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

MEETING NO. 7 **MARCH 17, 2003**
REGULAR ADJOURNED **7:00 P.M.**

PLEDGE OF ALLEGIANCE

PAGE

1-2 **A) OPEN COMMENT PERIOD - - NONE - -**

B) CALL TO ORDER

C) LETTERS AND PETITIONS

3-4 **D) CONSENT AGENDA/ORGANIZATIONAL BUSINESS**

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

5-6 2) Lease Agreement Between City of Rochester and Glen Larsen for Approximately 9 Acres of Cropland Adjacent to the KR-3 Flood Control Reservoir **- - APPROVED - -**

7-8 3) Accept a State Aid Agreement for Emergency Airfield Lighting Repairs **- - APPROVED - -**

9-10 4) Agreement for Conditional Building Permit
- - WITHDRAWN - -

11-12 5) Election Judges – Special City General Election – April 22, 2003
- - APPROVED - -

13-14 6) Licenses, Bonds & Miscellaneous Activities
- - APPROVED - -

15-16 7) Public Transportation Franchise – Lagnaf, Inc. dba Rochester Express Airport Shuttle, Inc **- - APPROVED - -**

17-18 8) Request by the Pacific Housing Advisors, Inc., to set a public hearing for April 7th to consider the issuance of approximately $6.8 million in public housing revenue bonds by the City of Rochester, Minnesota, for the Eastridge Estates Project **- - APPROVED - -**

19-20 9) Acceptance of 2003 Seasonal Supply of Aggregate Materials
- - APPROVED - -

21-22 10) Accept bids for 2003 Seasonal Supply for Bituminous Materials
- - APPROVED - -

23-24	11)	Acceptance of 2003 Seasonal Supply for Asphalt Materials **- - APPROVED - -**
25-26	12)	Accept Bids for 2003 Seasonal Supply for Ready-Mix Concrete **- - APPROVED - -**
27-28	13)	Approval of Accounts Payable **- - APPROVED - -**
29-30	14)	2003 Assistance to Firefighters Grant Program **- - APPROVED - -**
31-32	15)	Wage Recommendation for 2003 – Non Bargaining Unit Employees **- - APPROVED - -**
33-34	16)	CommunityNet Subscription Service Agreement **- - APPROVED - -**
35-36	17)	Stop Violence Against Women Act (VAWA) Fund Grant **- - APPROVED - -**
37-38	18)	Agency Agreement between the City of Rochester and the Minnesota Department of Transportation for Federally funded projects **- - APPROVED - -**
39-42	19)	Advertise for Bids: Sanitary Sewer and Watermain in the Kahoun's Crystal Springs and Cedar Park Subdivision Areas, J9786, J9787 and J9790 **- - APPROVED - -**
43-44	20)	Real Estate – Zumbro River Contractors Right of Entry for City Lands **- - APPROVED - -**
45-46	21)	Contract with Minnesota Valley Testing Laboratories to Provide Environmental Monitoring Services at the Former Landfill **- - APPROVED - -**
47-48	22)	Real Estate – Settlement for Right of Way Acquisition for Bandel Road J9815 **- - APPROVED - -**
49-50	23)	Advertise for Bids: Reconstruction of Bandel Road NW (J-9815) **- - APPROVED - -**
51-52	24)	Development Agreement – Val & Laura Zaborowski **- - APPROVED - -**
53-54	25)	Owner Contract – Watermain Extension to Serve Lot 2, Block 1, Circle Drive Business Center Fifth (Merill Lynch Building) (J5056) **- - APPROVED - -**
55-56	26)	Owner Contract – Watermain Extension to Serve Lot 2, Block 1, Circle Drive Business Center Third (J9861) **- - APPROVED - -**
57-58	27)	Stormwater Management Agreements **- - APPROVED - -**
	28)	Fire Apparatus **- - APPROVED - -**

E) HEARINGS

59-74	1)	Continued Hearing on Land Use Plan Amendment Petition #02-06 by Mark Leitzen to amend the land designation from Low Density Residential to Commercial on property located east of HyVee, north of West River Parkway, south of 37th Street NW and west of the Zumbro River. **- - APPROVED - -**
75-84	2)	Continued Hearing on Zoning District Amendment #02-15 by Mark Leitzen to amend the zoning district from R-1 to B-4 on property located east of HyVee, north of West River Parkway, south of 37th Street NW and west of the Zumbro River **- - DENIED - -**
85-100	3)	Continued Hearing on General Development Plan #195 to be known as West River Parkway by Mark Leitzen **- - DENIED - -**
101-140	4)	Continued Hearing on General Development Plan #199 to be known as 37th Street Commercial Park **- - APPROVED - -**
141-150	5)	Continued Hearing on 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 **- - APPROVED - -**
151-160	6)	Zoning District Amendment #03-02 by Todd Ustby to zone land as R-1x upon annexation to the City located west of Osjor Estates, east of Schaeffer Lane and north of Viola Road. **- - APPROVED - -**
161-186	7)	General Development Plan #200 by Todd Ustby to be known as Viola Hills Subdivision **- - APPROVED - -**
187-200	8)	Annexation Petition #03-04 by the owners of Lots 1, 2, 11, 23, 13 Osjor Estates 3rd Subdivision located in Sections 20 and 29, Haverhill Township **- - APPROVED - -**
201-206	9)	Continued Hearing on Local Improvement Project No. M2-33 (J-7707) "Sanitary Sewer to Serve Lots 1-3 and Lots 11-13 in Osjor Estates 3rd Subdivision Located on Oslo Court NE". **- - APPROVED - -**
207-208	10)	Amending the 2002 Action Plan for the Community Development Block Grant Program (CDBG) to allow for a new activity using up to $8,000 of funding. **- - APPROVED - -**
209-216	11)	Zoning District Amendment #02-14 by Chris Adamson/Truckin America to amend the zoning from B-1 to B-4 located south of the existing Truckin America business along the east frontage road of TH 52 between 55th Street NW and 41st Street NW. **- - APPROVED - -**
217-228	12)	General Development Plan #194 located south of the existing Truckin America business **- - APPROVED - -**
229-240	13)	Land Use Plan Amendment #03-02 by Castle Court MN Limited Partnership **- - APPROVED - -**
241-248	14)	Zoning District Amendment #03-04 by Castle Court MN Limited Partnership to rezone land from R-2 to B-4 located at the site of the Castles Trailer Park located south of Second Street SW, east of 20th Avenue SW and north of Third Street SW. **- - APPROVED - -**
249-264	15)	General Development Plan #202 by Castle Court MN Limited Partnership **- - APPROVED - -**
265-286	16)	Preliminary Plat #03-04 to be known as Manor Woods West Fourteenth by Forbrook-Bigelow Development, LLC **- - APPROVED - -**

287-306 17) Land Subdivision Permit #03-05 to be known as Hart Farm Second, by Arcon Development **- - APPROVED - -**

307-318 18) Final Plat #99-25 by Rocky Creek of Rochester, LLC to be known as Glendale Hills Fourth **- - APPROVED - -**

319-330 19) Final Plat #02-49 to be known as Boulder Ridge Third Subdivision **- - APPROVED - -**

331-340 20) Final Plat #03-02 by Roger Payne to be known as Century Hills Seventh Subdivision **- - APPROVED - -**

341-350 21) Zoning District Amendment #03-01 by David LaPointe to rezone from the RSA district to R-1 district on property located south of Mayowood Road SW, east of Highway 52, with a property address of 1036 Mayowood Road SW. **- - APPROVED - -**

351-360 22) Annexation Petition #03-05 by West 19 Development, LLC to annex land located north of the DM&E Railroad along Highway 14 West and east of 50th Avenue NW in Cascade Township. **- - WITHDRAWN - -**

F) REPORTS AND RECOMMENDATIONS

361-362 1) TH 52 Noise Standards Exemption Request **- - APPROVED - -**

363-364 2) Amendment to Noise Permit for TH 52 Reconstruction Project **- - WITHDRAWN - -**

G) RESOLUTIONS AND ORDINANCES

365-366

H) TABLED ITEMS

I) OTHER BUSINESS

J) ADJOURNMENT

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/17/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
OPEN COMMENT PERIOD	CITY ADMINISTRATOR	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: 3/17/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO. D-1-27
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 the items with a single motion to approve. The Council President will allow the Councilmembers an opportunity to whether there are any of these items which you wish to have removed from the consent agenda approval and to have discussed and acted upon separately by the Council.

