of Schaeffer Lane N.E. **- - CONTINUED TO MARCH 17 - -**

73-102	3)	Continued Hearing on General Development Plan #198 by Dave & Donna Geselle Trust and Lyndon Geselle Trust-Charles Geselle Trustee to be known as Villas on the Parkway **- - APPROVED - -**
103-126	4)	Hearing on Land Subdivision Permit #03-01 by Bamber Valley Estates LLC to be known as Bamber Valley Estates **- - APPROVED - -**
127-144	5)	Hearing on Land Subdivision Permit #03-02 by Payne Company to be known as Century Hills Seventh Subdivision **- - APPROVED - -**
145-168	6)	Land Subdivision Permit #03-03 by Century Point LLC to be known as Century Point First **- - APPROVED - -**
169-180	7)	Final Plat #02-31 by Fox Hill, LLC to be known as Fox Hill Third Subdivision **- - APPROVED - -**
181-188	8)	Vacation Petition #03-01 by Robert and Linda Johnson, to vacate the right-of-way adjoining the southwesterly of the northeasterly line of Terryville Subdivision. **- - APPROVED - -**
189-196	9)	Annexation Petition #03-02 by Payne Company to annex land located east of East Circle Drive, south of Viola Road N.E. and north of Silver Creek Road N.E. **- - APPROVED - -**
197-204	10)	Annexation Petition #03-03 by Arcon Development, Inc. to annex land located west of 18th Avenue S.W., west of Hart Farms Subdivision, north of 40th Street S.W. **- - APPROVED - -**
205-214	11)	Consider the Making of Local Improvement Project No. 6323-3-00 (J-9714) "Construction of 23rd Avenue S.W. from 2nd Street S.W. to Fox Valley Drive". **- - APPROVED - -**
215-216	12)	Proposed Assessment for Local Improvement Project No. 6323-3-00 (J-9714) "Construction of 23rd Avenue S.W. from 2nd Street S.W. to Fox Valley Drive **- - APPROVED, BUT NOT STORM SEWER - -**

F) REPORTS AND RECOMMENDATIONS

217-218

G) RESOLUTIONS AND ORDINANCES

H) TABLED ITEMS

I) OTHER BUSINESS

J) ADJOURNMENT

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/3/03

AGENDA SECTION: OPEN COMMENT PERIOD	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO. A
ITEM DESCRIPTION: OPEN COMMENT PERIOD		PREPARED BY: S. KVENVOLD

This agenda section is primarily for the purpose of allowing citizens to address the City Council on a topic of their choice. The following guidelines apply:

- This section of the agenda may not be used as a forum to continue discussion on an agenda item which has already been held as a public hearing.
- This agenda section is limited to 15 minutes and each speaker is limited to 4 minutes.
- Any speakers not having the opportunity to be heard will be first to present at the next Council meeting.
- Citizens may only use this forum to address the Council on a maximum of one time per month.
- Matters currently under negotiation, litigation or related to personnel will not be discussed in this forum.
- Questions posed by a speaker will generally be responded to in writing.

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

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REQUEST FOR COUNCIL ACTION

MEETING 3

DATE: 03/03/03

AGENDA SECTION: Letters & Petitions	ORIGINATING DEPT: Mayor's Office	ITEM NO. C-1
ITEM DESCRIPTION: Girl Scout Flag Ceremony		PREPARED BY: Mayor Brede

Mayor Ardell Brede will proclaim March 9 – 15, 2003 as Girl Scout Week. The Girl Scouts will present the colors and lead the Council in the Pledge of Allegiance at the beginning of the meeting.

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

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REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/3/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO. D-1-28
ITEM DESCRIPTION: APPROVAL OF CONSENT AGENDA ITEMS		PREPARED BY: G. NEUMANN

This RCA lists all the items which have been included in the consent agenda for this meeting. The Council can approve all of the items with a single motion to approve. The Council President will allow the Councilmembers an opportunity to state whether there are any of these items which you wish to have removed from the consent agenda approval and to have them discussed and acted upon separately by the Council.

The consent agenda for this meeting consists of the following RCAs:

1) Approval of Minutes
2) Appointment to Police Civil Service Commission
3) Appointment to Committee on Urban Design and Environment
4) Contract Amendment AGA Consulting
5) Advertise for bids for Terminal Ramp repair project
6) Licenses, Bonds & Miscellaneous Activities
7) Transfer of Wine and 3.2% Malt Liquor License for China Dynasty
8) Transfer of Wine and 3.2% Malt Liquor License for Zorba's Greek Restaurant
9) Transfer of On Sale Intoxicating Liquor to Wine and On Sale 3.2% Malt Liquor for Hilton Garden, Inc.
10) BMI License Agreement for Local Government Entities
11) Approval of Accounts Payable
12) Change Order #3 – Fire Station 3
13) Labor Agreement for 2002-2004 IAFF Local #3869
14) State of Minnesota Department of Public Safety Gang Strike Force Reimbursement Grant
15) Donation of Metal Detector
16) Supplemental Agreement #1: Project 6316-4/3-00 (J9711) The Milling and Overlay of 16th Ave N.W./S.W.
17) Supplemental Agreement #1: Project 6260-3-99 (J9321) Reconstruction of 60th St. S.W.
18) Supplemental Agreement #1: Project 6110-00 (J9615) The Milling and Overlay of Elton Hills Drive N.W.
19) Supplemental Agreement #1: Project SW-M001 (J2460) Construction of Hillcrest Regional Pond, S.W.

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

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20) Supplemental Agreement #2: Project 6202-3-03 (J9851) The Milling and Bituminous Overlay of 2nd St. S.W.
21) Award of Contract: (J9824) Realignment & Construction of Hwy 52 East Frontage Rd from 33rd St NW to 37th St NW
22) Real Estate – Partial Release of Development Agreement – Lot 6, Block 1, Rochester Marketplace
23) Owner Contract – Sanitary Sewer & Watermain Extension to Serve New River Subdivision (replat of Outlot "A", Seehusen Industrial Park) (J5057)
24) Owner Contract – Public Utilities to Serve part of Glendale Hills Fourth (J5055)
25) Design Variance Request: "Reconstruction of Center Street from 3rd Ave W. to Zumbro River Bridge" (J9618)
26) Advertise for Bids: Sanitary Sewer and Watermain in the Rose Haven Subdivision Area, J9750
27) Advertise for Bids: Sanitary Sewer and Watermain in the Southport Subdivision Area, J9792
28) Consideration of Public Utility Board Action

COUNCIL ACTION REQUESTED:

Motion to approve consent agenda items

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/3/03

AGENDA SECTION: Organizational Business	ORIGINATING DEPT: Mayor's Office	ITEM NO. D-2
ITEM DESCRIPTION: Appointment to Police Civil Service Comission		PREPARED BY: Mayor Brede

I hereby submit for your approval the following appointment to the Police Civil Service Commission:

James M. Russell
707 Woodhaven Ct. NE

Mr. Russell will fill the unexpired term of Robert Nowicki. The term runs to 04/01/04

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Mayor Ardell F. Brede
201 4th Street SE – Room 281
Rochester, MN 55904-3782
Phone: (507) 285-8080 Fax: (507) 287-7979

CITY OF ROCHESTER

VOLUNTEER APPLICATION

Name: JAMES M. RUSSELL

Address: 707 WOODHAVEN CT. NE

Phone: Bus. _____ Home 282-4804

Do you reside within Rochester City Limits? Yes ✓ No _____

Place of Employment: RETIRED

I am seeking voluntary service on THE POLICE CIVIL SERVICE COMMISSION

Because: I WANT TO BE USEFUL AND BECAUSE OF MY BACKGROUND. PLEASE SEE THE ATTACHED SHEET.

Please provide background information (Education, Special Interests, Achievements, Previous Employment, Community Involvement) Attach additional information, if desired.

Date Submitted: 1/27/03 Signed: James M. Russell

Return to: **Office of the Mayor**
201 4th Street SE
Rochester, MN 55904-3782

Interview 2/18 – 2pm

Date of Appointment:
Term Expires:

James M. Russell
European Historian

Curriculum Vitae
2003

Professional employment

- Political/historical columnist for the Rochester Post Bulletin: 2001-present
- European History Professor, Rochester Community College: 1966-1996 (Social Science Division Chair)
- Established and directed the RCC Criminal Justice Program: 1969-1989
- World History teacher, John Marshall High School: 1963-1966

Education

- Oxford University 1997 Summer Program: Soviet and Russian history since 1985; Modern history of the Balkans
- National Endowment for the Humanities Scholar, Religion Department, Princeton University, 1979, Seminar topic: *The Rise of Christianity in the Roman State*
- National Endowment for the Humanities, Scholar, Classics Department, University of Texas, 1976, Seminar topic: *History and Literature in the Age of Caesar Augustus*
- Post-graduate work, University of Minnesota, Greek and Roman History: 1972 – 1973
- Unfinished Ph.D. program in Modern European History, University of Iowa: 1961-1963
- Master of Arts in European History and Political Science, Drake University: 1960
- Bachelor of Arts, Journalism and European History, Drake University: 1958

Professional awards/activities

- Administrative selection, Outstanding Division Chair, (Social Sciences): 1995
- Board member, Minnesota Community College Faculty Association: (ten terms)
- Faculty selection, Teacher of the Year: 1989
- President, Rochester Community College Faculty Association: (five terms)
- Two-time State contract negotiator for Minnesota Community College Faculty Association

Post-retirement teaching (Elder Hostels and Elder Institutes)

- Could there have been a Reformation without Martin Luther?
- An Examination of the World's Great Religions
- Europe Between the Two Great World Wars
- Europe since 1945
- U.S. Foreign Policy Since 1945
- Europe: From the French Revolution to the Present
- The meaning of the Enlightenment
- The meaning of the Renaissance
- Was World War I inevitable?
- Were the Dark Ages really dark?
- Will democracy survive in Russia?

Present board and committee membership

- Justice Social Service Volunteer Program: Vice-Chair
- Dodge, Fillmore, Olmsted County Correctional Advisory Board
- Rochester Women's Shelter Board of Directors: Executive Committee and Secretary
- Victim Services Committee: Chair
- Planned Parenthood: Regional Advisory Committee
- Sex Offender Management Advisory Committee
- Visiting Scholar Series Committee: Rochester Community and technical College

Personal background and interests

Born Glasgow, Scotland 1931; moved with family to Stockholm, Sweden 1946; immigrated to the United States, 1951. Served in US Army Military Intelligence/Early Warning Radar: 1952 – 1954. **Interests:** Reading and studying history with emphasis on the history of ideas; writing monthly columns for the Rochester Post Bulletin on social/political issues; lecturing ; European travel; theater and music; swimming.

REQUEST FOR COUNCIL ACTION

MEETING 11
DATE: 3/3/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
Organizational Business	Mayor's Office	D-3
ITEM DESCRIPTION: Appointment to Committee on Urban Design and Environment		**PREPARED BY:** Mayor Brede

I hereby submit for your approval the following appointment to the Committee on Urban Design and Environment:

Sister Marlys Jax
1001 14th St NW

Sister Jax will fill the expired term of Curt Axen. The term runs to April, 2006.

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Mayor Chuck Canfield
201 4th Street SE - Room 281
Rochester, MN 55904-3782
Phone: (507) 285-8080 Fax: (507) 287-7979

CITY OF ROCHESTER

VOLUNTEER APPLICATION

Name: S. Marlys Jax OSF

Address: 1001 14th St. NW

Phone: Bus. 507-280-2194 Home 507-282-7441

Do you reside within Rochester City Limits? Yes ✓ No ____

Place of Employment: Assisi Heights.

I am seeking voluntary service on CUDE Committee on Urban Development + Environment

Because: With my background in design (Interior + Architectural Design) as well as interest + work in Environmental Concerns (wind/water/soil) I believe I can bring ~~important~~ important issues to the table. As a community I think we need to be more proactive in regard to how we care for our earth.

Please provide background information (Education, Special Interests, Achievements, Previous Employment, Community Involvement) Attach additional information, if desired.

See attached –

Date Submitted: Dec 26, 2002 Signed: Marlys Jax

Return to: **Office of the Mayor**
201 4th Street SE
Rochester, MN 55904-3782

Date of Appointment: ____

Term Expiration: ____

Other data: ____

Marlys A. Jax OSF
1001 14th Street NW
Rochester, MN 55901
507-280-2194
marlysjax@juno.com

Educational Background:

Dakota County Technical College Rosemount, MN	Interior Design and Sales FIDER accredited Two year-deans list	A.A.S.	1996
Gonzaga University, Spokane, WI	Leadership Training	Certificate	1983
College of St. Teresa, Winona, MN	Education/History /Theology	BS Degree	1971

Work Experience:

1996- 2002 Facility Operations Manager of Assisi Heights, Rochester, MN
Responsible for overall Maintenance, Use, Rental, and Design of the Building and Grounds
Supervision of Staff in Maintenance, Engineering, Security, Housekeeping, and Communication Departments
Coordination of Sponsorship- Values Education with All Staff and Residents

1994-1996 Further Education - Interior Design and Sales

1992-1994 Sabbatical of Reverse Mission
-ESL teacher Battambang, Cambodia Language Skills Center
-Assisted Community Development-Chilulu Tribe with the Tototo Industries in Mobassa, Nairobi, E. Africa
-Worked in the Mathare Valley Housing Project- Addis Ababa, Ethiopia
-Staff Person in Kaligut, Home for the Dying- Calcutta, India

1984-1992 Director of Cojourners - a Lay Membership program with the Sisters of St. Francis. Initiated, developed, coordinated and marketed (Appointed position)

Incorporation Team Member - responsible for the initial assessment, education and supervision of field experience of new members of the Congregation (Appointed position)

1983-1984 Co-Director of RENEW - St. Cloud, MN - responsible for coordination, marketing and training of a Adult Spiritual Development Program for sixteen counties in the region

1976-1982 Director of Christian Community Center - Responsible for Program Planning for the Christian Community Retreat Center (Adult education) Marketing and facilitation of some programs

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1973-1976 CENCOAD- (Center for Community Organization and Area Development) Organizing Businesses, Local Towns and School Districts, securing grants, legislation, and planning processes to benefit the local communities in a three state area.

1965-1973 Educator - Responsible for classroom education in Delano, MN, Minneapolis, MN and Adrian, MN

Volunteer Service

JSSVP Board Member -Justice Social Service Volunteer Program for Dodge, Fillmore and Olmsted County
Circle of Support - Weekly Restorative Justice Program for women on Probation
Coordinator of Franciscan Pet Sitting Service
Volunteer at Community Food Response (CFR) The collection of food prepared but unsold at local restaurants and distributed to those in need
Volunteer for Olmsted County History Center
Design Team - The Park House- (HIV-AIDS Day Center) - Affiliated with Abbot-Northwestern
Design Team - Search for Shelter Charette -Sponsored by AIA of Minnesota

Community Service

Cultural Diversity Board for Rochester Area, Program Development, Adult Education Subcommittee
Co-Founder of Rochester Area Habitat for Humanity
Served as Vice President and President and various Committees
Founding Board for Open Table - An alternative Gift Shop, Book Store with simple lunches

Achievements

2002 Mayor's Medal of Honor, Rochester MN
2002 CUDE Award for Natural Environment given by Rochester Committee on Urban Design and Environment
Renaissance Woman Award, July 2002
"You Make a Difference Award, May 2002
"Sister Marlys Jax Award" An Annual Award Given to a Volunteer For Outstanding Service To Rochester Area Habitat for Humanity
"Choices and Change 99: Honoring Women Who Have Made a Difference" Given by Rochester League of Women Voters
"Incredible Service Award" for Rochester Area Habitat for Humanity 1998

OSF

Life vowed member of the Sisters of St. Francis Rochester, MN

REQUEST FOR COUNCIL ACTION

MEETING 15

DATE: 3/3/03

AGENDA SECTION: Consent	ORIGINATING DEPT: Administration	ITEM NO. D-4
ITEM DESCRIPTION: Contract Amendment AGA Consulting		PREPARED BY: Doug Knott DK

The City entered into a contract with AGA Consulting for the design of a one-level addition to the First Street Parking Ramp. That design is nearing completion and the project will be bid this spring for summer construction.

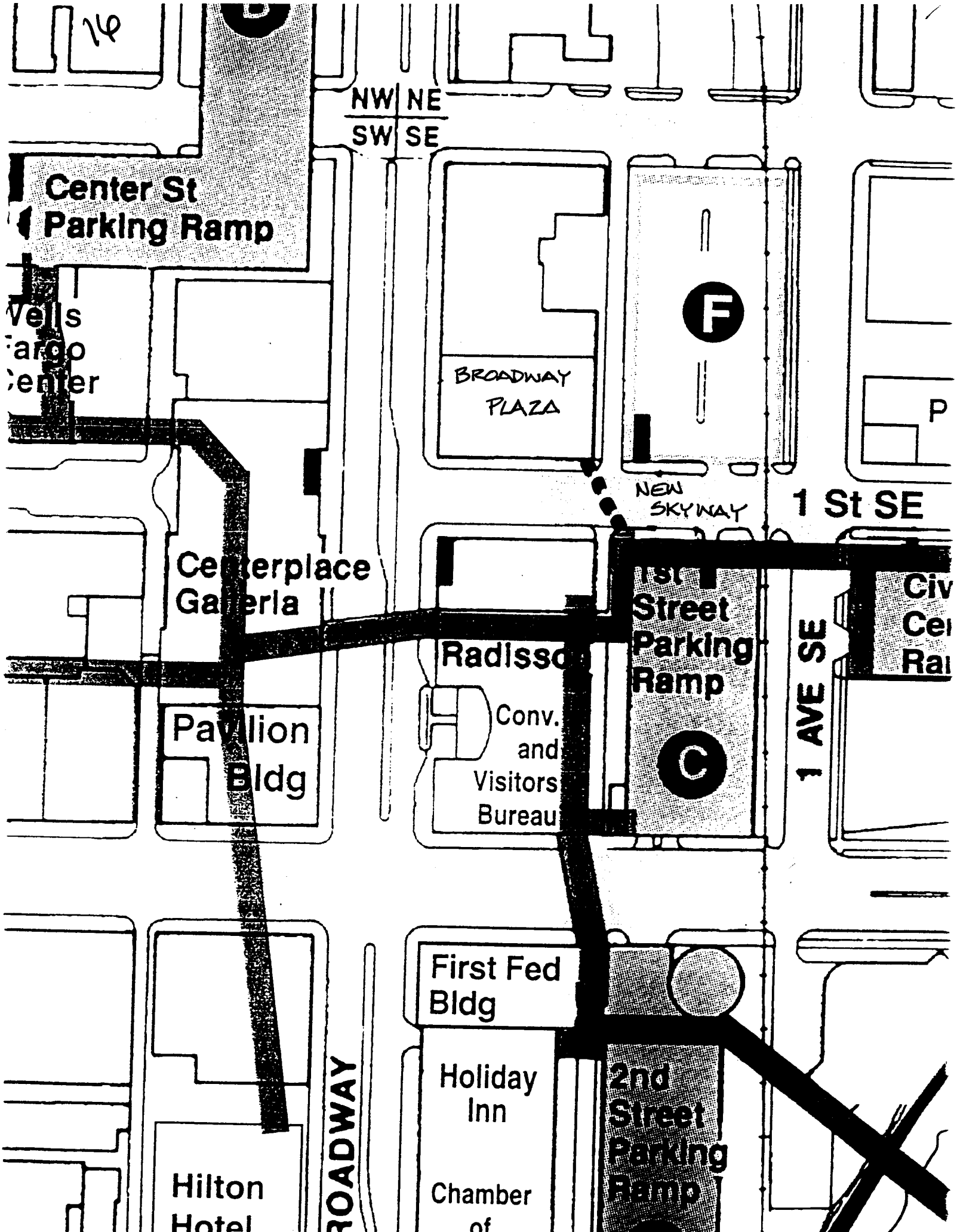
Royal Management will design and construct, at their cost, a skyway bridge that will run from Broadway Plaza to the existing skyway located in the alley adjacent to the parking ramp (see attached). The existing skyway was not designed to carry the weight of the new bridge. Under the terms of the development agreement the city needs to construct the supporting structure (columns and beam) for the bridge connection on the south side of the street.

We have a proposal from AGA in the amount of $12,500 for the additional design for the bridge support. If approved by Council the work will be incorporated into the ramp project and constructed at the same time. The cost will be paid for from the parking enterprise fund.

COUNCIL ACTION REQUESTED:

Approve a $12,500 amendment to the AGA contract for additional work related to the design of skyway support structure.

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


NW NE
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Parking Ramp
Wells
Fargo
Center
BROADWAY
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of
Hilton
Hotel
BROADWAY

REQUEST FOR COUNCIL ACTION

MEETING 17

DATE: 3/3/03

AGENDA SECTION: Consent	ORIGINATING DEPT: Rochester International Airport	ITEM NO. D-5
ITEM DESCRIPTION: Advertise for bids for Terminal Ramp repair project.		PREPARED BY: Steven W. Leqve

The Rochester Airport Commission recommends and requests Council authorization to:

Advertise for bids for Terminal Ramp Project. This project will include re-sealing all the joints as well as repairing/replacing a few concrete panels and catch basins. This project is in the current CIP.

Project Funding: 60% State
40% Local

COUNCIL ACTION REQUESTED:

Resolution authorizing the City Clerk to advertise for bids.

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

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/3/03 19

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	ITEM NO. D-6
ITEM DESCRIPTION: LICENSES, BONDS & MISCELLANEOUS ACTIVITIES		PREPARED BY: DONNA J SCHOTT

The following licenses, bonds and miscellaneous activities are submitted for the Council's approvals or disapprovals. All are pending departmental approvals, the required insurance, bonds, fees and all outstanding debts with the City of Rochester.

CIRCUS

Farrow Amusement Co, Inc.
PO Box 6747
Jackson Ms. 39282
Circus – 7/29/03 thru 8/3/03
Olmsted County Fairgrounds

GAMBLING - TEMPORARY

Church of St. Pius
1205 12th Ave NW
Rochester, Mn. 55901
Raffle 5/16/02

Rochester Youth Volleyball Association
826 10th St SW
Rochester, Mn. 55902
Raffle 5/18/03 AT
National Volleyball Center
2601 Viola Rd NE
Rochester, Mn. 55906

MASTER INSTALLER

Anthony Johnson
414 9th Ave NW
Byron, Mn. 55920

MASTER PLUMBER

Stevens Plumbing & Heating
527 Hiawatha Blvd.
Winona, Mn 55987

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

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SOUND AMPLIFICATION

Holiday Inn South
1630 South Broadway
Rochester, Mn. 55904
9th Annual Street Dance (Motel Parking Lot) 8/22/03

MISCELLANEOUS

Paws and Claws Humane Society – Rita Jones
1313 48th St NW
Rochester, Mn. 55901
Walk Fundraiser 5/3/03

SE Minnesota Harley Owners Group – Galen Lohrenz
PO Box 546
Pine Island Mn 55963
Motorcycle Parade 7/27/03
For Ronald McDonald House

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OFF SALE INTOXICATING LIQUOR (Annual Renewals)

Alexandra D Inc. DBA Apollo Liquor
A C Liquor Inc. DBA Andy's Liquor
Andy's Crossroads Liquor Inc DBA Andy"s
Andy's Marketplace Liquor Inc.
Apollo Liquor I, Inc DBA Apollo Liquor
B & F Leasing Inc DBA Apollo Liquor & Smokeshop
Deanna Inc DBA Apollo wine & Spirits
Supervalu Inc DBA Cub Foods Bear Creek Liquors
RMT of Rochester Inc. A Rochester Corp. DBA Buckeye Liquor
Joe's Liqor Inc.
MGM Wine & Spirits Inc DBA MGM Liquor Warehouse
Plaza Liquor
DJ'S Northbrook Liquor LLC DBA Northbrook Liquor
Sam's West Inc DBA Sam's Club #6427
Silver Lake Liquor

CLUB ON SALE LIQUOR (Annual Renewals)

AFL-CIO Labor Club DBA Labor Club
William T. McCoy Post 92 DBA American Legion
Rochester Elks Lodge #1091
Fraternal Order of Eagles #2228
Columbus Building Association DBA Knights of Columbus
Loyal Order of Moose DBA Rochester Moose Lodge #2128
Rochester Golf & Country Club
VFW Post #1215 Whitlock Sonnenberg

WINE (Annual Renewals)

Karla Sperry DBA Bilotti's Italian Restaurant
Chardonnay, LTD
Guo Xiao DBA China Garden
Cynthia Elizabeth Daube DBA Daube's Bakery & German Restaurant
Denny's Inc DBA Denny's Restaurant #1368
Mel's Restaurant DBA Eastwood Golf Course
Nghi B. Sam DBA Great China Restaurant
Trips Inc. DBA Hawthorne Suites of Rochester
Dong Zeng LLC DBA Hunan Garden Restaurant
India Garden, Inc.
John Hardy's Bar-B-Que Inc 29 Frontage Rd, Hwy 52 N
John Hardy's Bar-B-Que Inc 940 S Bdwy
DMS Patel LLC DBA John's Family Restaurant & Coffee Shop
Rochester Athletic Club
Roscoe's Rootbeer & Ribs Inc DBA Roscoe's North
Sky Dragon Buffet Inc.
63 Club Minnesota, Inc
JADCO LLC DBA Valentino's of Rochester
Wright Stuff Restaurant & Lounge
Wong's Cafe, A General Partnership DBA Wong's Café

ON SALE INTOXICATING LIQUOR (Annual Renewals)

Apple American LMTD Partnership of Mn DBA Applebee's Neighborhood Grill & Bar 3794 Marketplace Dr
Apple American LMTD Partnership of Mn DBA Applebee's Neighborhood Grill & Bar 320 Apache Mall
C & F Foods Inc DBA Aviary Restaurant
Beer & Burgers Inc DBA "Moose" Bar & Grill
Xiao Guo DBA Bon's Buffet
SRSA, INC DBA C.J.'S Midtown Lounge
Creative Cuisine Inc DBA Broadstreet Café & Bar/Redwood Room
Brothers Bar & Grill Inc
Graf Family Investments DBA Buffalo Wild Wings Grill & Bar
J & S Corporation DBA Canadian Honker Hospitality
Honker Enterprises DBA Canadian Honker Restaurant
Carlos O'Kelly's Mexican Café
Colonial Company DBA Colonial Lanes and Brass lantern Restaurant
Crown Restaurant and Lounge
Southeast Hotel LLC DBA Comfort Inn and Conference Center
Ruben Leon' DBA Dos Amigos Mexican Restaurant
Dos Amigo's Mexican Restaurant #2
Sunstone Hotel Properties, Inc. DBA Economy Inn & Executive Suites
Rivervalley BBQ, Inc. DBA Famous Dave's BBQ Shack
Fiesta Mexican Restaurant
CMZ, Inc. DBA Henry Wellington/Newt's
Hangar Bar & Grill, Inc.
Sunstone Hotel Properties, Inc. DBA Holiday Inn Downtown
Sonor Hotel Corporation DBA Holiday Inn South
Hunan Chinese Restaurant of Rochester, Inc.
J & M'S Family Restaurant Inc DBA Shady Hill Grille
J.J.'S of Rochester, Inc. DBA J.J.'S Restaurant & Sports Bar
John Barley Corne, Inc.
Sunstone Hotel Properties, Inc. DBA Kahler Hotel
GPK Inc DBA Kathy's Pub
King's Crossing Bar & Grill Co Inc.
Tequila Corp. DBA Las Margaritas Bar & Grill
The Loveugly Cabaret Inc.
Sunstone Hotel Properties, Inc. DBA Marriott Hotel
Dooley's, Inc. DBA McMurphy's Sports Café/Aquarius Nightclub
Michael's Supper Club, Inc. DBA Michael's Restaurant
CJC Enterprises, Inc. DBA North Star Bar
Hy-Pat Investment Inc DBA O'Neill's Pizza Pub
GMRI, Inc. DBA Olive Garden Italian Restaurant
Outback Steakhouse/Midwest II, Limited Partnership DBA Outback Steakhouse
MPLS Hotel Management DBA Radisson Plaza Hotel
Recreation Lanes, Inc.
GMRI, Inc. DBA Red Lobster #429
Associated Management, Inc. DBA Riptide Bar
Rookies Sports Grill & Bar, Inc.
The Sandtrap
Great Western Fair, Inc. DBA Smiling Moose Bar & Grill
Restech Partners, Inc. TGI Friday's

Timber Lodge Steakhouse, Inc
Victoria's of Minnesota DBA Victoria's Restaurant
Whistle Binkies LLC DBA Whistle Binkies Old World Pub
Willow Creek Golf of Rochester, Inc.

CONSUMPTION & DISPLAY (Annual Renewal)

Pla-Mor Ballroom

OTHER ANNUAL RENEWALS

Sunday Liquor	57
On Sale 3.2%	40
Off Sale 3.2%	22
Dance	23
Bowling	2

COUNCIL ACTION REQUESTED

A motion to approve or disapprove the above licenses and miscellaneous city activity permits and the **RENEWAL LICENSES** for April 1, 2003.

h2

REQUEST FOR COUNCIL ACTION

MEETING 25
DATE: 3/3/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	ITEM NO. D-7
ITEM DESCRIPTION: **TRANSFER OF WINE AND 3.2% MALT LIQUOR LICENSE FOR CHINA DYNASTY**		PREPARED BY: DONNA J SCHOTT

Application has been received from Chinh Trung Ly for the transfer of the Wine and 3.2% Malt Liquor license for China Dynasty located at 701 South Broadway. The former owner of the restaurant was Hung Fu Chu. The name of the restaurant will remain as China Dynasty.

Mr. Ly is requesting the transfer take place immediately. Transfer of the license is pending the required fees, insurance certificates and all departmental approvals. A confidential investigative report has been returned satisfactorily.

COUNCIL ACTION REQUESTED

A motion to approve the application for the transfer of the Wine and On Sale 3.2% Malt Liquor License for China Dynasty from Hung Fu Chu to Chinh Trung Ly.

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

REQUEST FOR COUNCIL ACTION

MEETING 27.
DATE: 3/3/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	ITEM NO. D-8
ITEM DESCRIPTION TRANSFER **OF ON SALE INTOXICATING LIQUOR TO WINE AND ON SALE 3.2% MALT LIQUOR FOR HILTON GARDEN, INC.**		PREPARED BY: DONNA J SCHOTT

Application has been received from GAC Development LLC for a Wine and 3.2% On Sale Malt Liquor License for the Hilton Garden Inn located at 225 South Broadway. GAC Development has opted to sell wine and beer rather then intoxicating liquor therefore request the license for intoxicating and Sunday liquor be cancelled.

Issuance of the wine and 3.2 % malt liquor license would be pending the required fees, insurance certificates And all departmental approvals. A confidential investigative report has been returned satisfactorily.

COUNCIL ACTION REQUESTED

A motion to approve the application for a Wine and 3.2% On sale Malt Liquor License for GAC Development LLC DBA Hilton Garden Inn.

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

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/3/03 29

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	ITEM NO. D-9
ITEM DESCRIPTION: **TRANSFER OF WINE AND 3.2% MALT LIQUOR LICENSE FOR ZORBA'S GREEK RESTAURANT**		PREPARED BY: DONNA J SCHOTT

Application has been received from Vandros, LLC for the transfer of the Wine and On Sale 3.2 Malt Liquor license for Zorba's Greek Restaurant located at 924 7th St NW. The former owner of the restaurant was Michael Mihalas. The name of the restaurant will be Vandros LLC DBA Zorba's Greek Restaurant.

Vandros LLC is requesting the transfer to be effective immediately. Transfer would be pending the required fees, insurance certificates and all departmental approvals. A confidential investigative report has been returned satisfactorily.

COUNCIL ACTION REQUESTED

A motion to approve the transfer of the Wine and 3.2 Malt Liquor Licenses for Zorba's Greek Restaurant to Vandros, LLC.

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

30

REQUEST FOR COUNCIL ACTION

MEETING DATE: 31 3/3/03

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Civic Music	ITEM NO. D-10
ITEM DESCRIPTION: BMI License Agreement for Local Government Entities		PREPARED BY: Steven Schmidt

Title 17 U.S.C. 106(4) established property rights for musical works and grants creators and owners of copyrighted musical works the exclusive right to perform or authorize the performance of their works publicly. Under copyright law, public performance means more than concerts. The law also governs music played over public address systems and even CD players and radios in an office environment.

In the past, Civic Music has arranged for licenses for its performances on an event-by-event basis. Broadcast Music, Inc. (BMI) has recently developed a "blanket license" agreement for local governments, similar to the license Civic Music currently administers for the City with The American Society of Composers, Authors and Publishers (ASCAP).

Purchasing this license will shield the City from exposure to copyright infringement claims that could result from BMI-licensed music being played over the public address system at the Civic Center as its crews set-up for events, when Civic Music staff plays CDs of artists it is contemplating booking at a meeting, when a City Hall custodian listens to a radio while mopping floors, when the Choral Arts Ensemble gives a performance in the City Hall rotunda, when music is played during open skating at the Recreation Center, when a pep band plays music during a playoff game at the Curt Taylor Arena, when Council views a video tape at a public meeting with a musical score, etc. Failure to purchase such a license could result in damages from a minimum of $750 for each work infringed plus attorney's fees and court costs.

For a community the size of Rochester the current annual cost of such a license is $612/annum plus a percentage of gross revenues for events that generate more than $25,000 in ticket sales or sponsorship dollars. Funds to pay the annual fee currently exist in the Civic Music budget.

The licensing agreement has been reviewed and approved as to content by the General Manager of Rochester Civic Music and as to form by the City Attorney. The agreement is the product of negotiation between the International Municipal Lawyers Association and BMI.

Action Request: Resolution authorizing the Mayor to sign and the City Clerk to attest to a Local License Agreement for Local Government Agencies with Broadcast Music, Inc. (BMI).

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

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Spaeth, Terry

From: Schmidt, Steve
Sent: Wednesday, February 26, 2003 2:28 PM
To: Neumann, Gary
Cc: Kvenvold, Steve; Spaeth, Terry; Adkins, Terry
Subject: RE: RCA - Bmi license agreement.

The percentage fee only applies once an event reaches gross revenues of $25,000 and Civic Music only needs to report on events that exceed that amount. No RCM event has ever grossed $25,000. (Our recent sell-out of Greg Brown grossed $14,556)

Currently RCM reports on each and every event it programs and pays a percentage based on the capacity of the hall or a sliding flat fee based on attendance figures for free events. To illustrate, we pay .003% of gross ticket sales for a ticketed event in the Presentation Hall. (Our BMI fee for the Greg Brown event referenced above will be $43.66.) On the other hand, we pay a flat BMI fee of $67 for a *Down by the Riverside* event that attracts 3,000 and $190 for a *Riverside* concert that that attracts 14,000. We paid BMI fees ranging from $15-$18/event for each concert held on the Peace Plaza last summer. The department paid a total of $1,700.84 to Performing Rights Organizations (PROs) last Fiscal Year.

(It is my understanding that independent promoters are required to pay for their own licenses from PROs when renting space at the Civic Center, but I do not know if this policy extends to the rental of other City facilities. I would suggest that the City include a provision in all municipal lease agreements that requires lessees to obtain any and all PRO licenses that might be required for events held on City property.)

In my view, a blanket license is the most economical and most comprehensive method to use to avoid exposure to claims against the City. The financial risk of not having a blanket license is simply not worth the risk. PROs perform field audits all the time, i.e., they send staff people to facilities to monitor if any of the music to which the PROs own rights is performed by artists, broadcast over public address systems, or played in offices where more than one person can hear the music. (Many bars and restaurants no longer have juke boxes because they are required to purchase licenses from PROs; it is more cost-effective and less hassle for such establishments to use a music service, e.g., Muzak, to secure licenses from the PROs.)

Difficult to believe as it may seem, if a BMI representative was swimming laps at the Recreation Center and the lifeguard on duty was playing their personal copy of Billy Joel's "Greatest Hits Vol. 3" CD over the PA system, the City could conceivably get an invoice from BMI for $750 for each of the 17 cuts on the disk (17 x $750 = $12,750!). Penalties and legal fees could amount to much more money.

A blanket license also requires less staff-time to administer because reporting is only required on events where gross revenues exceed $25,000.

Please let me know if you require any additional input from me. I plan to attend Monday's Council meeting and will be available to answer questions that might arise.

Steven J. Schmidt, General Manager
Rochester Civic Music
City Hall-Government Center

REQUEST FOR COUNCIL ACTION

MEETING 33

DATE: 3/3/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
Consent Agenda	Finance Department	D-11
ITEM DESCRIPTION: Approval of Accounts Payable		**PREPARED BY:** Dale Martinson

Respectfully request a motion to approve the following cash disbursements:

Investment purchases of	$9,448,291.98
Accounts payable of	2,811,439.43
Total disbursements	$12,259,731.41

(Detailed listing of disbursements submitted separately.)

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

REQUEST FOR COUNCIL ACTION

MEETING 35
DATE: 3/3/03

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Fire	ITEM NO. D-12
ITEM DESCRIPTION: Change Order # 3- Fire Station 3		PREPARED BY: Jeff Leland

These items are requested as changes to the original contract for Fire Station 3 construction

1. Change layout of 175 PSI compressed air piping to avoid potential damage (plan oversight).....$ 800
2. Change water valves for truck refilling lines to pull chain / spring loaded ball valves .....$ 506
3. Increase sprinkler line size from 1" to 1.5"(Contractor requested).....$ 676
4. Add blocking for installation of metal ceiling resulting from wood truss roof (plan omission).....$ 853
5. Change size of recessed lights in exercise room to accommodate roof truss spacing changes.....$ 698

Total Change Order Request # 3.....$ 3,533.00

The new construction contract including this change order will be $1,677,927.00

COUNCIL ACTION REQUESTED

Approval of the above listed changes to the Fire Station 3 contract.

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

34

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/3/03 37

AGENDA SECTION: Consent	ORIGINATING DEPT: Human Resources	ITEM NO. D-13
ITEM DESCRIPTION: Labor Agreement for 2002-2004 IAFF Local # 3869 (Dispatchers)		PREPARED BY: Linda Gilsrud

Wage Adjustment: 3% wage rate adjustments shall be retroactive to 1/1 in 2002, effective 1/1/2003 and effective 1/1/2004

Other changes:

- Shift differential will increase by $.10/hour on 1/1/03 (to $1.00/hour and $1.15/hour). Shift differential will be paid each pay period rather than on an annual basis.
- Health, dental and life coverage(s) will be effective the first day of the month following twenty calendar days of employment for new employees hired after 1/1/03. Change all references to group medical and hospitalization insurance or insurance to employer -provided group coverage since the City is self-insured for health and dental coverage
- Changed the application of the vacation cap and compensatory time cap from anniversary date to a date following the last pay date in 2003 and each December thereafter. The new vacation cap will equal two times an employee's annual vacation accrual rate, not to include buffer or vacation in lieu of holiday.
- Agreed to delete Article 9, B. because of move to bi-weekly pay periods with earnings being deposited every other Friday
- The Dispatchers will be eligible to participate in the City-sponsored long term disability (LTD) plan through payroll deduction
- Agreed on minor clarifications and corrections to the agreement including that written notice of outside employment should be forwarded to the Communications Manager rather than the City.

Council Action Requested:

Resolution authorizing the Mayor and City Clerk to sign the agreement.

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REQUEST FOR COUNCIL ACTION

MEETING 39

DATE: March 3, 2003

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Police	ITEM NO. D-14
ITEM DESCRIPTION: State of Minnesota, Department of Public Safety Gang Strike Force Reimbursement Grant		PREPARED BY: Roger Peterson

The Rochester Police Department has participated in a collaborative program with the State of Minnesota and the Olmsted County Sheriff's Office in the operation of a Gang Investigative Unit since 1998.

The purpose of the program is to reimburse local law enforcement agencies for the costs associated with dedicating an officer to the Gang Strike Force and to otherwise expand the capacity of law enforcement agencies to successfully investigate and prosecute crimes committed by criminal gangs. Reimbursement is available for up to 75% of the salary and benefits of the officer.

Olmsted County has acted as the fiscal agent for the previous grants and will continue to do so. The State of Minnesota requires a current resolution approving that Olmsted County act as the fiscal agent for the grant period of July 1, 2003 through June 30, 2005 and for the participation of the Rochester Police Department in the Gang Investigative Unit.

COUNCIL ACTION REQUESTED:

Resolution approving the participation of the Rochester Police Department in the State of Minnesota Gang Strike Force. Approval to enter into a Gang Strike Force Agreement. Approval for Olmsted County to act as fiscal agent for the term of the grant.

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

oh

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/3/03 41

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Police	ITEM NO. D-15
ITEM DESCRIPTION: Donation of Metal Detector		PREPARED BY: Roger Peterson

The MN Department of Public Safety would like to donate a metal/weapons detector wand to the Rochester Police Department. The donation of the detector is for the RPD's assistance in the Operation NightCAP program, which is designed to arrest alcohol-impaired drivers. The approximate value of the detector is $600.

COUNCIL ACTION REQUESTED:

Approval for the Rochester Police Department to accept the donation of a metal/weapons detector wand from the MN Department of Public Safety.

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

42

REQUEST FOR COUNCIL ACTION

MEETING 43

DATE: 3/3/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	Public Works	D-16
ITEM DESCRIPTION: Supplemental Agreement #1; Project 6316-4/3-00 (J9711) The Milling and Overlay of 16th Ave. N.W. / S.W.		**PREPARED BY:** M. Easley

The plans provide for the milling and bituminous overlay of 16th Ave., from 2nd St. S.W. to Civic Center Drive N.W.

Rochester Public Utility, Water Division has requested that they be allowed to replace approximately 1 block of old deteriorated watermain prior to overlaying the roadway. It is in the public's best interest to repair the watermain prior to improving the streets surface.

The Engineer has prepared Supplemental Agreement #1; Project 6316-4/3-00 (J9711) in the amount of $23,964.00 to cover the cost of:

1. Providing additional barricading during watermain work.
2. Restoration of the roadway foundation to its original section.

The Water Department has reviewed these costs and the Water Utility will fund the work.

COUNCIL ACTION REQUESTED:

Adopt a resolution authorizing payment of Supplemental Agreement #1; In the amount of $23,964.00 Project 6316-4/3-00 (J9711) 16th Ave N.W.

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

REQUEST FOR COUNCIL ACTION

MEETING 45

DATE: 3/3/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	Public Works	D-17
ITEM DESCRIPTION: Supplemental Agreement #1; Project 6260-3-99 (J9321) Reconstruction of 60th St. S.W.		PREPARED BY: M. Easley

The plans provide for the reconstruction of 60th St. S.W., from 11th Ave. S.W. then east towards Hwy 63.

The after contract award the project was delayed from beginning for an extended time due to traffic conflicts resulting from other roadway construction activities in this rural S.W. neighborhood. During the course of the delay the price of Bituminous oils rose substantially through no fault of the Contractor.

The Engineer has prepared Supplemental Agreement #1; Project 6260-3-99 (J9321) in the amount of $6,486.46 to cover the cost of:

1. Increase cost of bituminous oil for mixture on the Wearing Course.
2. Increase cost of tack coat oil.

MnDOT has approved the unit price and Public Works has records verifying actual oil cost to the Contractor.