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

1) Approval of Minutes
2) Lease Agreement Between City of Rochester and Glen Larsen for Approximately 9 Acres of Cropland Adjacent to the KR-3 Flood Control Reservoir
3) Accept a State Aid Agreement for Emergency Airfield Lighting Repairs
4) Agreement for Conditional Building Permit
5) Election Judges – Special City General Election – April 22, 2003
6) Licenses, Bonds & Miscellaneous Activities
7) Public Transportation Franchise – Lagnaf, Inc., dba Rochester Express Airport Shuttle, Inc.
8) Request by the Pacific Housing Advisors, Inc., to set a public hearing for April 7th to consider the issuance of approximately $6.8 million in public housing revenue bonds by the City of Rochester, Minnesota, for the Eastridge Estates Project
9) Acceptance of 2003 Seasonal Supply of Aggregate Materials
10) Accept bids for 2003 Seasonal Supply for Bituminous Materials
11) Acceptance of 2003 Seasonal Supply for Asphalt Materials
12) Accept Bids for 2003 Seasonal Supply for Ready-Mix Concrete
13) Approval of Accounts Payable
14) 2003 Assistance to Firefighters Grant Program
15) Wage Recommendation for 2003 – Non Bargaining Unit Employees
16) CommunityNet Subscription Service Agreement
17) Stop Violence Against Women Act (VAWA) Fund Grant
18) Agency Agreement between the City of Rochester and the Minnesota Department of Transportation for Federally funded projects
19) Advertise for Bids: Sanitary Sewer and Watermain in the Kahoun's Crystal Springs and Cedar Park Subdivision Areas, J9786, J9787 and J9790
20) Real Estate – Zumbro River Contractors Right of Entry for City Lands

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

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21) Contract with Minnesota Valley Testing Laboratories to Provide Environmental Monitoring Services at the Former Landfill
22) Real Estate – Settlement for Right of Way Acquisition for Bandel Road J9815
23) Advertise for Bids: Reconstruction of Bandel Road NW (J-9815)
24) Development Agreement – Val & Laura Zaborowski
25) Owner Contract – Watermain Extension to Serve Lot 2, Block 1, Circle Drive Business Center Fifth (Merill Lynch Building) (J5056)
26) Owner Contract – Watermain Extension to Serve Lot 2, Block 1, Circle Drive Business Center Third (J9861)
27) Stormwater Management Agreements

COUNCIL ACTION REQUESTED:

Motion to approve consent agenda items

REQUEST FOR COUNCIL ACTION

MEETING 5

DATE: 3/17/03

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: City Administration	ITEM NO. D-2
ITEM DESCRIPTION **Lease agreement between City of Rochester and Glen Larsen for approximately 9 acres of cropland adjacent to the KR-3 flood control reservoir**		PREPARED BY: T. Spaeth

The City has drafted a lease agreement to lease approximately 9 acres of cropland to Glen Larsen (adjacent landowner). The term of the lease is a five year period. The annual lease rate shall be $720.

Council Action Requested:

Authorize Mayor and City Clerk to execute Lease Agreement on behalf of the City.

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

REQUEST FOR COUNCIL ACTION

MEETING 1

DATE: 3/17/03

AGENDA SECTION: Consent	ORIGINATING DEPT: Rochester International Airport	ITEM NO. D-3
ITEM DESCRIPTION: Accept a State Aid Agreement for emergency airfield lighting repairs.		PREPARED BY: Steven W. Leqve

The Rochester Airport Commission recommends and requests Council authorization to:

Accept a State Aid Agreement for emergency airfield lighting repairs at the Rochester International Airport. This Agreement will provide funding for the temporary repairs that have already taken place and the permanent repairs that are currently under way. It appears these problems were the result of unusually deep frost. The State participation in this Agreement is $150,000.

Project Funding: 80% State
20% Local

COUNCIL ACTION REQUESTED:

Resolution authorizing the Mayor and the City Clerk to execute the State Aid Agreement.

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

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REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/17/03 9

AGENDA SECTION: Consent	ORIGINATING DEPT: Building Safety	ITEM NO. D-4
ITEM DESCRIPTION: Agreement for Conditional Building Permit		PREPARED BY: Ron Boose

Buhr Enterprises, LLC has applied for a building permit to construct a new building to house a car sales office, Southpoint Motors, at the southeast corner of North Broadway and 7th Street NE. The proposed location of the building in relation to the south property line would require a fire resistive wall without windows for the south wall of the new building. Buhr Enterprises has a purchase agreement to acquire the property to the south with the intention of removing the existing structures and combining the lot with the car sales business. When this action is completed the fire resistive wall will no longer be necessary. Buhr's lease at their current location will expire soon and they wish to proceed with construction of the new building without the required firewall. An agreement has been negotiated between Buhr and the City to issue a conditional building permit to allow construction to commence without the firewall and which provides for appropriate remedies if Buhr should be unsuccessful in acquiring the adjacent property or fail to perform on removal of the existing buildings by September 17, 2003.

COUNCIL ACTION REQUESTED:

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

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

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REQUEST FOR COUNCIL ACTION

MEETING 11
DATE: 3/17/03

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: City Clerk	ITEM NO. D-5
ITEM DESCRIPTION: Election Judges - Special City General Election - April 22, 2003		PREPARED BY: Judy Scherr

The following list of election judges is submitted for your approval. These individuals will serve at the Special City General Election to be held on April 22, 2003, to elect the Sixth Ward Councilmember.

The two candidates on the ballot will be:

Patrick (P.J.) Day
Sandra Means

COUNCIL ACTION REQUESTED

A motion to approve the list of election judges to serve at the April 22, 2003, Special City General Election to elect the Sixth Ward Councilmember to serve the unexpired term ending on December 31, 2004.

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

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Election Judges for the April 22, 2003 Election

As of 3/17/03

6-1 - Elton Hills School, 1421 Elton Hills Drive N.W.

Elaine (Becky) L Schuster, Head Judge, full day	619 Elton Hills Dr NW, Rochester	Home: 282-7886
Rose Marie Larson, full day	2715 Riverside Ln NE, Rochester	Home: 282-8339
Kathleen Evers, full day	625 19th St NW #705, Rochester	Home: 281-8242
Cora Brackenbury, full day	906 12th Ave. NE	Home: 289-6524
Elizabeth (Betty) J Shimek, full day	1815 15th St NW, Rochester	Home: 288-4532

6-2 - Hoover School, 369 Elton Hills Drive N.W.

Karen M. Carney, Head Judge, full day	1461 Cascade St NW, Rochester	Home: 288-0615
Delores Smith, full day	2515 5th Ave. NW, Rochester	Home: 288-1953
Betty Paulsen, full day	625 19th Street NW #302, Rochester	Home: 288-3907
Lorraine A Darling, full day	625 19th Street NW #501, Rochester	Home: 282-1614
Nylene D Thompson, full day	1331 5th St NE, Rochester	Home: 252-9263

6-3 - Gage School, 1300 40th Street N.W.

Elizabeth (Liz) S Holmberg, Head Judge, full day	2010 42nd St NW, Rochester	Home: 289-0301
Kenneth L Schultz, full day	2917 7th Ave NW, Rochester	Home: 281-1252
Sandra (Sandy) K Nelson, full day	1320 42nd Street NW, Rochester	Home: 288-4411
Frederick R Trummer, full day	825 Essex Parkway NW #112, Rochester	Home: 282-3968
Jay H. Youmans, full day	4124 57th Ln NW, Rochester	Home: 287-8078

6-4 - John Adams Middle School, 1525 31st Street N.W.

Crysta L Parkin, Head Judge, full day	111 4th Avenue NE, Byron	Home: 775-6648
Lavaun A Postier, full day	8366 Co Rd 3 NW, Oronoco	Home: 288-4796
Harold H Osborn, full day	3030 15th Avenue NW, Rochester	Home: 288-4141
Judith C Doty, full day	1911 Viking Drive NW #27, Rochester	Home: 536-9634
Lori A Timmerman, full day	3203 15th Avenue NW Apt C, Rochester	Home: 288-0334

6-5 - Elim Baptist Church, 1815 38th Street N.W.

Donald Harrison DeWalt, Head Judge, full day	1334 38th St NW, Rochester	Home: 288-8246
Carol A King, full day	5722 Lowry Dr NW, Rochester	Home: 282-5065
Sharon M Northouse, full day	1004 2nd Street NW, Rochester	Home: 281-2281
Margaret E Klobuchar, full day	1839 34th St NW, Rochester	Home: 289-2814
Elaine F G Schmidt, full day	2518 18th Ave NW, Rochester	Home: 282-4107

6-6 - Assembly of God Church, 4240 18th Avenue N.W.

Linda Ruth Kuehn, Head Judge, full day	4102 14th Ave NW, Rochester	Home: 288-1674
Susan Einspahr, full day	820 10th Street SW, Rochester	Home: 281-4107
Faith V Lyons, full day	2105 Valley High Dr NW , Rochester	Home: 289-1762
Mary Agnes Benike, full day	2441 25th Street NW, Rochester	Home: 289-5439
Sara E Schweitzer, full day	1505 41st St NW Apt F2, Rochester	Home: 202-3886

6-7 - Resurrection Evangelical Lutheran Church, 4520 19th Avenue N.W.

Carole Grimm, Head Judge, full day	3222 49th Street NW	Home: 282-8830
Sister Marlys Jax, full day	1001 14th Street NW, Rochester	Home: 280-2194
Michael (Mike) G Hendrickson, full day	2525 19th Avenue NW, Rochester	Home: 252-5587
Harold B Stewart, full day	1535 Graham Ct SE, Rochester	Home: 289-5314
Bobbie Lebeck, full day	718 2nd Ave. NW, Rochester	Home: 281-9734

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/17/03 13

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.

GAMBLING – TEMPORARY

Bear Creek Longbeards Chapter
27577 615th St.
Kasson, Mn. 55944
Raffle 4/1/03 AT
Elks Lodge #1091
917 15th Ave SE
Rochester, Mn. 55904

Rochester Juvenile Hockey Association
PO Box 476
Rochester, Mn 55903
Off Site Permit for Pool Tournaments 4/24/03 thru 4/26/03 AT
Graham Arena

Church of St Pius
1315 12th Ave NW
Rochester, Mn. 55901
Willing Hands Auction 4/5/03

LIQUOR – TEMPORARY INTOXICATING

Church of St Pius
1315 12th Ave NW
Rochester, Mn. 55901
Willing Hands Auction 4/5/03

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

OUTDOOR DINING

Bilotti's Italian Restaurant
304 1st Ave SW
Rochester, Mn. 55902

SOUND AMPLIFICATION

St. John the Evangelist Catholic Church
11 4th St SW
Rochester, Mn. 55902
Good Friday "Procession of the Cross" 4/18/03 5:30 PM to 6:45 PM
Peace Plaza

MISCELLANEOUS

St. John the Evangelist Catholic Church
11 4th St SW
Rochester, Mn. 55902
Good Friday "Procession of the Cross" 4/18/03 5:30 PM to 6:45 PM
Peace Plaza

COUNCIL ACTION REQUESTED

A motion to approve the above licenses, bonds and miscellaneous activities.

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REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/17/03

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: City Clerk	ITEM NO. D-7
ITEM DESCRIPTION: Public Transportation Franchise - Lagnaf, Inc. dba Rochester Express Airport Shuttle, Inc.		PREPARED BY: Judy Scherr

Dan Moulton, owner of Lagnaf, Inc. dba Rochester Express Airport Shuttle, Inc., is requesting approval of his application for a Public Transportation Franchise. Mr. Moulton would be using three vehicles in the business that carry a passenger load of seven including the driver. The State of Minnesota requires that vehicles of seven passengers or less are required to be regulated by the municipality in which they are doing business.

The business would transport individuals to and from the St. Paul/Minneapolis Airport, Amtrak, and Rochester Airport to various business designations and hotels and motels in Rochester. These would include, but not be limited to IBM, Mayo Clinic, Assisi Heights, etc. The application states that the fixed route of operation would be "One mile on either side of TH63, TH52, and TH14". The business would not serve residential addresses.

COUNCIL ACTION REQUESTED

A motion to approve the Public Transportation Franchise for Lagnaf, Inc. dba Rochester Express Airport Shuttle, Inc., for the period ending December 31, 2005, and instruct the City Attorney to prepare the required ordinance for adoption.

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

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REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/17/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
Consent Agenda/Organizational Business	Finance Department	D-8

ITEM DESCRIPTION: Request by the Pacific Housing Advisors, Inc. to set a public hearing for April 7th to consider the issuance of approximately $6.8 million in public housing revenue bonds by the City of Rochester, Minnesota for the Eastridge Estates Project.

PREPARED BY: Dale Martinson

Representatives of Pacific Housing Advisors, Inc. located in Seattle, Washington, are requesting that the Council set a public hearing for April 7th to consider issuing approximately $6.9 million in public housing revenue bonds (conduit debt) for their project. The bonds would be utilized to fund the acquisition and rehabilitation of the 126-unit Eastridge Estates apartment facility located at 2009 17th Street SE in Rochester. The property is an affordable housing development (with a Section 8 rental assistance contract in place). The property would continue to remain affordable following acquisition.

Pacific Housing Advisors, Inc. is not a 501(c)(3) organization and therefore will have to apply to the State of Minnesota for an allocation of tax-exempt bonding authority. The State sets maximum amounts in various categories that can be issued each year, known as the "bonding cap". Should the council approve of the project and bond issuance, the company will also be requesting an "inducement resolution" that basically asks the state to consider their request in the allocation of its bonding cap.

Approval of this request would establish April 7th for the public hearing on this proposal and authorize publication of the hearing notice. If approved, Pacific Housing Advisors will cause notice of the hearing to be published, complete the full conduit debt application, and will provide legal documents to our bond counsel for review. Our bond counsel reviews the documents to assure that these bonds will NOT be considered a legal liability of the City and that in no event shall the obligations ever be payable from or charged upon any funds of the City.

Representatives from Pacific Housing Advisors, Inc. would be available at the hearing to answer any questions the Council or members of the public may have.

Council Action Requested

Adopt a resolution calling for a public hearing on the issuance of public housing revenue obligations for the Eastridge Estates Project.

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

REQUEST FOR COUNCIL ACTION

MEETING 19
DATE: 3/17/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
Consent Agenda	Finance Department	D-9
ITEM DESCRIPTION: Acceptance of 2003 Seasonal Supply of Aggregate Materials		**PREPARED BY:** Jennifer King

The Rochester Public Works Department received 3 bid proposals for the **2003 SEASON SUPPLY OF AGGREGATE MATERIALS.** Bids were received from: Shamrock Enterprises, Milestone Materials, and Winona Aggregate. Shamrock Enterprises was low bid for items 2B, 3B, 4B, and 5B. Milestone Materials was low bid for items 1A, 2A, 3A, 4A, and 5A. Winona Aggregate was low bid for item 1B. The distance to the quarries for Shamrock Enterprises and Winona Aggregate increase their prices above Milestone Materials for some of the items.

		Shamrock	Milestone	Winona
Item 1A	Washed Sand – Est. Qty 4000 Tons FOB Pit – Loaded into City Trucks	$5.50/ton	$5.98/ton	$1.95/ton
1B	Delivered to points in the City	$8.00/ton	$8.88/ton	$6.45/ton
Item 2A	Pit Run Gravel - Est. Qty 500 Tons FOB Pit - Loaded into City Trucks	$4.10/ton	$4.42/ton	no bid
2B	Delivered to points in the City	$6.60/ton	$7.31/ton	no bid
Item 3A	¾" Crushed Rock Base – Est. 2500 Tons FOB Quarry – Loaded into City Trucks	$4.70/ton	$4.92/ton	no bid
3B	Delivered to points in the City	$7.27/ton	$7.82/ton	no bid
Item 4A	6" Oversize Rock – Est. Qty 600 Tons FOB Quarry – Loaded into City Trucks	$4.50/ton	$4.65/ton	no bid
4B	Delivered to points in the City	$7.00/ton	$7.53/ton	no bid
Item 5A	"Pea Gravel" - Est. Qty 1700 Tons FOB Quarry – loaded into City Truck	$11.50/ton	$11.99/ton	$10.00/ton
	Distance to the Quarry increases bid price for Winona.			
5B	Hauled & Delivered to: 4000 W River Parkway, Rochester	$14.00/ton	$14.81/ton	$14.50/ton

Quarry distances: Milestone 3.5 miles sand & gravel, Shamrock 9 miles, Winona Aggregate 40 miles.