COUNCIL ACTION REQUESTED:

Adopt a resolution authorizing payment of Supplemental Agreement #1; In the amount of $6,486.46; Project 6260-3-99 (J9321) 60th St. S.W.

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

46

REQUEST FOR COUNCIL ACTION

MEETING 47

DATE: 3/3/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	Public Works	D-18
ITEM DESCRIPTION: Supplemental Agreement #1; Project 6110-00 (J9615) The Milling and Overlay of Elton Hills Drive N.W.		**PREPARED BY:** M. Easley

The plans provide for the milling and bituminous overlay of Elton Hills Drive N.W. from Hwy 52 to Hwy 63.

During the course of constructing the project there will be an extended period of time where no lane markings will be on the driving surface. Elton Hills Drive is a heavily traveled road with with many curves both horizontal and vertical.

The Engineer has prepared Supplemental Agreement #1; Project 6110-00 (J9615) in the amount of $3,496.80 to cover the cost of:

1. Temporary Centerline Striping.
2. Temporary Lane Markings, east and west bound.

MnDOT has approved the unit price and Public Works has reviewed the costs associated with this work, and find them appropriate. Costs are State Aid participating.

COUNCIL ACTION REQUESTED:

Adopt a resolution authorizing payment of Supplemental Agreement #1; In the amount of $3,496.80; Project 6110-00 (J9615) Elton Hills Drive.

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

48

REQUEST FOR COUNCIL ACTION

MEETING 49

DATE: 3/3/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	Public Works	D-19
ITEM DESCRIPTION: Supplemental Agreement #1; Project SW-M001 (J2460) Construction of Hillcrest Regional Pond, S.W.		PREPARED BY: M. Easley

The plans provide for the Construction of regional storm water pond in Hillcrest Subdivision in S.W. Rochester.

The plans required the core of the ponds dike be keyed into the existing ground and compacted and filled to an elevation above future high water line, with select soils of proper moisture and an impervious nature. Excavation onsite yielded no soil suitable for this use.

The Engineer has prepared Supplemental Agreement #1; Project SW-M001 (J2460) in the amount of $12,896.00 to cover the cost of:

1. Purchasing and hauling core soils from an off site location.

Public Works has reviewed the costs associated with this work, and find them typical to Select Borrow materials costs on other competitively bid projects.

COUNCIL ACTION REQUESTED:

Adopt a resolution authorizing payment of Supplemental Agreement #1; In the amount of $12, 896.00 Project SW-M001 (J2460) Hillcrest Regional Pond.

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

REQUEST FOR COUNCIL ACTION

MEETING 51

DATE: 3/3/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	Public Works	D-20
ITEM DESCRIPTION: Supplemental Agreement #2; Project 6202-3-03 (J9851) The Milling and Bituminous Overlay of 2nd St. S.W.		**PREPARED BY:** M. Easley

The plans provide for the milling and overlay of 2nd St. S.W. from 11th Ave. to 14th Ave. S.W. N.W.

The Rochester Public Utilities Water Division has requested to perform some water service reconnections, for the purpose of abandoning an old main in 2nd St. S.W. The work will require the extended use of project barricades and additional restoration of the roadway not, included in this contract.

The Engineer has prepared Supplemental Agreement #2; Project 6202-3-03 (J9851) in the amount of $10,355.00 to cover the cost of:

1. Barricading the work zone during watermain work.
2. Restoration of the original roadway section.

The Water Department has reviewed these costs and they will be billed to the Water Utility.

COUNCIL ACTION REQUESTED:

Adopt a resolution authorizing payment of Supplemental Agreement #2; In the amount of $10,355.00; Project 6202-3-03 (J9851) 2nd St. S.W.

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

52

REQUEST FOR COUNCIL ACTION

MEETING 53
DATE: 03/03/03

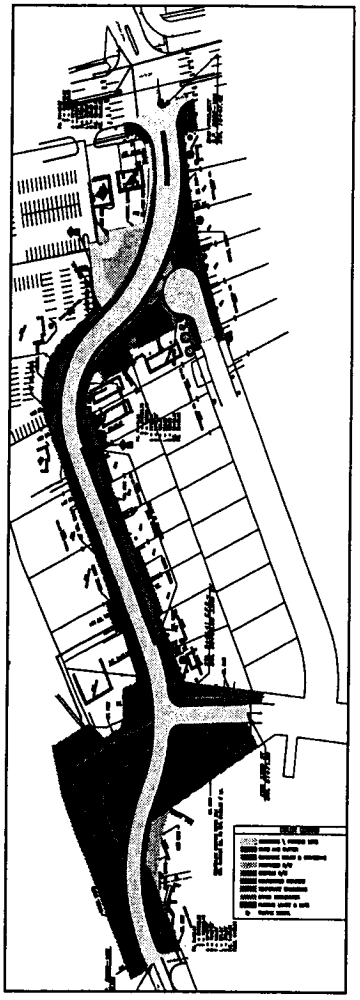
AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	PUBLIC WORKS	D-21
ITEM DESCRIPTION:	**AWARD OF CONTRACT:** (J9824) Realignment & Construction of Hwy 52 East Frontage Rd from 33rd St NW to 37th St NW	**PREPARED BY:** R. Kelm gn

Bids were received and opened after 11:00 a.m., **February 5, 2003** for the following local improvement project:

Project Name and Number:
State Project SP 5508-105
City Project 6319-4-00 (J9824)
Realignment & Construction of Hwy 52 East Frontage Rd from 33rd St NW to 37th St NW

The following bids were received:

	Total Bid
1. Road Constructors	**$ 757,252.64**
2. Rochester Sand & Gravel	$ 760,655.71
Engineers Estimate	$ 738,895.60



Project Recommendation:
Upon concurrence with the Minnesota Department of Transportation, the Public Works Department recommends the City Council proceed with an award to the low bidder.

COUNCIL ACTION REQUESTED:
Adopt a resolution awarding the contract, SP 5508-105, City Project 6319-4-00 (J9824) Realignment & Construction of Hwy 52 East Frontage Rd from 33rd St NW to 37th St NW " to **Road Constructors.**

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

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BUDGET AND ASSESSMENT SCHEDULE
FOR CONSTRUCTION CONTRACT

Project No:	SP 5508-105	Date:	February 5, 2003
J No:	9824		
Description:	Realignment & Construction of Hwy 52 East Frontage Rd from Chardonnay Drive to 37th St NW		

	Feasibility Report [1] (May 6, 2002)	Engineer Estimate[2] (October 29, 2002)	Bid Abstract[3] (February 5, 2003)
Construction:			
Grading & Paving (State)	$387,834.00	$388,734.40	$438,456.53
Grading & Paving (City)		$4,820.00	$22,192.00
Median Option (City)	$78,336.89	$60,000.00	$20,387.00
Parallel Parking Lane Grading & Paving (City)	$8,428.47	$8,982.50	$8,785.90
Parking Lot Option Grading & Paving (City)	$49,140.00	$67,335.60	$36,390.99
Re-vegetation (State)	$28,624.50	$35,447.10	$25,685.30
Re-vegetation (City)		$1,845.00	$816.00
Sidewalk (State Share replacement)	$52,104.70	$25,020.00	$19,184.07
Sidewalk (City Share new)		$31,113.00	$23,997.85
Storm Sewer (State)	$124,595.00	$96,445.00	$130,967.00
Storm Sewer (City)		$4,006.00	$4,894.00
Watermain (City)	$15,110.00	$15,388.00	$25,496.00
Sub Total	$744,173.56	$739,136.60	$757,252.64
Construction, Contingencies 8%	$59,533.88	$59,130.93	$60,580.21
Project Costs	$803,707.45	$798,267.53	$817,832.85

Distribution									
Grading & Paving (State)	**STATE**	**CITY**	**ASSESSMENT**	**STATE**	**CITY**	**ASSESSMENT**	**STATE**	**CITY**	**ASSESSMENT**
State Funds (x 106%)	$418,860.72			$419,833.15			$473,533.05		
Special Assessments - Frontage			$28,163.79			$28,163.79			$28,163.79
City Funds = (x 106%)		$0.00			$5,205.60			$23,967.36	
Median Option (City)									
City Funds = (x 106%)		$84,603.84			$64,800.00			$22,017.96	
Parallel Parking Lane Grading & Paving (City)									
City Funds = (x 106%)		$9,102.75			$9,701.10			$9,488.77	
Parking Lot Option Grading & Paving (City)									
Property Owner Agreements - Drive Approach			$2,840.12			$2,840.12			$2,840.12
Property Owner Agreements - Parking lot (50%)[1]			$24,570.00			$24,570.00			$24,570.00
City Funds = (x 106%)		$53,071.20			$72,722.45			$39,302.27	
Re-vegetation (State)									
State Funds (x 106%)	$30,914.46			$38,282.87			$27,740.12		
City Funds = (x 106%)		$0.00			$1,992.60			$881.28	
Sidewalk									
State Funds (x 106%)	$56,273.08			$27,021.60			$20,718.80		
Special Assessments - Sidewalk			$23,094.19			$23,094.19			$23,094.19
City Funds = (x 106%)		$0.00			$33,602.04			$25,917.68	
Storm Sewer (State)									
State Funds (x 106%)	$134,562.60			$104,160.60			$141,444.36		
City Funds = (x 106%)		$0.00			$4,326.48			$5,285.52	
Watermain (City)									
City Funds = (x 106%)		$16,318.80			$16,619.04			$27,535.68	
Sub Total	$640,610.86	$163,096.59	$78,668.10	$589,298.22	$208,969.31	$78,668.10	$663,436.33	$154,396.52	$78,668.10

Distribution Totals			
Special Assessments / Agreements	$78,668.10	$78,668.10	$78,668.10
State Share	$640,610.86	$589,298.22	$663,436.33
City Share = (City - Special Assessments / Agreements)	$84,428.49	$130,301.21	$75,728.42
TOTAL	$803,707.45	$798,267.53	$817,832.85

Distribution Percentages:			
Special Assessments / Agreements	9.8%	9.9%	9.6%
State Share	79.7%	73.8%	81.1%
City Share	10.5%	16.3%	9.3%
TOTAL	100.0%	100.0%	100.0%

Notes:

1. Numbers shown at Assessment Hearing. (May 6, 2002)
2. Engineer's Estimate coordinated with the State. (October 29, 2002)
3. Bid Abstract. (February 5, 2003)

Make Initial ~~Disbursement from~~ P. I. R. Fund

print date: 2/5/2003

REQUEST FOR COUNCIL ACTION

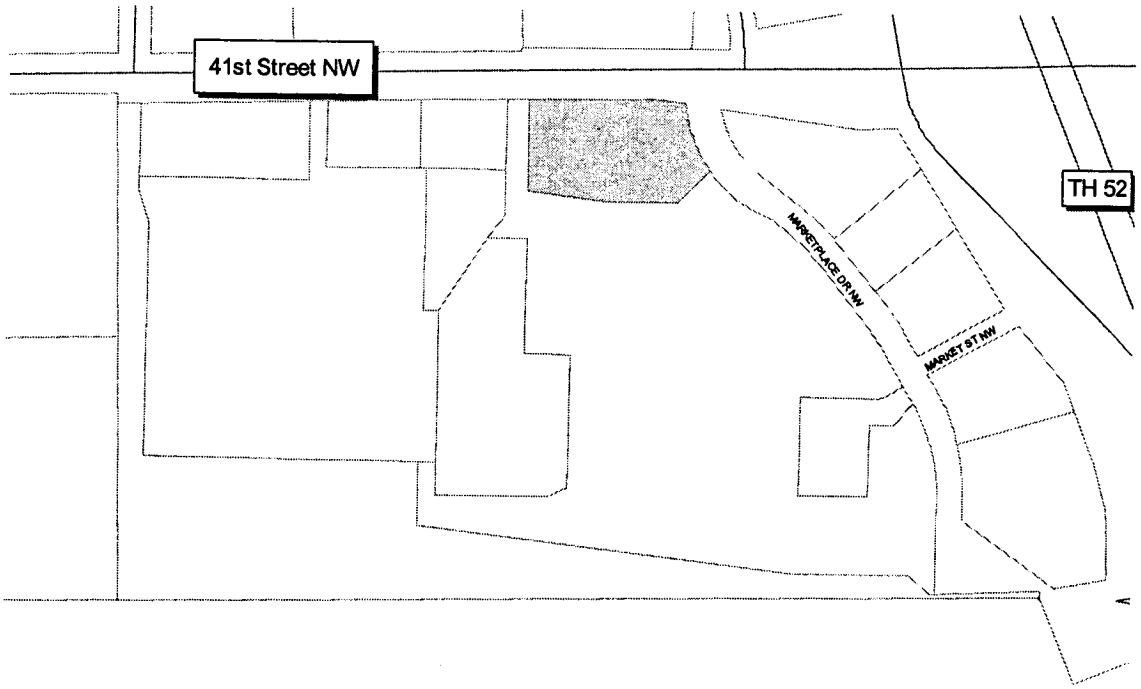
MEETING 55

DATE: 03/03/03

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Public Works	ITEM NO. D-22
ITEM DESCRIPTION: Real Estate – Partial Release of Development Agreement - **Lot 6, Block 1, Rochester Marketplace**		PREPARED BY: M. Nigbur

The City currently has a Development Agreement for the Rochester Marketplace Development. One of the properties within the development, Lot 6, Block 1, Rochester Marketplace, is now being conveyed to a new owner. The new owner has requested the City to release the parcel from the obligations related to the Development Agreement.

Staff has reviewed this request and has also reviewed the obligations for the Development Agreement on this specific parcel. This partial release will remove the obligations of the Development on this lot. Since the obligations associated with this lot have been met Staff would recommend in favor of a Partial Release of Development Agreement for Lot 6, Block 1, Rochester Marketplace.



COUNCIL ACTION REQUESTED:

Adopt a resolution authorizing the Mayor and City Clerk to execute the Partial Release of Development Agreement for Lot 6, Block 1, Rochester Marketplace.

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

54

REQUEST FOR COUNCIL ACTION

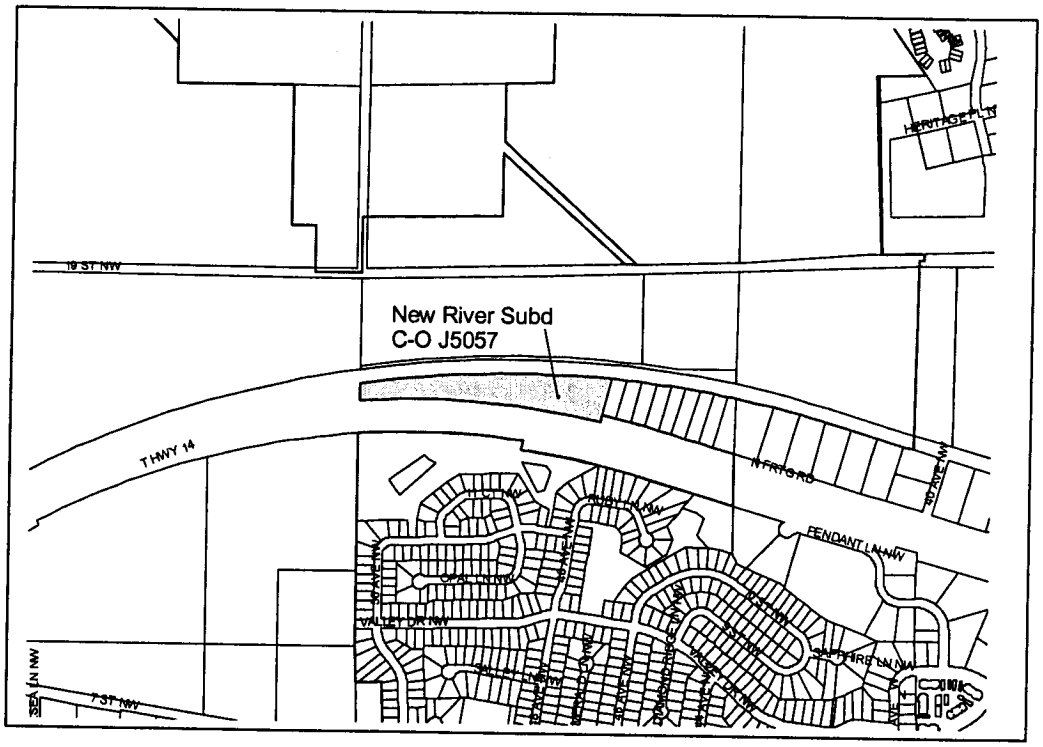
MEETING 57

DATE: 3/3/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-23
ITEM DESCRIPTION: Owner Contract – Sanitary Sewer & Watermain Extension to Serve New River Subdivision (replat of Outlot 'A', Seehusen Industrial Park) - (J5057)		PREPARED BY: M. Baker MB

Staff would offer the following Owner Contract project for consideration by the Council:

New River Fellowship (Owner) & Bob Braaten Construction, Inc. (Contractor) are requesting a City / Owner Contract J5057 consisting of "Sanitary Sewer & Watermain Extension to Serve New River Subdivision (replat of Outlot 'A', Seehusen Industrial Park)".



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5057 "Sanitary Sewer & Watermain Extension to Serve New River Subdivision (replat of Outlot 'A', Seehusen Industrial Park)".

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

REQUEST FOR COUNCIL ACTION

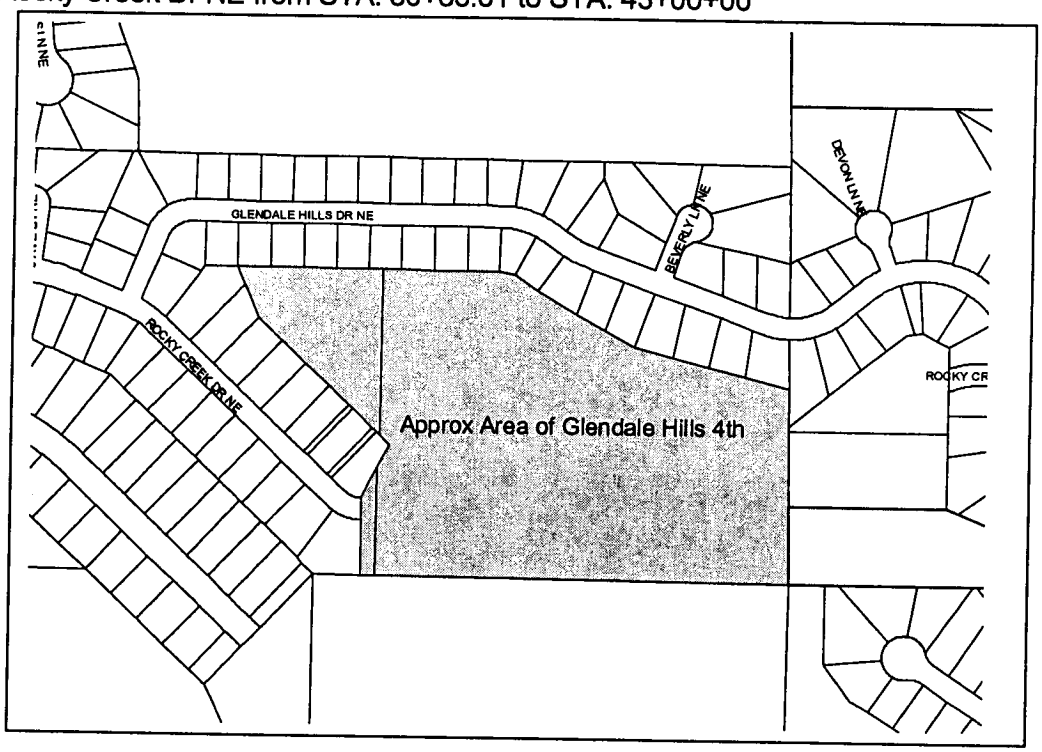
MEETING 59

DATE: 3/3/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-24
ITEM DESCRIPTION: Owner Contract – Public Utilities to Serve part of Glendale Hills Fourth (J5055)		PREPARED BY: M. Baker

Staff would offer the following Owner Contract project for consideration by the Council:

Rocky Creek of Rochester, LLC (Owner) & Road Constructors, Inc. (Contractor) are requesting a City / Owner Contract J5055 consisting of "Public Utilities to Serve part of Glendale Hills Fourth, including Sanitary Sewer, Watermain, Storm Sewer, Subdrain & Aggregate Base for all of Rocky Creek Ln NE, and that part of Rocky Creek Dr NE from STA. 36+85.61 to STA. 43+00+00"



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5055 "Public Utilities to Serve part of Glendale Hills Fourth, including Sanitary Sewer, Watermain, Storm Sewer, Subdrain & Aggregate Base for all of Rocky Creek Ln NE, and that part of Rocky Creek Dr NE from STA. 36+85.61 to STA. 43+00+00".

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

60

REQUEST FOR COUNCIL ACTION

MEETING 61

DATE: 3/3/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	Public Works	D-25
ITEM DESCRIPTION: DESIGN VARIANCE REQUEST: "Reconstruction of Center Street from 3rd Ave W. to Zumbro River Bridge" (J9618).		**PREPARED BY:** mf D. Nelson dn

A design variance is needed from the Commissioner of Transportation, Minnesota Department of Transportation for the following public improvement project:

Project No. J9618 S.A.P. 159-105-12
"Construction of Center Street from 3rd Ave W. to Zumbro River Bridge"

This is a project proposed for 2004 and is included in the 2003 – 2008 CIP, item #21, page 34.

A design variance is for Minnesota Rules for State Aid Operations 8820.9936, that indicates for collector streets with ADT counts over 10,000, the parking lane width must be a minimum of 10 feet. Our proposed plan calls for parking lane widths of eight feet, which match the existing conditions.

Due to the physical constraints of the area and existing development considerations, the proposed widths to match the existing widths was selected.

COUNCIL ACTION REQUESTED:

Adopt a resolution seeking the Commissioner of Transportation's approval for a design variance for the Construction of Center Street from 3rd Ave W. to Zumbro River Bridge.

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

62

REQUEST FOR COUNCIL ACTION

MEETING 63

DATE: 3/3/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	Public Works	D-26
ITEM DESCRIPTION: Advertise for Bids: Sanitary Sewer and Watermain in the Rose Haven Subdivision Area, J9750		**PREPARED BY:** J. Loehr

This is a request for a resolution to advertise for bids. The bids will be received until 11:00 AM at the office of the City Clerk on April 10, 2003 and considered by the City Council on April 21, 2003 for the following project:

Project No. M1-06, J9750
"Sanitary Sewer and Watermain Extension to Serve the Rose Haven Subdivision Area."

The project involves the construction of sanitary sewer and watermain to serve 55 developed properties under the City of Rochester, Water Quality Protection Program (WQPP).

The project is proposed to be funded from sewer and water connection charges (Utility Connection Agreements), Sales Tax Revenue appropriated to the Water Quality Protection Program, RPU share for oversize watermain costs, and since Marion Lane SE has only one frontage that can be charged for sanitary sewer and watermain, ½ of the sewer and watermain cost along Marion Lane SE is proposed to be funded from previously collected Water Availability Charges and Sewer Availability Charges.

COUNCIL ACTION REQUESTED:

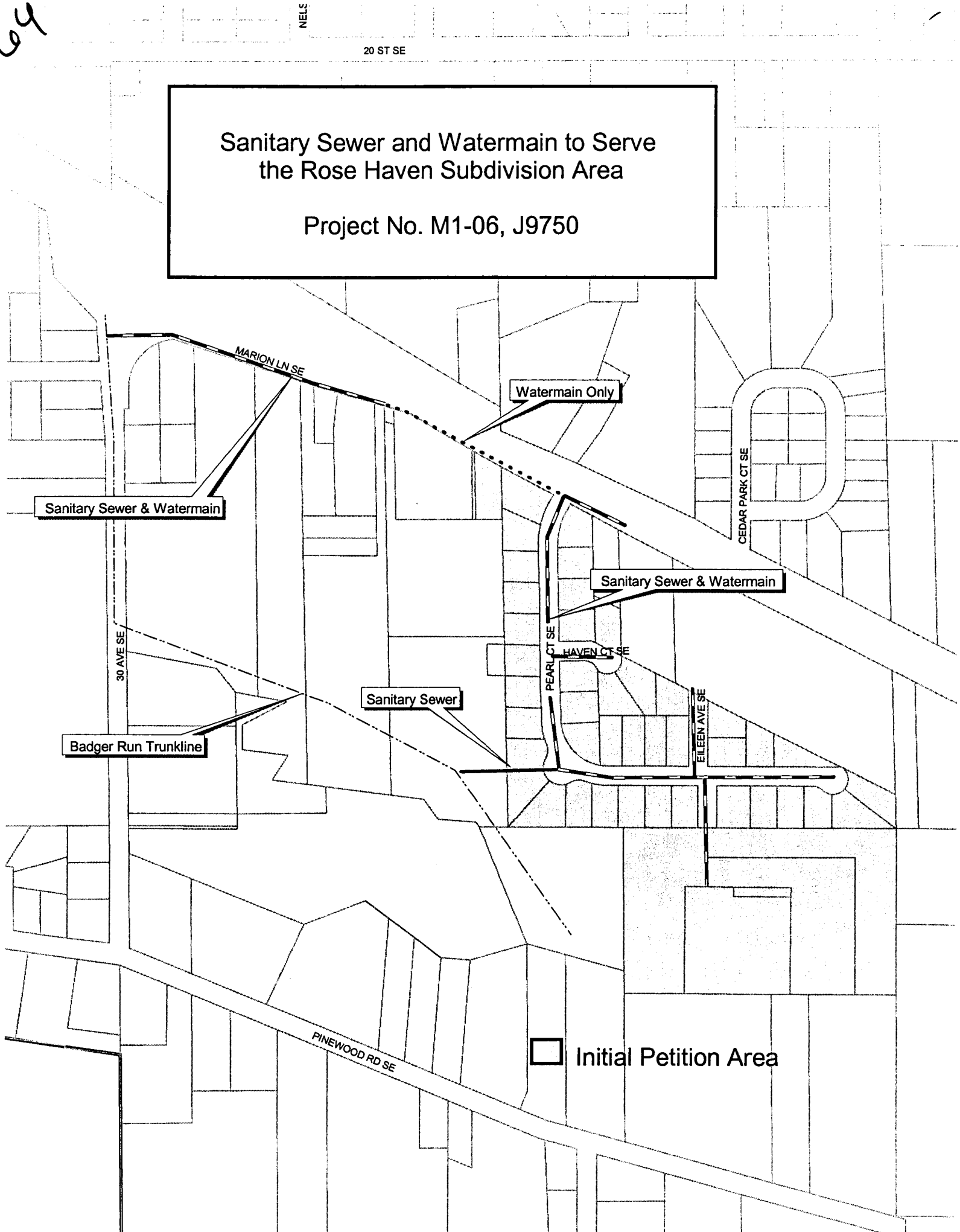
A resolution should be adopted authorizing the City Clerk to advertise for bids and conduct a bid opening on April 10, 2003 at 11:00 AM.

Note to City Clerk;
Advertise 3 times in the Post Bulletin and Construction Bulletin beginning **March 7, 2003.**

Att: Map
Notice of bid

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

64


Sanitary Sewer and Watermain to Serve
the Rose Haven Subdivision Area
Project No. M1-06, J9750
20 ST SE
MARION LN SE
Watermain Only
Sanitary Sewer & Watermain
CEDAR PARK CT SE
Sanitary Sewer & Watermain
30 AVE SE
PEARL CT SE
HAVEN CT SE
Sanitary Sewer
EILEEN AVE SE
Badger Run Trunkline
PINEWOOD RD SE
Initial Petition Area

REQUEST FOR COUNCIL ACTION

MEETING 65

DATE: 3/3/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	Public Works	D-27
ITEM DESCRIPTION: Advertise for Bids: Sanitary Sewer and Watermain in the Southport Subdivision Area, J9792		**PREPARED BY:** J. Loehr

This is a request for a resolution to advertise for bids. The bids will be received until 11:00 AM at the office of the City Clerk on April 8, 2003 and considered by the City Council on April 21, 2003 for the following project:

Project No. M1-36, J9792
"Sanitary Sewer and Watermain Extension to Serve the Southport Subdivision Area."

The project involves the construction of sanitary sewer and watermain to serve 134 developed properties under the City of Rochester, Water Quality Protection Program (WQPP).

The project is proposed to be funded from Sanitary Sewer and Watermain Connection Charges (Utility Connection Agreements), future Sewer Availability Charges to undeveloped land, RPU share for oversize watermain costs and County Road # 1 crossings, and Sales Tax Revenue appropriated to the Water Quality Protection Program.

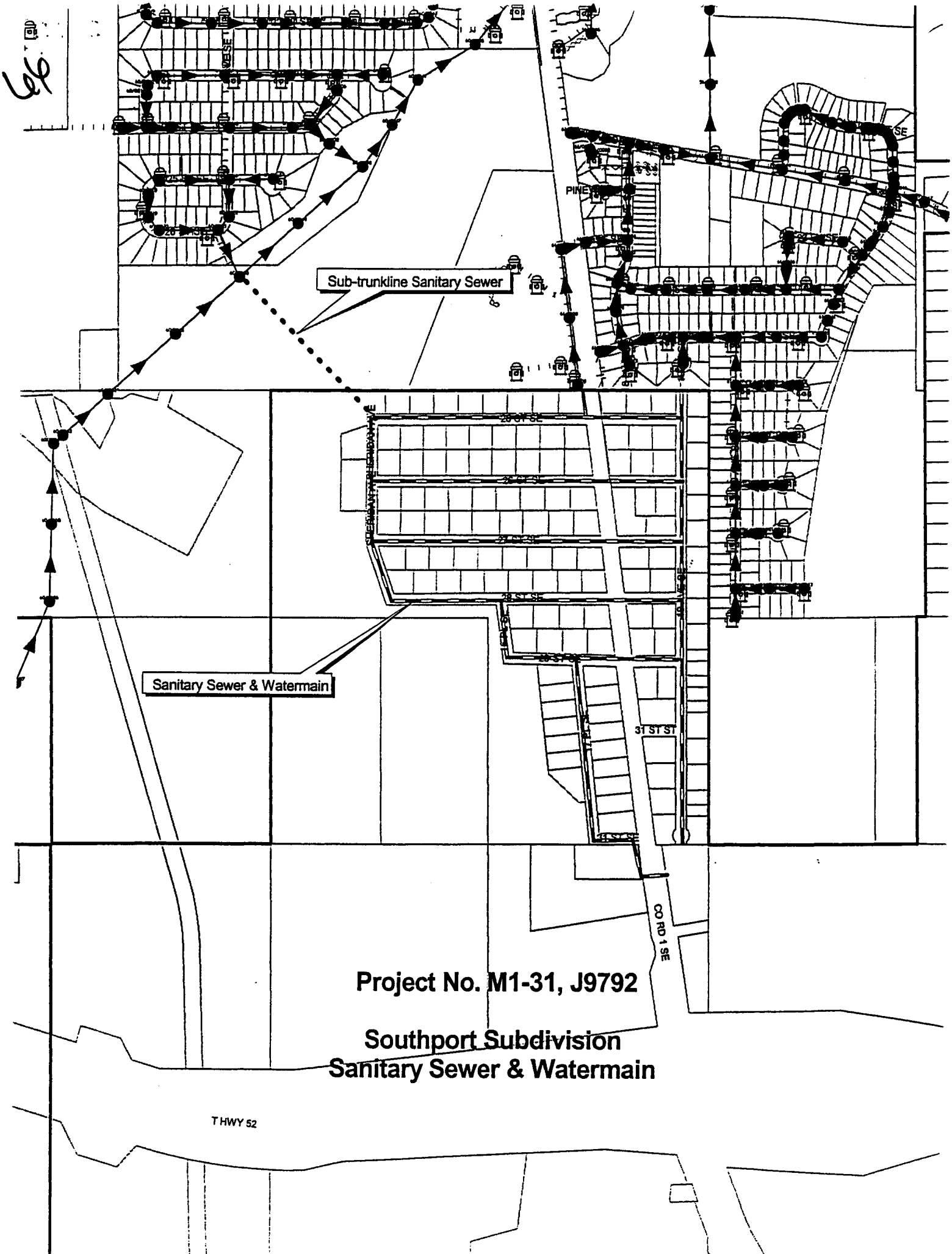
COUNCIL ACTION REQUESTED:

A resolution should be adopted authorizing the City Clerk to advertise for bids and conduct a bid opening on April 10, 2003 at 11:00 AM.

Note to City Clerk;
Advertise 3 times in the Post Bulletin and Construction Bulletin beginning **March 7, 2003.**

Att: Map
Notice of bid

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



Project No. M1-31, J9792

Southport Subdivision
Sanitary Sewer & Watermain

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REQUEST FOR COUNCIL ACTION

Meeting Date. 03/03/03

AGENDA SECTION	ORIGINATING DEPT:	ITEM NO.
Rochester Public Utilities	Consent Agenda	D-28

ITEM DESCRIPTION:	PREPARED BY:
Consideration of Public Utility Board Action	Kathy Wilson

The Rochester Public Utility Board has approved the following on February 25, 2003 and requests the Common Council's favorable consideration:

- to approve a resolution to approve a contract agreement, subject to review of the terms and conditions by the City Attorney's Department, with the Minnesota Department of Transportation (MNDOT) and that the Common Council authorize the Mayor and the City Clerk to execute the agreement for Highway 52 Project Relocation Agreement No. 83946.

GENERAL MANAGER: Larry Koshiu Feb 26, 2003

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

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FOR BOARD ACTION

Agenda Item # 5.b. **Meeting Date:** 02/25/03

SUBJECT: Highway 52 Project
Reimbursement Agreement Approval

PREPARED BY: Greg Woodworth
Engineering Manager

ITEM DESCRIPTION:

The Highway 52 Project includes the relocation of many RPU facilities. The Crosstown Q7 Transmission Line and two small distribution lines in the area of 19th Street are reimbursable projects since they are located within utility easements or licenses. The two distribution lines are located in platted easements. The transmission line is located within a railroad license granted in 1978.

Attached you will find a letter and a redlined copy of the reimbursement agreement that was submitted to us in late January. Upon review of the agreement we were unable to execute the agreement for the reasons noted in the letter. We have not had a reply from the State regarding our request by the time this Board packet was put together. We have, however, had a request from MNDot and Zumbro River Constructors (ZRC), the design build contractor, to change the location and foundation of an already-purchased steel pole. This will increase the cost of the relocation from the estimate.

In addition, on Friday, February 14th, we were requested to relocate a portion of the duct bank carrying four backbone feeders along the railroad tracks crossing under the existing Highway 52 bridge to allow the construction of new bridge abutments. MNDot wishes us to pursue this relocation as quickly as possible. The estimated cost of the duct relocation will be over $750,000 and could be as high as $900,000, depending on the final route. Attached is our February 19th letter on this relocation.

The original request for reimbursement was submitted in September. MNDot offered an unacceptable contract for reimbursement in late January. The amount of reimbursable work now appears to be approximately $1,250,000 and could be climbing. Due to the long administrative time required to get the contract executed and the tight time schedule required by the Highway 52 project, staff is requesting that the Board approve a reimbursement contract for the Highway 52 reimbursable work in concept, subject to final wording acceptable to the General Manager and the City Attorney. This somewhat unique request is being made since time appears to be of the essence on the relocation work.

UTILITY BOARD ACTION REQUESTED:

The Board is requested to approve a reimbursement agreement with the Minnesota Department of Transportation for reimbursable work on the Highway 52 project. The wording of the final agreement shall be subject to acceptable final wording being crafted by the General Manager and the City Attorney.

Larry Koshiol — General Manager

2-21-03 — Date

ROCHESTER PUBLIC UTILITIES

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REQUEST FOR COUNCIL ACTION

MEETING DATE: 3-3-03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARINGS	PLANNING	E-1

ITEM DESCRIPTION: **General Development Plan #199 to be known as 37th Street Commercial Park. The Plan proposes to develop approximately 55 acres of land zoned B-4 (General Commercial), located east of the Zumbro River, west of East River Road NE and south of 37th St. NE. The Plan proposes public roadways with access to 37th Street and East River Road, and proposes multiple lots for commercial development.**

PREPARED BY: Mitzi A. Baker, Senior Planner

February 26, 2003

Additional traffic information has been submitted to staff, which needs to be analyzed in order to provide a complete review of this proposal and to provide complete information to the Common Council. It is anticipated that additional information will be available for the Council to consider this item on March 17, 2003.

Staff recommends continuing this item until March 17, 2003.

Council Action Needed:

1. *Continue this item to March 17, 2003.*

Distribution:

1. City Clerk
2. City Administrator
3. City Attorney
4. Planning Department File
5. Planning Department, GIS Division
6. Yaggy Colby Associates
7. Applicant: This item will be considered some time after 7:00 p.m. on Monday March 3, 2003 in the Council / Board Chambers in the Government Center at 151 4th Street SE.

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

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REQUEST FOR COUNCIL ACTION

MEETING DATE: 03-03-03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARINGS	PLANNING	E-2
ITEM DESCRIPTION: Annexation Petition #03-01 by Rad Nasrin to annex approximately 12 acres of land located north of Viola Road (CR2), west of Osjor Estates and east of Schaeffer Lane NE.		**PREPARED BY:** Mitzi A. Baker, Senior Planner

February 27, 2003

A Zoning District Amendment was filed concurrent with this annexation. Due to a requested delay from the applicant, the zoning amendment will be scheduled for a public hearing with the Council on March 17, 2003. Since a portion of this property is petitioned to be zoned R-1X at the time of annexation, this annexation should be delayed so that both items may be considered at the same meeting.

Council Action Needed:

1. Continue this hearing to March 17, 2003

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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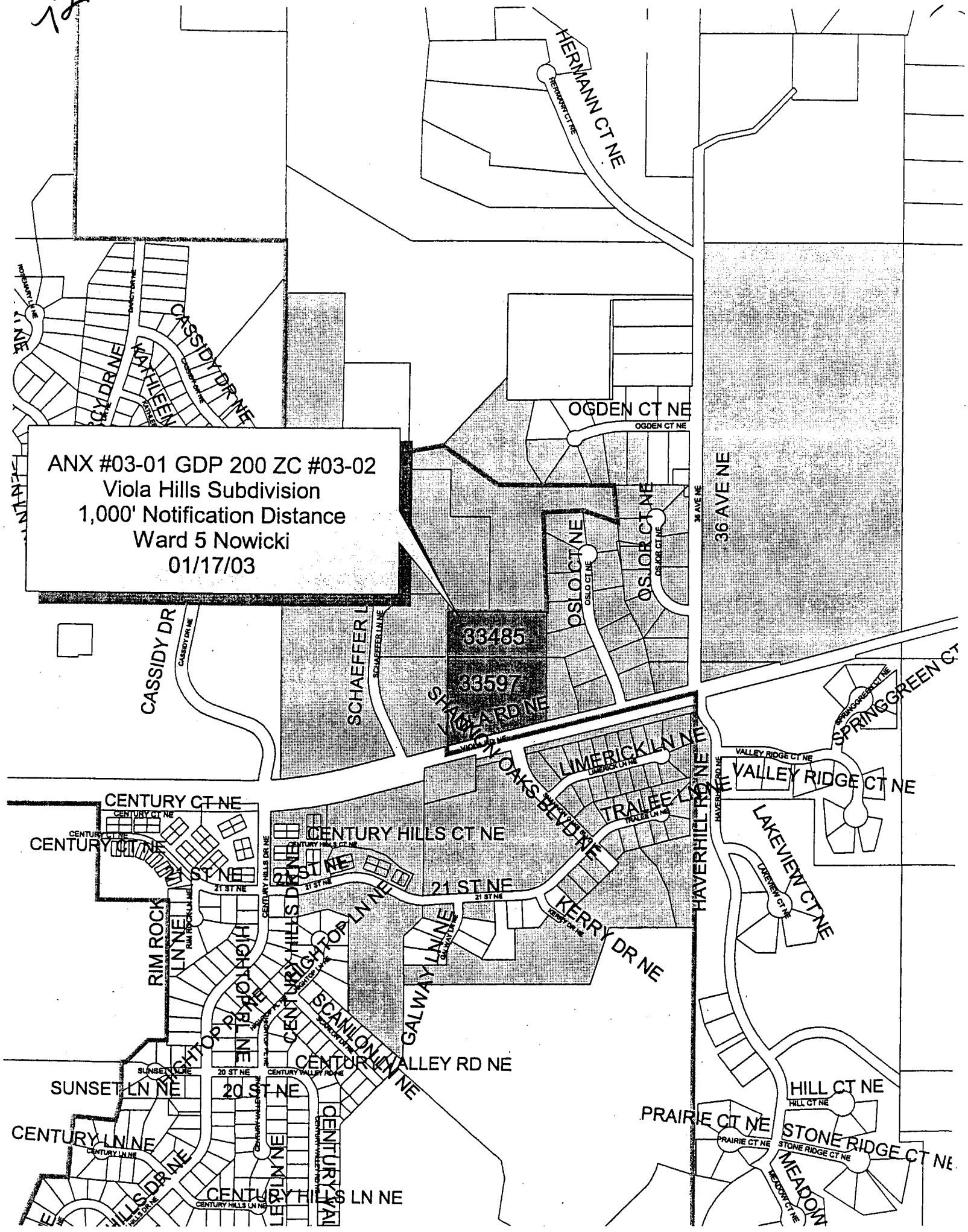
ANX #03-01 GDP 200 ZC #03-02
Viola Hills Subdivision
1,000' Notification Distance
Ward 5 Nowicki
01/17/03
33485
33597
HERMANN CT NE
OGDEN CT NE
36 AVE NE
OSLO CT NE
CASSIDY DR NE
CASSIDY DR
SCHAEFFER LN NE
VIOLA RD NE
LIMERICK LN NE
TRALEE LN NE
HAVERHILL RD NE
VALLEY RIDGE CT NE
SPRINGGREEN CT
LAKEVIEW CT NE
CENTURY CT NE
CENTURY HILLS CT NE
21 ST NE
KERRY DR NE
RIM ROCK LN NE
HIGHTOP RD NE
HIGHTOP LN NE
GALWAY LN NE
SCANLON LN NE
CENTURY VALLEY RD NE
SUNSET LN NE
20 ST NE
CENTURY LN NE
CENTURY HILLS LN NE
HILL CT NE
PRAIRIE CT NE
STONE RIDGE CT NE
MEADOW

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REQUEST FOR COUNCIL ACTION

MEETING DATE: 3-3-03

AGENDA SECTION: PUBLIC HEARINGS –continued Item	ORIGINATING DEPT: PLANNING	ITEM NO. E-3
ITEM DESCRIPTION: General Development Plan #198, by Dave & Donna Geselle Trust and Lyndon Geselle Trust - Charles Geselle Trustee to be known as Villas on the Parkway. The applicant is proposing to develop a 4.8 acre parcel of land with uses permitted in the R-2 zoning district. The development would be served by public and private roadways. The property is located along the west side of West River Parkway NW, east of 4th Avenue NW and south of 31st St. NW.		PREPARED BY: Brent Svenby, Planner

February 27, 2003 NOTE: Petition to oppose extension of 31st St. NW was not included in the packet.

NOTE: This item was continued at the previous meeting to allow the developer to redesign the proposed public roadway and its connection to West River Parkway. The roadway has been redesigned and now has a slight curve in it.

Also the developer has stated that they would pay for the removal of the old 3rd Ave. NW roadway and subgrade and grade and re-seed the old right-of-way to provide a better drainage condition. The re-grading would be subjected to the approval of Public Works and obtaining temporary construction easements from the property owners. This should be added a condition of approval.

City Planning and Zoning Commission Recommendation:

On January 22, 2003 the City Planning and Zoning Commission reviewed this General Development Plan. The Commission also reviewed a zone change for the property.

A number of the neighboring property owners opposed the connection of 31st Street NW to West River Parkway because of the concern of increase traffic to the neighborhood. A petition was submitted to the Commission opposing the expansion of 31st Street NW and the townhome development.

The Commission reviewed this proposal according to the criteria listed in Paragraph 61.215 of the Zoning Ordinance and Land Development Manual.

Mr. Quinn made a motion to recommend approval of General Development Plan #198 to be known as Villa on the Parkway based on staff-recommended findings and conditions. Mr. Hodgson seconded the motion. The motion carried 4-1, with Mr. Staver voting nay and Mr. Ohly abstaining.

Conditions:

1. **Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements (including turn lanes off of West River Parkway NW), access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.**

2. **At the time of platting, controlled access shall be dedicated along the entire frontage of West River Parkway and 3rd Avenue NW, with the exception of the proposed local street access (31st Street NW).**

3. **Storm water management must be provided for this development. A Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan. During the construction of the development a temporary on-site detention facility will be required.**

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

4. **The owner is obligated to construct turn lanes off of West River Parkway NW at the location of the public street shown to West River Parkway NW. The owner is also responsible for the proportional share of the cost of the reconstruction of 3rd Avenue NW adjacent to the property.**

5. **Parkland dedication requirements for this development shall be met via cash in lieu of land.**

Planning Staff Recommendation:
See attached staff report dated January 17, 2003.

Council Action Needed:
1. **The Council may approve, approve with conditions, or deny the general development plan. The Council must make findings based on the criteria listed in Paragraph 61.215.**
2. **If the Council wishes to proceed with the general development plan as proposed, it should instruct the City Attorney to prepare a resolution for Council approval.**

Attachments:
1. Staff Report dated January 17, 2003
2. Minutes of the January 22, 2003 CPZC Meeting
3. Petition submitted by the neighborhood
4. Memorandum dated February 12, 2003 from Charles Reiter regarding traffic

Distribution:
1. City Administrator
2. City Attorney
3. Planning Department File
4. Planning Department GIS Division
5. Applicant: This item will be considered some time after 7:00 p.m. on Monday, March 3, 2003 in the Council/Board Chambers in the Government Center at 151 4th Street SE.
6. Yaggy Colby Associates

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February 17, 2003

Mr. Brent Swenby
Rochester-Olmsted Consolidated Planning
2122 SE Campus Drive
Rochester, MN 55904

RE: Villas on the Parkway

Dear Mr. Swenby:

During the neighborhood meeting held on January 9, 2003, and in a subsequent meeting with the neighborhood representatives on February 14, 2003, the possibility of removing the old 3rd Avenue NW paving, south of 31st Street, was discussed.

DLT Partners, LLC would like to have it be known, as part of the record for the GDP hearing, that they will pay for the removal of the old 3rd Avenue NW roadway, and subgrade and grade and re-seed the old right-of-way to provide a better drainage condition. The re-grading will be subject to the approval of Public Works as part of the review of the grading plans. The individual lot owners will need to sign temporary construction easements in order for us to work on their property.

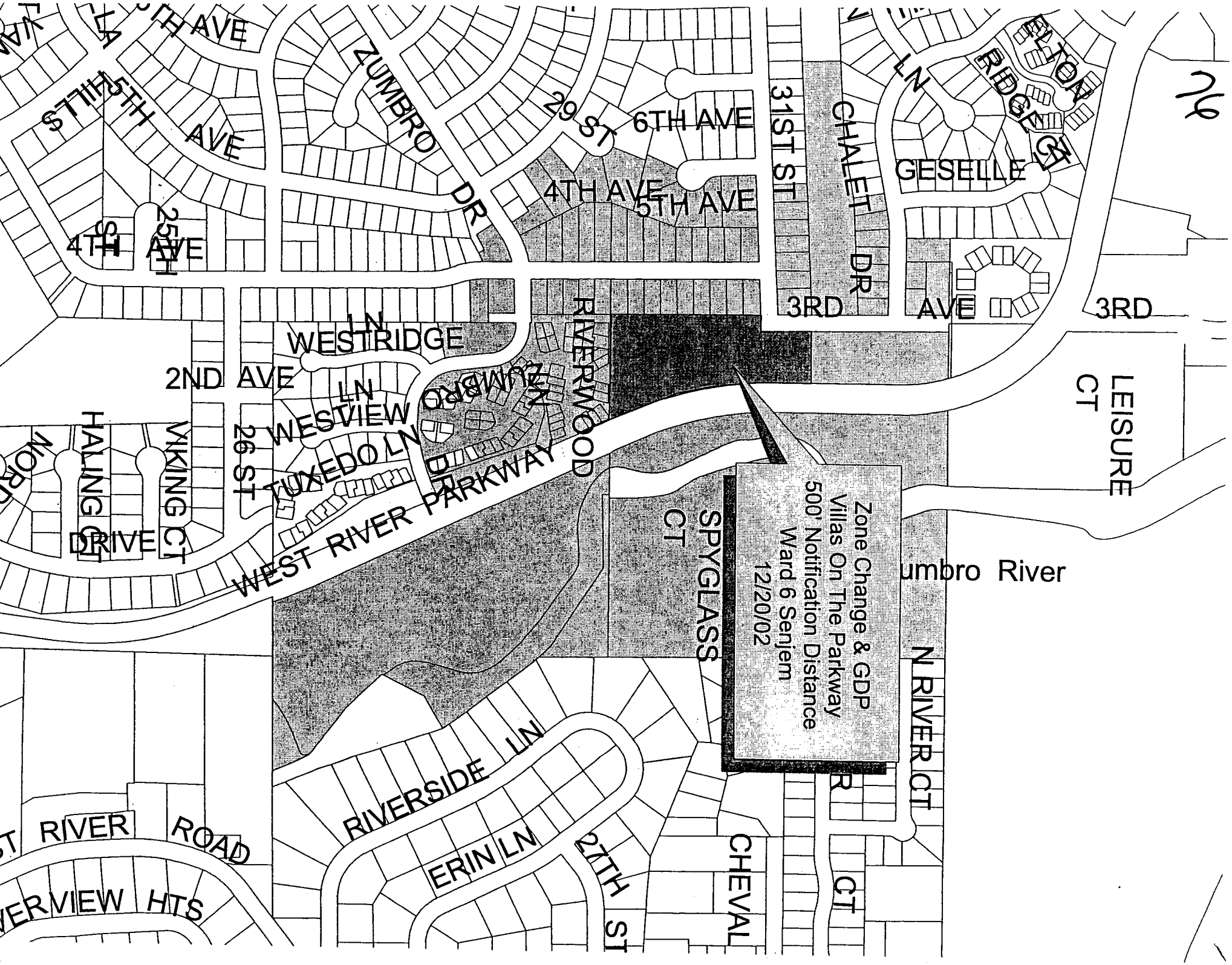
Please call if you have any questions.

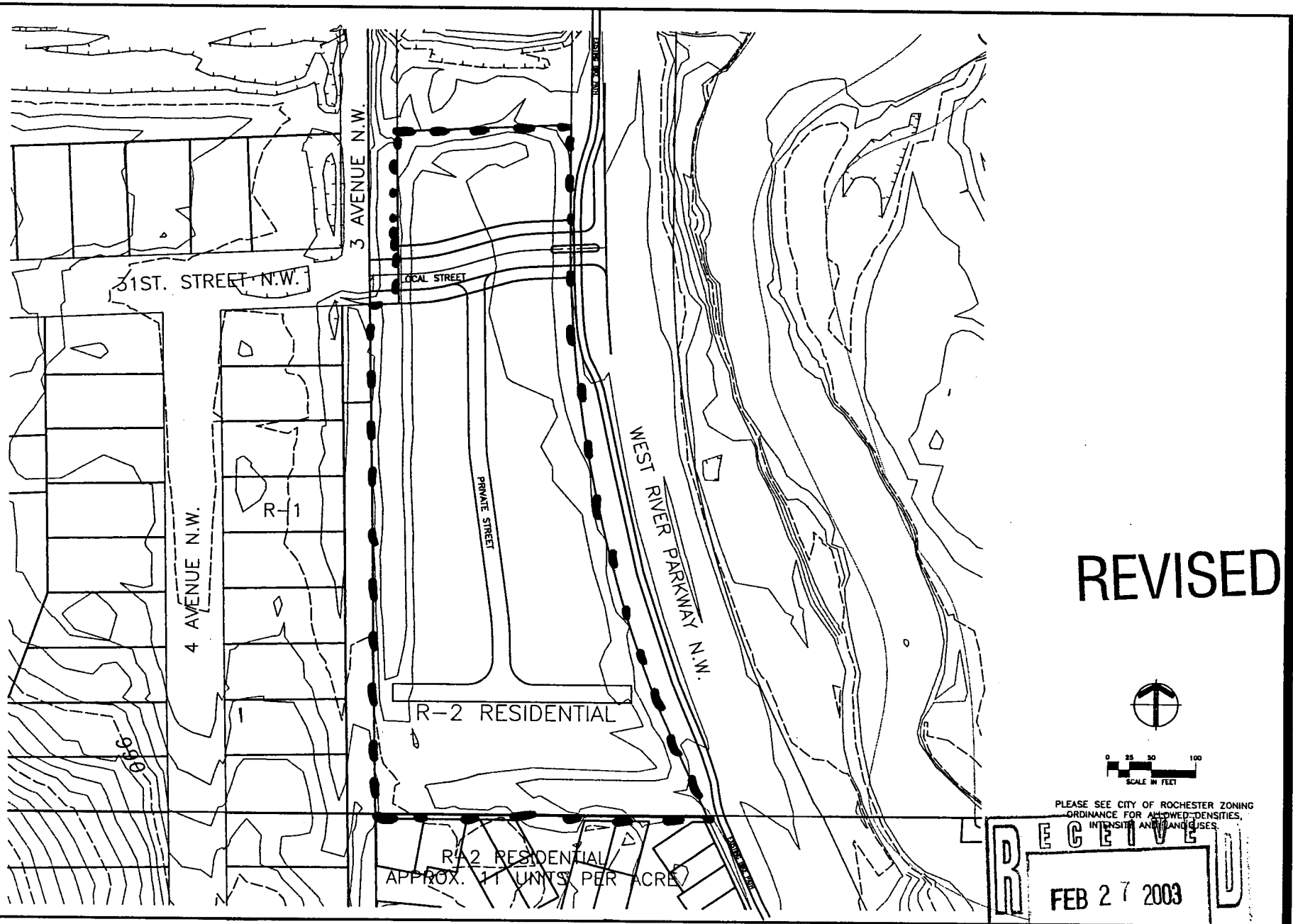
Sincerely,

DLT Partners, LLC

Dave Reiland

WSA:bsd
YCA #8118


Zone Change & GDP
Villas On The Parkway
500' Notification Distance
Ward 6 Senjem
12/20/02
ZUMBRO DR
29 ST
6TH AVE
4TH AVE
5TH AVE
31ST ST
CHALET DR
GESELLE
LN
RIDGE CT
3RD AVE
3RD
LEISURE CT
WESTRIDGE LN
2ND AVE
WESTVIEW LN
TUXEDO LN
26 ST
RIVERWOOD LN
WEST RIVER PARKWAY
HALING CT
VIKING CT
DRIVE
SPYGLASS CT
umbro River
N RIVER CT
RIVERSIDE LN
ERIN LN
27TH ST
CHEVAL
CT
RIVER ROAD
VERVIEW HTS



REVISED

PLEASE SEE CITY OF ROCHESTER ZONING ORDINANCE FOR ALLOWED DENSITIES, INTENSITY AND LAND USES.

RECEIVED
FEB 27 2003
ROCHESTER OLMSTED PLANNING DEPARTMENT

YAGGY COLBY ASSOCIATES
ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS
717 THIRD AVENUE SOUTHEAST
ROCHESTER, MINNESOTA 55904
507-288-6464
FAX 507-288-3059
EMAIL INFO@YAGGY.COM

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

WILLIAM ANDERSON

NUMBER DATE

VILLAS ON THE PARKWAY
ROCHESTER, MINNESOTA

GENERAL DEVELOPMENT PLAN

PROJECT NUMBER	8118
COMPUTER FILE	8118GDP-04-B.DWG
DATE	12/20/03
DRAWN BY	MWE
CHECKED BY	WSA
REVISIONS	REV. 2-28-03
SHEET NUMBER	1 OF ONE SHEETS

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MEMORANDUM

TO: Rochester Common Council

FROM: Charles Reiter
Senior Transportation Planner

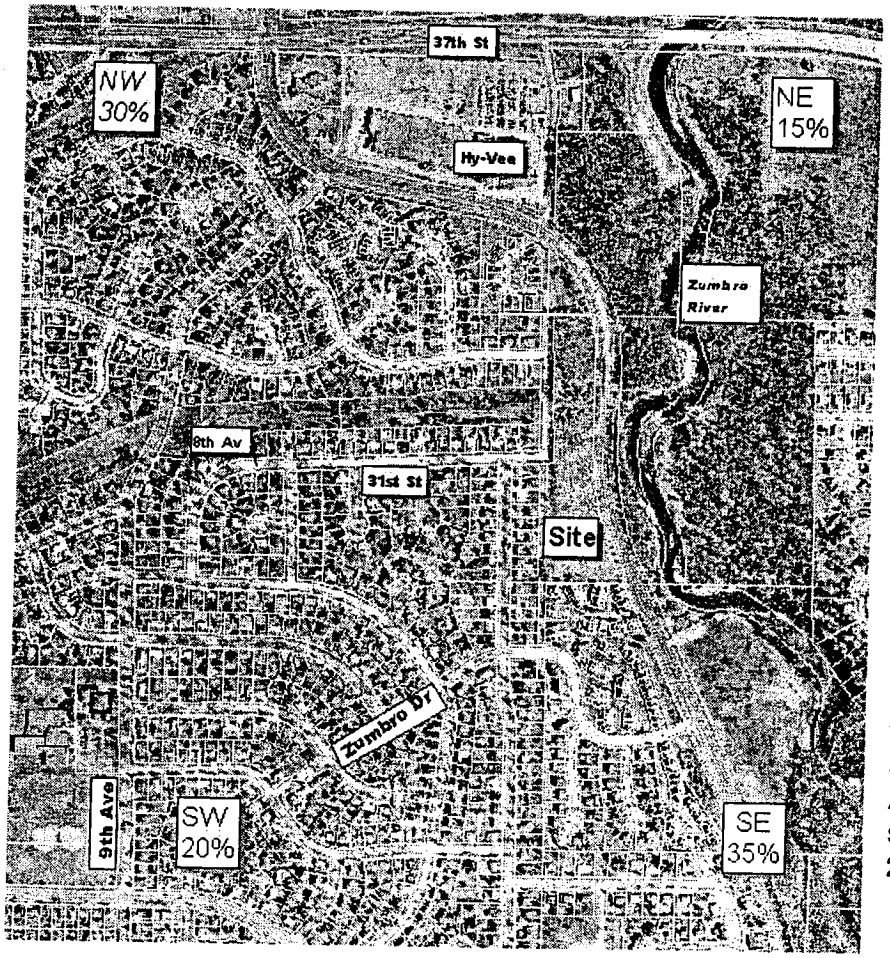
DATE; February 12, 2003

RE: Geselle Property Development / West River Townhomes Traffic Summary

Summary of Background Information:

- The concept plan that was reviewed prior to submittal of the General Development Plan included 44 townhome units. Trip generation for this level of development would be projected as follows:
  - Daily Traffic: 330-350 trips per day
  - AM Peak Hour Traffic: 30-32 trips (typically the 7-8 AM period)
  - PM Peak Hour Traffic: 40 trips (typically the 4:30 to 5:30 PM period)
- Distribution of traffic: Staff evaluation of traffic distribution from the site based on use of the ROCOG regional traffic model is illustrated in the following graphic:

This analysis suggests the following distribution of trips from the site:



- 35% to the southeast
- 20% to the southwest
- 30% to the northwest
- 15% to the northeast

This would suggest the daily trips would be distributed as follows:

- 120 to the southeast
- 70 to the southwest
- 100 to the northwest
- 50 to the northeast

- Local Street Width

All the local streets in the immediate vicinity (31st , 4th Ave, Zumbro Drive and 8th Ave) are built to a 36' width on a 66' right of way. These widths are consistent with the design of a major local street (see standards in Attachment 1) which are built to support volumes of up to 1500 - 2000 vehicles per day. 9th Ave is a

designated collector street and has a 44' width on a 75' right of way.

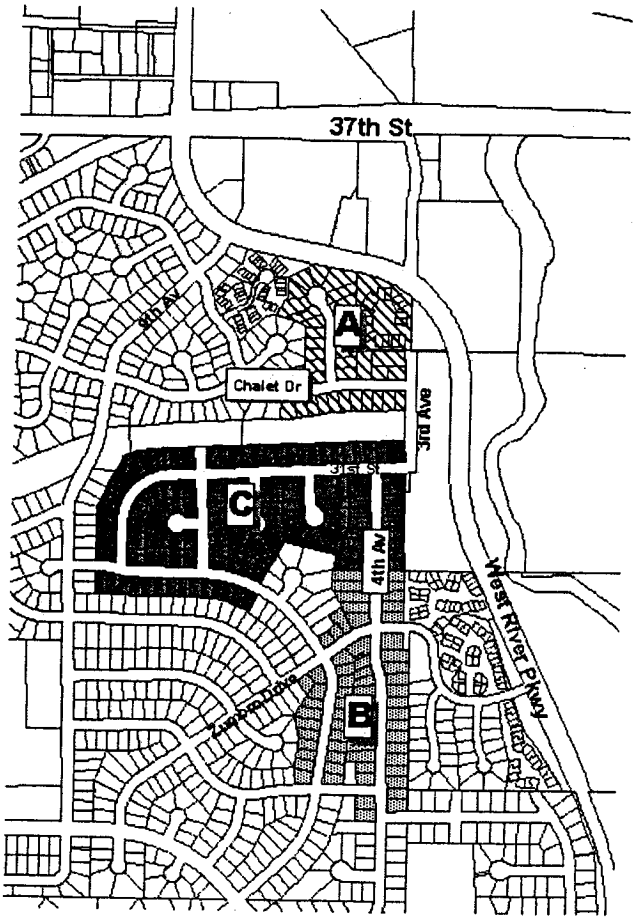
Discussion of Key Traffic Issue

- The key traffic issue that has been identified relative to development of the site is how access should be provided. The staff has recommended, as illustrated on the development plan, continuation of 31st St east to West River Parkway with a private road off of 31st St serving the proposed townhomes
- Other options that have been suggested include 1) serving the site with a private road off of 4th Ave / 31st St, and 2) serving the site with a private driveway off of West River Road.

Discussion of each of these options:

OPTION 1: EXTENSION OF 31ST ST (Recommended plan): In developing a street "system" for an area it is desirable to have a hierarchy of street types. In Rochester the system is composed of a limited number / mileage of expressway or arterial streets, linked to a system of collector and major local streets servicing subareas and, at the lowest rung on the system, a high amount (in terms of mileage) of local streets.

At each level of the system there is a certain balance between mobility and access that the community will strive to attain. West River Parkway north of Elton Hills Drive has been highly managed in terms of limiting access, which has the benefit of allowing a relatively high level of mobility to be maintained. For arterial street corridors, spacing of intersections at ¼ mile intervals generally provides a reasonable balance between mobility and access. Particularly for residential area access, ¼ mile spacing will support the goal of maintaining mobility on the arterial corridor while providing enough density of access to disperse traffic so that no single residential collector or major local street has to carry a high level of traffic and no individual intersection experiences undue levels of delay.



It is the staff's perspective that extending 31st St to West River Parkway would provide for better dispersion of the traffic generated in the residential area between West River Parkway and 9th Ave NW, which currently has only two loading points onto West River Parkway (at 9th Ave and at Zumbro Drive NW). The spacing between Zumbro Drive and 3rd Ave (on the east side of Hy-Vee) is approximately ½ mile, so an additional access could be supported, and 31st St is located approximately at the midpoint between these two intersections.

The concept of extending 31st St out to West River Parkway has raised concerns about the impact to traffic on 31st St. It would be my perspective there would certainly be a shift in the pattern of traffic in the immediate neighborhood (Area "C" on the illustration) that

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wanted to travel north or south on West River Pkwy. This traffic would shift from traveling west or south out of Area "C" to 9th Ave or Zumbro Drive and would travel north or east to the 31st St access. Whether this is an appropriate course of action revolves around the question of whether this is "neighborhood" traffic and whether it is appropriate to reorient neighborhood traffic flows once they have been established.

In terms of existing non-neighborhood traffic, I expect the opening of 31st St would likely reduce or eliminate traffic on 4th Ave that comes from Area "A" (Chalet Drive) which travels down to Zumbro Drive to access West River Parkway for travel south towards downtown. Conversely, this reduction would likely be offset by an addition of traffic from areas south on 4th Avenue (Area "B") which would likely use a 31st St connection to travel north on West River Pkwy.

Since 31st St does not extend east of West River Parkway, it is my perspective there would be a very limited amount of other through traffic that would find 31st St as an attractive route. Looking at possible origins/destinations and travel route options off of West River Parkway (9th Ave, Zumbro Drive and 31st St if connected), it appears the most likely source of through traffic would be between the 3rd Ave / Hy-Vee shopping area and areas southwest of Area "B" directly along Zumbro Drive.

OPTION 2: PRIVATE DRIVE OFF 31ST St / 4th Ave:

With the total projected traffic load of 330 to 350 trips per day, this alternative would add a small amount of traffic to neighborhood streets which would be dispersed over a number of routes. Based on the trip distribution summarized on Page 1, I would anticipate the following impact if a private drive for the development was connected at the intersection of 3rd Ave and 31st St.

- Projected 120 trips to the southeast – would be added to 4th Ave / Zumbro Drive
- Projected 70 trips to the southwest – would be distributed across some combination of 31st St & 9th Ave, 4th Ave & Zumbro Drive to the west, and 4th Ave directly south to Elton Hills Drive
- Projected 100 trips to the northwest – would be added to Chalet Drive
- Projected 50 trips to the northeast – would be added to Chalet Drive

Given the existing level of traffic and the geometric design of the streets, it is not anticipated that these volumes of additional traffic would create significant impact to any of the streets

OPTION 3: PRIVATE DRIVE OFF WEST RIVER PARKWAY

Staff believes this option would create an additional safety hazard location along West River Parkway through the introduction of what would be a relatively obscure, low volume driveway along an arterial roadway with a very limited number of such accesses. A benefit of limiting access to street intersections instead of driveways is that motorists are more alert to the potential for slowing or turning traffic at street intersections that are better lighted, signed and marked; at driveways with very low volumes motorists can be caught off-guard by unexpected vehicle movements, and on a higher volume two lane arterial this can lead to conflicts since the area for reaction and maneuvering is limited by the width of the road.

Access only to West River Pkwy also creates a circuitous routing pattern for any trips between the development and the neighborhood area to the west, and may also create other hazards, such as need for school bus pickup directly on the parkway.

TABLE 2 ROADWAY CLASSIFICATION CHARACTERISTICS

CLASSIFICATION	ROADWAY WIDTH	RIGHT-OF-WAY	AVERAGE DAILY TRAFFIC*	NUMBER OF DWELLING UNITS
LIMITED LOCAL				
• Rural lots of two acres or greater	24'	66'	<100	10 units or less
• Lots with 120' or greater of frontage	26'	66'	100-300	10-30 units
• Urban lots 40' to 120' of frontage, includes cul-de-sacs, short streets and courts.	28'	50'	100-300	10-30 units
• Commercial/Industrial limited local streets	32'	56'	--	--
LOCAL STREETS				
• Urban Lots of between 40' and 120' of frontage	32'	56'	300-1500	30-50 units
MAJOR LOCAL STREETS				
• Urban Lots of between 40' and 120' of frontage	36'	60'	1500-2000	150 units or greater

*Based on 10 trips per day per dwelling unit.

ATTACHMENT 1

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

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

TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: January 17, 2003

RE: General Development Plan #198, by Dave & Donna Geselle Trust and Lyndon Geselle Trust - Charles Geselle Trustee to be known as Villas on the Parkway. The applicant is proposing to develop a 4.8 acre parcel of land with uses permitted in the R-2 zoning district. The development would be served by public and private roadways. The property is located along the west side of West River Parkway NW, east of 4th Avenue NW and south of 31st St. NW.

Planning Department Review:

Petitioner/Property Owner:	Dave & Donna Geselle Trust Lyndon Geselle Trust Charles Geselle - Trustee 411 Chalet Drive NW Rochester, MN 55901
Consultant:	Yaggy Colby Associates Attn. Bill Anderson 717 Third Avenue SE Rochester, MN 55904
Location of Property:	The property is located along the west side of West River Parkway NW, east of 4th Avenue NW and south of 31st St. NW.
Proposed Use:	The applicant intends to develop the site with townhomes in the R-2 zoning district.
Land Use Plan:	The Rochester Urban Service Area Land Use Plan currently designates the property for "low density residential" uses.
Zoning:	The property is currently zoned R-1 (Mixed Single Family) on the City of Rochester Zoning Map. The applicant has filed a zoning district amendment to change to zoning from the R-1district to the R-2 (Low Density Residential) zoning district.

Streets:

According to the GDP submitted the plan identifies a public street connection to West River Parkway. This would allow the continuation of 31st Street NW to West River Parkway. There would also be a private roadway extending southerly from the proposed public street. Turn lanes off of West River Parkway NW will need to be constructed on West River Parkway at the location of 31st Street NW. The owner will be obligated for their share of the cost of the reconstruction of 3rd Avenue abutting this property.

Sidewalks:

Pedestrian facilities are required along both sides of public roadways and along the entire frontage of 3rd Avenue NW abutting this property.

Drainage:

No storm water management facilities are identified on this GDP. The Owners is requesting to participate in the City's Storm Water Management Plan in lieu of providing on-site storm water detention. During the construction of the development a temporary on-site detention facility will be required. A Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan.

Detailed grading and drainage plans will also be required when the property is platted.

Wetlands:

According to the Olmsted County Soil Survey, no hydric soils exist on the site. It appears that a small area in the southeast corner of the property in located in the 100-year flood zone. Development of this portion of the property will be subject to Section 62.800 Flood Districts and Intent et. seq. of the Rochester Zoning Ordinance and Land Development Manual.

Public Utilities:

Services are available to serve this property. Specific routing of sanitary sewer and water lines will need to be reviewed further during the preliminary design stages.

The property is within the Main Level Water System area, which is available at the intersection of 31st Street NW and 3rd Avenue NW.

Parkland Dedication:

The Park and Recreation Department recommends that parkland dedication requirements for the development be in the form of cash in lieu of land.

Referral Comments:

1. Rochester Public Works
2. RPU Water Division
3. RPU Operations Division

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4. Park and Rec. Dept.
5. MnDOT
6. Planning Dept. – Wetlands
7. Planning Dept. – Transportation
8. Fire Department
9. Qwest

Report Attachments:

1. Copy of Proposed GDP
2. Referral Letters (5)

Analysis:

Criteria & Staff Suggested Findings:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the Criteria for approval of a general development plan. The criteria and the staff suggested findings are as follows:

Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

Land uses within the GDP would be consistent with the "low density residential" land use designation for the property on the Rochester Urban Service Area Land Use Plan. A Zoning District amendment is being considered concurrent with this GDP application. The property is currently zoned R-1.

Criteria B. The proposed development, including its lot sizes, density, accesses and circulation are compatible with the existing and/or permissible future use of adjacent property.

This GDP proposes a low density residential development which is consistent with the land use designation for the property. The plan provides to the connection of 31st Street NW to West River Parkway NW. Also the portion of 3rd Avenue NW adjacent to this property will need to be reconstructed. The proposed density of the development is less than the density of the development located immediately to the south. A 5' wide sidewalk is required along both sides of the public roadways built as part of this development.

Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

The development density is consistent with the low density residential land use designation of the Land Use Plan. The GDP promotes the development of mixed densities and housing styles. Additionally, the GDP is consistent with the Housing Plan and the standards for the physical and social environmental of residential neighborhoods.

Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

Access to this property will be from the proposed extension of 31st Street NW off of West River Parkway NW. The owner is responsible for the construction of turn lanes off of West River Parkway NW at the location of 31st Street NW to accommodate this development. Third Avenue NW will need to be reconstructed current with the development of the property. The owners are responsible for their proportional share of the cost of the reconstruction 3rd Avenue NW.

Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

1. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

   Access to this property will be from the proposed extension of 31st Street NW off of West River Parkway NW. The owner is responsible for the construction of turn lanes off of West River Parkway NW at the location of 31st Street NW to accommodate this development. Third Avenue NW will need to be reconstructed current with the development of the property. The owners are responsible for their proportional share of the cost of the reconstruction 3rd Avenue NW.

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

Services are available to serve this property. Specific routing of sanitary sewer and water lines will need to be reviewed further during the preliminary design stages.

The property is within the Main Level Water System area, which is available at the intersection of 31st Street NW and 3rd Avenue NW.

3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

Pedestrian facilities are required along both sides of public roadways and along the entire frontage of 3rd Avenue NW abutting this property.

No storm water management facilities are identified on this GDP. The Owners is requesting to participate in the City's Storm Water Management Plan in lieu of providing on-site storm water detention. During the construction of the development a temporary on-site detention facility will be required. A Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan.

Detailed grading and drainage plans will also be required when the property is platted.

Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

No storm water management facilities are identified on this GDP. The Owners is requesting to participate in the City's Storm Water Management Plan in lieu of providing on-site storm water detention. During the construction of the development a temporary on-site detention facility will be required. A Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan.

Detailed grading and drainage plans will also be required when the property is platted. A portion of the property is within the flood district. Development of this portion of the property will be subject to Section 62.800 Flood Districts and Intent et. seq. of the Rochester Zoning Ordinance and Land Development Manual.

Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

The street layout and density appear to be generally consistent with the land use and zoning classifications for this property. The development will provide for the extension of 31st Street NW to West River Parkway NW.

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Recommendation:

Based on the above criteria, staff would recommend that the following conditions should be imposed in order to assure compliance with the Rochester Zoning Ordinance and Land Development Manual:

1. **Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements (including turn lanes off of West River Parkway NW), access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.**

2. **At the time of platting, controlled access shall be dedicated along the entire frontage of West River Parkway and 3rd Avenue NW, with the exception of the proposed local street access (31st Street NW).**

3. **Storm water management must be provided for this development. A Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan. During the construction of the development a temporary on-site detention facility will be required.**

4. **The owner is obligated to construct turn lanes off of West River Parkway NW at the location of the public street shown to West River Parkway NW. The owner is also responsible for the proportional share of the cost of the reconstruction of 3rd Avenue NW adjacent to the property.**

5. **Parkland dedication requirements for this development shall be met via cash in lieu of land.**

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ROCHESTER

Minnesota

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 1/10/03 **REVISED 1/16/03**

The Department of Public Works has reviewed the application for General Development Plan #198 , & ZONE#02-16 for the proposed Villas on the Parkway development. The following are Public Works comments on this request:

1. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements **(including turn lanes off of West River Parkway NW)**, access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.
2. The Owner will be obligated to construct the extension of 31st St NW to West River Parkway NW.
3. Grading & Drainage Plan approval is required prior to development. The GDP narrative indicated that the Owner is requesting to participate in the City's Storm Water Management Plan (SWMP) in lieu of providing on-site storm water detention. On-site sedimentation control will be required, and a Storm Water Management fee will be applicable for the benefit of participation in the City's SWMP.
4. In addition to the existing pedestrian facilities along the frontage of West River Parkway NW, the Owner is obligated to provide a 5 foot concrete sidewalk along the entire frontage of the Property abutting 3rd Ave NW, and the proposed local street (31st St NW).
5. No private access to 3rd Ave NW or West River Parkway NW will be permitted from this development. Dedication of controlled access will be required through the platting process for the entire frontage of West River Parkway & 3rd Ave, with the exception of the proposed local street access.
6. Pedestrian Facilities are required along the entire frontage of 3rd Ave NW, abutting this property, and along both sides of the proposed new local street.

Charges/fees applicable to the development of this property will be addressed in the Development Agreement and will include (rates below are current through 7/31/03):

- Water Availability Charge @ $1790.25 per developable acre
- Sewer Availability Charge (SAC) @ $1790.25 per developable acre.
- Sanitary Sewer & Watermain Connection Charge @ $79.17 per foot along the frontage of 3rd Ave NW
- Substandard Street Reconstruction Charge @ $33.45 per foot of frontage along West River Parkway NW
- Storm Water Management - TBD

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rpu

we pledge, we deliver

January 6, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: General Development Plan #198 by Dave and Donna Geselle Trust and Lyndon Geselle Trust-Charles Geselle Trustee to be known as Villas on the Parkway and Zoning District Amendment #02-16. to develop 4.8 acres of land and to rezone from R-1 to R-2.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

1. The property may be subject to the water availability fee, connection fees or assessments. We had previously installed a section of water main along a portion of 3rd Ave NW that is assessable with this project. The Land Development Manager (507-281-6198) at the Public Works Department determines the applicability of these fees.
2. This property is within the Main Level Water System area, which is available at the intersection of 31st St and 3rd Ave. NW.
3. Static water pressures within this area will range in the low 80's PSI depending on final grades.
4. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Gale Mount, Building & Safety
Yaggy Colby Associates
Charles Geselle Trustee

Rochester Public Utilities, 4000 East River Road NE, Rochester, Minnesota 55906-2813
telephone 507-280-1540 facsimile 507-280-1542

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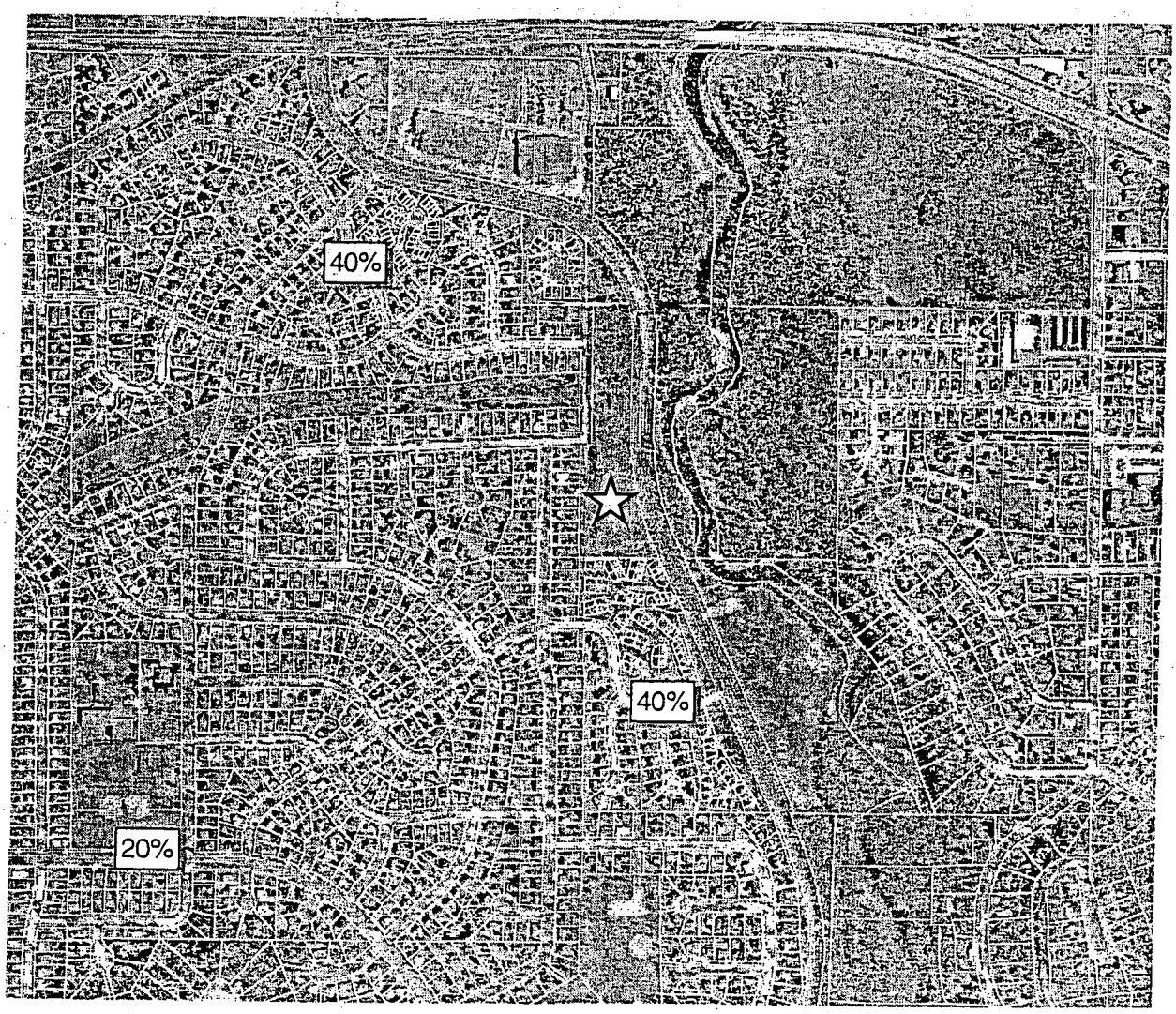
MEMO FROM CHARLIE REITER
TRANSPORTATION DIVISION

West River Townhomes

Projected Traffic @ 7.5 to 8 trips per unit / 44 units
330-350 trips per day

Likely street impact with plan
- Chalet / 9th Ave (37th St Traffic) 130-140 trips per day
- 4th Ave / Zumbro Dr to East (West River Rd traffic) 130-140 trips per day
- (Elton Hills West Traffic - probably will use some combination of:
  - 31st St & 9th Ave;
  - 4th Ave & Zumbro Dr to west 65-70 trips per day
  - 4th Ave to Elton Hills

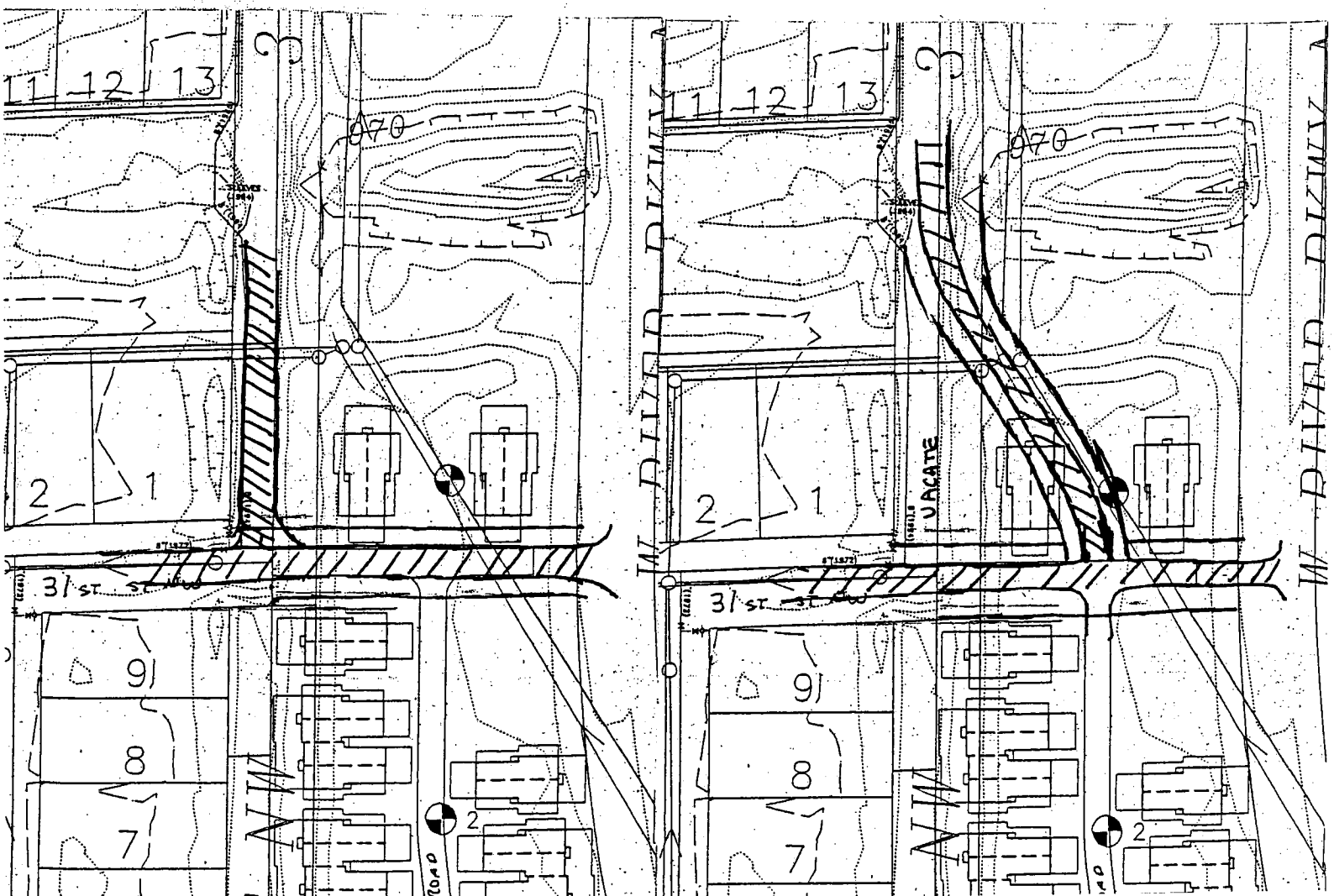


Street Design Issue - Should 31st St be extended to West River parkway?

Pro:
- Would remove almost all of development traffic from neighborhood
- Spacing of intersection on West River Parkway is in good location - meets desired spacing (from Zumbro Dr to south and 3rd Ave to north) and appears to have good site distance
- Would probably pull some traffic off of Zumbro Drive and maybe a small amount off of Chalet Drive/9th Ave (primarily traffic from 31st St area)

Con:
- Would add traffic to eastern end of existing 31st St
- Would pull traffic from Chalet Drive area desiring to go south on Parkway into the area
- Probably would result in the loss of some units in the development

Possible Layouts:



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ROCHESTER FIRE DEPT.

The hand to reach for...

DAVID A. KAPLER
Fire Chief

DATE: January 13, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher
Fire Protection Specialist

SUBJ: General Development Plan #198
Villas on the Parkway
West side of West River Parkway NW, east of 4th Avenue NW and south of 31st Street NW.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.

2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.

3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.

4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

c: Donn Richardson, RPU, Water Division

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ROCHESTER PARK AND RECREATION DEPARTMENT

MEMORANDUM

DATE: December 30, 2002

TO: Jennifer Garness
Planning

SUBJECT: Villas on the Parkway
General Development Plan #198

Parkland dedication for the proposed development is estimated to be 1.2 acres. The Park Department recommends that the dedication be in the form of cash in lieu of land.

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12/23/2002
YCA #8118

PROJECT NARRATIVE
VILLAS ON THE PARKWAY
GENERAL DEVELOPMENT PLAN

Villas on the Parkway is approximately 4.8 acres bounded by West River Parkway NW to the east, 3rd Avenue NW to the west, and River Wood Townhomes to the south.