COUNCIL ACTION REQUESTED:

Adopt a resolution authorizing the acceptance of bids for the **2003 SEASON SUPPLY OF AGGREGATE MATERIALS** with Shamrock Enterprises as low bid for items 2B, 3B, 4B, and 5B, Milestone Materials as low bid for items 1A, 2A, 3A, 4A, and 5A, and Winona Aggregate as low bid for item 1B. Authorize the Mayor and City Clerk to sign contracts for the various supplies as noted above.

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

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/17/03 21

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
Consent Agenda	Finance Department	D-10
ITEM DESCRIPTION: Accept bids for 2003 Seasonal Supply for Bituminous Materials		**PREPARED BY:** Jennifer King

The Rochester Public Works Department has received bids for the **2003 SEASON SUPPLY OF BITUMINOUS MATERIALS** that were sent to the following: Shamrock Enterprises and Rochester Sand & Gravel. The Department reviewed these bids and recommends that Rochester Sand & Gravel be awarded the bid:

		Shamrock	RS&G
ITEM 1	2350 Bituminous Mixture LVWE 45030 Wear FOB Plant loaded in City Trucks Est. Qty 6000 tons, Accept bid offered by Rochester Sand & Gravel.	$25.00	$24.49/ton
ITEM 2	2350 Bituminous Mixture LVWE 35030 Delivered, laid and rolled into place. Est. Qty 10,000 tons, Accept bid offered by Rochester Sand & Gravel.	$31.00	$26.95/ton
ITEM 3	2350 Bituminous Mixture MVWE35035 Delivered, laid and rolled into place. Est. Qty 10,000 tons, Accept bid offered by Rochester Sand & Gravel.	$32.00	$26.95/ton
ITEM 4	2350 Bituminous Mixture MVWE45035 Delivered, laid and rolled in place. Est. Qty 10,000 tons, Accept bid offered by Rochester Sand & Gravel.	$33.00	$27.69/ton
ITEM 5	Drive over Curb and Gutter, Remove and Replace, Est., Qty 1500 LF Accept bid offered by Rochester Sand & Gravel.	$25.07	$25.07/LF
ITEM 6	B6-18 Curb and Gutter, Remove and Replace, Est. Qty 200 LF Accept bid offered by Rochester Sand & Gravel.	$26.70	$26.70/LF
ITEM 7	B6-24 Curb and Gutter, Remove and Replace, Est. Qty 1500 LF Accept bid offered by Rochester Sand & Gravel.	$27.80	$27.80/LF
ITEM 8	Sod, furnish and install 3878 Type C, Salt Resistant, Est. Qty 500 SY Accept bid offered by Rochester Sand & Gravel.	$4.00	$4.00/SY
ITEM 9	Haul Mixture to Points in City, 100 Ton est. (Shamrock 9 miles, RS&G 3.2 miles) Accept bid offered by Rochester Sand &Gravel.	$270.00	$252.80

COUNCIL ACTION REQUESTED:

Adopt a resolution authorizing the acceptance of bids for the **2002 SEASON SUPPLY OF BITUMINOUS MATERIALS** from Rochester Sand & Gravel and authorizing the Mayor & City Clerk to sign a contract with Rochester Sand & Gravel for the above named supplies and services.

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

REQUEST FOR COUNCIL ACTION

MEETING 23/
DATE: 3/17/03

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Finance Department	ITEM NO. D - 11
ITEM DESCRIPTION: Acceptance of 2003 Seasonal Supply for Asphalt Materials		PREPARED BY: Jennifer King

The Rochester Public Works Department has received bids for the **2003 SEASON SUPPLY OF ASPHALT MATERIALS** from Koch Materials Company and Marathon Ashland Petroleum LLC. Listed below are the bid prices submitted by each firm.

Item No.	Description	Koch Materials	Marathon Ashland
1.	Rapid Cure Cutback Asphalt RC-800 an estimated 12,000 gals	No Bid	No Bid
2.	Cationic Asphalt Emulsion CRS-2P an estimated 32,500 gals, price per gallon.	.8552	.7727
3.	Cationic Asphalt Polymer Modified Emulsion CRS-2P an estimated 32,500 gallons, price per gallon.	1.0052	No Bid

The Public Works Department has reviewed these bids and recommends the following:

Accept Bids offered by Koch Materials Company for item 3 and Marathon Ashland for Item 2.

COUNCIL ACTION REQUESTED:

Adopt a resolution authorizing the acceptance of bids for the **2003 SEASONAL SUPPLY of Asphalt Materials** from Koch Materials Company for item 3 and Marathon Ashland for item 2. Authorize the Mayor & City Clerk to sign contracts with Koch Materials Company and Marathon Ashland for the above named supplies.

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

he

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/17/03 25

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Finance Department	ITEM NO. D-12
ITEM DESCRIPTION: Accept bids for 2003 Seasonal Supply for Ready-Mixed Concrete		PREPARED BY: Jennifer King

The Rochester Public Works Department has received bids for the **2003 SEASON SUPPLY OF READY-MIXED CONCRETE** from Rochester Ready Mix and Leitzen Concrete.

The Public Works Department has reviewed the bids and recommends the following:

Accept bid offered by Leitzen Concrete.

Item No.	Description	Est. Quantities	Unit Cost Leitzen	Unit Cost Rochester Ready Mix
1.	Concrete Mix No. 3A32	350	$77.70	$84.00/CY
2.	High Early Concrete Mix No. 3A32 (with 30% additional cement)	50	$86.70	$93.00/ CY
3.	Exposed Aggregate Concrete Mix No. 3A36C	25	$87.70	$94.00/CY

The Street Maintenance Division will use these concrete materials for the replacement of pedestrian ramps, sidewalks, and curb and gutter repair.

COUNCIL ACTION REQUESTED:

Adopt a resolution authorizing the acceptance of bid for the **2003 SEASON SUPPLY OF READY-MIXED CONCRETE** from Leitzen Concrete and authorizing the Mayor & City Clerk to sign a contract with Leitzen Concrete for the above named supplies.

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

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/17/03 27

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
Consent Agenda	Finance Department	D-13
ITEM DESCRIPTION: Approval of Accounts Payable		**PREPARED BY:** Dale Martinson

Respectfully request a motion to approve the following cash disbursements:

Investment purchases of	$21,422,062.18
Accounts payable of	$5,377,503.39
Total disbursements	$26,799,565.57

(Detailed listing of disbursements submitted separately.)

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

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/17/03 29

AGENDA SECTION: Consent Agena	ORIGINATING DEPT: Fire	ITEM NO. D-14
ITEM DESCRIPTION: 2003 Assistance to Firefighters Grant Program		PREPARED BY: Jeff Leland

The Federal Emergency Management Agency has again made funding available to U.S. fire departments to fund / purchase fire fighting equipment, firefighting vehicles, personal protective equipment, wellness and fitness programs or training, fire prevention programs and enhancements of emergency medical services programs. Departments serving populations greater than 50,000 are required to provide a 30% match for the grant.

City Administration and Rochester Fire Department staff have identified one priority for this grant.

Purchase a Heavy Rescue vehicle to consolidate a variety of emergency equipment such as rescue, lighting, confined space, high/low angle rescue and air supply into one vehicle. This unit will provide for more efficient use of personnel, a more effective deployment plan and minimize the number of vehicles and storage space required.

Total project cost not to exceed $350,000

– Seeking a grant for $245,000 – City of Rochester 30% match = $ 105,000

COUNCIL ACTION REQUESTED: The Rochester Fire Department requests permission to apply for funding to purchase the equipment as describe above.