The following is a written summary of the General Development Plan (GDP) in accordance with Appendix B E-3.

a) *Topographic or soils conditions which, in the estimation of the applicant, may create potential problems in street, drainage, public utilities or building design and construction, and how these problems will be investigated further or engineered to overcome the limitations.*

The attached GDP shows the area under consideration. Preliminary soil borings show 8' of silty fill material placed over the native sand soil. Units will be constructed with basements to allow the footings to be placed on native sand.

b) *Storm drainage problems which, in the estimation of the applicant, may result in costs that will exceed normal storm drainage costs.*

The storm drainage does not appear to cause problems that will result in the increase of normal costs. A storm sewer will be constructed to drain to the north or the east.

c) *Identification of potential off-site drainage problems.*

The applicant will ask to participate in the City of Rochester Surface Water Management Plan by paying the appropriate fee for this area.

d) *Availability of utilities to serve the area under consideration.*

Water main or sanitary sewer are available from 31st Street NW at 3rd Avenue NW.

e) *Identification of possible erosion problems which may arise in the estimation of the applicant.*

The area is quite flat and should not pose difficulties for erosion control.

f) *A general statement as to the possible phasing of any development activity to occur on the property under the control of the applicant.*

The site is small enough to not make phasing efficient.

RECEIVED
DEC 2 6 2002
ROCHESTER OLMSTED
PLANNING DEPARTMENT

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dedication, dedication of controlled access, utility extension, phasing of development, and contributions for public infrastructure.

3. Storm Water Management must be provided for this development. A Storm Water Management fee may apply to any areas of the Property that do not drain to an approved privately constructed on-site detention facility. Any storm water detention facility serving less than 50 developable acres shall remain in private ownership, and execution of an Ownership & Maintenance Agreement will be required, as well as access for maintenance.

4. Pedestrian facilities (concrete sidewalk) will be required along both sides of all new public roads within this property, as well as, a 10 foot wide bituminous pedestrian path along the entire frontage of Salem Rd SW. The Owner shall construct all required mid-block pedestrian connections, and dedicate said connections to the City as separate Outlots.

5. The applicant shall execute a Contribution Agreement with the City to address the Owner's obligations for the extension of Sanitary Sewer & Watermain under City Project J7717 prior to the approval of any final plats on the property.

6. At the time of development, the 24 foot wide private roadway shall be posted "No Parking" on the both side of the street. The developer is responsible for right turn lanes from Salem Road SW at the public street accesses to the development and the construction of the by-pass lane at the public street access east of County Road 125.

7. The ponds identified on the development shall be platted as outlots. Ownership and maintenance of the two (2) proposed "Pond" features, and the proposed 7.09 acre "Lake" shall be addressed prior to Final Plat submittal for "Phase 1" of this Property.

8. Prior to platting this property, the applicant shall complete a Wetland Delineation and submit it to the LGU for review and approval. Any applications to drain or fill Wetlands for this development must be submitted to the LGU and acted upon (approved or denied) prior to final plat submittal.

PUBLIC HEARINGS:

General Development Plan #198, by Dave & Donna Geselle Trust and Lyndon Geselle Trust - Charles Geselle Trustee to be known as Villas on the Parkway AND Zoning District Amendment #02-16. The applicant is proposing to develop a 4.8 acre parcel of land with uses permitted in the R-2 zoning district. The applicant is also proposing to re-zone the approximately 4.8 acres from the R-1 (Mixed Single Family) district to the R-2 (Low Density Residential) district. The development would be served by public and private

roadways. The property is located along the west side of West River Parkway NW, east of 4th Avenue NW and south of 31st St. NW.

Mr. Svenby asked that the Commission hear both requests concurrently, but make separate motions for each.

Mr. Brent Svenby presented the staff reports, dated January 17, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that there is not a site plan to review on the site, as it is not required at the general development plan stage of the process.

Discussion ensued regarding the reconstruction of Third Avenue NW.

The applicant's representative, Bill Anderson of Yaggy Colby Associates, addressed the Commission. He stated that a predevelopment meeting and neighborhood meeting was held. After some concerns were expressed at the neighborhood meeting, they held another meeting with Public Works and Planning prior to the Commission's meeting.

Mr. Anderson stated a concern that was brought up at the neighborhood meeting was with regard to bufferyards and landscaping. He showed where the minimum required landscaping would be located. He stated that current drainage problems in the area were also discussed at the neighborhood meeting. He stated that some property owner's backyards along the old Third Avenue had drainage problems. He stated that they are proposing a storm sewer that would help that area. Also, the connection of 31st Street NW was a concern named by the neighborhood.

Mr. Anderson showed the layout and design of the development. He stated that the applicant agreed with the staff recommendations.

Mr. Haeussinger asked if the southern part of the property was located in the 100-year flood plain.

Mr. Anderson responded yes. He stated that they would go through the appropriate application process.

Ms. Camille Venners, of 620 31st Street NW, Rochester MN, addressed the Commission. She stated that her home was flooded previously. She stated that water came up into 4th Avenue NW and 31st Street NW.

Mr. Bob Ekstam, of 407 31st Street NW, Rochester MN, addressed the Commission. He stated that Mr. Anderson indicated that the January 9, 2003 neighborhood meeting was received well. He stated that he did not think that it was, as the people in the neighborhood were stunned. He stated that a lot of the neighbors in the area were not notified of the proposal, so he circulated a petition. He expressed concerns with the following: 1) traffic with regard to increased noise pollution and safety, 2) connection of 31st Street NW, 3) design of townhomes, 4) one car garage designs, 5) no provisions for parking, and 6) water runoff and drainage.

Mr. Quinn asked what Mr. Ekstam's travel route was from his home.

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Mr. Ekstam responded 4th Avenue NW, 3rd Avenue NW, or down 31st Street NW. He indicated that he used all the routes equally.

Ms. Wiesner asked if Mr. Ekstam reviewed the staff report.

Mr. Ekstam responded no.

Ms. Wiesner stated that the applicant is required to connect 31st Street NW by City Public Works. She indicated that it was requested by the agency inside the staff report.

Mr. Ekstam responded that he is opposed to the connection.

Ms. Wiesner explained that he should contact Public Works to discuss the roadway extension.

Mr. Ekstam expressed concern with not receiving enough notice of the meeting to gain additional information with regard to the extension.

Mr. Svenby asked that Mr. Ekstam submit a copy of the petition to the Rochester-Olmsted Planning Department.

Mr. Ed Venners, of 620 31st Street NW, Rochester MN, addressed the Commission. He stated that the staff report makes reference to projected traffic but not increased traffic with the connection of 31st Street NW. He asked if an impact study was done with regard to the connection.

Ms. Wiesner explained where the study came from and how it was factored in.

Mr. Venners stated that he did not believe that the study reflects the increased traffic from other areas.

Ms. Wiesner responded that staff did review the projected traffic for the entire area. She suggested that Mr. Venners contact Charlie Reiter, of the Rochester-Olmsted Planning Department, with regard to the study.

Mr. Venners stated that 31st Street NW dead-ends into 29th Street NW. He stated that 31st Street NW turns into 8th Avenue. He stated that 8th Avenue dead-ends into 29th Street. Therefore, he expressed concern with regard to the design and traffic.

Mr. Al Wick, of 727 31st Street NW, Rochester MN, addressed the Commission. He stated that he was beyond the boundaries of notification distance from the property. He thanked his neighbors for letting him know about the proposed project. He indicated that he also did not see the publication in the newspaper with regard to the request.

Mr. Wick asked why Public Works was not required to hold a public meeting to discuss the extension of 31st Street NW as it affects property owners.

Mr. Staver explained that Public Works would not have originally proposed the extension. They only proposed the extension at this time due to the proposed development request.

Mr. Svenby explained that the connection of 31st Street NW to West River Parkway was planned when West River Parkway was reconstructed. He stated that you could tell by the way the design of the bike path is on the west side of the roadway.

Mr. Wick stated that he was vehemently opposed to the connection. He stated that when Leisure Court was put in, it sealed off 3rd Avenue NW to make any connection to West River Parkway. Therefore, he assumed it sealed off any connection to West River Parkway from his area. He asked that 31st Street NW not be a through street. He expressed concern with regard to additional access points onto West River Parkway.

Mr. Wick stated that it was negligent to put in basements, due to previous flooding.

Mr. Wick asked if the townhomes would be 1 or 2 bedroom units.

Mr. Anderson responded 2 bedroom units.

Mr. Wick expressed concern regarding off street parking and only having a one-car garage, as there are always more than one car for any home.

Mr. Ed Venners, of 620 31st Street NW, Rochester MN, addressed the Commission. He stated that he was confused as to where the bike was located on the map, as it is located on the east side of the roadway.

Ms. Wiesner explained where the de-acceleration and acceleration lanes would be located.

Ms. Kathy Schill, of 522 31st Street NW, Rochester MN, addressed the Commission. She stated that she was a City Planner by profession and has worked on finance and capital projects. She stated that it was her opinion that it did not make sense to connect 31st Street NW.

Ms. Schill stated that there are two planned unit developments on either side of the property that is planned to be developed. She stated that she was unsure as to why the proposed site wouldn't be held to the same standard.

Ms. Schill expressed concern about the proposed parking and traffic layout. She stated that there would only be one way in and out of the development. Therefore, she didn't think that City standards are being met.

Ms. Schill questioned how the extension of 31st Street NW would be paid for.

Mr. Quinn explained that the number of homes being developed at this time doesn't require more than one access into and out of the development at this time. He explained that the number of trips generated dictates the need for additional access points. He stated that Public Works would need to address the concerns with regard to the connection of 31st Street NW.

Ms. Wiesner asked how Ms. Schill felt about a zone change or townhomes being placed there.

Ms. Schill stated that she just found out about the development and unsure of the planning techniques in the City of Rochester since she works in the Cities. She asked if it could be developed as a planned unit development.

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Mr. Staver explained that, when a property is annexed into the City, it is automatically zoned R-1.

Mr. Quinn explained that the City does not have planned unit developments as part of their zoning plan anymore.

Ms. Schill stated that she did not think the development is being held to the same standards as the other developments in the area.

Mr. Dave Kjome, of 424 31st Street NW, Rochester MN, addressed the Commission. He showed where the bus route was located and the school bus route. He expressed concern with the connection of 31st Street NW with regard to traffic, speeding, safety, and design.

Ms. Sheila Alrick, of 2832 Riverwood Lane NW, Rochester MN, addressed the Commission. She expressed concern with no landscaping abutting her townhome landscaping. She asked how much space is required between her townhome and the proposed development. She expressed concern with the aesthetics of the proposed development. She explained that the proposed development is a different style of development than the rest of the neighborhood. She expressed concern with additional access onto West River Parkway and maintenance of the roadways.

Mr. Bill Anderson stated that the setback requirement is 20 feet. However, there is 40 feet setback on the south end. He explained that he only showed the minimum landscaping required on the plans required by zoning, not the actual landscaping that will be put in. He pointed out that the planned unit developments have an overall density of 18 units per acre. The proposed density of the development is 9 units per acre.

Mr. Anderson explained that the development is considered "affordable housing". He further explained that the City Public Works department recommended the connection of 31st Street NW. He explained that the cost of connection to 31st Street NW, turn lanes, and storm sewer, is all being born by the developer.

Mr. Dave Kjome asked what would happen to the west side of West River Road. He stated that there is a sidewalk there presently.

Mr. Anderson responded that the sidewalk would not be changed, accept that there would be an entrance onto West River Parkway.

Ms. Camille Venners explained that those trying to get to John Adams could easily get lost, since it is located off of 31st Street NW. She explained that, due to the twist and turns in the neighborhood, people are already getting lost.

Ms. Janelle Fox, of 2834 Riverwood Lane NW, Rochester MN, addressed the Commission. She expressed concern with the lack of landscaping. She stated that the development should be consistent with the rest of the townhomes in the area. She explained that the proposed townhomes are reversed so that, when you look from West River Parkway, you view the backside of the buildings.

Ms. Wiesner explained that the Commission could not critique the style, color, or shape of the development. She further explained that the applicant is not obligated to do landscaping. What is before the Commission is whether or not the townhomes are allowed.

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Ms. Robin Hanson, of 3552 West River Parkway, Rochester MN (Elcor Realty), addressed the Commission. She stated that she was the realtor that sold the property to the applicant. She stated that the homes from the previous project, which was developed the same, were from $119,000 to $140, 0000. However, the last project did not have basements. The people who purchased the units were teachers, residents, nurses, and IBM employees. The intention is not to use the units as rentals. The average age of the owners was 28. She explained that they are trying to provide an option for a single family housing in NW Rochester.

Mr. Svenby explained that, if the general development plan is approved, there are standards in the Ordinance that require certain number of off street parking spaces and landscaping. He explained that those standards are not reviewed at the general development plan stage but at the time of development.

Mr. Svenby stated that the connection of 31st Street NW was not only required by City Public Works, but also the Planning Department. The memo from Mr. Reiter lists the pros and cons of the connection.

Mr. George Berg, of 3406 Leisure Court NW, Rochester MN, addressed the Commission. He asked if he would still have access out to 3rd Avenue NW.

Mr. Anderson responded yes.

Mr. Staver stated that one option the Commission has is to continue the hearing to get additional feedback from City Public works regarding the connection of 31st Street NW. Another option would be to forward the requests to the City Council with a strong recommendation that Public Works discuss the connection of 31st Street NW with the City Council.

Ms. Wiesner stated that the neighborhood has legitimate concerns, but the Commission does hear the same concerns with every neighborhood attached to another neighborhood. Typically, they do not want to be connected to each other. However, it is good planning to have the connection for the fire department, police department, and ambulances.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Quinn moved to recommend approval of Zoning District Amendment #02-16 by Dave & Donna Geselle Trust and Lyndon Geselle Trust - Charles Geselle based on staff-recommended findings. Mr. Haeussinger seconded the motion. The motion carried 5-0, with Mr. Ohly abstaining.

Mr. Quinn stated that he does not approve of the road design. He stated that the City Council should discuss with Public Works the reasoning for the connections.

Mr. Haeussinger stated that he saw a lack of sufficient information to support the connection of 31st Street NW.

Mr. Staver stated that he agreed with Mr. Quinn.

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Mr. Quinn moved to recommend approval of General Development Plan #198, by Dave & Donna Geselle Trust and Lyndon Geselle Trust - Charles Geselle Trustee to be known as Villas on the Parkway based on staff-recommended findings and conditions. Mr. Hodgson seconded the motion. The motion carried 4-1, with Mr. Staver voting nay and Mr. Ohly abstaining.

CONDITIONS:

1. **Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements (including turn lanes off of West River Parkway NW), access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.**

2. **At the time of platting, controlled access shall be dedicated along the entire frontage of West River Parkway and 3rd Avenue NW, with the exception of the proposed local street access (31st Street NW).**

3. **Storm water management must be provided for this development. A Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan. During the construction of the development a temporary on-site detention facility will be required.**

4. **The owner is obligated to construct turn lanes off of West River Parkway NW at the location of the public street shown to West River Parkway NW. The owner is also responsible for the proportional share of the cost of the reconstruction of 3rd Avenue NW adjacent to the property.**

5. **Parkland dedication requirements for this development shall be met via cash in lieu of land.**

Preliminary Plat #02-62, by Leslie A. Lurken to be known as Wedgewood Hills 6th. The applicant is proposing to subdivide approximately 6.68 acres of land into 25 lots for single family development and one Outlot. The plat also proposes to dedicate right-of-way for two public roads. The property is located along the south of Duvall Street NW and allows for the continuation of 54th Avenue NW.

Mr. Ohly stated he would need to abstain from voting.

Mr. Brent Svenby presented the staff report, dated January 17, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

The applicant's representative, Mr. Josh Johnson of McGhie & Betts, addressed the Commission. He stated that the applicant agrees with the staff-recommended conditions.

Mr. Quinn asked what area the Northwest Area Transportation Improvement District covered.

Mr. Svenby responded Wedgewood, Weatherstone, North Park, White Oaks, and Kingsbury.

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REQUEST FOR COUNCIL ACTION

MEETING DATE: 03-03-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-4
ITEM DESCRIPTION: 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 propose approximately 56 lots for single family development and 5 outlots.		**PREPARED BY:** Theresa Fogarty, Planner

February 24, 2003

Note: Staff is recommending a revision to Condition #8. Recommended revisions are shown as ~~strikeout~~ text for text to be deleted and <u>underlined</u> text for text to be added.

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on February 12, 2003 to consider this preliminary plat.

Ms. Kristi Clarke of McGhie & Betts, addressed the Commission and 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.

The Planning Commission found that this preliminary plat will conform with the applicable criteria with the following conditions or modifications:

1. ***The Plat shall be revised:***

   a. ***Providing an additional utility easement along Lots 1-8, Block 1, maintaining a 10' clearance of the water main on the house side.***

   b. ***Identify Outlot A as a utility easement.***

   c. ***Showing an access easement for the maintenance of Outlots "C" and "D".***

   d. ***Changing the text within Outlot "E" to read "(All of Outlot "E" is a drainage and utility easement)."***

   e. ***Providing controlled access along the entire frontage of Salem Road SW, with the exception of the public road access for Autumn Lake Avenue SW, along the entire west line of Lot 1, Block 5, the entire east line of Lot 34, Block 1, along the Autumn Lake Court SW right-of-way, along the easterly 35 feet of the Lot 3, Block 4 frontage, the westerly 35 feet of the Lot 4, Block 4 frontage, the Autumn Lake Court SW frontage of Lot 12 & Lot 33 in Block 1, Lots 1 & 12 & Outlot "C" in Block 2 and the southerly 100 feet of the Lot 1, Block 1 frontage on West Hill Drive SW.***

2. ***Dedication of parkland shall be met via: deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated January 22, 2003.***

3. ***In order to provide adequate fire protection, an 8" watermain loop is required through Outlot "E", connecting to the ends of both Westhill Drive SW and Autumn Lake Court SW. Additional fire hydrants and system valves are required meeting the water system layout as required by Rochester Public Utilities – Water Division.***

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

4. *The applicant shall identify wetlands on the property and submit information to the Planning Department, Wetlands LGU representative, for review.*

5. *Pedestrian Facilities (concrete sidewalk) shall be required along both sides of all new public roadways within this property, as well as, a 10 foot wide bituminous pedestrian path along the entire frontage of Salem Road SW, and a 10 foot wide bituminous pedestrian path mid-block connection within Outlot "E".*

6. *The applicant shall provide On-site Storm Water Management for this development. A Storm Water Management fee shall apply to any areas of the property that do not drain to an approved privately constructed on-site detention facility. Outlots "C" and "D" shall remain in private ownership and execution of an Ownership & Maintenance Declaration Agreement shall be required, for Outlots "C" and "D", as well as, dedication of access & drainage easement for private detention facilities.*

7. *An Ownership & Maintenance Declaration Agreement shall be required for Outlots "A" and "B" prior to Final Plat approval.*

8. *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 as less than ~~26~~ 28 feet in width and shall be posted "No Parking" along one side ~~of the roadway~~.*

9. *Construction and dedication of a temporary turn-around easement at the northerly extent of Autumn Lake Court SW shall be required with the dedication of a temporary turn-around easement being executed with the City prior to recording the final plat.*

10. *Prior to Final Plat submittal, the applicant shall enter into a development agreement with the City that outlines the obligations of the applicant relating to, but not limited to; stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, dedication of controlled access, utility extension and provisions of easements outside the plat boundary for the Sanitary Sewer & Watermain under City Project J7717, phasing of development, Owner & Maintenance Declaration Agreement for Outlots "A" and "B" and contributions for public infrastructure.*

11. *This preliminary plat labels Outlot "E" as a "Drainage & Utility Easement". It is Public Works understanding that drainage within this Outlot will be via storm sewer for up to a 10 storm event, and that surface drainage within the Outlot would occur during larger storm events. Drainage easements within a mid-block Outlot are not typical, but it may be acceptable in this case based on the proposed design. A final determination regarding the combined use within the Outlot will be made through the plan review process.*

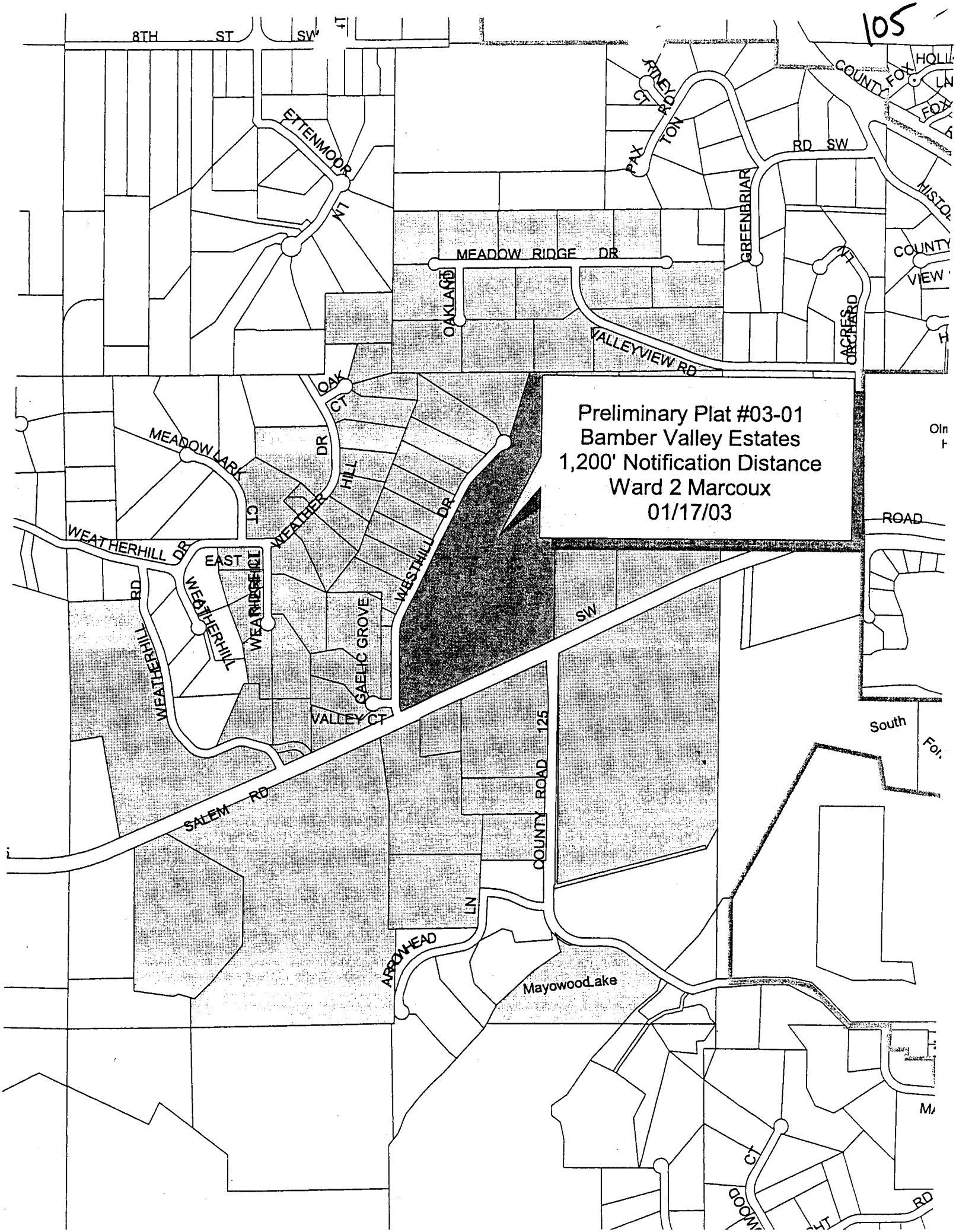
Mr. Haeussinger moved to recommend approval of Land Subdivision Permit (preliminary plat) #03-01 by Bamber Valley Estates LLC to be known as Bamber Valley Estates with staff-recommended findings and conditions (as revised by Ms. Baker). Mr. Ohly seconded the motion. The motion carried 6-0.

Planning Department Recommendation:

See attached staff report, dated February 7, 2003.

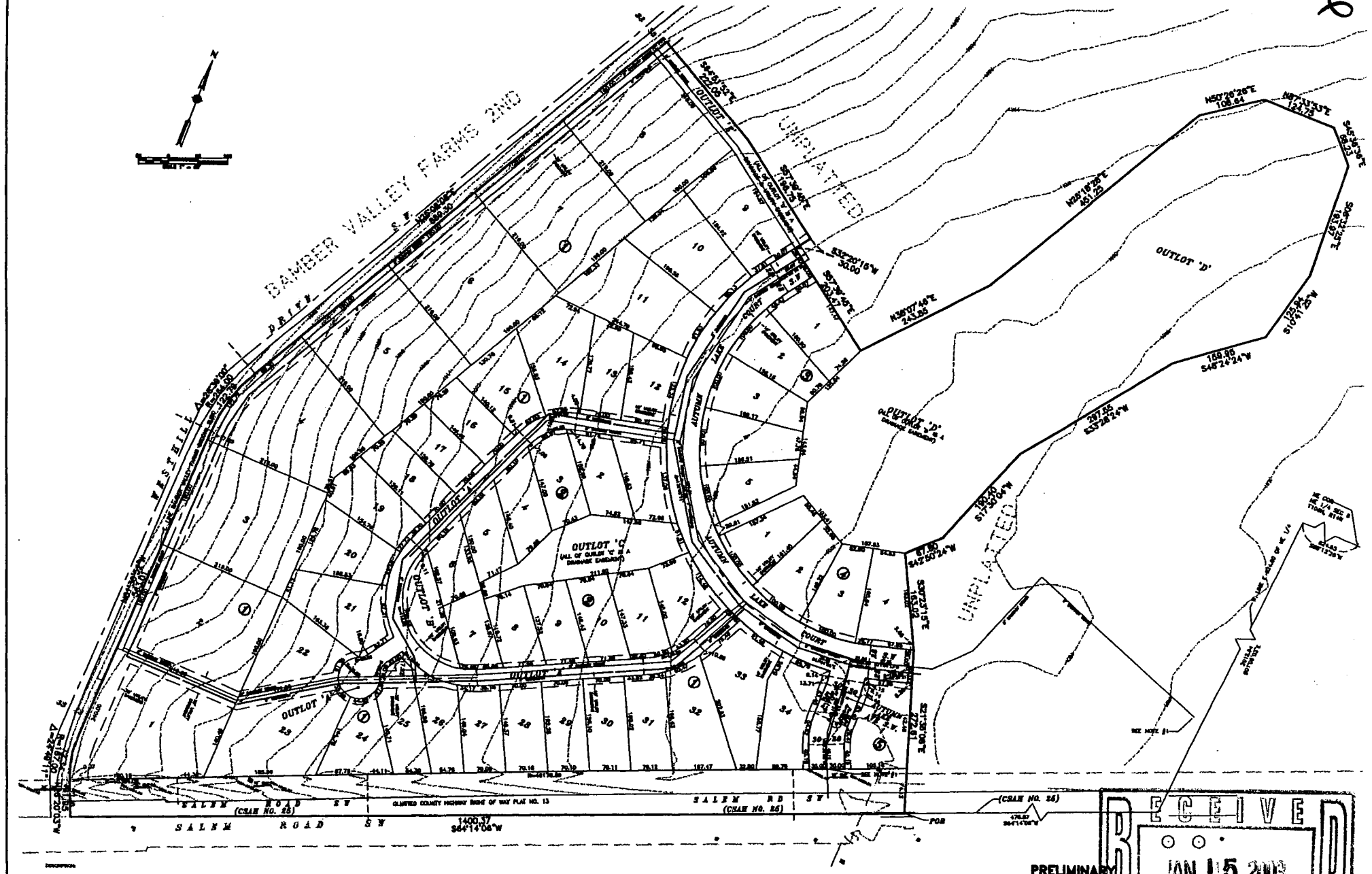
Council Action Needed:

1. *The Council may approve, approve with conditions, or deny the land subdivision permit. The Council must make findings of fact based on the criteria included in the staff report. A motion to deny must include supporting reasons for a conclusion that at least one of the fifteen findings for denial in paragraph 61.225 can be made.*


105
Preliminary Plat #03-01
Bamber Valley Estates
1,200' Notification Distance
Ward 2 Marcoux
01/17/03
8TH ST SW
ETTENMOOR LN
MEADOW RIDGE DR
OAKLAND CT
VALLEYVIEW RD
GREENBRIAR
RD SW
COUNTY FOX
HOLL
COUNTY
VIEW
ORCHARD
OAK CT
MEADOW LARK CT
WEATHER HILL DR
WEATHERHILL DR
EAST
WEATHERHILL RD
WEATHERHILL
WESTHILL DR
GAELIC GROVE
VALLEY CT
SW
ROAD
South
SALEM RD
COUNTY ROAD 125
ARROWHEAD LN
Mayowood Lake
CT
RD

BAMBER VALLEY ESTATES

106



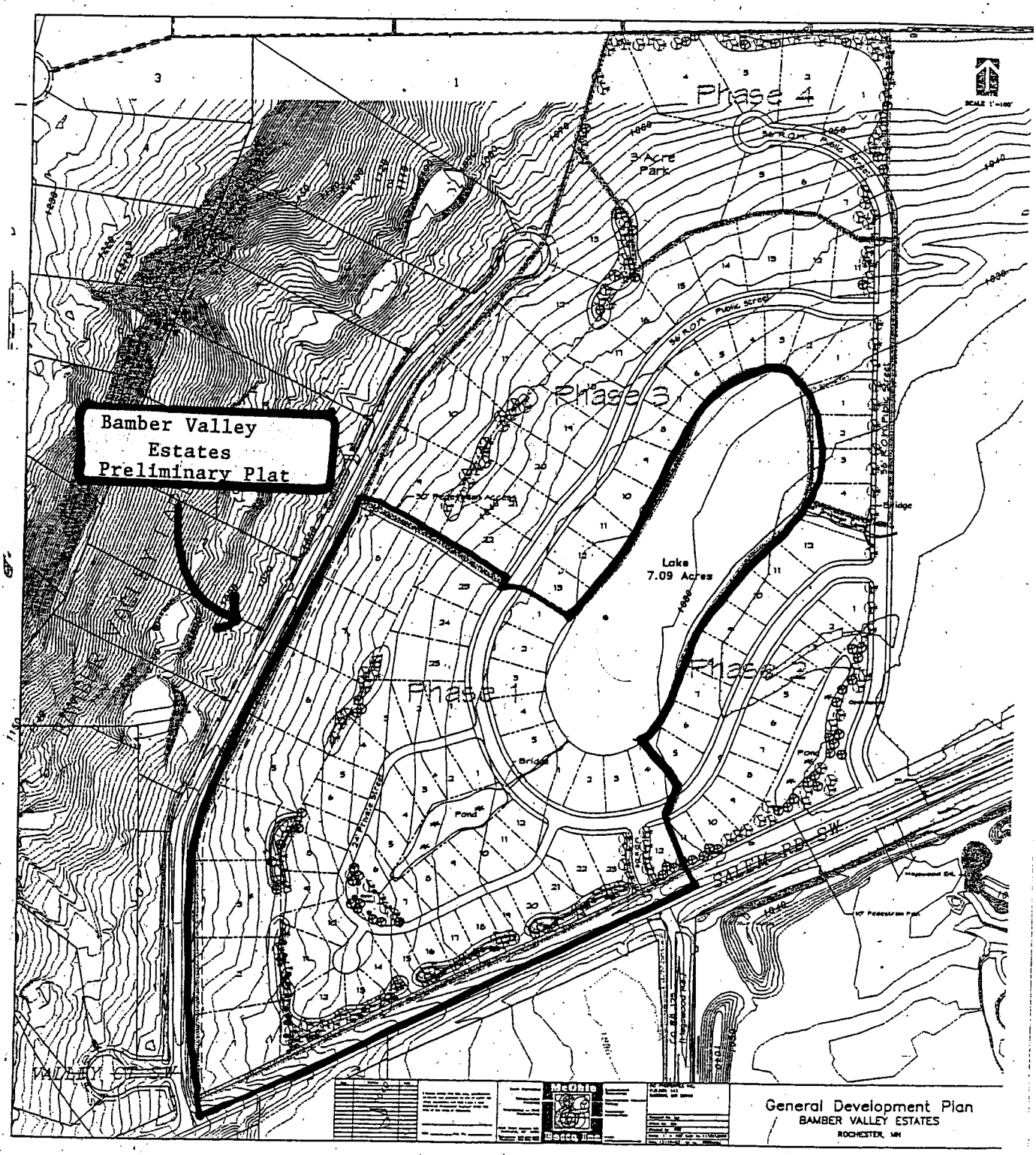
PRELIMINARY PLAT

OWNER & DEVELOPER

BAMBER VALLEY ESTATES	
SITE DATA SUMMARY	
TOTAL ACREAGE	34.64
ACREAGE DEDICATED TO PUBLIC USE	5.62
NUMBER OF LOTS R-1 ZONE	56
NUMBER OF OUTLOTS	3

RECEIVED
JAN 15 2003
ROCHESTER PLANNING DEPT.

107



RECEIVED
JAN - 7 2003

REVISED

PROPOSED

108

COUNTY OF Olmsted

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

ROCHESTER-OLMSTED
PLANNING DEPARTMENT
2122 CAMPUS DR SE
ROCHESTER MN 55904-4744

ADMINISTRATION/ PLANNING	507/285-8232
GIS/ADDRESSING/ MAPPING	507/285-8232
HOUSING/HRA	507/285-8224
BUILDING CODE	507/285-8213
WELL/SEPTIC	507/285-8345
FAX	507/287-2275

TO: **City Planning and Zoning Commission**

FROM: **Theresa Fogarty, Planner**

DATE: **February 7, 2003**

RE: **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.**

Planning Department Review:

Applicant/Owner:
Bamber Valley Estates, LLC
4410 NW 19th Street
Rochester, MN 55901

Surveyors/Engineers:
McGhie & Betts
Attn. Kristi Clarke
1648 Third Avenue SE
Rochester, MN 55904

Referral Comments:
Rochester Public Utilities – Water Division
Rochester Public Utilities – Operational Division
Rochester Public Works Department
Park and Rec. Department
Rochester Fire Department
MN Department of Transportation
Planning Department - John Harford, Wetlands Representative

Report Attachments:
1. Land Development Manual Excerpts
2. Referral Comments (7 letters)
3. Copy of Preliminary Plat
4. Location Map
5. Proposed Bamber Valley Estates General Development Plan

Development Review:

Location of Property:
The property is located north of Salem Road SW (CR 25) and east of Westhill Drive SW.

recycled paper
recyclable

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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Zoning:

The property is zoned R-1 (Mixed Single Family Residential) district on the City of Rochester Zoning Map.

Proposed Development:

This development consists of 35 acres of land to be subdivided into 56 lots for single-family development and 5 Outlots.

Roadways:

This plat proposes to dedicate right-of-way for two new roadways.

The first roadway labeled as "Autumn Lake Court SW" is designed with a 56' right-of-way. Construction of a temporary turn-around and dedication of an applicable temporary easement is required at the northerly extent of this roadway.

The second roadway labeled as "Autumn Lake Avenue SW" is designed with a 60' right-of-way. No parking will be allowed at any time along either side of this roadway.

A third roadway labeled as "Outlot A" (to be named "Autumn Sage Court SW") will be designated as a private roadway and is designed with a 28.08' right-of-way. Roadways less than 36 feet in width shall be posted "No Parking" along one side of the street.

Controlled access will be required along the entire frontage of Salem Road SW, with the exception of the public road access for Autumn Lake SW. Additional controlled access will be required along the entire west line of Lot 1, Block 5 and the entire east line of Lot 34, Block 1 and along Autumn Lake Court SW right-of-way along the easterly 35 feet of the Lot 3, Block 4 frontage, and the westerly 35 feet of the Lot 4, Block 4 frontage, the Autumn Lake Court SW frontage of Lot 12 and Lot 33 in Block 1 and Lots 1 & 12, & Outlot "C", in Block 2 and the southerly 100 feet of Lot 1, Block 1 frontage on Westhill Drive SW.

Pedestrian Facilities:

Pedestrian Facilities (concrete sidewalk) will be required along both sides of all new public roads within this property, as well as, a 10 foot wide bituminous pedestrian path along the entire frontage of Salem Road SW and a 10 foot bituminous pedestrian path mid-block connection within Outlot "E".

Drainage:

The property generally drains from the northwest, to the southeast. Elevations range from 1062' Mean Sea Level (MSL) along the northwest side of the parcel along Westhill Drive to 1028' MSL at the southeast corner of the plat.

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Drainage (Continued):

Storm Water Management must be provided for this development. A Storm Water Management fee will apply to any areas of the property that do not drain to an approved privately constructed on-site detention facility. A separate charge for down stream conveyance improvements, previously constructed by the City to serve this development, will apply to the entire subdivision. Due to the high water table, care shall be taken in the design of the pond to minimize the potential for ground water contamination.

Onsite stormwater detention is proposed on Outlot "C" and Outlot "D" is proposed as a stormwater retention lake. The plat is not clear on how the stormwater will be conveyed between Outlots "C" & "D" across Autumn Lake Court SW. Through discussions with McGhie & Betts, it was explained that a storm water pipe will be placed under Autumn Lake Court SW directing the storm water from Outlot "C" to Outlot "D".

Execution of an Ownership & Maintenance Agreement is required for Outlots "A" and "B" prior to Final Plat approval.

The two proposed pond features on Outlots "C" and "D" shall remain in private ownership and execution of an Ownership & Maintenance Agreement will be required, as well as dedication of an access easement for maintenance.

The Preliminary Plat labels Outlots "A", "C" & "E" as a "Drainage & Utility Easement". It is Public Works understanding that drainage within this Outlot will be via a storm sewer for up to a 10-year storm event, and that surface drainage within the Outlot would occur during larger storm events. Drainage easements within a mid-block Outlot are not typical, but it may be acceptable in this case based on the proposed design. A final determination regarding the combined use within the Outlot will be made through the plan review process.

Wetlands:

The Soil Survey and National Wetland Indicator maps were reviewed for the presence of wetlands. Hydric soils existed on this site according to the Soil Survey. The owner is responsible for identifying wetlands on the property and submitting the information as part of this application,

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Public Utilities:

Static water pressures within this area will range from 45 to 60 PSI based on the planned grades. The Water system computer modeling indicates that to provide adequate (interim) flows for fire protection an 8" water main loop is required through Outlot "E" to connect the ends of both Westhill Drive SW and Autumn Lake Drive SW. Other revisions to the proposed water system layout are required, such as the addition of fire hydrants and system valves.

Outlot A contains Sanitary Sewer and Water Mains and therefore will need to be identified as an easement.

An additional utility easement will be required on the lots that front on Westhill Drive. Rochester Public Utilities must maintain 10 foot of clearance from the watermain and need to be on the house side.

Execution of a Contribution Agreement is required to address the Owner's obligations for the extension of Sanitary Sewer and Watermain under the City's Project J7717. At the City's discretion, the Contribution Agreement may be included in the Development Agreement, but in any event, execution is required prior to Final Plat approval.

Spillover Parking:

As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. This development requires 68 spillover parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as well, for the single family homes.

Parkland Dedication:

The Park & Recreation Department recommends that dedication requirements be met via: deferred land dedication with dedication to occur with the future dedication of the 3.0 acre park shown on the revised Bamber Valley General Development. Dedication of land to occur when the park site is accessed via public street or when the City wishes to begin development of the park.

General Development Plan:

This property is included within the Bamber Valley Estates General Development Plan. This General Development Plan will be considered by the City Council for approval at City Council's February 19, 2003 meeting.

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Staff Review and Recommendation:

Section 61.225 of the Land Development Manual lists the findings which must be considered by the Planning Commission and the Council when reviewing a land subdivision permit application. This section is attached for your information.

The Planning staff has reviewed this preliminary plat request for compliance with the Rochester Zoning Ordinance and Land Development Manual including Section 61.225 of the LDM. Upon approval of the Bamber Valley Estates General Development Plan by the City Council, the staff recommends approval with the following conditions / modifications:

1. ***The Plat shall be revised as follows:***

    a. ***Providing an additional utility easement along Lots 1-8, Block 1, maintaining a 10' clearance of the water main on the house side.***

    b. ***Identify Outlot A as a utility easement.***

    c. ***Showing an access easement for the maintenance of Outlots "C" and "D".***

    d. ***Changing the text within Outlot "E" to read "(All of Outlot "E" is a drainage and utility easement).***

    e. ***Providing controlled access along the entire frontage of Salem Road SW, with the exception of the public road access for Autumn Lake Avenue SW, along the entire west line of Lot 1, Block 5, the entire east line of Lot 34, Block 1, along the Autumn Lake Court SW right-of-way, along the easterly 35 feet of the Lot 3, Block 4 frontage, the westerly 35 feet of the Lot 4, Block 4 frontage, the Autumn Lake Court SW frontage of Lot 12 & Lot 33 in Block 1, Lots 1 & 12 & Outlot "C" in Block 2 and the southerly 100 feet of the Lot 1, Block 1 frontage on Westhill Drive SW.***

2. ***Dedication of parkland shall be met via: deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated January 22, 2003.***

3. ***In order to provide adequate fire protection, an 8" watermain loop is required through Outlot "E", connecting to the ends of both Westhill Drive SW and Autumn Lake Court SW. Additional fire hydrants and systems valves are required meeting the water system layout as required by Rochester Public Utilities – Water Division.***

4. ***The applicant shall identify wetlands on the property and submit information to the Planning Department, Wetlands LGU representative, for review.***

5. ***Pedestrian Facilities (concrete sidewalk) shall be required along both sides of all new public roadways within this property, as well as, a 10 foot wide bituminous pedestrian path along the entire frontage of Salem Road SW, and a 10 foot wide bituminous pedestrian path mid-block connection within Outlot "E".***

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6. *The applicant shall provide On-site Storm Water Management for this development. A Storm Water Management fee shall apply to any areas of the property that do not drain to an approved privately constructed on-site detention facility. Outlots "C" and "D" shall remain in private ownership and execution of an Ownership & Maintenance Declaration Agreement shall be required, for Outlots "C" and "D" as well as, dedication of access & drainage easements for private detention facilities.*

7. *An Ownership & Maintenance Declaration Agreement shall be required for Outlots "A" and "B" prior to Final Plat approval.*

8. *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 as less than 26 feet and shall be posted "No Parking" along one side of the roadway.*

9. *Construction and dedication of a temporary turn-a-round easement at the northerly extent of Autumn Lake Court SW shall be required with the dedication of a temporary turn-around easement being executed with the City prior to recording the final plat*

10. *Prior to Final Plat submittal the applicant shall enter into a development agreement with the City that outlines the obligations of the applicant relating to, but not limited to; stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, dedication of controlled access, utility extension and provisions of easements outside the plat boundary for the Sanitary Sewer & Watermain under City Project J7717, phasing of development, Owner & Maintenance Declaration Agreement for Outlots "A" and "B" and contributions for public infrastructure.*

11. *This preliminary plat labels Outlot "E" as a "Drainage & Utility Easement". It is Public Works understanding that drainage within this Outlot will be via a storm sewer for up to a 10-year storm event, and that surface drainage within the Outlot would occur during larger storm events. Drainage easements within a mid-block Outlot are not typical, but it may be acceptable in this case based on the proposed design. A final determination regarding the combined use within the Outlot will be made through the plan review process.*

Reminder to Applicant:

- **Prior to development, the property owner will need to execute a City / Owner Contract for construction of all public infrastructure and utilities to serve this subdivision.**

- **This Plat is subject to the Subdivision regulations, which became effective May 15, 1999. Approved grading, drainage and construction plans and an executed Development Agreement will need to be submitted with the final plat application, if the applicant intends to record the final plat documents prior to completion of infrastructure improvements.**

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CITY OF ROCHESTER
ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL
EXCERPTS

61.225 Finding for Land Subdivision:

The Zoning Administrator, Commission or Council shall approve a development permit authorizing a land subdivision if all of the following findings with respect to the proposed development are made:

A. The proposed land subdivision conforms to all relevant requirements of this ordinance and variances have been granted to permit any nonconformance.