Note to Council:
In the event of an award, we will need further discussion to determine if the City wishes to accept the award.
JGL 3/13/03

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

30

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/17/03 31

AGENDA SECTION: Consent	ORIGINATING DEPT: Human Resources	ITEM NO. D-15
ITEM DESCRIPTION: Wage Recommendation for 2003 - Non Bargaining Unit Employees		PREPARED BY: Linda Gilsrud

Non-exempt, non bargaining unit employees are eligible for an annual pay adjustment on 1/1/03. Employees paid according to the non-contract, non-exempt step schedule would have their pay rates and the step schedule adjusted by 3%. Such an increase would be similar to wage adjustments for all the collective bargaining agreements negotiated thus far for 2003. The step schedule will change from six steps to maximum to five steps to maximum on 1/1/03. The change in pay steps to maximum is to ensure compliance with Minnesota pay equity reporting. Employees who have been in their classifications for six years or longer are eligible to be considered for a merit increase of 0-1.5% based on the employee's performance in the 12 months preceding his/her anniversary date. Job titles include:

Accounting Clerk (RPD)
Clerk Typist (RFD)
Human Resources Aide (Human Resources)
Legal Technician (City Attorney's Office)
Prosecution Assistant (City Attorney's Office)
Secretary (City Administrator, RPD, RFD)
Senior Clerk Typist and Senior Clerk Typist, Records (RPD)
Senior Clerk Typist/Legal Word Processor (City Attorney's Office)

Non-exempt, non-bargaining unit employees listed below who are not paid according to a step schedule would be granted a 3% base rate adjustment effective 1/1/03. Such an increase would be similar to wage adjustments for all the collective bargaining agreements negotiated thus far for 2003. Employees are also eligible to be considered for a merit increase of 0-1.5% based on the employee's performance in the 12 months preceding his/her anniversary date, except for Animal Control Officers and Fleet Mechanics. Fleet Mechanics in RPD will be eligible for a $375 lump sum tool allowance to be paid after the last pay date in 2003 to be used to replace tools which need to be replaced or have been lost, misplaced, or broken while being used in a work-related assignment.

Animal Control Officer (RPD)
Assistant to General Manager (RPU)
Associate Engineering Technician, Drafter (RPU)
Building Maintenance Worker (City Hall and Library)
Building Maintenance Worker 3 (Library)
Civilian Evidence Coordinator (RPD)
Custodian (City Hall and Library)
Engineering Technician, Senior (RPU)
Fleet Mechanic (RPD)
Parking Meter Worker (Public Works)
Parking Technician (Public Works)
Records/Drafting Technician (RPU)
Street Maintenance Aide (Public Works)
Traffic Aide (Public Works)

Council Action Requested:

Resolution to grant a general wage increase effective 1/1/03 and eligibility for consideration for merit increases (0-1.5%) based on performance management documents completed by Department Heads or their designees.

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/17/03 33

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Police	ITEM NO. D-16
ITEM DESCRIPTION CommunityNet Subscription Service Agreement		PREPARED BY: Roger Peterson

The Rochester Police Department Crime Prevention Unit relies upon volunteers for many of its programs. CommunityNet's Community Involvement Center operates a voluntary action center to match volunteers with opportunities that meet the volunteer service needs of the Rochester Police Department Crime Prevention Unit.

The Rochester Police Department Crime Prevention Unit would like to enter into an Annual Subscription Service Agreement with CommunityNet in order to draw upon its large volunteer database. The subscription fee is $125.00 and the cost is covered by Local Law Enforcement Block Grant funds.

COUNCIL ACTION REQUESTED:

The Police Department requests approval to enter into a 2003 Connections Subscription Service Agreement with CommunityNet. Further it is requested that the Mayor and City Clerk be authorized to execute such agreements and amendments as may be necessary on behalf of the City of Rochester, Rochester Police Department.

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

REQUEST FOR COUNCIL ACTION

MEETING 35

DATE: 3/17/03

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Police	ITEM NO. D-17
ITEM DESCRIPTION: ITEM DESCRIPTION: Stop Violence Against Women Act (VAWA) Fund Grant		PREPARED BY: Capt Pittenger

The Police Department has been participating in the Minnesota Model Protocol Project since November 1997. The purpose of this project is to establish a protocol process for the investigation and prosecution of sexual assault cases in the State of Minnesota. As a part of that project, the Olmsted County/Rochester Community Sexual Assault Interagency Council (SAIC) was formed.

Each year since 1998, the Council has approved the acceptance of VAWA (Violence Against Women Act) grants to fund a SAIC coordinator position. These grants also funded administrative costs related to this project, including the evaluation of the protocol development process.

The Police Department contracted with the Wilder Research Center of St. Paul, Minnesota, to evaluate the initial phases of the protocol development process. The Wilder Research Center has provided an Independent Contractor Agreement (evaluation contract) detailing the services it will provide to the SAIC during the next phase (2003 - 2004) of the project. The proposed cost of these services, $4,200, will be covered by the VAWA grant. The City Attorney's Office has reviewed and approved the evaluation contract provided by Wilder Research Center.

COUNCIL ACTION REQUESTED: The Police Department requests that the Council authorize the Mayor and City Clerk to sign the Independent Contractor Agreement with the Wilder Research Center.

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

34

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/17/03 37

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	Public Works	D-18
ITEM DESCRIPTION: Agency Agreement between the City of Rochester and the Minnesota Dept of Transportation for Federally funded projects.		**PREPARED BY:** D. Nelson

The Minnesota Dept of Transportation has transmitted to the City of Rochester an Agency Agreement (No. 84214) which allows for Mn/DOT to act as the City's agent in accepting federal aid in connection with Federally funded projects. The Agreement spells out the Delegated Contract Process and requirements for locally executed federal aid construction projects.

The City Public Works Department recommends approval of the new Agreement.

COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to sign the attached Agency Agreement, No. 84214, with the Minnesota Dept of Transportation for Federal Participation in Construction Projects.

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

REQUEST FOR COUNCIL ACTION

MEETING 39

DATE: 3/17/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	Public Works	D-19

ITEM DESCRIPTION:	PREPARED BY:
Advertise for Bids: Sanitary Sewer and Watermain in the Kahoun's, Crystal Springs and Cedar Park Subdivision Areas, J9786, J9787 and J9790	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 24, 2003 and considered by the City Council on May 5, 2003 for the following projects:

Project No. M1-25, J9786
"Sanitary Sewer and Watermain Extension to Serve the Kahoun's Subdivision Area."

Project No. M1-26, J9787
"Sanitary Sewer and Watermain Extension to Serve the Crystal Springs Subdivision Area."

Project No. M1-29, J9790
"Sanitary Sewer and Watermain Extension to Serve the Cedar Park Subdivision Area."

Public Works recommends that the three projects will be combined and bid as one project to achieve economy of scale.

The projects involve the construction of sanitary sewer and watermain to serve 105 developed properties under the City of Rochester, Water Quality Protection Program (WQPP).

The projects are 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, project cost transfers to J9604 SE Area Trunk Watermain and J9598 Marion Trunkline Sanitary Sewer, and future charges to undeveloped land that is located adjacent to the projects.

COUNCIL ACTION REQUESTED:

A resolution should be adopted authorizing the City Clerk to advertise for bids and conduct a bid opening on April 24, 2003 at 11:00 AM.

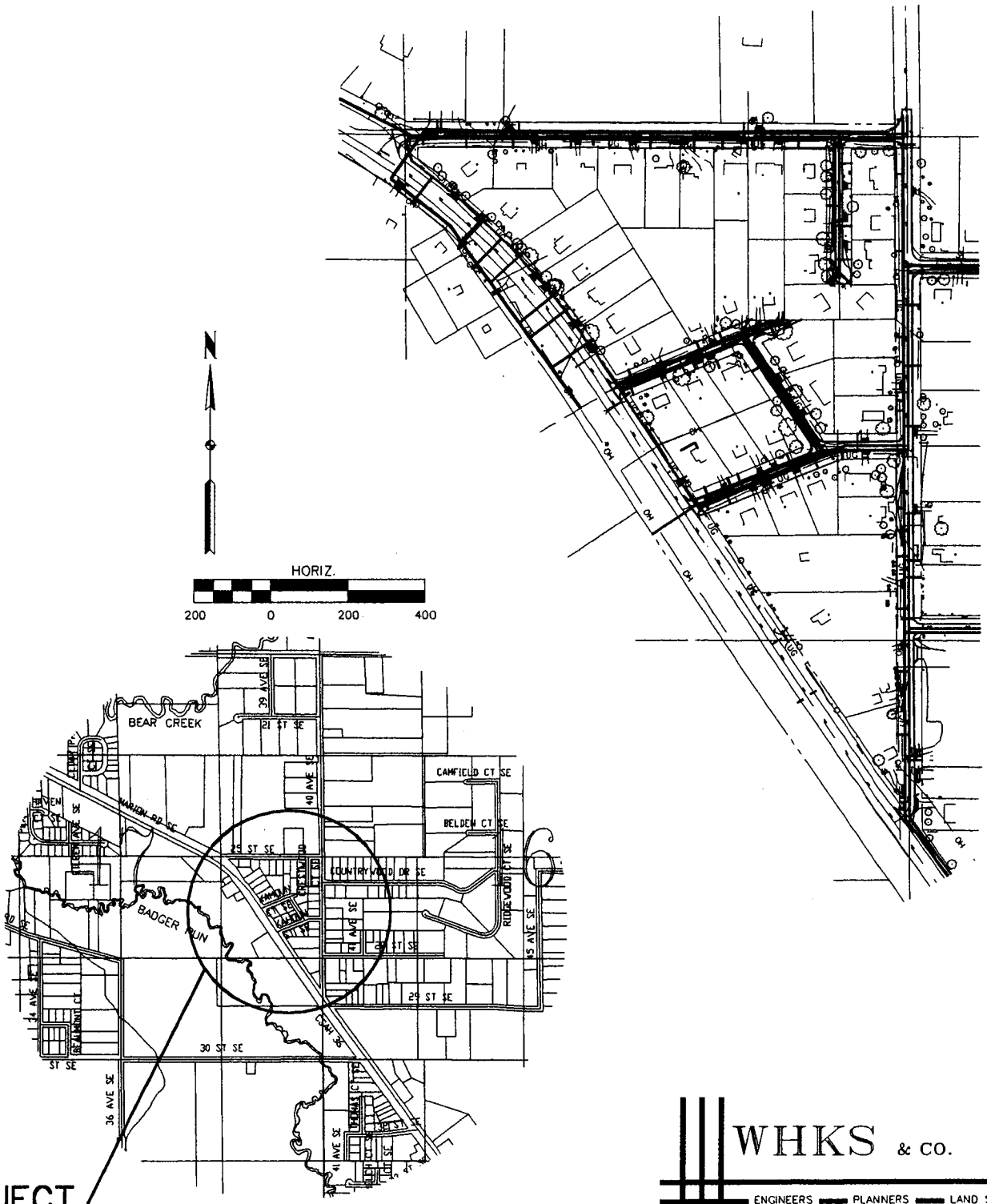
Note to City Clerk;
Advertise 3 times in the Post Bulletin and Construction Bulletin beginning **March 21, 2003.**

Att: Map
Notice of bid

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

CITY OF ROCHESTER
PROJECT NO. M1-25 J9786

SANITARY SEWER AND WATERMAIN TO SERVE KAHOUNS AREA SE



WHKS & CO.

ENGINEERS — PLANNERS — LAND SURVEYORS

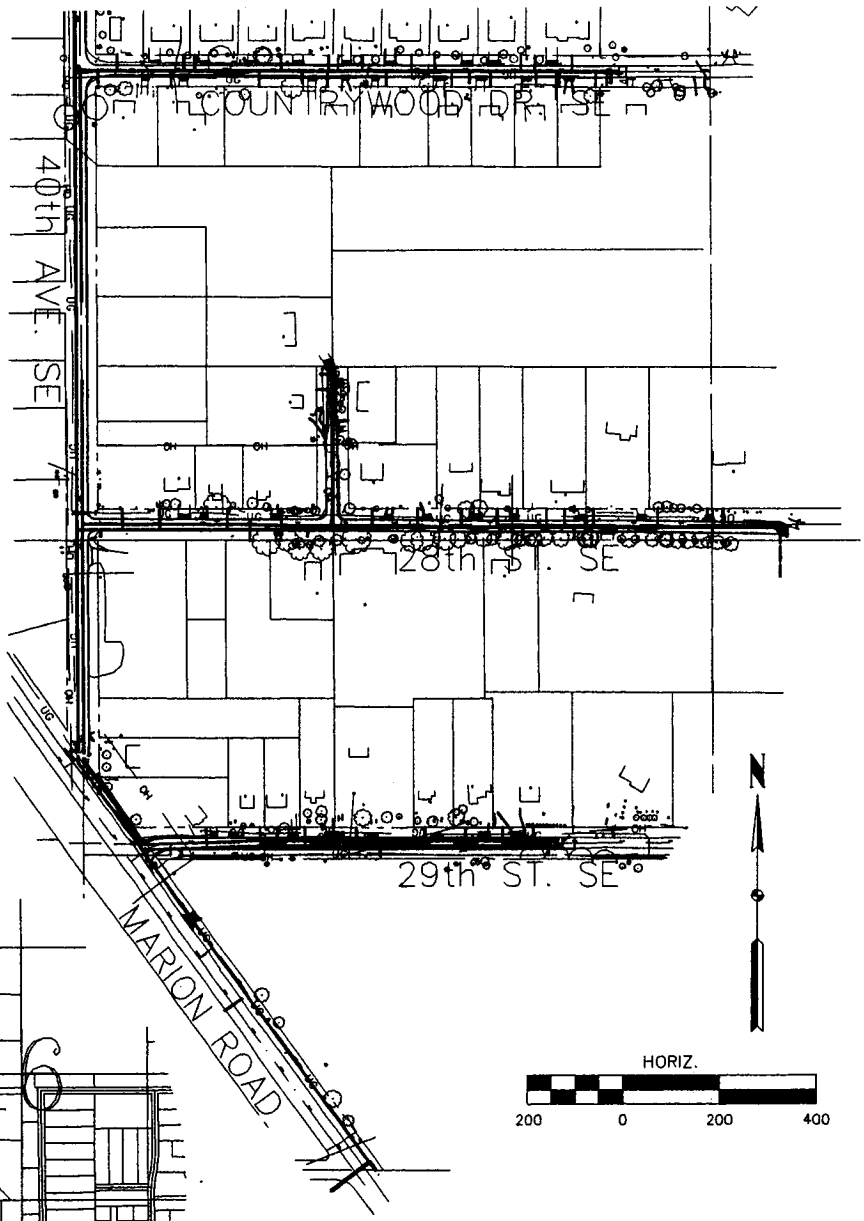
MASON CITY, IA DUBUQUE, IA AMES, IA ROCHESTER, MN

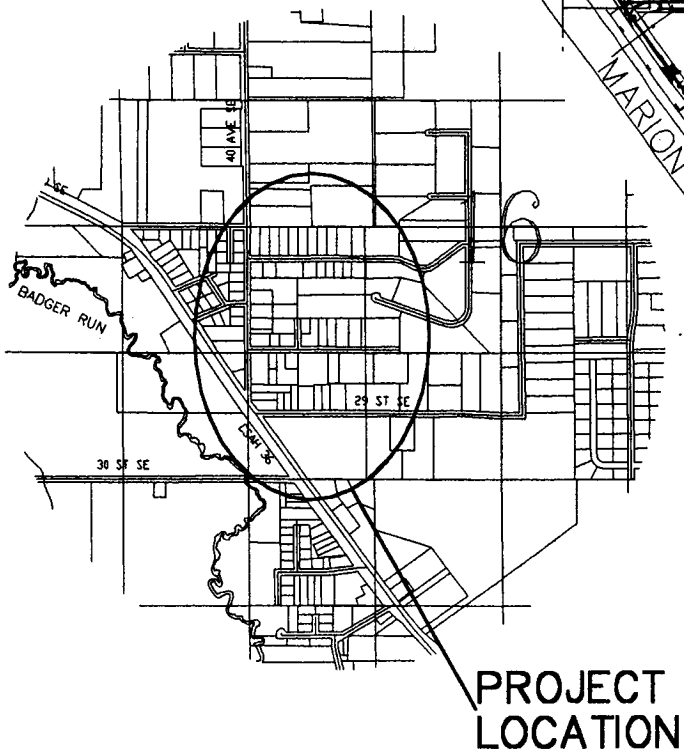
CITY OF ROCHESTER KAHOUNS AREA WHKS & CO. JOB NO. 6227

41

CITY OF ROCHESTER
PROJECT NO. M1-26, J9787

SANITARY SEWER AND WATERMAIN TO SERVE CRYSTAL SPRINGS AREA SE





WHKS & CO.