B. That the proposed water system and sanitary sewer system are adequate to serve the normal and fire protection demands of proposed development and to provide for the efficient and timely extension to serve future development.

C. That the plan for soil erosion and stormwater management meets the adopted standards of the City of Rochester and is consistent with the adopted Stormwater Management Plan or adopted drainage or stormwater policies.

D. That the vehicular and non-motorized system is consistent with adopted transportation plans and is consistent with the street layout standards listed in Section 64.120 and traffic service standards in Section 61.526.

E. That the lot and block layout provide for safe and convenient vehicular, service and emergency access, efficient utility service connections, and adequate buildable area in each lot for planned uses.

F. That the proposed land subdivision has taken into account the current 6-Year and other Long-Range Capital Improvements Programs and the elements listed therein in the design of the subdivision.

G. That the proposed subdivision, if in a resident zoning district, -addresses the need for spillover parking consistent with the requirements of Section 63.426.

H. That right-of-ways and easements of adequate size and dimensions are -provided for the purpose of constructing the street, utility, and drainage facilities needed to serve the development.

I. That the proposed parks, trail thoroughfares and open space dedications are consistent with adopted plans, policies and regulations.

J. That the proposed subdivision will not have off-site impacts on the street, drainage, water or wastewater systems that exceed adopted standards.

K. That the proposed subdivision will not have adverse impacts on the safety or viability of permitted uses on adjacent properties.

L. That the proposed land subdivision is designed in such a manner as to allow for continued development in an efficient manner on adjacent undeveloped lands.

Effective May 15, 1999

M. That the soils, topography and water tables have been adequately studied to ensure that all lots are developable for their designated purposes.

N. That the proposed land subdivision is consistent with the standards of the City's adopted Comprehensive Plan.

O. That any land located within Zone A as shown as on the currently adopted Flood Boundary and Floodway Maps of the Flood Insurance Study, Rochester, Minnesota prepared by the Federal Emergency Management Agency, is -determined to be suitable for its intended use and that the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitation for development, severe erosion potential or any other floodplain related risks to the health, safety or welfare of the future residents of the proposed subdivision in a manner consistent with this ordinance.

P. That the proposed land subdivision, if approved, would not result in a violation of federal or state law, or city or county ordinance.

61.226 Conditions on Approvals:

In considering an application for development permit to allow a land subdivision, the approving body shall consider and may impose modification or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Section 61.225.

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rpu

we pledge, we deliver

January 22, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Preliminary Plat #03-01 by Bamber Valley Estates LLC to be known as Bamber Valley Estates.

Dear Ms. Garness:

Our review of the referenced preliminary plat is complete and our comments follow:

1. Static water pressures within this area will range from 45 to 60 PSI based on the planned grades.
2. Water system computer modeling indicates that to provide adequate (interim) flows for fire protection an 8" water main loop is required through Outlot 'E' to connect the ends of both Westhill Drive and Autumn Lake Court SW.
3. Other revisions to the proposed water system layout are required, such as the addition of fire hydrants and system valves. We have provided the applicant's engineering firm with these comments.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention Bureau
Gary Schick, Building & Safety
Kristi Clarke, McGhie & Betts, Inc.
Bamber Valley Estates LLC

Rochester Public Utilities, 4000 East River Road NE, Rochester, Minnesota 55906-2813
telephone 507-280-1540 facsimile 507-280-1542

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rpu

we pledge, we deliver

DATE: January 22, 2003

TO: Jennifer Garness, Planning Dept.
Rochester-Olmsted Planning Dept.

FROM: Michael J. Engle, Supv. of Distribution Design
Rochester Public Utilities
280-1579

SUBJECT: 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.

RPU's Operations Division review of the above-referenced preliminary plat is complete and our comments follow:

1. Additional utility easement will be required on the lots that front on Westhill Drive. We must maintain 10 foot of clearance from the watermain and need to be on the house side.

Sincerely,

Michael J. Engle

la

c: Bamber Valley Estates, LLC
McGhie & Betts, Inc.

Rochester Public Utilities, 4000 East River Road NE, Rochester, Minnesota 55906-2813
telephone 507-280-1540 facsimile 507-280-1542

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ROCHESTER

Minnesota

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 1/31/03

The Department of Public Works has reviewed the application for Preliminary Plat #03-01, for Bamber Valley Estates (part of GDP#196). The following are Public Works comments on this request:

1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, dedication of controlled access, utility extension, phasing of development, and contributions for public infrastructure.

2. Execution of a Contribution Agreement is required to address the Owner's obligations for the extension of Sanitary Sewer & Watermain under City Project J7717. At the City's discretion, Contribution Agreement may be included in the Development Agreement, but in any event, execution is required prior to Final Plat approval.

3. Storm Water Management must be provided for this development. A Storm Water Management fee will apply to any areas of the Property that do not drain to an approved privately constructed on-site detention facility. A separate charge for down stream conveyance improvements, previously constructed by the City to serve this development, will apply to the entire subdivision. Due to the high water table, care should be taken in the design of the pond to minimize the potential for ground water contamination.

4. The two proposed pond features on Outlots "C" & "D"shall remain in private ownership, and execution of an Ownership & Maintenance Agreement will be required, as well as dedication of an access easement for maintenance.

5. Execution of an Ownership & Maintenance Agreement is required for Outlots "A" & "B" prior to Final Plat approval.

6. Pedestrian facilities (concrete sidewalk) will be required along both sides of all new public roads within this property, as well as, a 10 foot wide bituminous pedestrian path along the entire frontage of Salem Rd SW, and a 10 foot wide bituminous pedestrian path mid-block connection within Outlot "E".

ROCHESTER

Minnesota

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

7. The Preliminary Plat labels the Outlot as a "Drainage & Utility Easement". It is Public Works understanding that drainage within this Outlot will be via a stormsewer for up to a 10 year storm event, and that surface drainage within the Outlot would occur during larger storm events. Drainage easements within a mid-block Outlot is not typical, but it may be acceptable in this case based on the proposed design. A final determination regarding the combined use within the Outlot will be made through the plan review process.

8. Controlled access will be required along the entire frontage of Salem Rd SW, with the exception of the public road access for Autumn Lake Ave SW. Additional controlled access will be required along the entire west line of Lot 1, Block 5 and entire east line of Lot 34, Block 1, and along the Autumn Lake Court SW right-of-way along the easterly 35 feet of the Lot 3, Block 4 frontage, and the westerly 35 feet of the Lot 4, Block 4 frontage, the Autumn Lake Court SW frontage of Lot 12 & Lot 33 in Block 1, and Lots 1 & 12, & Outlot "C", in Block 2, and the southerly 100 feet of the Lot 1, Block 1 frontage on Westhill Dr SW.

9. Preliminary Construction Plan comments will be provided separately to the Developer's Engineer

10. Execution of a City-Owner Contract will be required prior to construction of public infrastructure.

11. Construction of a temporary turn-around, and dedication of an applicable temporary easement is required at the northerly extent of Autumn Lake Court SW.

12. No parking will be allowed at any time along either side Autumn Lake Ave SW.

The following charges/fees are applicable for the development of the property (rates are valid through 7/31/03, and subject to annual review and change):

- Sanitary Sewer Availability Charge (SAC) @ $1790.25 per developable acre
- Water Availability Charge (WAC) @ $1,790.25 per developable acre.
- Contribution for J7717 Sanitary Sewer & Watermain extension, estimated at $109,485.00 based on the project feasibility report
- Storm Water Management – TBD, for any areas that do not drain to an approved privately constructed on-site detention facility, plus a downstream conveyance charge for improvements previously completed by the City to serve this development.
- Traffic Signs as determined by the City Engineer.

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ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165

MEMORANDUM

DATE: January 22, 2003

TO: Jennifer Garness
Planning

RE: Preliminary Plat # 03-01
Bamber Valley Estates

Acreage of plat	35 acres
Number of dwelling units	56 units
Density factor	.0244
Dedication	1.37 acres
Fair market value of land	na

The Park and Recreation Department recommends that dedication requirements be met via: Deferred land dedication with dedication to occur with the future dedication of the 3.0 acre park shown on the revised Bamber Valley Estates GDP. Dedication of land to occur when the park site is accessed via public street or when the City wishes to begin development of the park.

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ROCHESTER FD FIRE DEPT.

January 30, 2003

Bamber Valley Estates, LLC
4410 NW 19th Street
Rochester, MN 55901

Re: Land Subdivision Permit (preliminary plat) 03-01 by Bamber Valley Estates LLC to be known as Bamber Valley Estates.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.

2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.

   Streets less than ~~26~~ 26 feet in width shall be posted "No Parking" along one side of the street. The streets associated with this plan are indicated as less than 26 feet and will require "No Parking" signage along one side of the streets.

3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.

4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

Sincerely,

R. Vance Swisher
Fire Protection Specialist

c: Rochester – Olmsted Consolidated Planning Department
Donn Richardson, RPU, Water Division
McGhie & Betts, Inc, Attn: Kristi Clarke, 1648 3rd Ave SE, Rochester, MN 55904

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Minnesota Department of Transportation

Minnesota Department of Transportation - District 6
Mail Stop 060
2900 48th Street N.W.
Rochester, MN 55901-5848

Office Tel: 507-280-2913
Fax: 507-285-7355
E-mail: dale.maul@dot.state.mn.us

January 27, 2003

Jennifer Garness
Rochester-Olmsted Planning Department
2122 Campus Drive SE – Suite 100
Rochester, MN 55904

RE: Land Subdivision Permit (Preliminary Plat) #03-01 by Bamber Valley Estates LLC to be known as Bamber Valley Estates.

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposals. Although these developments do not have direct access to US Highway 14 or US Highway 52, the traffic generated will eventually use US Highway 14 and/or US Highway 52. Mn/DOT requests the City of Rochester to monitor and manage the impacts these developments will have for both City Streets and for Mn/DOT roadways.

Thank you for keeping Mn/DOT informed. Questions may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

Dale E. Maul
Planning Director

WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Preliminary Plat #03-01 - Bamber Valley Estates

- [ ] No hydric soils exist on the site based on the Soil Survey
- [x] Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- [ ] A wetland delineation has been carried out for the property and is on file with the Planning Department.
- [ ] A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- [ ] A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- [ ] No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- [ ] Other or Explanation:

From John Harford
Wetlands LGU Representative

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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."

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Ms. Clarke agreed to the suggested condition.

With no one else wishing to be heard, Ms. Petersson closed the public hearing.

Mr. Haeussinger moved to recommend approval of Land Subdivision Permit (preliminary plat) #03-01 by Bamber Valley Estates LLC to be known as Bamber Valley Estates with the staff-recommended findings and conditions (as revised by Ms. Baker). Mr. Ohly seconded the motion. The motion carried 6-0.

CONDITIONS:

1. **The Plat shall be revised as follows:**

   a. **Providing an additional utility easement along Lots 1-8, Block 1, maintaining a 10' clearance of the water main on the house side.**

   b. **Identify Outlot A as a utility easement.**

   c. **Showing an access easement for the maintenance of Outlots "C" and "D".**

   d. **Changing the text within Outlot "E" to read "(All of Outlot "E" is a drainage and utility easement).**

   e. **Providing controlled access along the entire frontage of Salem Road SW, with the exception of the public road access for Autumn Lake Avenue SW, along the entire west line of Lot 1, Block 5, the entire east line of Lot 34, Block 1, along the Autumn Lake Court SW right-of-way, along the easterly 35 feet of the Lot 3, Block 4 frontage, the westerly 35 feet of the Lot 4, Block 4 frontage, the Autumn Lake Court SW frontage of Lot 12 & Lot 33 in Block 1, Lots 1 & 12 & Outlot "C" in Block 2 and the southerly 100 feet of the Lot 1, Block 1 frontage on Westhill Drive SW.**

2. **Dedication of parkland shall be met via: deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated January 22, 2003.**

3. **In order to provide adequate fire protection, an 8" watermain loop is required through Outlot "E", connecting to the ends of both Westhill Drive SW and Autumn Lake Court SW. Additional fire hydrants and systems valves are required meeting the water system layout as required by Rochester Public Utilities – Water Division.**

4. **The applicant shall identify wetlands on the property and submit information to the Planning Department, Wetlands LGU representative, for review.**

5. **Pedestrian Facilities (concrete sidewalk) shall be required along both sides of all new public roadways within this property, as well as, a 10 foot wide bituminous pedestrian path along the entire frontage of Salem Road SW, and a 10 foot wide bituminous pedestrian path mid-block connection within Outlot "E".**

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6. The applicant shall provide On-site Storm Water Management for this development. A Storm Water Management fee shall apply to any areas of the property that do not drain to an approved privately constructed on-site detention facility. Outlots "C" and "D" shall remain in private ownership and execution of an Ownership & Maintenance Declaration Agreement shall be required, for Outlots "C" and "D" as well as, dedication of access & drainage easements for private detention facilities.

7. An Ownership & Maintenance Declaration Agreement shall be required for Outlots "A" and "B" prior to Final Plat approval.

8. 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.

9. Construction and dedication of a temporary turn-a-round easement at the northerly extent of Autumn Lake Court SW shall be required with the dedication of a temporary turn-around easement being executed with the City prior to recording the final plat

10. Prior to Final Plat submittal the applicant shall enter into a development agreement with the City that outlines the obligations of the applicant relating to, but not limited to; stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, dedication of controlled access, utility extension and provisions of easements outside the plat boundary for the Sanitary Sewer & Watermain under City Project J7717, phasing of development, Owner & Maintenance Declaration Agreement for Outlots "A" and "B" and contributions for public infrastructure.

11. This preliminary plat labels Outlot "E" as a "Drainage & Utility Easement". It is Public Works understanding that drainage within this Outlot will be via a storm sewer for up to a 10-year storm event, and that surface drainage within the Outlot would occur during larger storm events. Drainage easements within a mid-block Outlot are not typical, but it may be acceptable in this case based on the proposed design. A final determination regarding the combined use within the Outlot will be made through the plan review process.

Land Subdivision Permit (preliminary plat) #03-02 by Payne Company to be known as Century Hills Seventh Subdivision. The Plat proposes to subdivide approximately 9.44 acres of land into 25 lots for single family development and proposes to dedicate right-of-way for a cul-de-sac roadway. The property is located south of 21st Street NE, east of Century Hills First Subdivision, west of Shannon Oaks Subdivision and north of Century Hills Sixth 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. Baker suggested the following revision to condition number 4 as follows: "The cul-de-sac bulb associated with this plan is indicated at less than 96 feet and shall be posted "No Parking"."

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REQUEST FOR COUNCIL ACTION

MEETING DATE: 03-03-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-5
ITEM DESCRIPTION: Land Subdivision Permit (preliminary plat) #03-02 by Payne Company to be known as Century Hills Seventh Subdivision. The Plat proposes to subdivide approximately 9.44 acres of land into 25 lots for single family development and proposes to dedicate right-of-way for a cul-de-sac roadway. The property is located south of 21st Street NE, east of Century Hills First Subdivision, west of Shannon Oaks Subdivision and north of Century Hills Sixth Subdivision.		**PREPARED BY:** Theresa Fogarty, Planner

February 27, 2003

***Note:* Staff is recommending a revision to Condition #4. Recommended revisions are shown as ~~strikeout~~ text for text to be deleted.**

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on February 12, 2003 to consider this preliminary plat.

Mr. Wade Dumond of Yaggy Colby Associates, addressed the Commission and stated that the applicant was in agreement with the staff-recommended conditions (as revised by Ms. Baker).

The Planning Commission found that this preliminary plat will conform with the applicable criteria with the following conditions or modifications:

1. ***The Plat shall be revised:***

   a. ***Change the roadway designation of "Street A" to "Century View Lane NE".***

2. ***Dedication of parkland shall be met via: Deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated January 17, 2003.***

3. ***Prior to recording the Final Plat for this development, the dedication of an off-site drainage easement to point discharge stormwater between Lots 9 & 10, shall be required.***

4. ***The cul-de-sac associated with this plan is indicated as less than 96 feet and shall be posted "No Parking" ~~along the entire length of the cul-de-sac~~.***

5. ***Pedestrian Facilities shall be constructed, at the Developer's expense, along both sides of the proposed cul-de-sac and the entire frontage of the south side of 21st Street NE.***

6. ***A Storm Water Management Fee shall apply for the benefit of participation in the City's Storm Water Management Plan, for any area of this proposed development that do not drain to a privately constructed permanent detention facility, built to serve this property.***

Mr. Burke moved to recommend approval of Land Subdivision Permit (preliminary plat) #03-02 by Payne Company to be known as Century Hills Seventh Subdivision with staff-recommended findings and conditions (as revised by Ms. Baker). Mr. Ohly seconded the motion. The motion carried 6-0.

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

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RCA
Preliminary Plat – Century Hills 7th
2/27/2003

Planning Department Recommendation:

See attached staff report, dated February 4, 2003.

Council Action Needed:

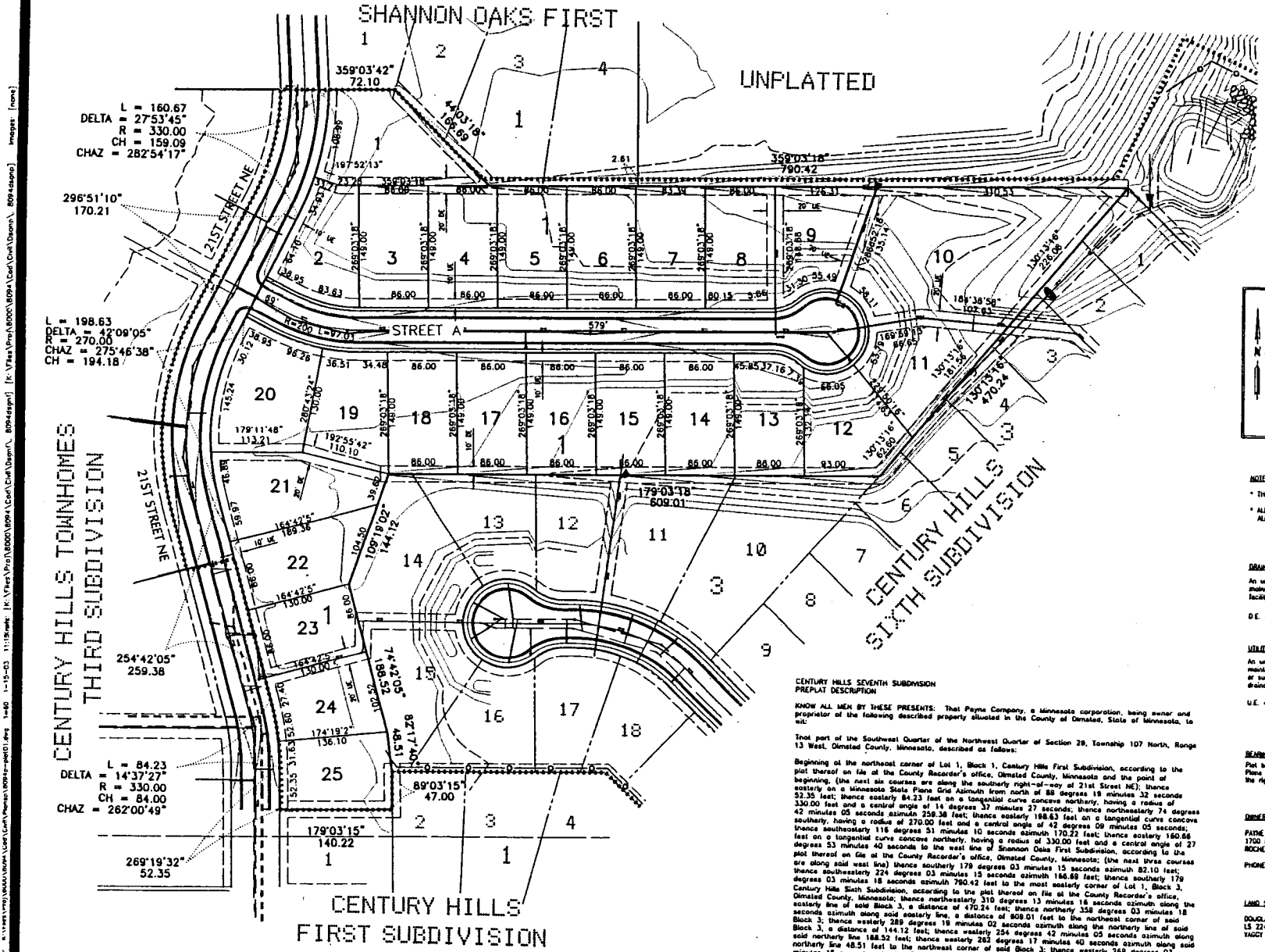
1. ***The Council may approve, approve with conditions, or deny the land subdivision permit. The Council must make findings of fact based on the criteria included in the staff report. A motion to deny must include supporting reasons for a conclusion that at least one of the fifteen findings for denial in paragraph 61.225 can be made.***

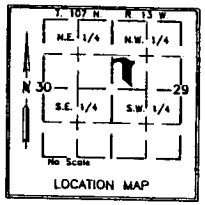
Attachments:

1. Staff report, dated February 4, 2003.
2. Minutes of the February 12, 2003 CPZC Meeting.

Distribution:

1. City Administrator
2. City Attorney
3. Planning Department File
4. Planning Department, GIS Division
5. 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.
6. Yaggy Colby Associates





NOTES

* THIS AREA AND SURROUNDING AREAS ARE ZONED R-1
* ALL R.O.W. WIDTHS = 56.00'
  ALL B-B CURB WIDTHS = 33.34'

DRAINAGE EASEMENT DEFINED

An unobstructed easement for the construction and maintenance of underground and surface drainage facilities and utility easement.

D.E. = DRAINAGE EASEMENT

UTILITY EASEMENT DEFINED

An unobstructed easement for the construction and maintenance of all necessary overhead, underground or surface public utilities, including rights to conduct drainage and trimming on said easement.

U.E. = UTILITY EASEMENT

BEARINGS

Plat bearings are Minnesota State Plane Grid Azimuths measured to the right from grid north.

OWNER/DEVELOPER

PAYNE COMPANY
1750 NORTHWOOD DRIVE NE
ROCHESTER, MN 55906

PHONE: (507) 288-8183

LAND SURVEYOR

DOUGLAS [illegible]
LS 22432
YAGGY COLBY ASSOCIATES

RECEIVED
JAN 15 2003
ROCHESTER OLMSTED PLANNING DEPARTMENT

CENTURY HILLS SEVENTH SUBDIVISION
PREPLAT DESCRIPTION

KNOW ALL MEN BY THESE PRESENTS: That Payne Company, a Minnesota corporation, being owner and proprietor of the following described property situated in the County of Olmsted, State of Minnesota, to wit:

That part of the Southwest Quarter of the Northwest Quarter of Section 29, Township 107 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Beginning at the northeast corner of Lot 1, Block 1, Century Hills First Subdivision, according to the plat thereof on file at the County Recorder's office, Olmsted County, Minnesota and the point of beginning, (the next six courses are along the southerly right-of-way of 21st Street NE); thence easterly on a Minnesota State Plane Grid Azimuth from north of 88 degrees 19 minutes 32 seconds 52.35 feet; thence easterly 84.23 feet on a tangential curve concave northerly, having a radius of 330.00 feet and a central angle of 14 degrees 37 minutes 27 seconds; thence northeasterly 74 degrees 42 minutes 05 seconds azimuth 259.38 feet; thence easterly 198.63 feet on a tangential curve concave southerly, having a radius of 270.00 feet and a central angle of 42 degrees 09 minutes 05 seconds; thence southeasterly 116 degrees 51 minutes 10 seconds azimuth 170.22 feet; thence easterly 160.66 feet on a tangential curve concave northerly, having a radius of 330.00 feet and a central angle of 27 degrees 53 minutes 40 seconds to the west line of Shannon Oaks First Subdivision, according to the plat thereof on file at the County Recorder's office, Olmsted County, Minnesota; (the next three courses are along said west line) thence southerly 179 degrees 03 minutes 15 seconds azimuth 82.10 feet; thence southeasterly 224 degrees 03 minutes 15 seconds azimuth 186.89 feet; thence southerly 179 degrees 03 minutes 18 seconds azimuth 790.42 feet to the most easterly corner of Lot 1, Block 3, Century Hills Sixth Subdivision, according to the plat thereof on file at the County Recorder's office, Olmsted County, Minnesota; thence northwesterly 310 degrees 13 minutes 16 seconds azimuth along the easterly line of said Block 3, a distance of 470.24 feet; thence northerly 358 degrees 03 minutes 18 seconds azimuth along said easterly line, a distance of 808.01 feet to the northeast corner of said Block 3; thence westerly 289 degrees 19 minutes 02 seconds azimuth along the northerly line of said Block 3, a distance of 144.12 feet; thence westerly 254 degrees 42 minutes 05 seconds azimuth along said northerly line 188.52 feet; thence westerly 282 degrees 17 minutes 40 seconds azimuth along said northerly line 48.51 feet to the northwest corner of said Block 3; thence westerly 269 degrees 03 minutes 15 seconds azimuth 47.00 feet to the southeast corner of said Lot 1, Block 1, Century Hills First Subdivision; thence northerly 359 degrees 03 minutes 15 seconds azimuth along the east line of said Lot 1, a distance of 140.22 feet to the point of beginning.

Said tract contains 9.44 acres more or less.

YAGGY COLBY ASSOCIATES

ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS

717 THIRD AVENUE SOUTHEAST
ROCHESTER, MINNESOTA 55904
507-288-3444
FAX 507-288-3056
EMAIL INFO@YACCY.COM

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

DONALD R. BORCHERDING

NUMBER DATE

CENTURY HILLS SEVENTH SUBDIVISION
ROCHESTER, MINNESOTA

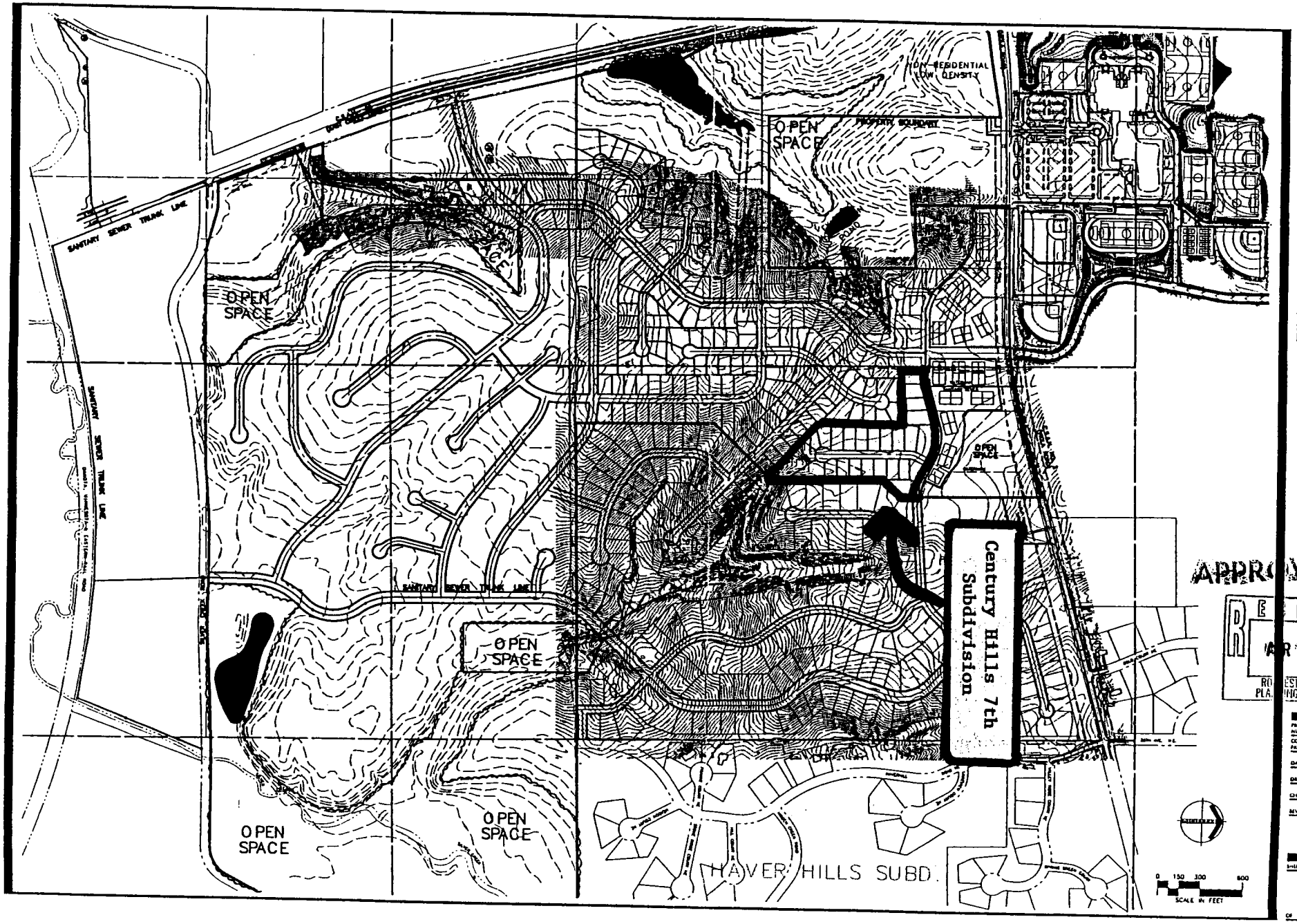
PRELIMINARY PLAT

PROJECT NUMBER 94
COMPUTER FILE B. 21
DATE 3/03
DRAWN BY ARE BJD
CHECKED BY DRB
REVISIONS

SHEET NUMBER 1 OF SIX SHEETS

129

130



YAGGY COLBY ASSOCIATES

ENGINEERS • AR
SURVEYORS • P
LANDSCAPE ARCH

717 THIRD AVENUE SOUTHEAST
ROCHESTER, MINNESOTA 55904
507-288-6464
FAX 507-288-5036
EMAIL INFO@YCACEY.COM

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

NUMBER	DATE

CENTURY HILLS
ROCHESTER, MINNESOTA

GENERAL DEVELOPMENT PLAN

APPROVED

RECEIVED
APR 13 2000
ROCHESTER OLMSTED PLANNING DEPARTMENT

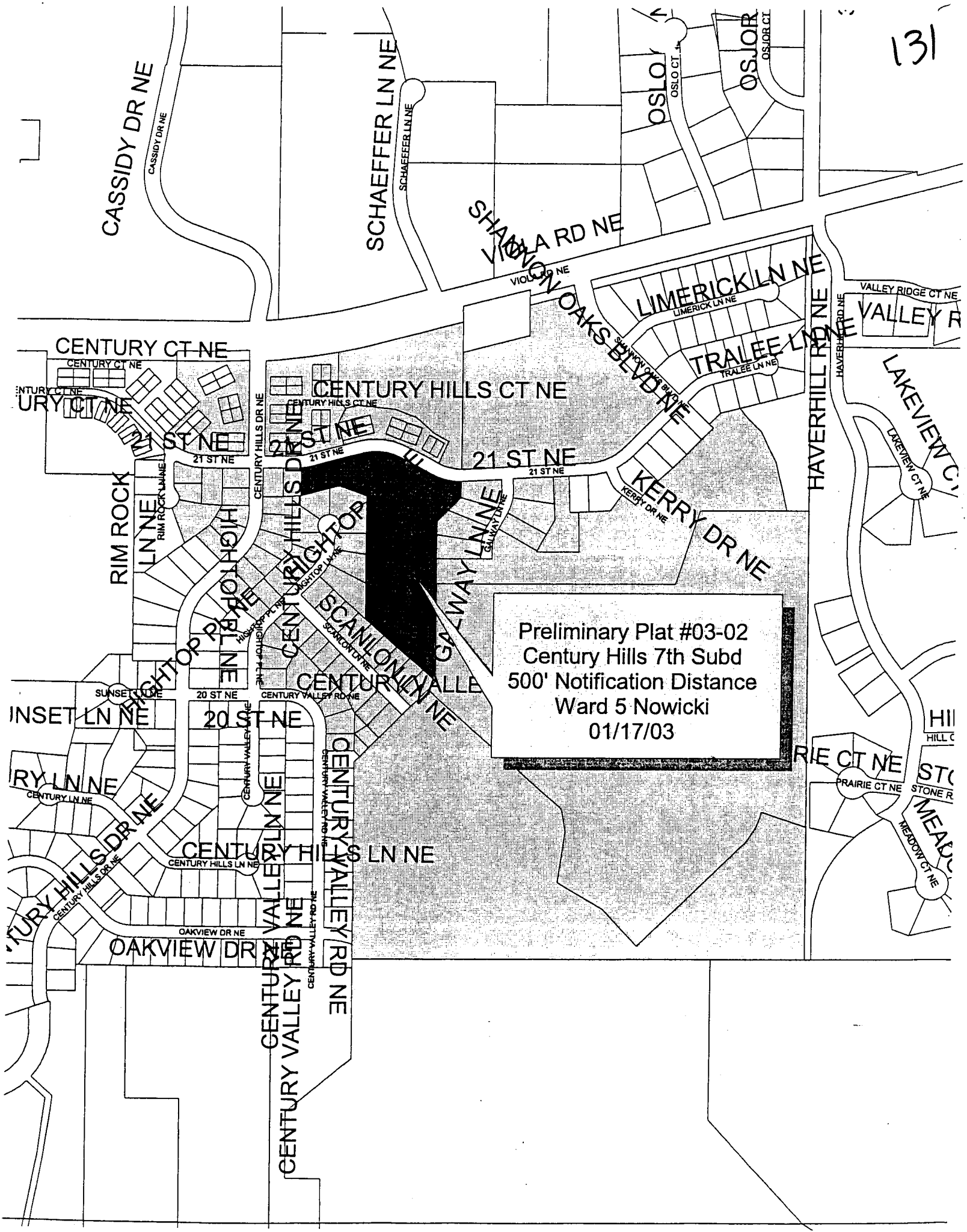
PROJECT NUMBER	6890
COMPUTER FILE	6890gdp1.dwg
DATE	4-10-00
DRAWN BY	YCA
CHECKED BY	
REVISIONS	

SHEET NUMBER

1

OF 1 SHEETS

131


Preliminary Plat #03-02
Century Hills 7th Subd
500' Notification Distance
Ward 5 Nowicki
01/17/03
CASSIDY DR NE
SCHAEFFER LN NE
VIOLA RD NE
SHANNON OAKS BLVD NE
LIMERICK LN NE
TRALEE LN NE
HAVERHILL RD NE
VALLEY RIDGE CT NE
LAKEVIEW CT NE
CENTURY CT NE
CENTURY HILLS CT NE
21 ST NE
KERRY DR NE
RIM ROCK LN NE
HIGHTOP PL NE
CENTURY HILLS DR NE
GALWAY LN NE
SCANLON DR NE
CENTURY VALLEY RD NE
20 ST NE
SUNSET LN NE
INSET LN NE
CENTURY LN NE
CENTURY HILLS LN NE
OAKVIEW DR NE
PRAIRIE CT NE
MEADOW CT NE
OSLO CT
OSJOR CT

132

COUNTY OF Olmsted

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

ROCHESTER-OLMSTED
PLANNING DEPARTMENT
2122 CAMPUS DR SE
ROCHESTER MN 55904-4744

ADMINISTRATION/ PLANNING	507/285-8232
GIS/ADDRESSING/ MAPPING	507/285-8232
HOUSING/HRA	507/285-8224
BUILDING CODE	507/285-8213
WELL/SEPTIC	507/285-8345
FAX	507/287-2275

TO: City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE: February 4, 2003

RE: **Land Subdivision Permit (Preliminary Plat) #03-02 by Payne Company to be known as Century Hills Seventh Subdivision. The Plat proposes to subdivide approximately 9.44 acres of land into 25 lots for single family development and proposes to dedicate right-of-way for a cul-de-sac roadway. The property is located south of 21st Street NE, east of Century Hills First Subdivision, west of Shannon Oaks Subdivision and north of Century Hills Sixth Subdivision.**

Planning Department Review:

Applicant/Owner: Payne Company
1700 Northwood Drive NE
Rochester, MN 55906

Surveyors/Engineers: Yaggy Colby Associates
717 3rd Avenue SE
Rochester, MN 55904

Referral Comments:
RPU Water Division
Park and Rec. Department
Rochester Public Works Department
Planning Department – GIS Division
Rochester Fire Department

Report Attachments:
1. Land Development Manual Excerpts
2. Referral Comments (5 letters)
3. Location Map
4. Copy of Preliminary Plat
5. Century Hills General Development Plan

Development Review:

Location of Property: The property is located south of 21st Street NE, east of Century Hills First Subdivision, west of Shannon Oaks Subdivision and north of Century Hills Sixth Subdivision.

recycled paper
recyclable

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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Zoning:

The property is currently zoned R-1 (Mixed Single Family) district on the City of Rochester Zoning Map.

Proposed Development:

This development consists of 9.44 acres of land to be subdivided into 25 lots for single family development.

Roadways:

This plat proposes to dedicate one new right-of-way identified as "Street A". This roadway is designed with a 56' right-of-way ending in a cul-de-sac. The cul-de-sac appears to be less than 96 feet in diameter and shall be marked "No Parking" along the entire cul-de-sac.

This roadway needs a designation. It is recommended that the roadway be identified on the final plat as "Century View Lane NE".

Pedestrian Facilities:

In accordance with current City policy and the approved Development Agreement pedestrian facilities will be required along both side of the proposed cul-de-sac and the entire frontage of the south side of 21st Street NE.

Drainage:

The topography of this plat indicates drainage from north to south.

Grading and drainage plans will need to be approved by the City Public Works Department prior to the submittal of the final plat.

A Storm Water Management Fee will apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to a privately constructed permanent detention facility, built to serve this property.

Dedication of an off-site drainage easement to point discharge stormwater between Lots 9 & 10 is required prior to recording the Final Plat for this development.

Wetlands:

The Soil Survey and National Wetland Indicator maps were reviewed for the presence of wetlands. The maps do not indicate the presence of wetlands on this property.

Public Utilities:

A Development Agreement has been executed for this property.

Static water pressures within this area will range from 50 to 56 PSI.

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Spillover Parking: As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. This development requires 30 spillover parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as well.

Parkland Dedication: The City Park and Recreation Department recommends that dedication requirements be met via: Deferred land dedication. Land to be dedicated at site of neighborhood park / space located south of Century Hills 5th and identified on the GDP as open space.

General Development Plan: This property is included within the Century Hills General Development Plan (GDP).

Staff Review and Recommendation:

Section 61.225 of the Land Development Manual lists the findings which must be considered by the Planning Commission and the Council when reviewing a land subdivision permit application. This section is attached for your information.

The Planning staff has reviewed this preliminary plat request under the provisions of Section 61.225 of the LDM, effective May 15, 1999. A Development Agreement has been executed with the City for this property, therefore staff recommends approval of this plat with the following conditions / modifications:

1. ***At the time of Final Plat submittal:***

   a. ***Change the roadway designation of "Street A" to "Century View Lane NE".***

2. ***Dedication of parkland shall be met via: Deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated January 17, 2003.***

3. ***Prior to recording the Final Plat for this development, the dedication of an off-site drainage easement to point discharge stormwater between Lots 9 & 10, shall be required.***

4. ***The cul-de-sac associated with this plan is indicated as less than 96 feet and shall be posted "No Parking" along the entire length of the cul-de-sac.***

5. ***Pedestrian Facilities shall be constructed, at the Developer's expense, along both sides of the proposed cul-de-sac and the entire frontage of the south side of 21st Street NE.***

6. ***A Storm Water Management Fee shall apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to a privately constructed permanent detention facility, built to serve this property.***

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Reminder to Applicant:

- **Prior to development, the property owner will need to execute a City / Owner Contract for construction of all public infrastructure and utilities to serve this subdivision.**

- **This Plat is subject to the Subdivision regulations which became effective May 15, 1999. Approved grading, drainage and construction plans will need to be submitted with the final plat application, if the applicant intends to record the final plat documents prior to completion of infrastructure improvements.**

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CITY OF ROCHESTER
ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL
EXCERPTS

61.225 Finding for Land Subdivision:

The Zoning Administrator, Commission or Council shall approve a development permit authorizing a land subdivision if all of the following findings with respect to the proposed development are made:

A. The proposed land subdivision conforms to all relevant requirements of this ordinance and variances have been granted to permit any nonconformance.

B. That the proposed water system and sanitary sewer system are adequate to serve the normal and fire protection demands of proposed development and to provide for the efficient and timely extension to serve future development.

C. That the plan for soil erosion and stormwater management meets the adopted standards of the City of Rochester and is consistent with the adopted Stormwater Management Plan or adopted drainage or stormwater policies.

D. That the vehicular and non-motorized system is consistent with adopted transportation plans and is consistent with the street layout standards listed in Section 64.120 and traffic service standards in Section 61.526.

E. That the lot and block layout provide for safe and convenient vehicular, service and emergency access, efficient utility service connections, and adequate buildable area in each lot for planned uses.

F. That the proposed land subdivision has taken into account the current 6-Year and other Long-Range Capital Improvements Programs and the elements listed therein in the design of the subdivision.

G. That the proposed subdivision, if in a resident zoning district, -addresses the need for spillover parking consistent with the requirements of Section 63.426.

H. That right-of-ways and easements of adequate size and dimensions are -provided for the purpose of constructing the street, utility, and drainage facilities needed to serve the development.

I. That the proposed parks, trail thoroughfares and open space dedications are consistent with adopted plans, policies and regulations.

J. That the proposed subdivision will not have off-site impacts on the street, drainage, water or wastewater systems that exceed adopted standards.

K. That the proposed subdivision will not have adverse impacts on the safety or viability of permitted uses on adjacent properties.

L. That the proposed land subdivision is designed in such a manner as to allow for continued development in an efficient manner on adjacent undeveloped lands.

Effective May 15, 1999

M. That the soils, topography and water tables have been adequately studied to ensure that all lots are developable for their designated purposes.

N. That the proposed land subdivision is consistent with the standards of the City's adopted Comprehensive Plan.

O. That any land located within Zone A as shown as on the currently adopted Flood Boundary and Floodway Maps of the Flood Insurance Study, Rochester, Minnesota prepared by the Federal Emergency Management Agency, is -determined to be suitable for its intended use and that the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitation for development, severe erosion potential or any other floodplain related risks to the health, safety or welfare of the future residents of the proposed subdivision in a manner consistent with this ordinance.