ENGINEERS — PLANNERS — LAND SURVEYORS

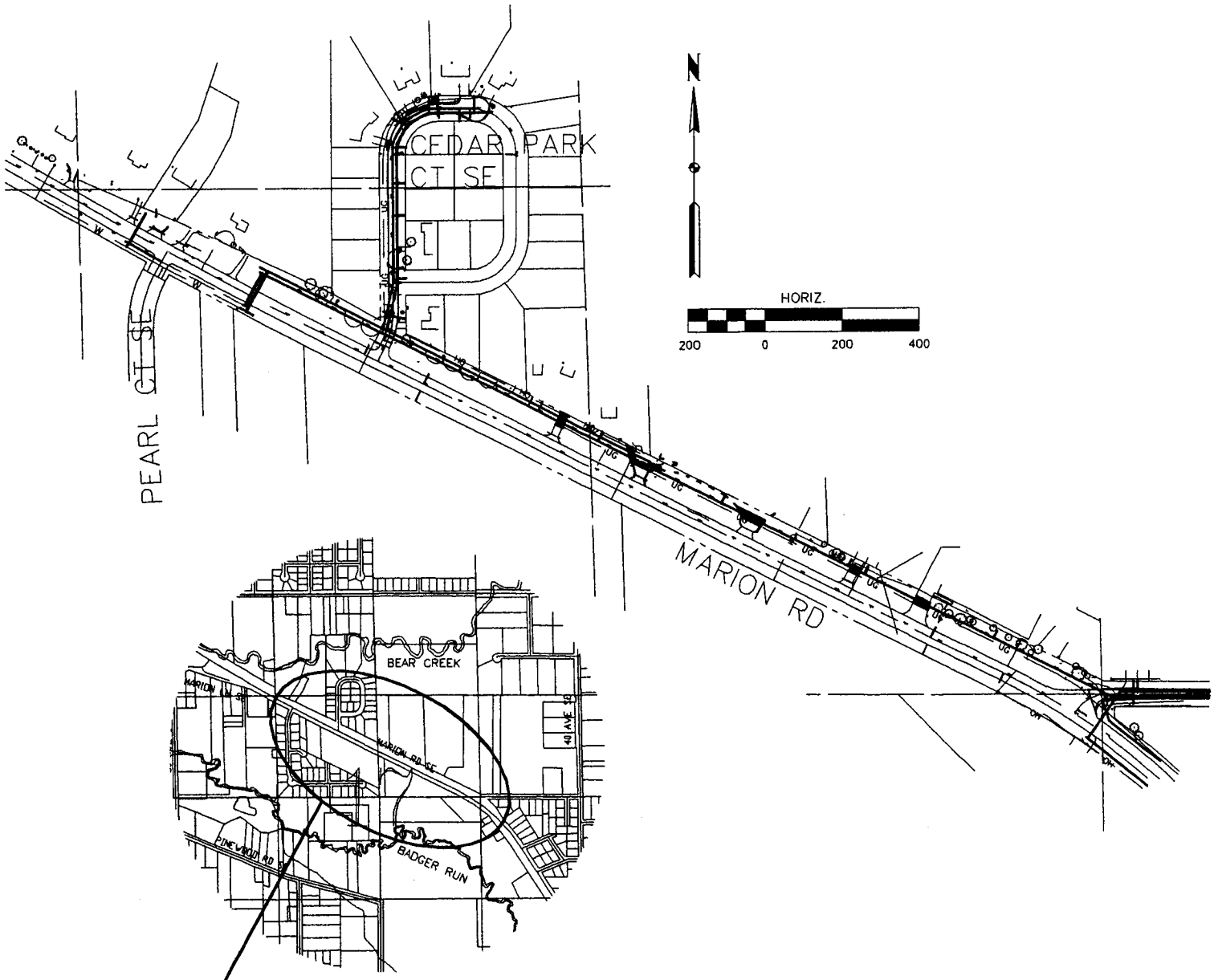
MASON CITY, IA DUBUQUE, IA AMES, IA ROCHESTER, MN

CITY OF ROCHESTER CRYSTAL SPRINGS AREA

WHKS & CO. JOB NO. 6228

CITY OF ROCHESTER
PROJECT NO. M1-29 J9790

SANITARY SEWER AND WATERMAIN TO SERVE CEDAR PARK AREA SE



PROJECT LOCATION

WHKS & CO.

ENGINEERS — PLANNERS — LAND SURVEYORS

MASON CITY, IA DUBUQUE, IA AMES, IA ROCHESTER, MN

CITY OF ROCHESTER CEDAR PARK AREA WHKS & CO. JOB NO. 6229

REQUEST FOR COUNCIL ACTION

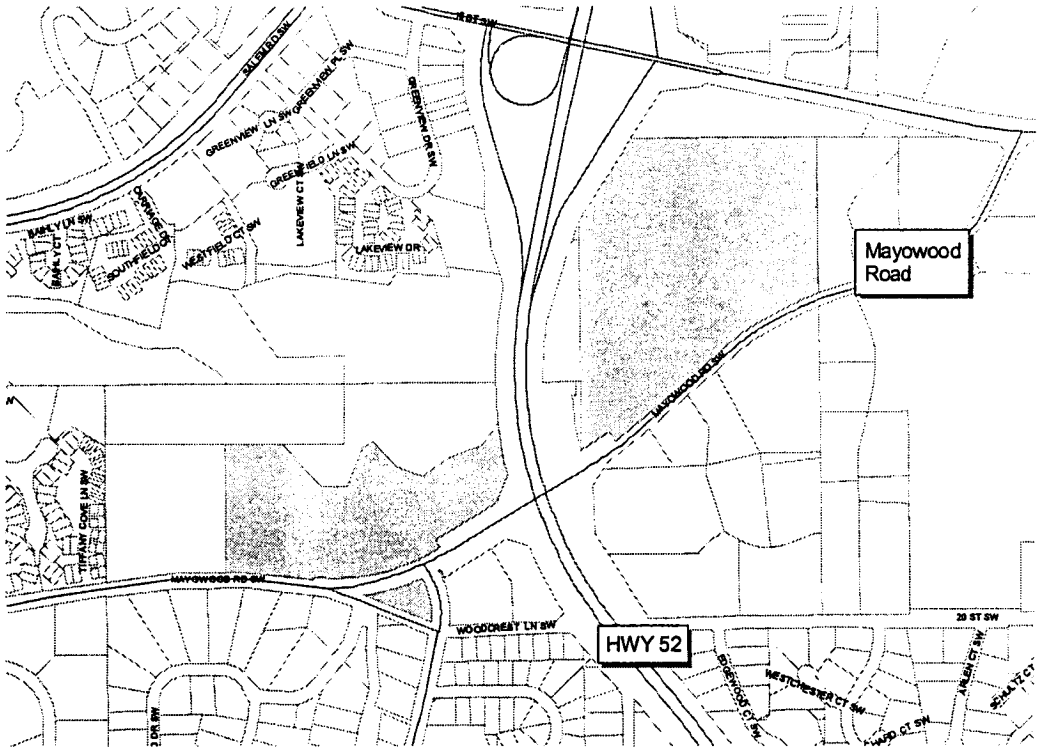
MEETING 43

DATE: 03/17/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	Public Works	D-20
ITEM DESCRIPTION: Real Estate – Zumbro River Contractors Right of Entry for City Lands		**PREPARED BY:** M. Nigbur

Zumbro River Contractors, the design builder for the Highway 52 project, has requested the City execute a Right of Entry for Construction to allow a pre-construction survey to be performed by their sub consultant, American Engineering Testing. The intent of the access is for non-intrusive visual inspection of existing structures contained on the property. In this case the City has bikepath, utilities and culvert structures that would be reviewed.

Based on the information available, Staff would recommend the City execute a Right of Entry document to allow the pre-construction survey.



COUNCIL ACTION REQUESTED:
Adoption of a resolution authorizing Mayor and City Clerk to execute the Right of Entry for Zumbro River Contractors.