P. That the proposed land subdivision, if approved, would not result in a violation of federal state law, or city or county ordinance.

61.226 Conditions on Approvals:

In considering an application for development permit to allow a land subdivision, the approving body shall consider and may impose modification or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Section 61.225.

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rpu

we pledge, we deliver

January 22, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Preliminary Plat #03-02 by Payne Company to be known as Century Hills Seventh Subdivision.

Dear Ms. Garness:

Our review of the referenced preliminary plat is complete and our comments follow:

1. Static water pressures within this area will range from 50 to 56 PSI.
2. Minor revisions to the proposed water system layout are required. We have provided the applicant's engineering firm with these comments.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention Bureau
Gary Schick, Building & Safety
Wade Dumond, Yaggy Colby Associates
Payne Company

Rochester Public Utilities, 4000 East River Road NE, Rochester, Minnesota 55906-2813
telephone 507-280-1540 facsimile 507-280-1542

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ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165

MEMORANDUM

DATE: Jan 17, 2003

TO: Jennifer Garness
Planning

RE: Century Hills 7th
Preliminary Plat #03-02

Acreage of plat	9.44 acres
Number of dwelling units	25 units
Density factor	.0244
Dedication	.61 acres
Fair market value of land	na

The Park and Recreation Department recommends that dedication requirements be met via:

Deferred land dedication. Land to be dedicated at site of neighborhood park / open space located south of Century Hills 5th and identified on the GDP as open space.

Applicant:
Payne Company
1700 Northwood Drive NE

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ROCHESTER

Minnesota

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 1/31/03

The Department of Public Works has reviewed the application for Preliminary Plat #03-02 for the proposed Century Hills Seventh Subdivision. The following are Public Works comments on this request:

1. A Development Agreement has been executed for this Property.

2. A Storm Water Management Fee will apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to a privately constructed permanent detention facility, built to serve this property.

3. Dedication of an off-site drainage easement to point discharge stormwater between Lots 9 & 10, is required prior to recording the Final Plat for this development.

4. Pedestrian facilities will be required along both sides of the proposed cul-de-sac, and the entire frontage of the south side of 21st St NE.

5. Execution of a City-Owner Contract is required for the proposed new public streets and utilities to serve this development.

6. Preliminary Construction Plan comments will be provided separately to the Developer's Engineer.

Development charges and fees applicable to the development of this property will be addressed in the Development Agreement, and will include the following (rates are subject to annual review and change and are current through 7/31/03):

- Trunkline Sanitary Sewer (J9218) @ $1403.17 per acre + 7.5% interest from 5/4/98
- High Level Water Tower in Northern Heights Area (J9288) @ $1021.46 per acre + 7.5% interest from 5/4/98
- Remaining Principal Balance + Interest for J9379. based on the Contribution Agreement executed for this project.
- A Stormwater Management Fee @ $2211.76 per acre, for any area of this property that does not drain toward a privately constructed detention facility to serve this development
- First Seal Coat contribution @ $0.49 per square yard of public street surface.
- Traffic Signs as determined by the City Engineer

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Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE: January 28, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Denny Christopherson (Yaggy Colby)

RE: **CENTURY HILLS SEVENTH SUBDIVISION**

PRELIMINARY PLAT # 03-02

A review of the **preliminary plat** has turned up the following **ADDRESS** and **ROADWAY** related issues.

1. Roadway illustrated as STREET A needed a designation. Called Yaggy Colby and spoke with Denny Christopherson, we came up with CENTURY VIEW LANE NE for the roadway designation.

RECOMMENDATION: Change the roadway designation on Final Plat to **CENTURY VIEW LANE NE.**

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ROCHESTER FIRE DEPT.

The hand to reach for...

DAVID A. KAPLER
Fire Chief

DATE: January 29, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher
Fire Protection Specialist

SUBJ: Land Subdivision Permit (preliminary plat) 03-02 by Payne Company to be known as Century Hills Seventh Subdivision.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.

2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.

   Cul-de-sacs less than 96 feet in diameter shall be marked "No Parking" along the cul-de-sac. The cul-de-sac associated with this plan is indicated as less then 96 feet and therefore shall be marked "No Parking".

3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.

4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

c: Donn Richardson, RPU, Water Division

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6. The applicant shall provide On-site Storm Water Management for this development. A Storm Water Management fee shall apply to any areas of the property that do not drain to an approved privately constructed on-site detention facility. Outlots "C" and "D" shall remain in private ownership and execution of an Ownership & Maintenance Declaration Agreement shall be required, for Outlots "C" and "D" as well as, dedication of access & drainage easements for private detention facilities.

7. An Ownership & Maintenance Declaration Agreement shall be required for Outlots "A" and "B" prior to Final Plat approval.

8. 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.

9. Construction and dedication of a temporary turn-a-round easement at the northerly extent of Autumn Lake Court SW shall be required with the dedication of a temporary turn-around easement being executed with the City prior to recording the final plat

10. Prior to Final Plat submittal the applicant shall enter into a development agreement with the City that outlines the obligations of the applicant relating to, but not limited to; stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, dedication of controlled access, utility extension and provisions of easements outside the plat boundary for the Sanitary Sewer & Watermain under City Project J7717, phasing of development, Owner & Maintenance Declaration Agreement for Outlots "A" and "B" and contributions for public infrastructure.

11. This preliminary plat labels Outlot "E" as a "Drainage & Utility Easement". It is Public Works understanding that drainage within this Outlot will be via a storm sewer for up to a 10-year storm event, and that surface drainage within the Outlot would occur during larger storm events. Drainage easements within a mid-block Outlot are not typical, but it may be acceptable in this case based on the proposed design. A final determination regarding the combined use within the Outlot will be made through the plan review process.

Land Subdivision Permit (preliminary plat) #03-02 by Payne Company to be known as Century Hills Seventh Subdivision. The Plat proposes to subdivide approximately 9.44 acres of land into 25 lots for single family development and proposes to dedicate right-of-way for a cul-de-sac roadway. The property is located south of 21st Street NE, east of Century Hills First Subdivision, west of Shannon Oaks Subdivision and north of Century Hills Sixth 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. Baker suggested the following revision to condition number 4 as follows: "The cul-de-sac bulb associated with this plan is indicated at less than 96 feet and shall be posted "No Parking"."

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Mr. Wade DuMond, of Yaggy Colby Associates, addressed the Commission. He stated that the applicant was in agreement with the staff-recommended conditions (as revised by Ms. Baker).

With no one else wishing to be heard, Ms. Petersson closed the public hearing.

Mr. Burke moved to recommend approval of Land Subdivision Permit (preliminary plat) #03-02 by Payne Company to be known as Century Hills Seventh Subdivision with the staff-recommended findings and conditions (as revised by Ms. Baker). Mr. Ohly seconded the motion. The motion carried 6-0.

CONDITIONS:

1. **At the time of Final Plat submittal:**

   a. **Change the roadway designation of "Street A" to "Century View Lane NE".**

2. **Dedication of parkland shall be met via: Deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated January 17, 2003.**

3. **Prior to recording the Final Plat for this development, the dedication of an off-site drainage easement to point discharge stormwater between Lots 9 & 10, shall be required.**

4. **The cul-de-sac bulb associated with this plan is indicated at less than 96 feet and shall be posted "No Parking."**

5. **Pedestrian Facilities shall be constructed, at the Developer's expense, along both sides of the proposed cul-de-sac and the entire frontage of the south side of 21st Street NE.**

6. **A Storm Water Management Fee shall apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to a privately constructed permanent detention facility, built to serve this property.**

Land Subdivision Permit (preliminary plat) #03-03 by Century Point LLC to be known as Century Point First. The applicant is proposing to subdivide approximately 10.57 acres of land into 34 lots for single family residential development. The Plat also proposes to dedicate right-of-way for new public roadways, including Century Hills Drive and two cul-de-sac roads. The property is located along the east side of East Circle Drive (CR22), north of Silver Creek Road at the East Circle Drive entrance to the Century Hills development

Ms. Mitzi A. Baker presented the staff report dated February 5, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

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MEETING DATE 3-3-03

REQUEST FOR COUNCIL ACTION

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-6
ITEM DESCRIPTION: Land Subdivision Permit (preliminary plat) #03-03 by Century Point LLC to be known as Century Point First. The applicant is proposing to subdivide approximately 10.57 acres of land into 34 lots for single family residential development. The Plat also proposes to dedicate right-of-way for new public roadways, including Century Hills Drive and two cul-de-sac roads. The property is located along the east side of East Circle Drive (CR22), north of Silver Creek Road at the East Circle Drive entrance to the Century Hills development.		**PREPARED BY:** Brent Svenby, Planner

February 25, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on February 12, 2003 to consider this preliminary plat to allow for a single family residential development.

Wade DuMond of Yaggy Colby Associates stated that the applicant agrees with staff's recommended conditions as revised.

The Planning Commission found that this preliminary plat conforms to the criteria listed in the Land Development Manual and recommends approval of this preliminary plat with the following modifications or conditions:

1. **The Final Plat shall include:**
   - **controlled access shall be dedicated along the entire frontage of East Circle Drive and along the east/west roadway serving the Century Hills Development with the exception of the two proposed roadways shown on the GDP.**
   - **Roadway names approved by the Planning Department Addressing Division.**
2. **Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.**
3. **Storm water management must be provided for this development. A Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan for any areas of the development that do not drain to a privately constructed permanent detention facility built to serve the development.**
4. **The applicant shall provide a public pressure reducing station, which will lower the pressure in this area to within an allowable range (anticipated low to upper 50's PSI). This station shall be sized to serve the adjacent property to the south.**
5. **Pedestrian facilities shall be required along both sides of all new public roadways within this property, as well as, the south side of Century Hills Drive NE. The Owner shall also provide a 10' wide bituminous path along the entire frontage of the property abutting East Circle Drive, and dedicate any applicable easement and/or right-of-way needed for the path.**
6. **The applicant shall obtain an Olmsted County Highway Permit for any work being proposed in CSAH 22 right-of-way.**
7. **Parkland dedication shall be met as outlined in the January 31, 2003 memorandum from Rochester Park and Recreation.**

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

8. **No parking shall be allowed, at any time, along the cul-de-sac bulbs associated with this plat, along one side of each roadway associated with the plat, nor along both sides of Century Hills Drive NE. These areas shall be posted "No Parking."**

9. **Prior to recording the Final Plat, the applicant shall dedicate off-site drainage & utility easements for this development and shall dedicate a Noise Easement for the entire subdivision which exempts the City & County from being obligated to provide sound walls to mitigate noise impacts from adjacent roadways.**

Mr. Haeussinger moved to recommend approval of Preliminary Plat #03-03 to be known as Century Point First by Century Point LLC with staff-recommended findings and conditions (as revised). Ms. Rivas seconded the motion. The motion carried 6-0.

Council Action Needed:

1) **The Council may approve, approve with conditions, or deny the land subdivision permit. The Council must make findings of fact based on the criteria included in the staff report. A motion to deny must include supporting reasons for a conclusion that at least one of the fifteen findings for denial in Paragraph 61.225 can be made.**

Attachment:

1. Staff Report dated February 5, 2003
2. Minutes of the February 12, 2003 CPZC Meeting

Distribution:

1. City Administrator
2. City Attorney
3. Planning Department File
4. Planning Department GIS Division
5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, March 3, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
6. Yaggy Colby Associates

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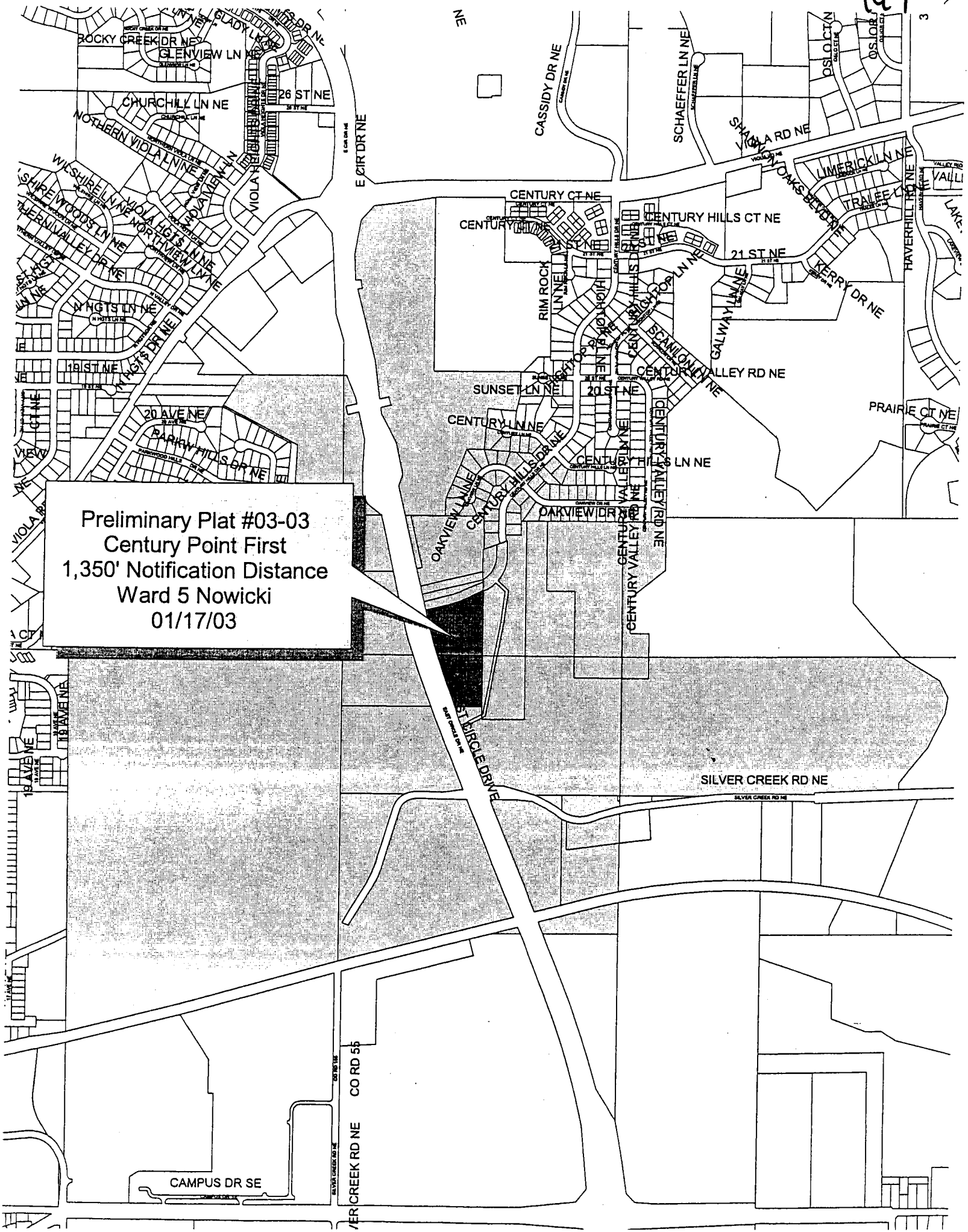

Preliminary Plat #03-03
Century Point First
1,350' Notification Distance
Ward 5 Nowicki
01/17/03
ROCKY CREEK DR NE
GLENVIEW LN NE
CHURCHILL LN NE
26 ST NE
NORTHERN VIOLA LN NE
WILSHIRE LN NE
VIOLA HGTS LN NE
NORTHVIEW LN NE
N HGTS LN NE
19 ST NE
20 AVE NE
PRAIRIE HILLS DR NE
19 AVE NE
E CIR DR NE
CASSIDY DR NE
SCHAEFFER LN NE
VIOLA RD NE
CENTURY CT NE
CENTURY HILLS CT NE
21 ST NE
RIM ROCK LN NE
HIGHTOP LN NE
CENTURY HILLS DR NE
GALWAY LN NE
KERRY DR NE
HAVERHILL RD NE
LIMERICK LN NE
TRALEE LN NE
CENTURY VALLEY RD NE
SUNSET LN NE
20 ST NE
PRAIRIE CT NE
CENTURY LN NE
CENTURY HILLS LN NE
OAKVIEW LN NE
OAKVIEW DR NE
CENTURY VALLEY LN NE
CENTURY VALLEY RD NE
ST CIRCLE DRIVE
SILVER CREEK RD NE
CO RD 56
CAMPUS DR SE

DESCRIPTION OF ENTIRE PARCEL

That part of the Southwest Quarter of the Southeast Quarter of Section 30 and that part of the Northwest Quarter of the Northeast Quarter of Section 31, both Sections being in Township 107 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Commencing at southwest corner of the Southeast Quarter of said Section 30; thence easterly on a Minnesota State Plane Grid Azimuth from north of 89 degrees 39 minutes 39 seconds along the south line of said Southeast Quarter 1316.07 feet to the southeast corner of the Southwest Quarter of said Southeast Quarter and point of beginning; thence northerly 358 degrees 47 minutes 20 seconds azimuth along the east line of said Southwest Quarter 701.60 feet; thence southwesterly 243 degrees 36 minutes 54 seconds azimuth 203.66 feet; thence westerly 191.11 feet on a tangential curve concave northerly, having a radius of 860.00 feet and a central angle of 12 degrees 43 minutes 57 seconds; thence westerly 256 degrees 20 minutes 51 seconds azimuth 199.98 feet to the easterly right-of-way line of OLMSTED COUNTY HIGHWAY RIGHT-OF-WAY PLAT NO. 47; thence southerly 166 degrees 20 minutes 51 seconds azimuth along said easterly right-of-way line 81.85 feet; thence southerly 701.39 feet along said easterly right-of-way line on a tangential curve concave easterly, having a radius of 4463.66 feet and a central angle of 09 degrees 00 minutes 11 seconds; thence southerly 160 degrees 17 minutes 45 seconds azimuth along said easterly right-of-way line 251.96 feet to the north line of the South 825.00 feet of the Northwest Quarter of the Northeast Quarter of said Section 31; thence easterly 89 degrees 35 minutes 55 seconds azimuth along said north line 254.41 feet to the east line of said Northwest Quarter of the Northeast Quarter; thence northerly 359 degrees 15 minutes 56 seconds azimuth along said east line 482.35 feet to the point of beginning.

Said tract contains 10.57 acres more or less.

OWNER/DEVELOPER

CENTURY POINT, LLC
3552 WEST RIVER PARKWAY NW
ROCHESTER, MN 55901
PHONE: (507) 536-4329

OWNER/DEVELOPER

PAYNE COMPANY
1700 NORTHWOODS DRIVE N
ROCHESTER, MN 55904
PHONE: (507) 288-8183

LAND SURVEYOR

DOUGLAS G. RUDE
LS 22422
YAGGY COLBY ASSOCIATES

BEARINGS

Plat bearings are Minnesota State Plane Grid Azimuths measured to the right from grid north.

UTILITY EASEMENT DEFINED

An unobstructed easement for the construction and maintenance of all necessary overhead, underground or surface public utilities, including rights to conduct drainage and trimming on said easement.

U.E. = UTILITY EASEMENT

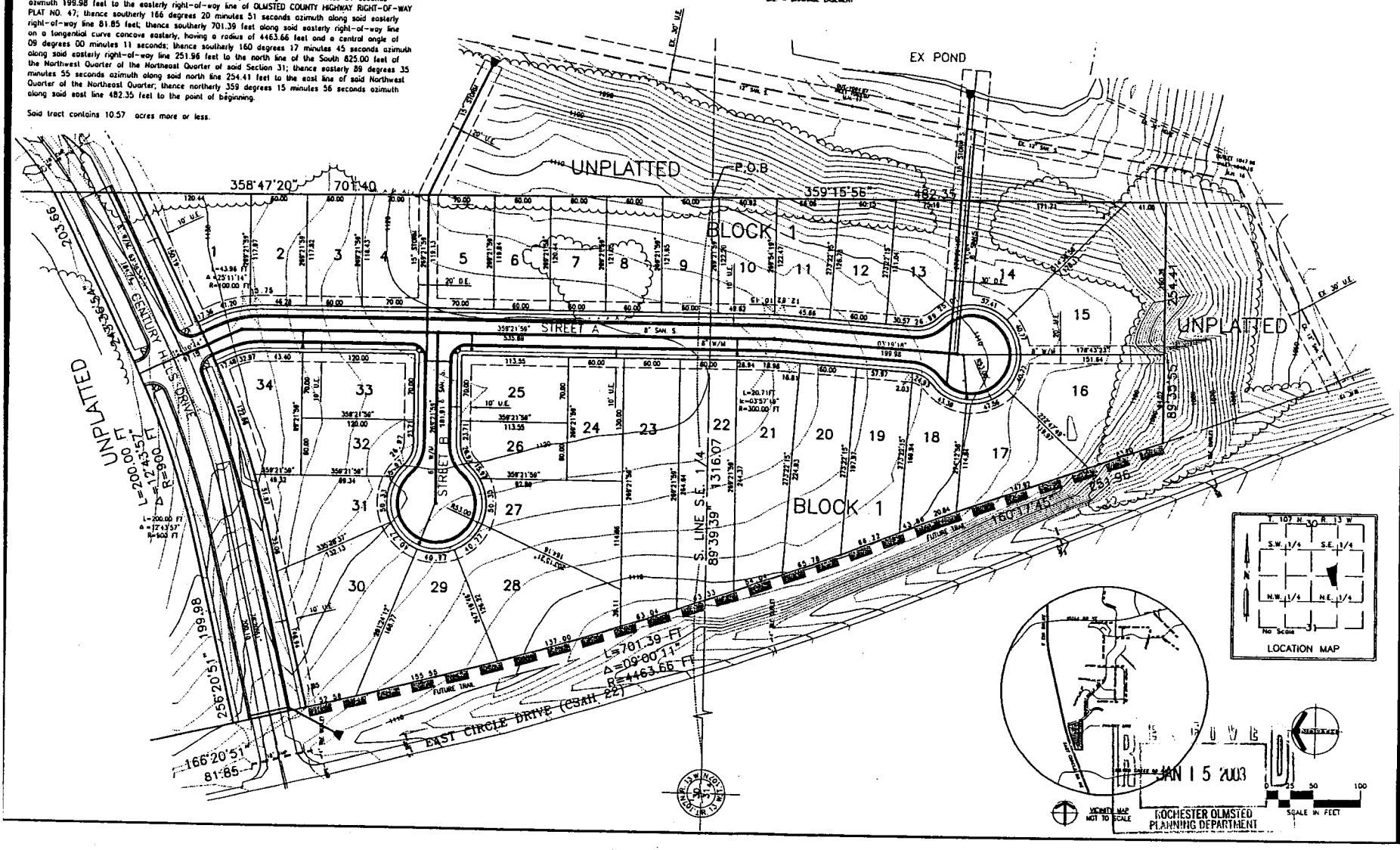
DRAINAGE EASEMENT DEFINED

An unobstructed easement for the construction and maintenance of underground and surface drainage facilities and utility easement.

D.E. = DRAINAGE EASEMENT

NOTES

- CENTURY HILLS DRIVE R.O.W. WIDTH = 80.00'
  CENTURY HILLS DRIVE CURB WIDTH = 45.34' FROM EAST CIRCLE DRIVE TO STREET A
  CENTURY HILLS DRIVE CURB WIDTH = 37.34' FROM STREET A TO THE SOUTH
- ALL OTHER R.O.W. WIDTHS = 50.00'
  ALL OTHER B-B CURB WIDTHS = 29.34'



YAGGY COLBY ASSOCIATES

ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS

717 THIRD AVENUE SOUTHEAST
ROCHESTER, MINNESOTA 55904
507-288-6464
FAX 507-288-1098
EMAIL INFO@YAGGY.COM

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

KYLE SKOV

NUMBER

CENTURY POINT FIRST

ROCHESTER, MINNESOTA

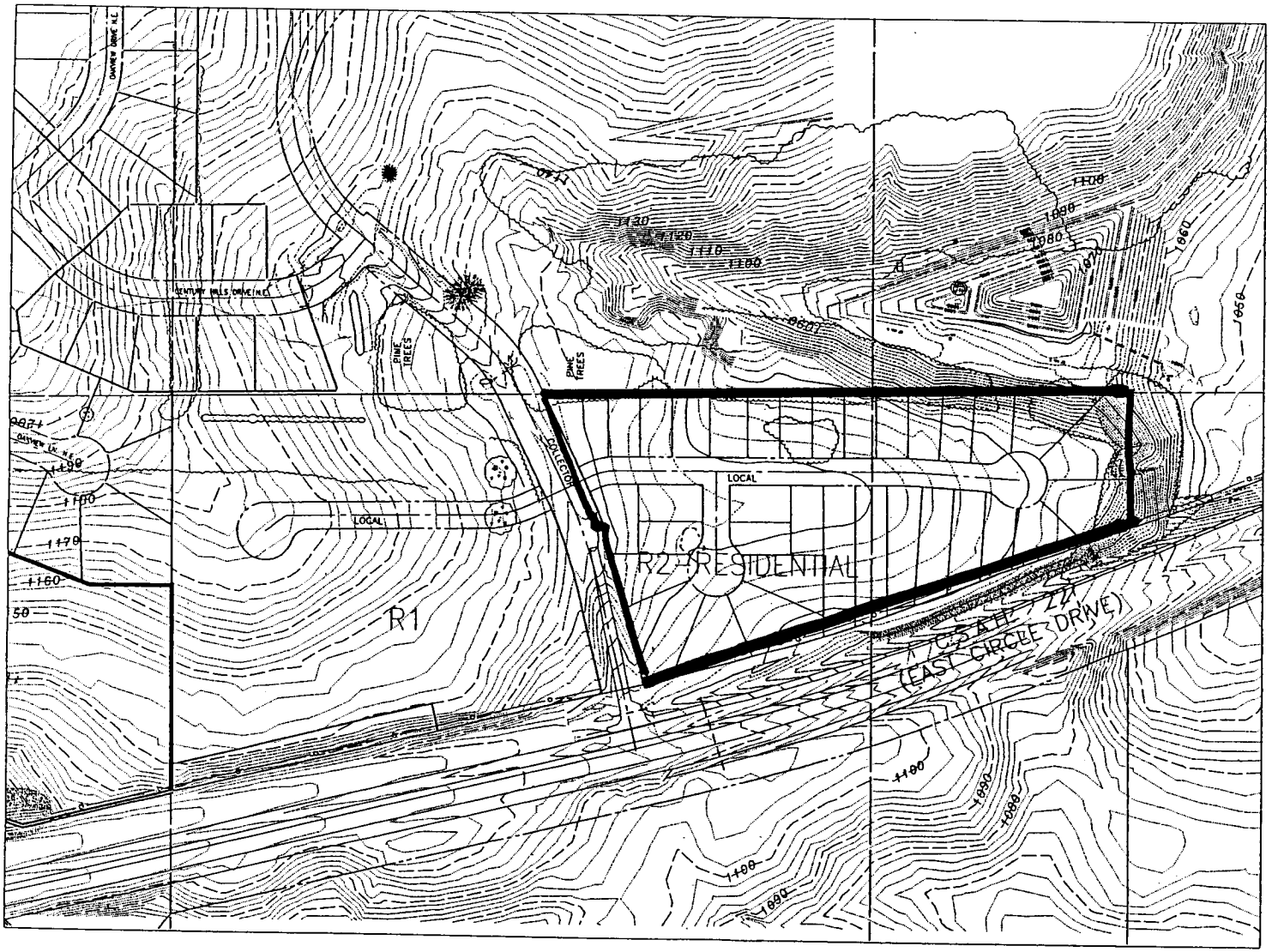
PRELIMINARY PLAT

PROJECT NUMBER	
COMPUTER FILE	7814P-PLAT
DATE	1/14/03
DRAWN BY	MWE
CHECKED BY	KAS
REVISIONS	

SHEET NUMBER

1 OF 10 SHEETS

149



PLEASE SEE CITY OF ROCHESTER ZONING ORDINANCE FOR ALLOWED DENSITIES, INTENSITY AND LAND USES.

NORTH

0 50 100 200
SCALE IN FEET

RECEIVED
JAN 15 2003
ROCHESTER OLMSTED PLANNING DEPARTMENT

YAGGY COLBY ASSOCIATES

ENGINEERS • ARCHITECT
SURVEYORS • PLANNE
LANDSCAPE ARCHITECT

717 THIRD AVENUE SOUTHEA
ROCHESTER, MINNESOTA 55
507-288 64
FAX 507-288 50
EMAIL INFO@YAGGY.CO

I HEREBY CERTIFY THAT THIS PLA SPECIFICATION, OR REPORT W PREPARED BY ME OR UNDER M DIRECT SUPERVISION AND THAT I A DULY LICENSED PROFESSION ENGINEER UNDER THE LAWS OF T STATE OF MINNESOTA.

KYLE SKOV

NUMBER DA

CENTURY POINT FIRST

ROCHESTER, MINNESOTA

GENERAL DEVELOPMENT PLAN

PROJECT NUMBER 91
COMPUTER FILE 7814- .DW
DATE 10/16/0
DRAWN BY MW
CHECKED BY KA
REVISIONS
11/6/0
1/15/0

SHEET NUMBER

1

OF 1 SHEE

150

COUNTY OF Olmsted

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

ROCHESTER-OLMSTED
PLANNING DEPARTMENT
2122 CAMPUS DR SE
ROCHESTER MN 55904-4744

ADMINISTRATION/ PLANNING	507/285-8232
GIS/ADDRESSING/ MAPPING	507/285-8232
HOUSING/HRA	507/285-8224
BUILDING CODE	507/285-8213
WELL/SEPTIC	507/285-8345
FAX	507/287-2275

TO: **City Planning and Zoning Commission**

FROM: **Brent Svenby, Planner**

DATE: **February 5, 2003**

RE: **Land Subdivision Permit (preliminary plat) #03-03 by Century Point LLC to be known as Century Point First. The applicant is proposing to subdivide approximately 10.57 acres of land into 34 lots for single family residential development. The Plat also proposes to dedicate right-of-way for new public roadways, including Century Hills Drive and two cul-de-sac roads. The property is located along the east side of East Circle Drive (CR22), north of Silver Creek Road at the East Circle Drive entrance to the Century Hills development.**

Planning Department Review:

Applicant:

Century Point LL
3552 West River Parkway NW
Rochester, MN 55901

Owner:

Century Point, LLC
Attn: Scott Lecy
3552mWest River Parkway NW
Rochester, MN 55901

Payne Company
1700 Northwoods Drive NE
Rochester, MN 55906

Surveyors/Engineers:

Yaggy Colby Associates
717 Third Avenue SE
Rochester, MN 55904

recycled paper
recyclable

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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Referral Comments:

1. Rochester Department of Public Works
2. Rochester Park & Rec. Dept.
3. Olmsted County Public Works
4. Planning Dept. Wetlands LGU
5. RPU Water Division
6. Planning Dept Addressing
7. Rochester Fire Department

Report Attachments:

1. Land Development Manual Excerpts
2. Referral Comments (7 Letters)
3. Copy of Preliminary Plat
4. Copy of Century Point Townhomes GDP
5. Location Map

Development Review:

Location of Property:

The property is located along the east side of East Circle Drive (CR22), north of Silver Creek Road at the East Circle Drive entrance to the Century Hills development.

Zoning:

The property is zoned R-2 (Low Density Residential) on the City of Rochester Zoning Map. The portion of the plat designating the right-of-way for Century Hills Drive is currently in the process of being annexed into the City.

Proposed Development:

This plat consists of 10.57 acres to be subdivided into 34 lots for single family detached housing.

Roadways:

Public roadways are planned throughout the development. The plat is designating 80 feet of right-of-way for Century Hills Drive. The roadway is being designed with a driving surface of 45.34' back of curb to back of curb from East Circle Drive to Street A. From Street A the driving surface is 37.34' to the east. The roadway labeled street A is on 50' of right-of-way with a driving surface of 29.34 feet. The third public roadway being designated with the plat is labeled street B, which is a short cul-de-sac to the west off of Street A. Street B is designed like Street A.

Cul-de-sacs less than 96 feet in diameter shall be marked "No Parking" and the cul-de-sacs associated with this plan are indicated as less than 96 feet and therefore shall be marked "No Parking".

Streets less than 28 feet in width shall be posted "No Parking: along both sides of the Street. The streets associated with this plan are indicated as less than 28feet and will require "No Parking" along both sides of the street.

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Roadways (Continued):

No parking will be permitted on both sides of Century Hills Drive NE and shall be posted "No Parking".

The use of Century Hills Drive is incorrect based on the GDP for Century Hills. The name of the roadway will need to be changed. Roadways are not named at this time. Names will need to be approved by the Planning Department Addressing Staff prior to final plat application.

The dedication of a Noise Easement will be required for the entire subdivision, prior to recording the Final Plat for this development.

Controlled access will be required along the entire frontage of East Circle Drive and Century Hills Drive NE, with the exception of the proposed public street access.

Any proposed work within CSAH 22 right-of-way requires an Olmsted County Highway Permit.

Utilities:

Utilities will be extended from the north and east to accommodate this development.

This area is too low in elevation to be served directly from the North East High Level Water System, as static water pressures would be over 100 PSI. A public pressure reducing station will be required, which would lower the pressure in this area to within an allowable range (anticipated low to upper 50's PSI). This station would also need to be sized to be able to serve the adjacent property to the south.

Dedication of off-site drainage & utility easements is required prior to recoding the Final Plat for this development.

Pedestrian Facilities:

In accordance with current City policy, pedestrian facilities will be required along both sides of all new public roadways within this property, as well as, the south side of Century Hills Drive NE. The Owner is also obligated to construct a 10 foot wide bituminous pedestrian path along the entire frontage of the property abutting East Circle Drive and dedicate any applicable easement and/or right-of-way needed for the path.

Drainage:

The elevations of this site range from 1,130' in the northern portion of the plat to 1,090' in the southern portion of the plat. The property generally drains to the south and east.

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Specific grading and drainage plans will need to be reviewed and approved by the City prior to submittal of a Final Plat application. Drainage from the development will be directed to the east and drain into the existing detention pond constructed for the Century Hills Development.

Stormwater management must be provided for this development. A Stormwater Management Fee will apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to a privately constructed permanent detention facility, built to serve this property.

Wetlands: According to the information submitted there exists a 1,800 square foot wetland on the property. The applicant filed for an Exemption with the Local Government Unit. The LGU approved the Exemption request on November 13, 2002.

Spillover Parking: As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors at a rate of 1.2 spaces per dwelling unit, in addition to the required off-street parking. This additional parking may be provided either off-street or on-street. This development requires 41 spillover parking spaces. The right-of-way and road widths appear adequate to meet this requirement.

Parkland Dedication: The Park and Recreation Department recommends that parkland dedication requirements for the development be in the form of cash in lieu of land.

General Development Plan: This property is included in the Century Point Townhomes General Development Plan which was approved on December 9, 2002. The GDP is on the process of being amended (type I amendment) to be consistent with the proposed plat.

Staff Review and Recommendation:

The Planning staff has reviewed this preliminary plat request under the provisions of LDM. Staff recommends the following modifications or conditions:

1. **The Final Plat shall include:**
   - **controlled access shall be dedicated along the entire frontage of East Circle Drive and along the east/west roadway serving the Century Hills Development with the exception of the two proposed roadways shown on the GDP.**
   - **Roadway names approved by the Planning Department Addressing Division.**

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2. **Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.**

3. **Storm water management must be provided for this development. A Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan for any areas of the development that do not drain to a privately constructed permanent detention facility built to serve the development.**

4. **The applicant shall provide a public pressure reducing station, which will lower the pressure in this area to within an allowable range (anticipated low to upper 50's PSI). This station shall be sized to serve the adjacent property to the south.**

5. **Pedestrian facilities shall be required along both sides of all new public roadways within this property, as well as, the south side of Century Hills Drive NE. The Owner shall also provide a 10' wide bituminous path along the entire frontage of the property abutting East Circle Drive, and dedicate any applicable easement and/or right-of-way needed for the path.**

6. **The applicant shall obtain an Olmsted County Highway Permit for any work being proposed in CSAH 22 right-of-way.**

7. **Parkland dedication shall be met as outlined in the January 31, 2003 memorandum from Rochester Park and Recreation.**

8. **No parking shall be allowed, at any time, along the cul-de-sacs associated with this plat, along both sides of each roadway associated with this plat and along both sides of Century Hills Drive NE and shall be posted "No Parking".**

9. **Prior to recording the Final Plat, the applicant shall dedicate off-site drainage & utility easements for this development and shall dedicate a Noise Easement for the entire subdivision which exempts the City & County from being obligated to provide sound walls to mitigate noise impacts from adjacent roadways.**

REMINDER TO APPLICANT:

- *Prior to development, the property owner will need to execute a City Owner Contract for the proposed new public streets and utilities to serve this development, as well as, completion of the construction of Century Hills Drive NE along the frontage of this development. Care will be needed in the coordination of this project to minimize the loss of a second access to the Century Hills Development during construction of Century Hills Drive NE.*

- *Approved grading, drainage and construction plans and an executed Development Agreement will need to be submitted with the final plat application if the applicant intends to record the final plat documents prior to completion of infrastructure improvements and acceptance of improvements by the City.*

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CITY OF ROCHESTER
ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL
EXCERPTS

61.225 Finding for Land Subdivision:

The Zoning Administrator, Commission or Council shall approve a development permit authorizing a land subdivision if all of the following findings with respect to the proposed development are made:

A. The proposed land subdivision conforms to all relevant requirements of this ordinance and variances have been granted to permit any nonconformance.

B. That the proposed water system and sanitary sewer system are adequate to serve the normal and fire protection demands of proposed development and to provide for the efficient and timely extension to serve future development.

C. That the plan for soil erosion and stormwater management meets the adopted standards of the City of Rochester and is consistent with the adopted Stormwater Management Plan or adopted drainage or stormwater policies.

D. That the vehicular and non-motorized system is consistent with adopted transportation plans and is consistent with the street layout standards listed in Section 64.120 and traffic service standards in Section 61.526.

E. That the lot and block layout provide for safe and convenient vehicular, service and emergency access, efficient utility service connections, and adequate buildable area in each lot for planned uses.

F. That the proposed land subdivision has taken into account the current 6-Year and other Long-Range Capital Improvements Programs and the elements listed therein in the design of the subdivision.

G. That the proposed subdivision, if in a resident zoning district, -addresses the need for spillover parking consistent with the requirements of Section 63.426.

H. That right-of-ways and easements of adequate size and dimensions are -provided for the purpose of constructing the street, utility, and drainage facilities needed to serve the development.

I. That the proposed parks, trail thoroughfares and open space dedications are consistent with adopted plans, policies and regulations.

J. That the proposed subdivision will not have off-site impacts on the street, drainage, water or wastewater systems that exceed adopted standards.

K. That the proposed subdivision will not have adverse impacts on the safety or viability of permitted uses on adjacent properties.

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L. That the proposed land subdivision is designed in such a manner as to allow for continued development in an efficient manner on adjacent undeveloped lands.

M. That the soils, topography and water tables have been adequately studied to ensure that all lots are developable for their designated purposes.

N. That the proposed land subdivision is consistent with the standards of the City's adopted Comprehensive Plan.

O. That any land located within Zone A as shown as on the currently adopted Flood Boundary and Floodway Maps of the Flood Insurance Study, Rochester, Minnesota prepared by the Federal Emergency Management Agency, is -determined to be suitable for its intended use and that the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitation for development, severe erosion potential or any other floodplain related risks to the health, safety or welfare of the future residents of the proposed subdivision in a manner consistent with this ordinance.

P. That the proposed land subdivision, if approved, would not result in a violation of federal or state law, or the city or county ordinance.

61.226 Conditions on Approvals:

In considering an application for development permit to allow a land subdivision, the approving body shall consider and may impose modification or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Section 61.225.

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ROCHESTER

Minnesota

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 1/31/03

The Department of Public Works has reviewed the application for Preliminary Plat #03-03 for the proposed Century Point First development . The following are Public Works comments on this request:

1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.

2. Dedication of a Noise Easement will be required for the entire subdivision, prior to recording the Final Plat for this development.

3. A Storm Water Management Fee will apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to a privately constructed permanent detention facility, built to serve this property.

4. Dedication of off-site drainage & utility easements is required prior to recording the Final Plat for this development.

5. Controlled access will be required along the entire frontage of East Circle Drive, and Century Hills Dr NE, with the exception of the proposed public street access.

6. Pedestrian facilities will be required along both sides of all new public roads within this property, as well as, the south side of Century Hills Dr NE. The Owner is also obligated to construct a 10 foot wide bituminous pedestrian path along the entire frontage of the Property abutting East Circle Drive, and dedicate any applicable easement and/or right-of-way needed for the path.

7. No Parking will be permitted on Century Hills Dr NE

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ROCHESTER

Minnesota

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

8. Execution of a City-Owner Contract is required for the proposed new public streets and utilities to serve this development, as well as, completion of the construction of Century Hills Dr NE along the frontage of this development. Care will be needed in the coordination of this project to minimize the loss of a second access to the Century Hills development during construction of Century Hills Dr NE.

9. Preliminary Construction Plan comments will be provided separately to the Developer's Engineer.

Development charges and fees applicable to the development of this property will be addressed in the Development Agreement, and will include the following (rates are subject to annual review and change and are current through 7/31/03):

- Trunkline Sanitary Sewer (J9218) @ $1403.17 per acre + 7.5% interest from 5/4/98
- High Level Water Tower in Northern Heights Area (J9288) @ $1021.46 per acre + 7.5% interest from 5/4/98
- A Stormwater Management Fee @ $2211.76 per acre, for any area of this property that does not drain toward a privately constructed detention facility, approved to serve this development (based on <5.5 units per acre).
- First Seal Coat contribution @ $0.49 per square yard of public street surface.
- Traffic Signs as determined by the City of Rochester Traffic Division

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ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165

MEMORANDUM

DATE: January 31, 2003

TO: Jennifer Garness
Planning

RE: Preliminary Plat #03-03
Century Pointe First

Acreage of plat	10.57 a
Number of dwelling units	34 units
Density factor	.0244
Dedication	.83 a
Fair market value of land	$20,000/a

The Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land

1160

COUNTY OF Olmsted

PUBLIC WORKS DEPARTMENT
2122 CAMPUS DR SE - SUITE 200
ROCHESTER MN 55904-4744
www.olmstedpublicworks.com
507.285.8231

January 27, 2003

Jennifer Garness
Planning Department

Dear Jennifer:

The Public Works Department has reviewed the Land Subdivision Permit (preliminary plat) #03-03 and has the following comments:

- ***Access control shall be shown along CSAH 22.***
- ***Any proposed work in CSAH 22 right of way requires an Olmsted County Highway Permit.***

Sincerely,

Michael Sheehan
County Engineer

MTS/ts

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WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Preliminary Plat #03-03 - Century Point 1st

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☒ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☐ Other or Explanation:

From John Harford
Wetlands LGU Representative

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rpu

we pledge, we deliver

January 24, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Preliminary Plat #03-03 by Century Point LLC to be known as Century Point First.

Dear Ms. Garness:

Our review of the referenced preliminary plat is complete and our comments follow:

1. This area is too low in elevation to be served directly from the North East High Level Water System, as static water pressures would be over 100 PSI. A public pressure reducing station will be required, which would lower the pressures in this area to within an allowable range (anticipated low to upper 50's PSI). This station would also need to be sized to be able to serve the adjacent property to the south. We will work with the applicant's engineering firm on the design and location of this station.
2. Other minor revisions to the proposed water system layout are required. We have provided the applicant's engineering firm with these comments.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention Bureau
Gary Schick, Building & Safety
Yaggy Colby Associates
Century Point LLC

Rochester Public Utilities, 4000 East River Road NE, Rochester, Minnesota 55906-2813
telephone 507-280-1540 facsimile 507-280-1542

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COUNTY OF Olmsted

Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE: January 28, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Kyle Skov (Yaggy Colby)

RE: **CENTURY POINT FIRST**

PRELIMINARY PLAT #03-03

A review of the **preliminary plat** has turned up the following **ADDRESS** and **ROADWAY** related issues.

1. Reference to illustrated roadway EAST CIRCLE DRIVE (C.S.A.H. 22) is incomplete.

RECOMMENDATION: Add the directional to roadway name. **EAST CIRCLE DRIVE NE (C.S.A.H.#22).**

2. The use of Century Hills Drive is incorrect according to my interpretation of the GDP and the Revised GDP. The existing Century Hills Drive NE would end at the intersection created just NE of this plat.

RECOMMENDATION: This roadway needs to be given a new designation.

3. The two cul-de-sacs in the plat need to be designated also.

RECOMMENDATION: Name both of these roadways, and use the roadway type LANE and directional of NE.

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ROCHESTER FD FIRE DEPT.

January 30, 2003

Century Point LLC
3552 NW West River Parkway
Rochester, MN 55901

Re: Land Subdivision Permit (preliminary plat) 03-03 by Century Point LLC to be known as Century Point First.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.

2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.

   Cul-de-sacs less than 96 feet in diameter shall be marked "No Parking" along the cul-de-sac. The cul-de-sacs associated with this plan are indicated as less then 96 feet and therefore shall be marked "No Parking".

   Streets less than 36 feet in width shall be posted "No Parking" along one side of the street. Streets less than 28 feet in width shall be posted "No Parking" along both sides of the street. The streets associated with this plan are indicated as less than 28 feet and will require "No Parking" along both sides of the street.

3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.

4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

Sincerely,

R. Vance Swisher
Fire Protection Specialist

c: Rochester – Olmsted Consolidated Planning Department
Donn Richardson, RPU, Water Division
Yaggy Colby Associates, 717 3rd Ave SE, Rochester, MN 55904

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Mr. Wade DuMond, of Yaggy Colby Associates, addressed the Commission. He stated that the applicant was in agreement with the staff-recommended conditions (as revised by Ms. Baker).

With no one else wishing to be heard, Ms. Petersson closed the public hearing.

Mr. Burke moved to recommend approval of Land Subdivision Permit (preliminary plat) #03-02 by Payne Company to be known as Century Hills Seventh Subdivision with the staff-recommended findings and conditions (as revised by Ms. Baker). Mr. Ohly seconded the motion. The motion carried 6-0.

CONDITIONS:

1. **At the time of Final Plat submittal:**

   a. **Change the roadway designation of "Street A" to "Century View Lane NE".**

2. **Dedication of parkland shall be met via: Deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated January 17, 2003.**

3. **Prior to recording the Final Plat for this development, the dedication of an off-site drainage easement to point discharge stormwater between Lots 9 & 10, shall be required.**

4. **The cul-de-sac bulb associated with this plan is indicated at less than 96 feet and shall be posted "No Parking."**

5. **Pedestrian Facilities shall be constructed, at the Developer's expense, along both sides of the proposed cul-de-sac and the entire frontage of the south side of 21st Street NE.**

6. **A Storm Water Management Fee shall apply for the benefit of participation in the City's Storm Water Management Plan, for any areas of this proposed development that do not drain to a privately constructed permanent detention facility, built to serve this property.**

Land Subdivision Permit (preliminary plat) #03-03 by Century Point LLC to be known as Century Point First. The applicant is proposing to subdivide approximately 10.57 acres of land into 34 lots for single family residential development. The Plat also proposes to dedicate right-of-way for new public roadways, including Century Hills Drive and two cul-de-sac roads. The property is located along the east side of East Circle Drive (CR22), north of Silver Creek Road at the East Circle Drive entrance to the Century Hills development

Ms. Mitzi A. Baker presented the staff report, dated February 5, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Baker suggested the following revision to condition number 8 as follows: "No parking shall be allowed, at any time, along the cul-de-sac bulbs associated with this plat, along one side of each roadway associated with the plat, nor along both sides of Century Hills Drive NE. These areas shall be posted "No Parking."

Discussion ensued regarding what a public pressure reducing station was.

Mr. Burke stated that the plat did not show where the decorah shale was located on the property.

Ms. Baker responded that staff did not have any Ordinance guidelines or adopted policies that require any certain type of building construction on site.

Mr. Wade DuMond, of Yaggy Colby Associates, addressed the Commission. He stated that the applicant is in agreement with the staff-recommended conditions (as revised by Ms. Baker). He explained that there was some decorah shale located on the plat.

Ms. Petersson asked Mr. DuMond if the applicant proposed to avoid the decorah shale areas.

Mr. DuMond responded no. He explained that the buildings needed to be engineered properly.

With no one else wishing to be heard, Ms. Petersson closed the public hearing.

Mr. Haeussinger moved to recommend approval of Land Subdivision Permit (preliminary plat) #03-03 by Century Point LLC to be known as Century Point First with staff-recommended findings and conditions (as revised by Ms. Baker). Ms. Rivas seconded the motion. The motion carried 6-0.

CONDITIONS:

1. **The Final Plat shall include:**
   - **controlled access shall be dedicated along the entire frontage of East Circle Drive and along the east/west roadway serving the Century Hills Development with the exception of the two proposed roadways shown on the GDP.**
   - **Roadway names approved by the Planning Department Addressing Division.**
2. **Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.**
3. **Storm water management must be provided for this development. A Storm Water Management fee will apply for the benefit of participation in the City's Storm Water Management Plan for any areas of the development that do not drain to a privately constructed permanent detention facility built to serve the development.**
4. **The applicant shall provide a public pressure reducing station, which will lower the pressure in this area to within an allowable range (anticipated low to upper**

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50's PSI). This station shall be sized to serve the adjacent property to the south.

5. **Pedestrian facilities shall be required along both sides of all new public roadways within this property, as well as, the south side of Century Hills Drive NE. The Owner shall also provide a 10' wide bituminous path along the entire frontage of the property abutting East Circle Drive, and dedicate any applicable easement and/or right-of-way needed for the path.**

6. **The applicant shall obtain an Olmsted County Highway Permit for any work being proposed in CSAH 22 right-of-way.**

7. **Parkland dedication shall be met as outlined in the January 31, 2003 memorandum from Rochester Park and Recreation.**

8. **No parking shall be allowed, at any time, along the cul-de-sac bulbs associated with this plat, along one side of each roadway associated with the plat, nor along both sides of Century Hills Drive NE. These areas shall be posted "No Parking."**

9. **Prior to recording the Final Plat, the applicant shall dedicate off-site drainage & utility easements for this development and shall dedicate a Noise Easement for the entire subdivision which exempts the City & County from being obligated to provide sound walls to mitigate noise impacts from adjacent roadways.**

Zoning District Amendment #03-02 by Todd Ustby to zone approximately 2.21 acres R-1X (Mixed Single Family Extra) upon annexation to the City of Rochester. An Annexation petition and General Development Plan are being considered concurrent with this petition.

AND

General Development Plan #200 by Todd Ustby to be known as Viola Hills Subdivision. The Applicant is proposing to develop approximately 12 acres of land located west of Osjor Estates, east of Schaeffer Lane and north of Viola Road (CR 2) with single family homes and townhomes. The property is proposed to be served by a public road, with two cul-de-sacs. An Annexation petition for the entire property, and a Zoning District Amendment for a portion of this property are being considered concurrent with this petition.

Ms. Petersson asked if anyone from the audience wished to speak with regard to the request, however, the items would be continued to February 26, 2003.

Ms. Baker explained that the consultant indicated that they were going to try to contact someone in the area to let them know that the requests would be continued to February 26, 2003.

Mr. Burke moved to continue Zoning District Amendment #03-02 and General Development Plan #200 to be known as Viola Hills Subdivision by Todd Ustby to February 26, 2003. Ms. Rivas seconded the motion. The motion carried 6-0.

General Development Plan #199 to be known as 37th Street Commercial Park. The Plan proposes to develop approximately 55 acres of land zoned B-4 (General Commercial),

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REQUEST FOR COUNCIL ACTION

MEETING 3-3-03 169

AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	ITEM NO. E-7
ITEM DESCRIPTION: **Final Plat #02-31 to be known as Fox Hill Third Subdivision.**		PREPARED BY: Mitzi A. Baker, Senior Planner

February 26, 2003

Staff Recommendation:

The Planning Staff has reviewed the submitted final plat and recommends approval subject to the following conditions or modifications:

1. ***Parkland dedication shall be met via cash in lieu of land in the amount of $18,250, as identified in the November 21, 2003 memorandum from Rochester Park and Recreation. In addition, the applicant shall be required to grade and establish turf on the 30' park access as well as on all existing park lands disturbed as a result of subdivision grading. The exchange of land between the applicant and City will occur after final plat approval.***

2. ***Roadway names shall be modified on the Final Plat documents, as required by the Planning Department Addressing division, per the attached memorandum dated November 21, 2002.***

Council Action Needed:

1. ***If the Council wishes to proceed a resolution approving the plat can be adopted.***

Distribution:

1. City Clerk
2. City Attorney
3. Planning Department File
4. Planning Department GIS Division
5. McGhie & Betts, Inc.
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday March 3, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

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

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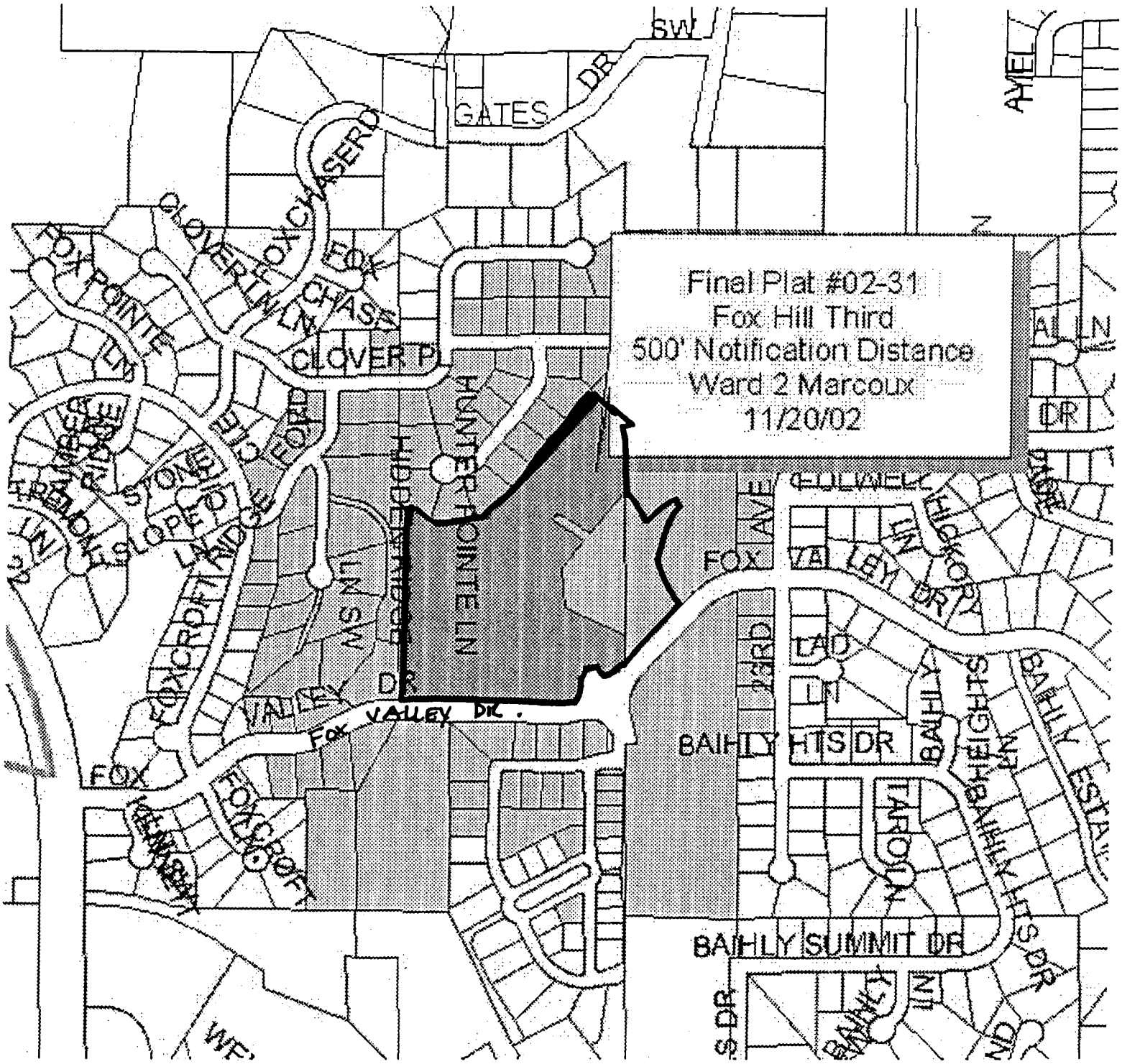
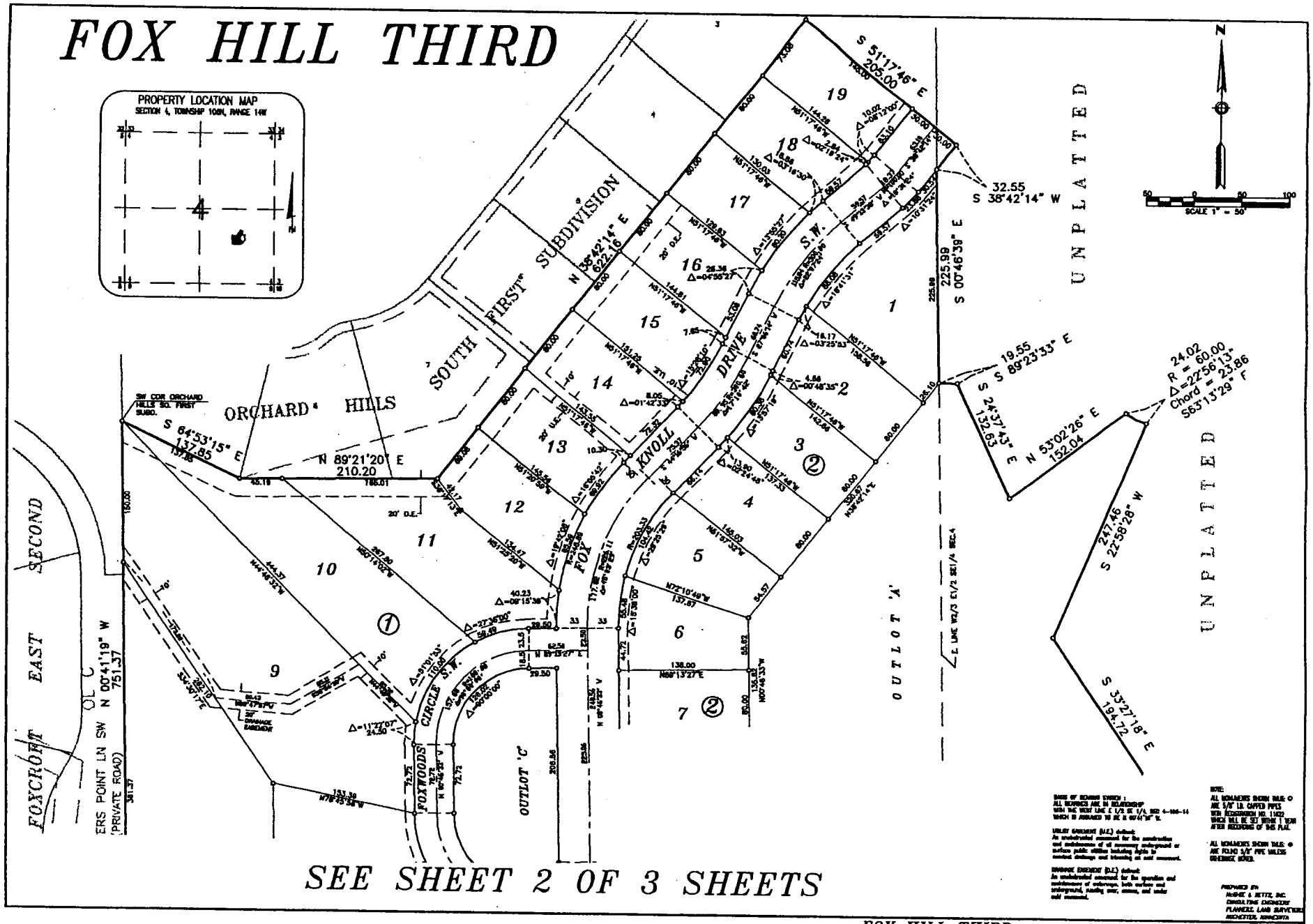
LOCATION MAP

N



FOX HILL THIRD

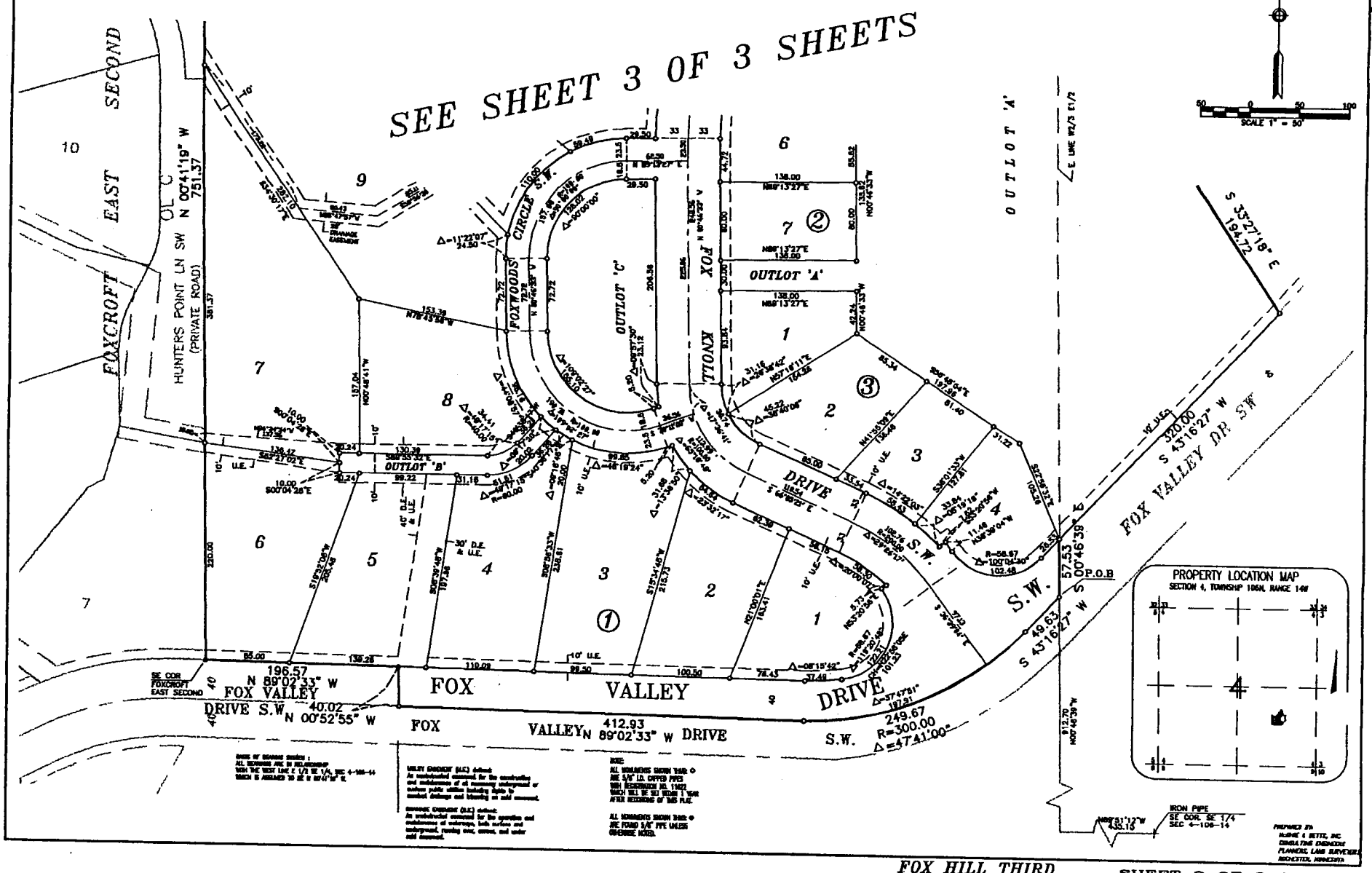


FOX HILL THIRD SHEET 3 OF 3 SHEETS

RECEIVED
NOV 18 2002
ROCHESTER OLMSTED
PLANNING DEPARTMENT

17

FOX HILL THIRD



FOX HILL THIRD SHEET 2 OF 3 SHEETS

RECEIVED
NOV 18 2002
ROCHESTER OLMSTED PLANNING DEPARTMENT

173

ROCHESTER-OLMSTED PLANNING DEPARTMENT
2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF Olmsted

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

TO: City Planning and Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

DATE: February 26, 2003

RE: Final Plat #02-31 by Fox Hill, LLC to be known as Fox Hill Third Subdivision. The Plat proposes to subdivide approximately 20.01 acres of land into 30 lots for single family detached dwellings and 3 outlots. The plat also dedicates the right of way for new public roadways. The property is located along the north side of Fox Valley Drive SW and south of Whitney Lane SW.

Planning Department Review:

Applicant/Owner: John Klopp
Wynnwood Company
1801Greenview Drive SW
Rochester, MN 55902

Engineer: McGhie & Betts, Inc.
1648 Third Ave. SE
Rochester, MN 55904

Report Attachments:
1. Referral Comments
2. Location Map
3. Copy of Final Plat
4. Tree Survey Plan

Development Review:

Location of Property: The property includes approximately 20 acres of land located north of Fox Valley Drive, east of the Foxcroft Development, and south of Orchard Hills South First Subdivision.

Zoning: A petition to re-zone this property to the Fox Knob Special District is currently being considered.

Proposed Development: The Plat proposes to subdivide approximately 20 acres of land into 30 lots for single family detached dwellings and 3 outlots. The plat also dedicates the right of way for new public roadways.

Streets: The Plat proposes to dedicate right-of-way for three

roadways, including Fox Valley Drive.

Fox Knoll Drive is a designated collector road and is proposed to be constructed with a 60 foot right-of-way. Foxwoods Circle would be a limited local road, on a 42 foot right-of-way.

A private road is proposed, over Outlot B, to provide access to four or five lots.

Utilities: Utilities are available to serve the subdivision within the existing Fox Valley Road right-of-way and from adjacent developments.

Construction plans have been approved.

Sidewalks: In accordance with current City policy, sidewalk is required along all roadways being dedicated in this plat, including those areas adjacent to outlots.

Drainage: The plat incorporates storm sewer pipes that will convey storm drainage to storm sewer in Fox Valley Drive. A storm sewer is proposed to outlet onto undeveloped land to the north, with the initial development of the property.

Detailed grading and drainage plans have been approved for this property.

Wetlands: Minnesota Statutes require that all developments be reviewed for the presence of wetlands or hydric soils. There do not appear to be hydric soils within this plat.

Spillover Parking: The spillover parking requirements for this development would be 36 parking spaces. The proposed roadways, as well as individual driveways, should be adequate to accommodate the required spillover spaces.

Parkland Dedication: Parkland dedication requirements for this development should be met though cash in lieu of land.

General Development Plan: This property is part of the Fox Knob General Development Plan (GDP) and Fox Knob Special District (SD), approved by the City. The Plat is generally consistent with the approved GDP and SD.

Preliminary Plat:

The Preliminary Plat for this property was approved in July 5, 2002, subject to the following modifications or conditions:

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1. *Conditions of the General Development Plan for this property still apply; applicable conditions must be met prior to application for a Final Plat.*

2. *The Plat shall be revised to:*
   a) *Provide a minimum 30' width for the park access located in Outlot A;*
   b) *Revise roadway names, as specified in the June 26, 2002 memorandum from the Planning Department Addressing staff;*
   c) *Identify additional easements, as specified by RPU Water in a memorandum dated June 25, 2002;*

3. *Outlot B shall be constructed with a standard driveway approach.*

4. *Pedestrian Facilities are required along the entire frontages of all public roads, including the frontages abutting all Outlots.*

5. *Construction of a temporary turn-around, and dedication of an applicable temporary easement are required at the northerly extent of Fox Knoll Drive SW. Additionally, dedication of off-site easements are required for the proposed sanitary sewer connection to Orchard Hills South First Subdivision, and for the proposed storm sewer outlet to unplatted lands lying northeast of the northerly extent of Fox Knoll Dr. SW.*

6. *Parking along Foxwoods Circle SW shall be limited to one site only. "No Parking Fire Lane" signs shall be posted appropriately.*

7. *The Owner will need to specifically note in his bonding for this project, that the work includes the substantial land alteration costs. This could be done using a letter identifying the breakdown for the work.*

Staff Review and Recommendation:

Staff has reviewed this final plat for compliance with the applicable regulations and recommends approval subject to the following conditions/modifications:

1. ***Parkland dedication shall be met via cash in lieu of land in the amount of $18,250, as identified in the November 21, 2003 memorandum from Rochester Park and Recreation. In addition, the applicant shall be required to grade and establish turf on the 30' park access as well as on all existing park lands disturbed as a result of subdivision grading. The exchange of land between the applicant and City will occur after final plat approval.***

2. ***Roadway names shall be modified on the Final Plat documents, as required by the Planning Department Addressing division, per the attached memorandum dated November 21, 2002.***

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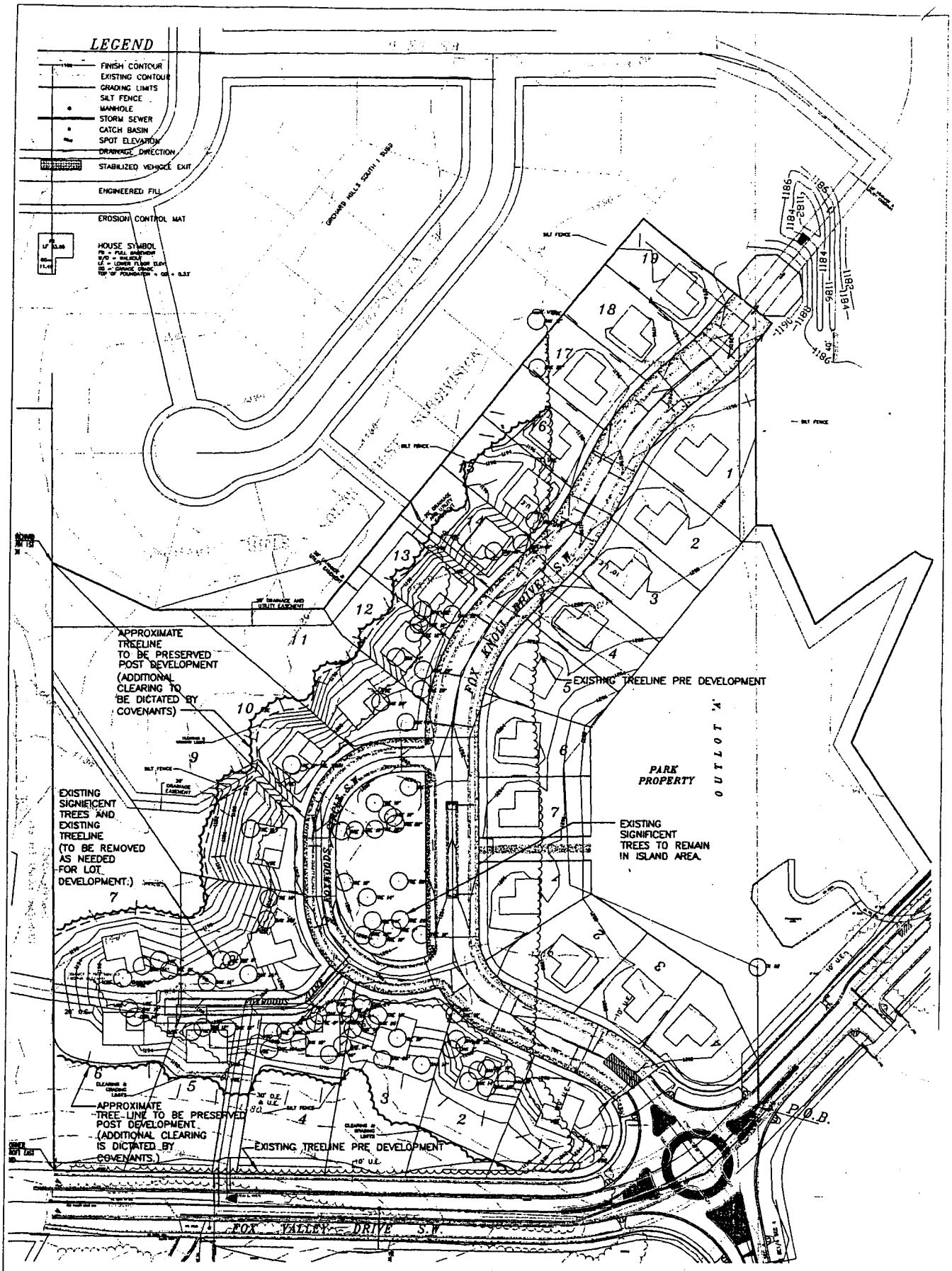

TREE SURVEY PLAN

FOX HILL THIRD

ROCHESTER, MN

McGhie Betts, Inc.

JOHN KLOPP
1801 GREENVIEW DR. S.W.
SUITE 104
ROCHESTER, MN 55902
JOB NO. 1049\2051

Designed By: DMB
Drawn By: K.S.
Checked By: DLM
Scale: 1" = 30'
Date: 2/13/03
File No. 1049/2051

Date	Revisions	Initial
2/13/03	TREE LINES	K.S.

177

COUNTY OF Olmsted

Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE: November 21, 2002

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC:

RE: **FOX HILL THIRD**

FINAL PLAT # 02-31

A review of the **final plat** has turned up the following **ADDRESS** or **ROADWAY** related issues:

1. **FOXWOODS CIRCLE SW** is still using the incorrect roadway type.

RECOMMENDATION: Change the roadway type to COURT. **(FOXWOODS COURT SW).**

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ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165

MEMORANDUM

DATE: November 21, 2002

TO: Planning

RE: Fox Hill 3rd
Final Plat #02-31

Number of dwelling units.....	30 units
Density factor.....	.0244
Dedication	.73 a
Fair market value of land.....	$25,000/a

The Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of landing the amount of $18,250 (.73 acres X $25,000 / a) with payment due prior to recordation of final plat.

The applicant should be required to grade and establish turf on the 30' park access as well as on all existing park lands disturbed as a result of subdivision grading. The grading plan for the areas adjacent to the existing Younge Park should be subject to review and approval of the Park Department.

The exchange of land between the applicant and City will occur after final plat approval.

Applicant:
Fox Hill LLC
1801 Greenview Dr SW

179

ROCHESTER

Minnesota

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 12/2/02

The Department of Public Works has reviewed the application for a Final Plat #02-31 for the proposed Fox Hill Third Subdivision. The following are Public Works comments on the proposal:

1. A Development Agreement has been executed for this Property.
2. A City-Owner Contract has been executed for this project.

Charges/fees applicable to the development of this property are addressed in the Development Agreement and City-Owner Contract.

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REQUEST FOR COUNCIL ACTION

MEETING DATE: 03-03-03 181

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-8
ITEM DESCRIPTION: 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 right-of-way adjoining to and southwesterly of the northeasterly line of Terryville Subdivision.		**PREPARED BY:** Theresa Fogarty, Planner

February 24, 2003

Planning Department Recommendation:

See attached staff report dated February 4, 2003.

Staff recommends approval of the vacation petition as submitted.

The Planning & Zoning Commission reviewed this vacation request at the February 12, 2003 meeting. The Commission recommended approval of the vacation petition.

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

Council Action Needed:

1. **Following the hearing, if the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution to approve the vacation petition as recommended by the City Planning and Zoning Commission.**

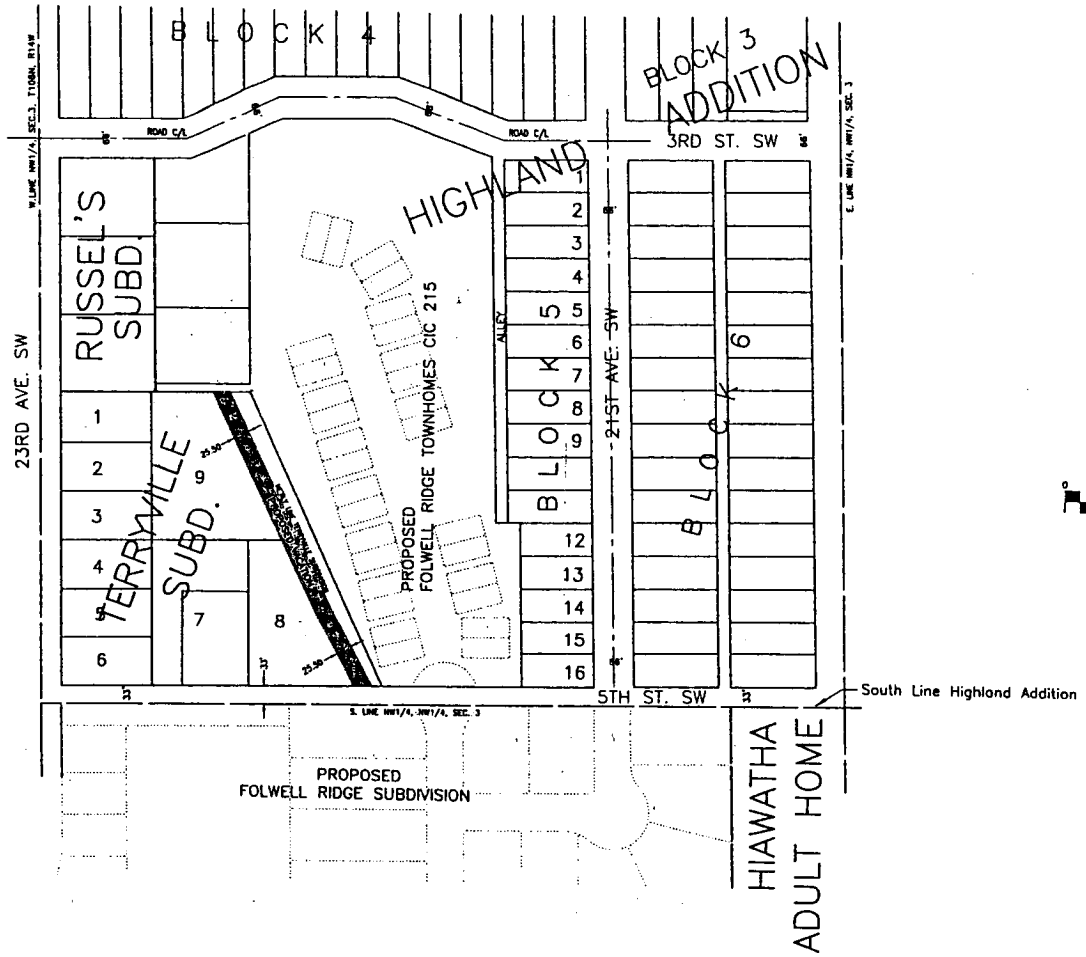
Attachments:

1. Staff Report dated February 4, 2003.
2. Minutes of the CP&ZC February 12, 2003 meeting

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney: Copy of legal description is attached
4. Planning Department File
5. Applicants: This item will be considered by the Council sometime after 7:00 p.m. on Monday, March 3, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE, Rochester, MN.
6. Yaggy Colby Associates

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



RECEIVED
JAN 13
ROCHESTER OLMSTED PLANNING DEPARTMENT

YAGGY COLBY ASSOCIATES
ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS
717 THIRD AVENUE SOUTHEAST
ROCHESTER, MINNESOTA 55904
507-288-6464
FAX 507-288-3058
EMAIL INFO@YAGGY.COM

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

NUMBER	DATE

TERRYVILLE SUBDIVISION
ROCHESTER, MINNESOTA

PROPOSED STREET VACATION

PROJECT NUMBER	8122
COMPUTER FILE	8122VACATE01.DWG
DATE	1/3/2003
DRAWN BY	PO
CHECKED BY	OR
REVISIONS	

SHEET NUMBER 1 OF 1 SHEETS

Images: (none)
Xrefs: (none)
PICTURE 8122-vacate01.dwg 1=100 1/3/03

183

COUNTY OF Olmsted

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

ROCHESTER-OLMSTED
PLANNING DEPARTMENT
2122 CAMPUS DR SE
ROCHESTER MN 55904-4744

ADMINISTRATION/ PLANNING	507/285-8232
GIS/ADDRESSING/ MAPPING	507/285-8232
HOUSING/HRA	507/285-8224
BUILDING CODE	507/285-8213
WELL/SEPTIC	507/285-8345
FAX	507/287-2275

TO: **City Planning and Zoning Commission**

FROM: **Theresa Fogarty, Planner**

DATE: **February 4, 2003**

RE: **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 right-of-way adjoining to and southwesterly of the northeasterly line of Terryville Subdivision.**

Planning Department Review:

Petitioner(s):	Robert and Linda Johnson 2135 SW 5th Street Rochester, MN 55902
Engineer / Architect:	Yaggy Colby Associates 717 Third Avenue SE Rochester, MN 55904
Reason to Vacate:	Dedicated right-of-way was never developed and proposes no future use.
Referral Comments:	Referral agencies responded with no objections
Report Attachments:	1. Vacation Petition 2. Location Map

Staff Recommendation:

The applicants are requesting to vacate a 25.5 foot wide dedicated public right-of-way that adjoins to and is southwesterly along Lots 8 and 9, Terryville Subdivision, excluding the south 33 feet. The 25.5 foot right-of-way was dedicated in 1950 but has remained undeveloped.

The referral agencies have no objections to this vacation request and it appears that vacating the 25.5 foot wide dedicated right-of-way, requested by the applicant, will have not an adverse effect. Therefore, staff recommends approving this vacation petition, as submitted.

recycled paper
recyclable

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

184

11/20/02
YCA #8122 (sd01.doc)
PO

VACATION DESCRIPTION

All of the 25.50 foot wide public right-of-way adjoining to and southwesterly of the northeasterly line of TERRYVILLE SUBDIVISION, according to the plat thereof on file at the County Recorder's office, Olmsted County, Minnesota, EXCEPT the south 33.00 feet thereof.

RECEIVED
JAN 13 2003

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City of Rochester, Minnesota

DATE: January 3, 2003

TO: Mayor and Common Council
City Hall
City of Rochester, Minnesota 55901

PETITION TO VACATE PUBLIC RIGHT-OF-WAY OR UTILITY EASEMENT

We, the undersigned, are the owners of the following described property located within the City of Rochester, Minnesota, and we constitute 50% or more of the owners of the property on the line of the public property herein described to be vacated: (Describe here or attach a separate list showing the legal description and full ownership of each adjoining parcel.)

OWNERS NAME (If in joint tenancy, both or all parties must sign)	LEGAL DESCRIPTION
Robert L. Johnson	Owner Lots 8 & 9, Terryville Subdivision
Linda K. Johnson	Owner Lots 8 & 9, Terryville Subdivision

We hereby petition the Common Council of the City of Rochester, Minnesota, to vacate the following described public property:

See attachment

The facts and reasons for such vacation are as follows:

1. The road was never built since the right-of-way dedication in 1950.

2. There is no future use for the right-of-way area in question. Part of Lot 7, Terryville Subdivision, is owned by Glenn M. and Bonnie L. Bonnes and accesses 5th Street SW. The remainder of said Lot 7, and also Lots 8 and 9 of said subdivision are owned by the petitioners. The property to the east of the proposed vacation is currently being platted as Fowell Ridge Townhomes CIC 215 and will access 5th Street SW exclusively.

RECEIVED
JAN 13 2003

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4. Vacation will enable the petitioners to maintain the vacated woods with the same care as their currently owned woods.

Your petitioner respectfully requests that such proceedings as shall be necessary to accomplish this vacation be instituted as soon as possible.

Note: In cases where the property is owned in joint tenancy, (Husband and wife, etc.) both owners must sign the petition.

Linda K. Johnson — Signature of Petitioner — 2135 5th Street SW, Rochester, MN 55902 — Address

Robert L. Johnson — Signature of Petitioner — 2135 5th Street SW, Rochester, MN 55902 — Address

Signature of Petitioner — Address

Signature of Petitioner — Address

Signature of Petitioner — Address

STATE OF MINNESOTA)

COUNTY OF Olmsted)

On this 3rd day of January, ~~19~~ 2003, before me, a Notary Public within and for said County personally appeared Linda K. Johnson and Robert L. Johnson, to me personally known to be the persons described in and who executed the foregoing instrument and acknowledged said instrument to be (his) (her) (their) free act and deed and that the facts set forth therein are true and correct to the best of (his) (her) (their) knowledge.

DOUGLAS G. RUDE
NOTARY PUBLIC - MINNESOTA
My Commission Expires 1-31-2006

Douglas G. Rude
Notary Public, Olmsted County Minnesota

My Commission Expires on 1-31-06

DISTRIBUTION:
City Clerk (white copy)
Consolidated Planning Department (canary copy)
Petitioner (goldenrod copy)

VACATING STREETS, ALLEYS, AND UTILITY EASEMENTS: FORM NO. 1
Petition to Vacate Public Right-of-Way or Utility Easement

RECEIVED
JAN 13 2003

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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."

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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.**

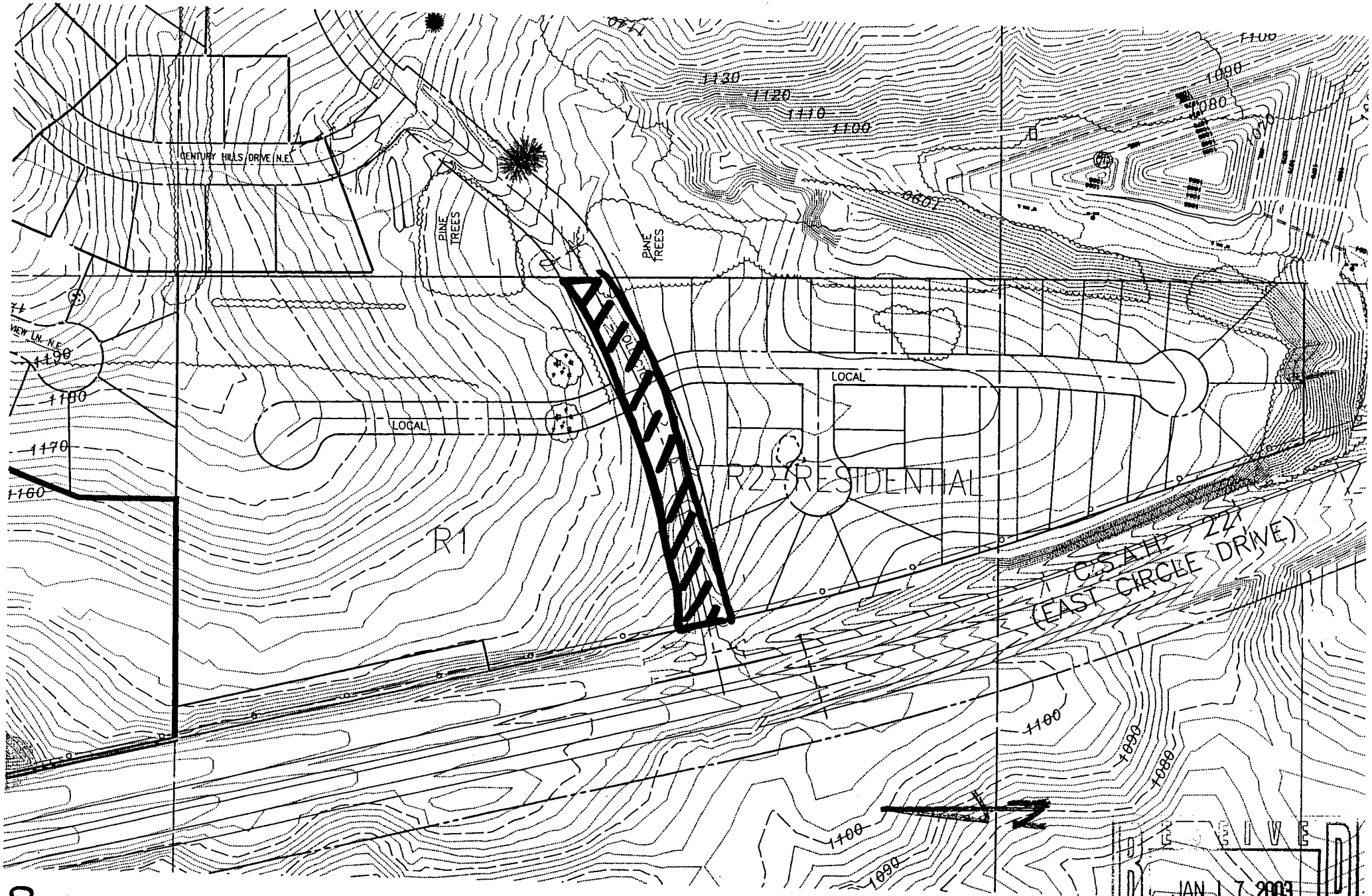
Attachments

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

Distribution:

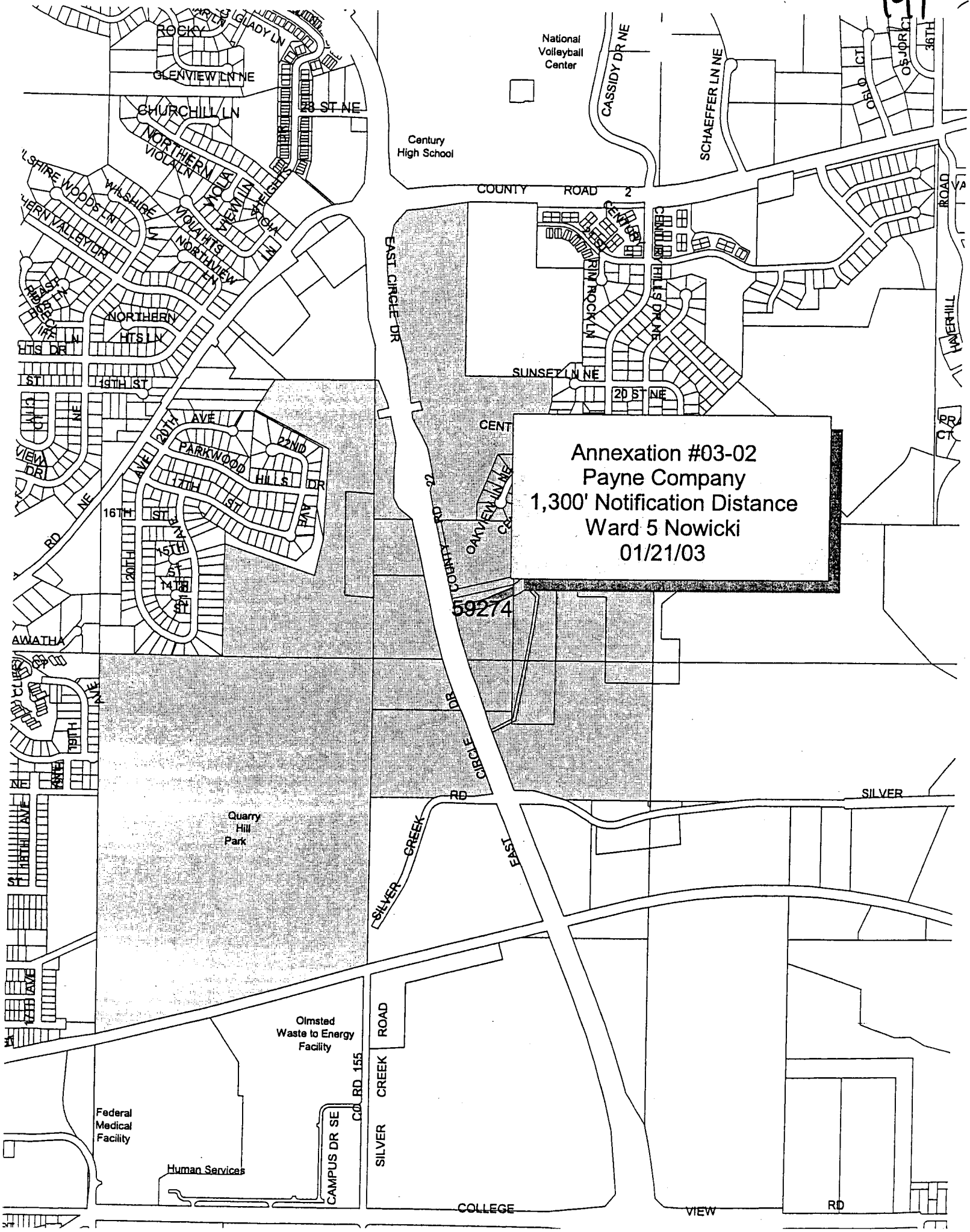
1. City Administrator
2. City Clerk
3. City Attorney: Legal Description Attached
4. City Finance Director: Tax Information Attached
5. Planning Department File
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, March 3, 2003 in the Council Chambers at the Rochester / Olmsted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

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



RECEIVED
JAN 17 2003
ROCHESTER OLMSTED
PLANNING DEPARTMENT

101


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
CENTURY HILLS DR NE
RIM ROCK LN
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
SILVER RD
SILVER CREEK
EAST CIRCLE DR
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

192

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).

194

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."

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REQUEST FOR COUNCIL ACTION

MEETING DATE: 03-03-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-10
ITEM DESCRIPTION: Annexation Petition #03-03 by Arcon Development, Inc. to annex approximately 19.35 acres of land located west of 18th Avenue SW (CR 147), west of Hart Farms Subdivision, north of 40th Street SW. The property is located in the North Half of the SW ¼ of Section 22 of Rochester Township.		PREPARED BY: Theresa Fogarty, Planner

February 27, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission reviewed this annexation request on February 26, 2003. The Commission found that this property can be served by City services upon extension of gravity sanitary sewer that is available to serve a portion of this property and the water lines from their present end. The Planning Commission therefore recommends approval of this request.

Ms. Petersson moved to recommend approval of Annexation Petition #03-03 by Arcon Development. Mr. Burke seconded the motion. The motion carried 7-0.

Planning Department Recommendation:

See attached staff report, dated February 18, 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 **$63.03.**

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 February 18, 2003.
2. Draft Copy of the minutes of the February 26, 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.
7. McGhie & Betts, Inc.

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

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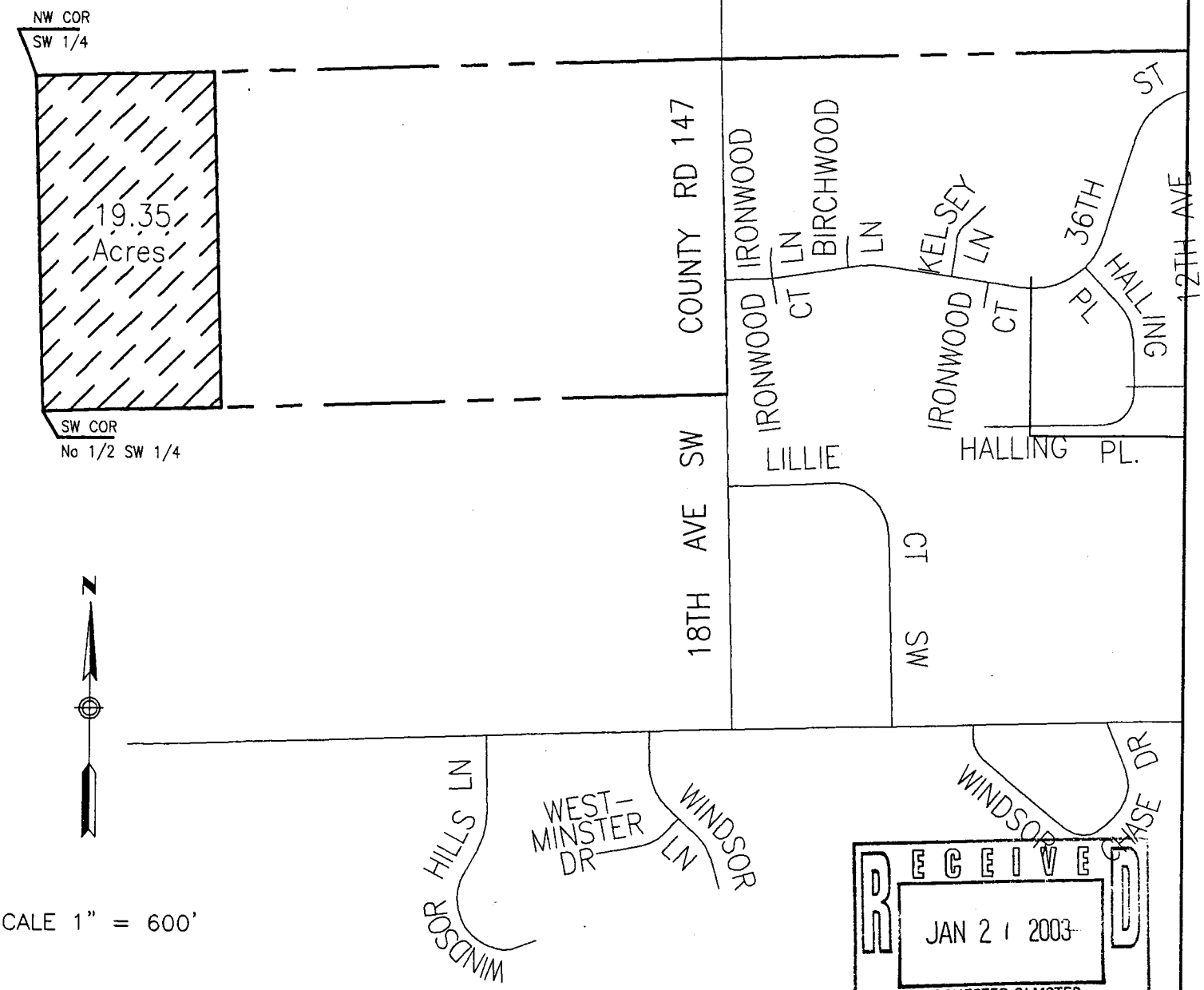
ANNEXATION EXHIBIT

DESCRIPTION:

THE NORTH HALF OF THE SOUTHWEST QUARTER SECTION 22, TOWNSHIP 106 NORTH, RANGE 14 WEST, OLMSTED COUNTY, MINNESOTA. LESS THE EAST 1983.72 FEET THEREOF.

CONTAINING 19.35 ACRES MORE OR LESS.



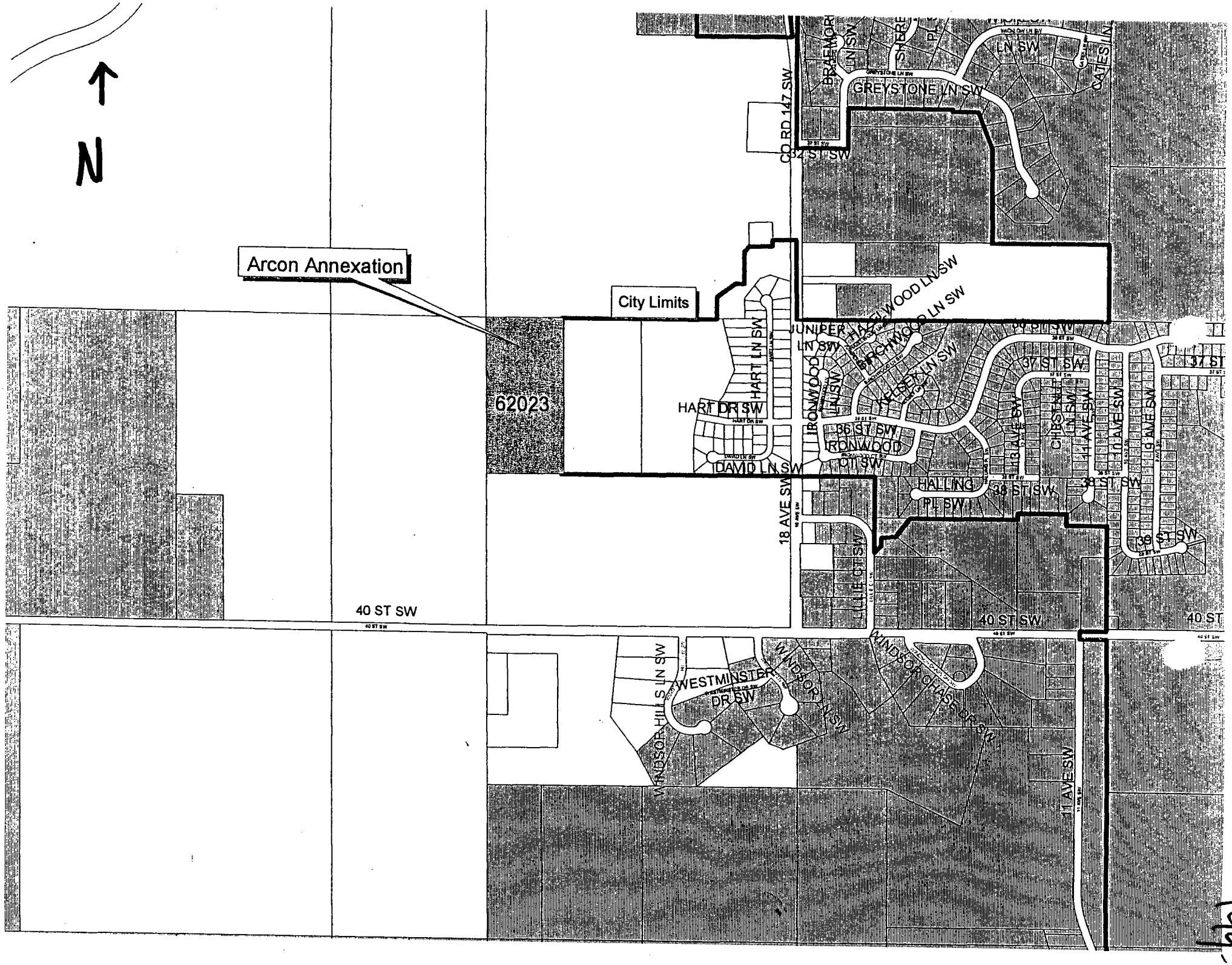
SCALE 1" = 600'

RECEIVED
JAN 21 2003
ROCHESTER OLMSTED PLANNING DEPARTMENT

FOR:
Arcon Development
7625 Metro Blvd.
Suite # 350
Edina, MN 55439

McGhie Betts, Inc.
Consulting Engineers Land Surveyors
Planners
1648 3rd AVE. S.E. Rochester, MN. 55904 507-289-3919

SCALE:	1" = 600'
DRAWN BY:	KLC
DATE:	1/20/03
ACCT. NO.:	1209/2255
CADD NO.:	2255ANNX


N
Arcon Annexation
City Limits
62023
40 ST SW
GREYSTONE LN SW
CO RD 147 SW
32 ST SW
HARTWOOD LN SW
BIRCHWOOD LN SW
JUNIPER LN SW
HART LN SW
HART DR SW
IRONWOOD LN SW
KELSEY LN SW
36 ST SW
IRONWOOD CT SW
DAVID LN SW
37 ST SW
13 AVE SW
CHESTNUT LN SW
11 AVE SW
10 AVE SW
9 AVE SW
HALLING PL SW
38 ST SW
39 ST SW
18 AVE SW
LILLIE CT SW
WESTMINSTER DR SW
WINDSOR LN SW
WINDSOR CHASE DR SW
WINDSOR HILLS LN SW
11 AVE SW

199

200

ROCHESTER-OLMSTED PLANNING DEPARTMENT
2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF Olmsted

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

TO: City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE: February 18, 2003

RE: Annexation Petition #03-03 by Arcon Development, Inc. to annex approximately 19.35 acres of land located west of 18th Avenue SW (CR 147), west of Hart Farms Subdivision, north of 40th Street SW. The property is located in the North Half of the SW ¼ of Section 22 of Rochester Township.

Planning Department Review:

Applicants/Owners:	Arcon Development. Inc. 7625 Metro Boulevard, Suite 350 Edina, MN 55439
Consultant / Engineer:	McGhie & Betts, Inc. 1648 Third Avenue SE Rochester, MN 55904
Location of Property:	The property is located west of 18th Avenue SW (CR 147), west of Hart Farms Subdivision, north of 40th Street SW.
Existing Land Use:	This property is currently undeveloped land.
Size:	The property proposed for annexation is approximately 19.35 acres of unplatted land.
Existing Zoning:	The property is zoned A-3 (Agricultural) 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.
Adjacency to the Municipal Limits:	The property is adjacent to the city limits along its eastern boundary.

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Sewer & Water: This area is within the South West High Level Water System Area, which is currently available within the Hart Farm Subdivision area to the east.

Gravity Sanitary Sewer is not currently available to serve the entire property.

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:

1. Rochester Public Utilities - Water Division
2. Rochester Public Works

Report Attachments:

1. Annexation Map
2. Location Map
3. Referral Comments (2 letters)

Staff Recommendation:

This property is adjacent to the City limits and can be served by city services upon extension of gravity sanitary sewer that is available to serve a portion of this property and water lines from their present ends. 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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rpu

we pledge, we deliver

February 4, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Annexation Petition #03-03 by Arcon Development, Inc. to annex 19.35 acres of land located within the Hart Farm GDP.

Dear Ms. Garness:

Our review of the referenced petition is complete and our comments follow:

1. The property may be subject to the water availability fee, connection fees or assessments. The Land Development Manager (507-281-6198) at the Public Works Department determines the applicability of these fees.
2. This area is within the Southwest High Level Water System Area, which is currently available within the Hart Farm Subdivision area to the east.
3. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Arcon Development
McGhie & Betts, Inc.

Rochester Public Utilities, 4000 East River Road NE, Rochester, Minnesota 55906-2813
telephone 507-280-1540 facsimile 507-280-1542

203

ROCHESTER

Minnesota

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

Date: 2/14/03

The Department of Public Works has reviewed the requested application for Annexation #03-03 on the Arcon Development (p/o Hart Farm) property. The following are Public Works comments on the proposal:

1. Gravity Sanitary Sewer is not currently available to serve the entire property.

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Draft Minutes of the City Planning & Zoning Commission
Date of Hearing: February 26, 2003

ANNEXATION:

Annexation Petition #03-03 by Arcon Development, Inc. to annex approximately 19.35 acres of land located west of 18th Avenue SW (CR 147), west of Hart Farms Subdivision, north of 40th Street SW . The property is located in the North Half of the SW ¼ of Section 22 of Rochester Township.

Ms. Petersson moved to recommend approval of Annexation Petition #03-03 by Arcon Development, Inc. Mr. Burke seconded the motion. The motion carried 7-0.

REQUEST FOR COUNCIL ACTION

MEETING 205

DATE: 03/03/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARINGS	Public Works	E-11

ITEM DESCRIPTION:	PREPARED BY:
PROJECT HEARING: Construction of 23rd Ave SW from 2nd St SW to Fox Valley Dr (J9714)	R. Kelm

This is a Hearing to consider the following local improvement project:

Project Number & Name

City Project 6323-3-00 (J9714) State number S.A.P. 159-146-01
"Construction of 23rd Ave SW from 2nd St SW to Fox Valley Dr"

Project Background

This project will include new concrete curb & gutter and bituminous pavement in the area from 2nd St SW to Fox Valley Drive SW. A portion of this project will be new construction with the remainder being reconstruction of the existing 23rd Ave street.

This project is included in the 2003 – 2008 Capital Improvement Program, item #13, page 32. The City Council authorized preliminary design of the project January 23, 2001and final design on November 4, 2002. Public Works held an informational meeting for property owners abutting the project December 12, 2002.

The construction will conform to State Aid standards with a cost estimated of $1,300,000. Funding for the project will come from Municipal State Aid System (MSAS) funds and from assessments of abutting property owners.

The proposed street reconstruction project includes the assessment of curb and gutter, 4-foot sidewalk, and storm sewer for the developed lots along the street. The existing street was previously rebuilt in 1995 as part of a sanitary sewer and water extension project. We do not propose to assess the cost to rebuild the street, only the cost of the additional improvements. The undeveloped lot frontages will pay half the cost of the street reconstruction and all sidewalk costs.

Estimated Project Costs

		Feasibility Cost
Construction:		
2200 Bituminous Pavement Rehab		$681,300.00
8307 Sidewalk		$58,800.00
Storm Sewer Repairs/Upgrades		$293,700.00
Watermain		$71,000.00
Sanitary Sewer		$71,000.00
Sub Total		$1,175,800.00
Engineering, Interest, Contingencies	12%	$141,096.00
TOTAL		$1,316,896.00

Project Cost Distribution

Distribution:	
Special Assessments - Curb & Gutter	$48,608.38
Special Assessments - Sidewalk	$42,874.02
Special Assessments - Storm Sewer	$37,500.00
Developer Funds	$325,552.24
City Funds - (Water Utility)	$10,000.00
City Funds - (MSAS Funds)	$852,361.35
TOTAL	$1,316,896.00

Distribution Percentages:	
Special Assessments / Developer Charges	34.52%
City Street Share	65.48%

Assessment Period

All special assessments may be levied for a period of ten years with interest charged at a rate of 7.5% annually on the unpaid balance, or they may be paid in full when levied.

COUNCIL ACTION REQUESTED:

1. Adopt the Project Feasibility Report
2. Adopt the resolution ordering the Project to be made.

Attach: Feasibility Report

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

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REPORT ON THE FEASIBILITY OF A PROPOSED LOCAL IMPROVEMENT PROJECT FOR: CONSTRUCTION OF 23RD AVE SW FROM 2ND ST SW TO 3,500FT SOUTH

January 27, 2003

Honorable Mayor & Common Council
City of Rochester, Minnesota

This is Feasibility Report for following project: Construction of 23rd Ave SW from 2nd St SW to 3500 ft South. The project was included in the 2003 – 2008 Capital Improvement Program, item #13, page 32.

Feasibility Report

We report the project is feasible and recommend its construction in the year 2003 based on the current condition of the street and participation by the abutting property owners.

This project will include new concrete curb & gutter, sidewalk, storm sewer, and bituminous pavement in the area from 2nd St SW to 3,500 ft South. A portion of this project will be new construction the remainder will be reconstruction of the existing 23rd Ave street.

The south end of this project will connect to a new portion of 23rd Ave SW being built by the Developer. The Developer's project will extend the avenue to a connection with Fox Valley Drive.

The existing 23rd Ave SW from 2nd Street SW to Gates Drive was a township gravel road built prior to the 1940-50's. In the last 10-15 years the Township overlaid the gravel roadway with bituminous. The rural bituminous roadway was reconstructed with watermain and sanitary sewer from 2nd to 4th Street in 1992 and from 4th to Gates Drive in 1995 as those sections became annexed into the City.

We recommend that the project be constructed and funded in accordance with the City's Comprehensive Pavement Management Strategy (CPMS). The CPMS is an objective, cost-effective program for the preservation, rehabilitation and reconstruction of the City's infrastructure. The most cost-effective strategy at this time for this street is reconstruction.

A reconstruction project would typically involve the following items of work:

1. Removal of existing roadway and gravel base
2. Construction of new storm sewer
3. Construction of an aggregate foundation for the street
4. Construction of new concrete curb and gutter
5. Surfacing of the entire street with bituminous asphalt
6. Upgrade drive approaches to concrete
7. Construction of 5-foot wide Sidewalk on both sides of street
8. Construct Boulevard areas, placement of top soil and sod

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This report and the estimated costs for the project are prepared without the benefit of field surveys, soils boring or completed plans and specifications:

		Feasibility Cost
Construction:		
2200 Bituminous Pavement Rehab		$681,300.00
8307 Sidewalk		$58,800.00
Storm Sewer Repairs/Upgrades		$293,700.00
Watermain		$71,000.00
Sanitary Sewer		$71,000.00
Sub Total		$1,175,800.00
Engineering, Interest, Contingencies	12%	$141,096.00
TOTAL		$1,316,896.00

Assessment Distribution:

Frontage:

The cost of street resurfacing, as established by City Council Policy, for the year 2003 will be used for this project as follows:

Residential Zones .....$ 12.16 per assessable foot

Street Resurfacing Rates	2003 ft	ft	Total Cost
Residential Zones	$12.16	3,997.40	$48,608.38
Subtotal			$48,608.38

Sidewalk:

The new 5 foot wide sidewalk installed on both sides of the street are assessed by the square foot, based on a 4 foot width and are assessed directly to the abutting property owner at the following rates:

4" Sidewalk .....$3.00 per square foot

New construction Sidewalks	2003 sq. ft	sq. ft	Total Cost
4" Sidewalk (residential)	$3.00	14,291.34	$42,874.02
Subtotal			$42,874.02

Storm Sewer:

In the area where only storm sewer work is being completed, the storm sewer is calculated on a per lot basis. The assessments will be assessed directly to the abutting property owner at the following rates:

Storm Sewer Only.....$6,250 per Lot

New Construction Storm Sewer	2003 Lot	Lot	Total Cost
Storm Sewer lump sum calculated per lot	$6,250.00	6.00	$37,500.00
Subtotal			$37,500.00

20r

Developer Contribution:

The developer contributions used for this project are as follows:

Developer New Construction	2003	ft	Total Cost
Thompson Estate = Actual Cost	$300.00	780.00	$234,000.00
Michael Young	$127.08	720.43	$91,552.24
Subtotal			$325,552.24

Project Distribution:

Distribution:	
Special Assessments - Curb & Gutter	$48,608.38
Special Assessments - Sidewalk	$42,874.02
Special Assessments - Storm Sewer	$37,500.00
Developer Funds	$325,552.24
City Funds - (Water Utility)	$10,000.00
City Funds - (MSAS Funds)	$852,361.35
TOTAL	$1,316,896.00

Distribution Percentages:	
Special Assessments / Developer Charges	34.52%
City Street Share	65.48%
TOTAL	100.0%

Submitted for your consideration:

Russell Kelm, PE
Design Engineer

Douglas Nelson, PE
Engineering Manager

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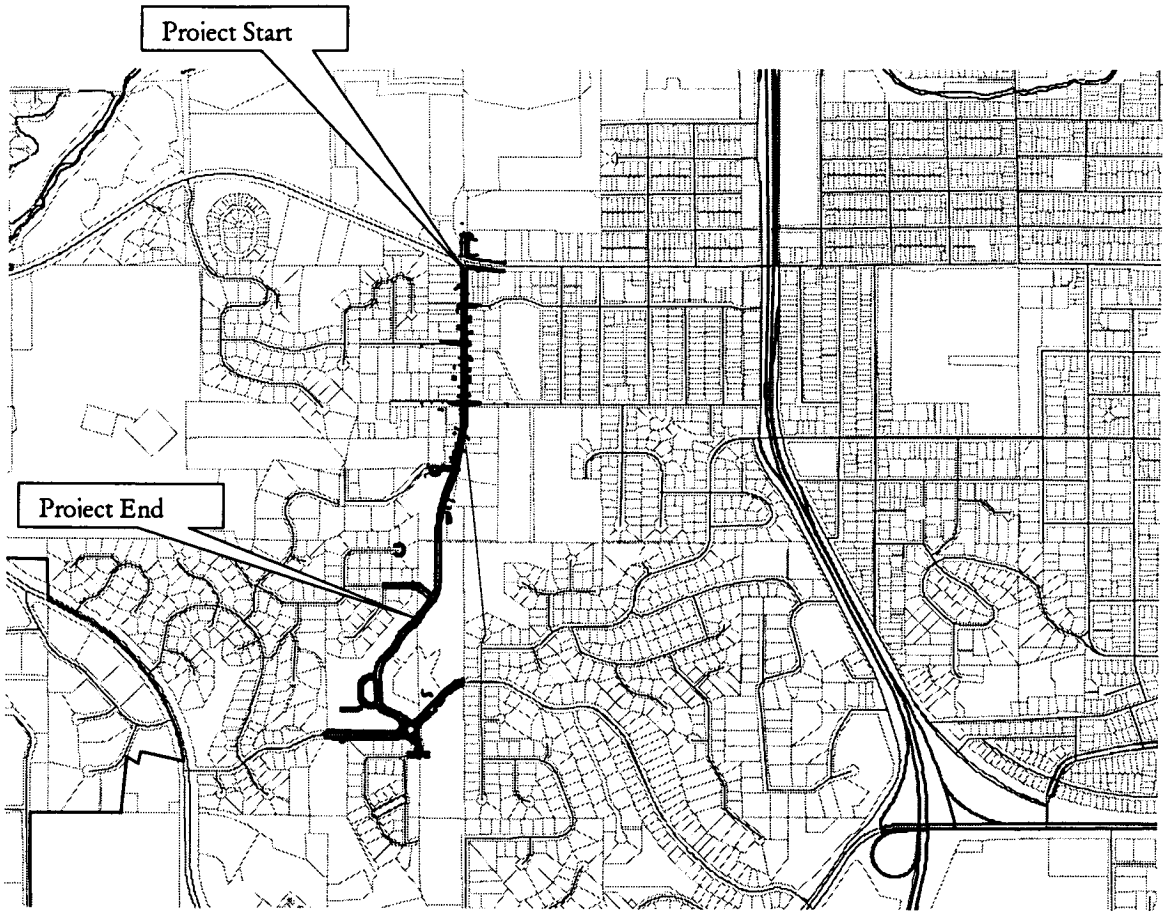
Construction of 23rd Ave SW from 2nd St SW to Fox Valley Drive SW



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BUDGET AND ASSESSMENT SCHEDULE
FOR CONSTRUCTION CONTRACT

Project No:	6323-3-00	Date:	February 27, 2003
J No:	9714		
Description:	Construction of 23rd Ave SW from 2nd St SW to 3400ft South		

	Feasibility Cost	Engineer Estimate Cost	Contract Cost	Final Cost
Construction:				
2200 Bituminous Pavement Rehab	$681,300.00			
8307 Sidewalk	$58,800.00			
Storm Sewer Repairs/Upgrades	$293,700.00			
Watermain	$71,000.00			
Sanitary Sewer	$71,000.00			
Sub Total	$1,175,800.00			
Engineering, Interest, Contingencies 12%	$141,096.00			
TOTAL	$1,316,896.00			

Distribution:				
Special Assessments - Curb & Gutter	$48,608.38			
Special Assessments - Sidewalk	$42,874.02			
Special Assessments - Storm Sewer	$37,500.00			
Developer Funds	$325,552.24			
City Funds - (Water Utility)	$10,000.00			
City Funds - (MSAS Funds)	$852,361.35			
TOTAL	$1,316,896.00			

Distribution Percentages:				
Special Assessments / Developer Charges	34.52%			
City Street Share	65.48%			
TOTAL	100.0%			

Notes:

Make Initial Disbursement from P. I. R. Fund

211

M E M O R A N D U M

DATE: February 28, 2003

TO: File

FROM: Michael Nigbur

RE: 23rd Avenue Storm Sewer.

CC:

There have been some recent questions concerning the 23rd Avenue storm sewer assessment which is being made as part of the 23rd Avenue roadway project.

City staff have previously reviewed the options for providing storm sewer for the 23rd Avenue Project in addition to correcting some outstanding stormwater event issues in the area. These events including the storm water conveyance capacity limitations through the apartment complex, caused by the development of the apartment project north of 3rd Street, and the back yard drainage for the residents along 23rd Avenue.

The general 23rd Avenue storm sewer system can be broken down into two main systems ....that area lying north and that area lying South. The northerly part of the system happens to include the other stormwater event issues referenced above. As part of the design for the north storm sewer system the City looked at two alternatives for correcting some of the issues. The first was removing back yard drainage of the neighborhood along the east side of 23rd Avenue. The second was capturing the backyard water at 3rd Street and bringing the runoff into the 23rd Avenue system. Staff selected the second option as being the most cost effective measure to solve the area problems which would most likey cause future property damage. This alternative specifically solves a recurring flooding problem for the downstream apartment buildings. However, to provide this protection for some of these buildings there is a cost associated with these needed improvements.

To determine the cost associated with the storm water protection we first determined the base level needs for 23rd Avenue. In this case the base level storm sewer needed for the 23rd Avenue project on the north end consists of pipe sizes ranging from 15" to 36" along with the corresponding increase in manhole sizes. However once we add the storm water runoff from 3rd Street, to eliminate the majority of the flooding events, in the required 48" pipe the downstream pipe size North of 3rd street jumps to 54". Obviously the manholes and trench sizes also increase to correspond with the increase in pipe size.

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The following is a breakdown of the cost of capturing the runoff in 3rd Street.

1.	Increase in pipe size from 36" to 54" in the 23rd Ave lying north of 3rd Street = $35.00 ($100-$65) per foot X 400 feet	= $14,000
2.	Increase in MH size from 72" – 96" = $2100 ($4700-2600) X 3	= $6,300
3.	Install 48" pipe in 3rd Street $85 X165 feet	= $14,025
4.	Trenching for 48" pipe $17 X 165 feet	= $2,805
5.	Install 48" apron	= $ 900
6.	Install Grouted Riprap around apron	= $1,290
	Subtotal	**= $39,320**
7.	Engineering & contingency 30%	= $11,796
	Total	**= $51,116**

Since this portion of the project benefits 8 properties, the apartment buildings, it was felt that these owners should pay for the improvement. However, 2 of the properties are already paying their share of the storm water improvement with the 23rd Avenue project. Therefore that leaves the easterly 6 properties to pay for this portion of the project. An argument could also be made to only charge those 4 properties abutting the ditch conveying the storm water. Staff did review this option but would not recommend this assessment option since the development of the 6 easterly apartment buildings, not just the 4 abutting the channel, resulted in the relocation of the natural conveyance system.

This proportional cost share equates to the following options:

- $51,000 / 6 = $8,500 per lot
- $51,000 / 4 = $12,750 per lot

In effort to be fair to the property owners the City staff determined that the City should accept a portion of the costs as a public share since there are outside owners (even beyond the initial 6) that do receive some minor benefit.

Based on this thought Staff has determined that the Owners should pay for items 1, 2, 3, and 4 while the City should pay for items 5, 6, and 7 above.

This beakdown of costs provides the cost share for the project to be the following:

- $37,130 or approximately $37,500 / 6 = $6250

Obviously, City of Rochester participation in the cost of this project has a lowered the 6 parcel owners' obligation for this storm sewer system.

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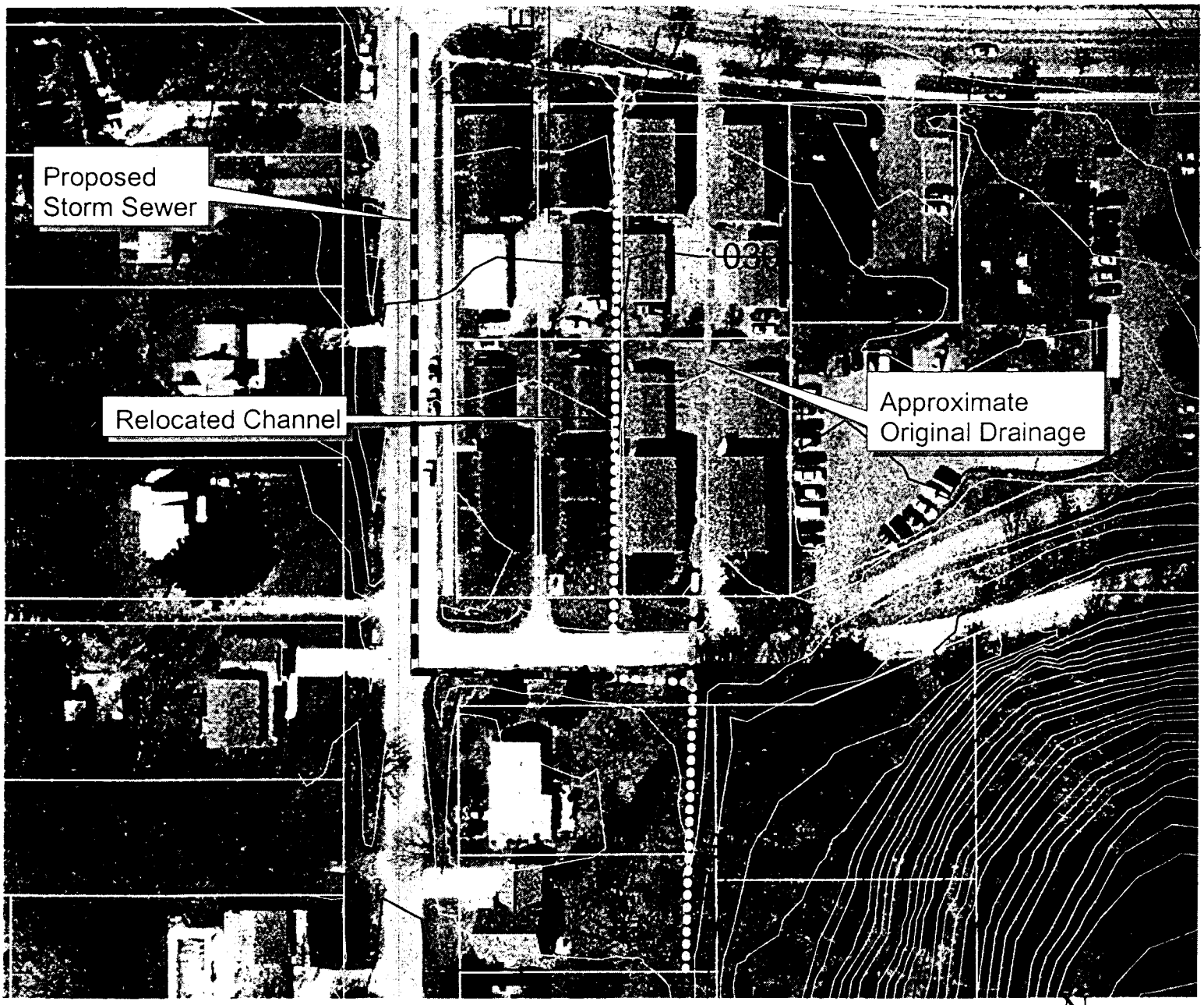
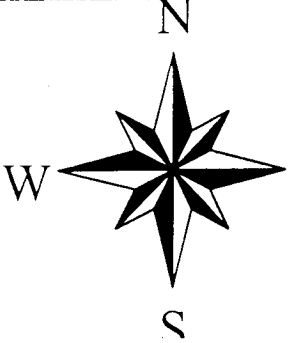

Proposed
Storm Sewer
Relocated Channel
Approximate
Original Drainage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REQUEST FOR COUNCIL ACTION

MEETING 215

DATE: 03/03/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARINGS	Public Works	E-12

ITEM DESCRIPTION: **ASSESSMENT HEARING:**
Construction of 23rd Ave SW from 2nd St SW to Fox Valley Dr (J9714)

PREPARED BY: R. Kelm

This is an Assessment Hearing to consider the following local improvement project:

Project Number & Name

City Project 6323-3-00 (J9714) State number S.A.P. 159-146-01
"Construction of 23rd Ave SW from 2nd St SW to Fox Valley Dr"

Project Background

This project will include new concrete curb & gutter and bituminous pavement in the area from 2nd St SW to Fox Valley Drive SW. A portion of this project will be new construction with the remainder being reconstruction of the existing 23rd Ave street.

This project is included in the 2003 – 2008 Capital Improvement Program, item #13, page 32. The City Council authorized preliminary design of the project January 23, 2001and final design on November 4, 2002. Public Works held an informational meeting for property owners abutting the project December 12, 2002.

The construction will conform to State Aid standards with a cost estimated of $1,300,000. Funding for the project will come from Municipal State Aid System (MSAS) funds and from assessments of abutting property owners.

The proposed street reconstruction project includes the assessment of curb and gutter, 4-foot sidewalk, and storm sewer for the developed lots along the street. The existing street was previously rebuilt in 1995 as part of a sanitary sewer and water extension project. We do not propose to assess the cost to rebuild the street, only the cost of the additional improvements. The undeveloped lot frontages will pay half the cost of the street reconstruction and all sidewalk costs.

Estimated Project Costs

		Feasibility Cost
Construction:		
2200 Bituminous Pavement Rehab		$681,300.00
8307 Sidewalk		$58,800.00
Storm Sewer Repairs/Upgrades		$293,700.00
Watermain		$71,000.00
Sanitary Sewer		$71,000.00
Sub Total		$1,175,800.00
Engineering, Interest, Contingencies	12%	$141,096.00
TOTAL		$1,316,896.00

Project Cost Distribution

Distribution:	
Special Assessments - Curb & Gutter	$48,808.38
Special Assessments - Sidewalk	$42,874.02
Special Assessments - Storm Sewer	$37,500.00
Developer Funds	$325,552.24
City Funds - (Water Utility)	$10,000.00
City Funds - (MSAS Funds)	$852,361.35
TOTAL	$1,316,896.00

Distribution Percentages:	
Special Assessments / Developer Charges	34.52%
City Street Share	65.48%

Assessment Period

All special assessments may be levied for a period of ten years with interest charged at a rate of 7.5% annually on the unpaid balance, or they may be paid in full when levied.

COUNCIL ACTION REQUESTED:

Adopt the resolution levying the proposed assessments.
Attach: Feasibility Report
NOTE TO CLERK: - Adopted assessment only. Billings are not to be sent until project substantially completed.

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

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/3/03 217

AGENDA SECTION: RESOLUTIONS AND ORDINANCES	ORIGINATING DEPT: CITY ATTORNEY'S OFFICE	ITEM NO. G
ITEM DESCRIPTION: RESOLUTIONS AND ORDINANCES		PREPARED BY: TERRY ADKINS TLA

G. 1. RESOLUTIONS

G. 2. FIRST READING OF ORDINANCES, as appropriate.

G. 3. SECOND READING OF ORDINANCES (for adoption).

a) An Ordinance Creating And Enacting Clause B to Subdivision 5 of Section 65.510 of the Rochester Code of Ordinances, Relating to the Expiration of Sign Credits.

G. 4. MISCELLANEOUS

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

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