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

44

REQUEST FOR COUNCIL ACTION

MEETING 45

DATE: 3/17/03

AGENDA SECTION: CONSENT	ORIGINATING DEPT: Public Works	ITEM NO. D-21
ITEM DESCRIPTION: Contract with Minnesota Valley Testing Laboratories to Provide Environmental Monitoring Services at the Former Landfill		PREPARED BY: B. Huberty

The City has an ongoing obligation to conduct ground water monitoring, gas monitoring and site inspections at the former landfill located north of the Water Reclamation Plant. Over the past five years the City has contracted with Minnesota Valley Testing Laboratories (MVTL) to complete this work. MVTL provides a unique full-service package in that they have highly trained field and laboratory staff who cooperatively conduct both types of monitoring, site inspections, laboratory analysis, and report preparation. A measure of their expertise is demonstrated by the fact that the Minnesota Pollution Control Agency hires them as a contract provider for the Closed Landfill program. Additionally, MVTL has provided excellent service for a very reasonable cost.

Our five-year contract with MVTL for the VIC site expired 12/31/02. Staff are recommending that MVTL be granted another five-year contract at a total cost of $6,855. The cost for Year #1 will be $4,435 and the cost for years #2 through #5 will each be $605. The price difference is because our ground water monitoring requirements are slated to end after this year, assuming MPCA is satisfied with the data findings to date. Only annual gas monitoring and site inspections remain in years 2-5. Funding for these activities is included in the approved 2003 budget within Engineering Administration (42010-81390). It is in the City's best interest to provide continuity in the inspection, sampling, and analytical services for this site.

COUNCIL ACTION REQUESTED:

Approve the five-year contract with MVTL for environmental monitoring services at the former landfill for a total cost of $6,855.

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

44

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/17/03 47

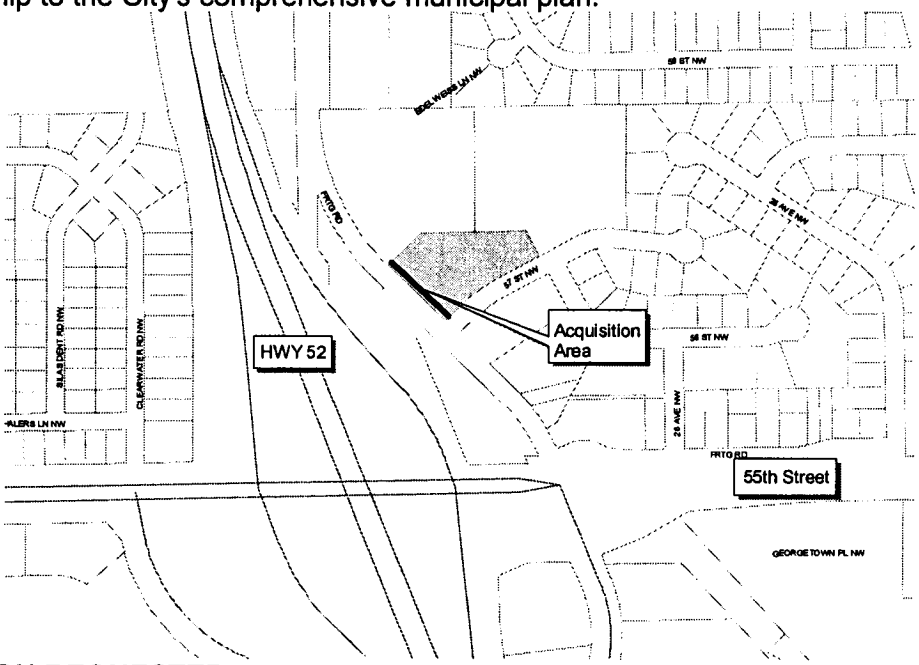
AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-22
ITEM DESCRIPTION: Real Estate – Settlement for Right of Way Acquisition for Bandel Road J9815		PREPARED BY: M. Nigbur

The City Staff in conjunction with their consulting engineer have been working on the design for the Bandel Road Reconstruction project. Based on the designs that have been developed City staff pursued acquisition of the needed area of property using the state acquisition requirements. Based on the continued negotiations between the City and Duke Development (AmericInn), a preliminary settlement has been reached.

This settlement agreement includes the following provisions:

1. Owner agrees to convey the needed right of way to the City in the amount of $58,000.
2. City agrees to obtain a variance on behalf of the Owner for the front yard setback and sign relocation resulting from the City's acquisition.
3. The City agrees to repair and replace any disturbed areas on Owner's existing parcel resulting from the construction of the Project.

In addition State law requires planning agency review and a written report on all city acquisitions or disposals of interests in public property unless the governing body determines, by resolution adopted by two-thirds vote, that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan. The acquisition or disposal of real property recommended in this RCA has no relationship to the City's comprehensive municipal plan.



COUNCIL ACTION REQUESTED:
Authorize the Mayor and City Clerk to execute the Settlement Agreement with Duke Development LTD for the AmericInn property.

The council should also adopt, by a two-thirds vote, a second resolution finding that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.

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

48

REQUEST FOR COUNCIL ACTION

MEETING 49

DATE: 03/17/03

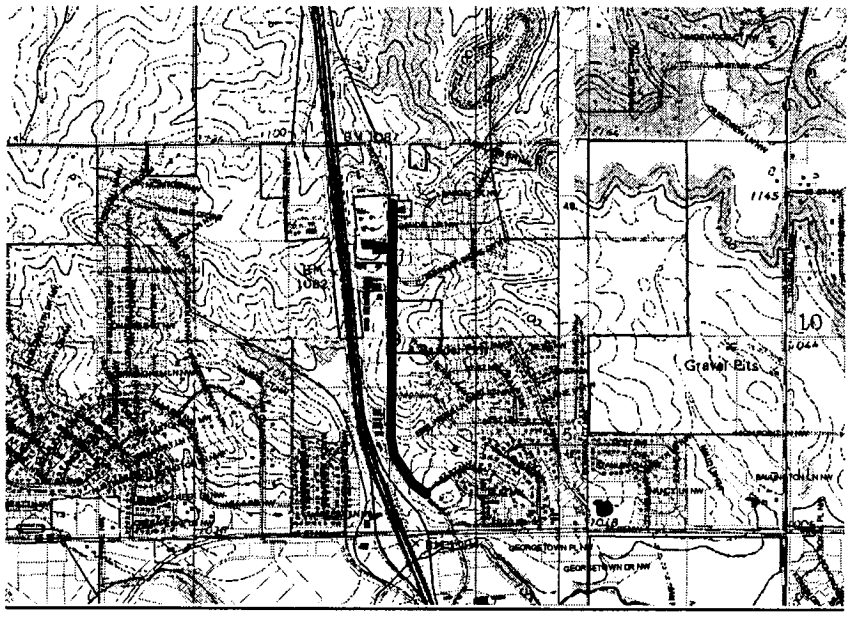
AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	Public Works	D-23
ITEM DESCRIPTION: **ADVERTISE FOR BIDS:** Reconstruction of Bandel Road NW (J-9815)		**PREPARED BY:** D. Nelson

This is a request for a resolution to advertise for bids. The project will be let upon release of the advertisement for bids by the Minnesota Department of Transportation, for the following project:

Project Number
State Aid Project 159-080-11
City Number M1-50 (J-9815)

Project Name
Reconstruction of Bandel Road NW

This project is included in the 2003 – 2008 Capital Improvement Program, item #8, page 32. The project is proposed to be funded from $1.35 million in Federal TEA21 funds (75.2%), Special Assessments (16.1%) and a City Share (8.7%).



COUNCIL ACTION REQUESTED:
Adopt a resolution authorizing the City Clerk to advertise for bids and conduct a bid opening upon receipt of MnDOT approval for the "Reconstruction of Bandel Road NW"

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

50

51

REQUEST FOR COUNCIL ACTION

MEETING DATE: 03/17/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	Public Works	D-24
ITEM DESCRIPTION: Development Agreement – Val & Laura Zaborowski		**PREPARED BY:** M. Nigbur

Val and Laura Zaborowski own Property along 29th Street SE. They have requested and discussed an Interim Development & Connection Agreement for their property. Based on the discussions with Staff, the content for a development agreement has been decided and a document has been created. The major items covered in the agreement include the following:

- Annexation no sooner than 5 years
- Connection to public utilities to occur no sooner than 10 years
- Property is subject to City Grading requirements and development policies
- Execution of a Pedestrian Facilities agreement
- Future payment of development/connection related charges at the time of connection.

Staff recommends the Council approve the Interim Development Connection Agreement. The owners have executed the agreement.

COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Development Agreement with Val and Laura Zaborowski.

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

REQUEST FOR COUNCIL ACTION

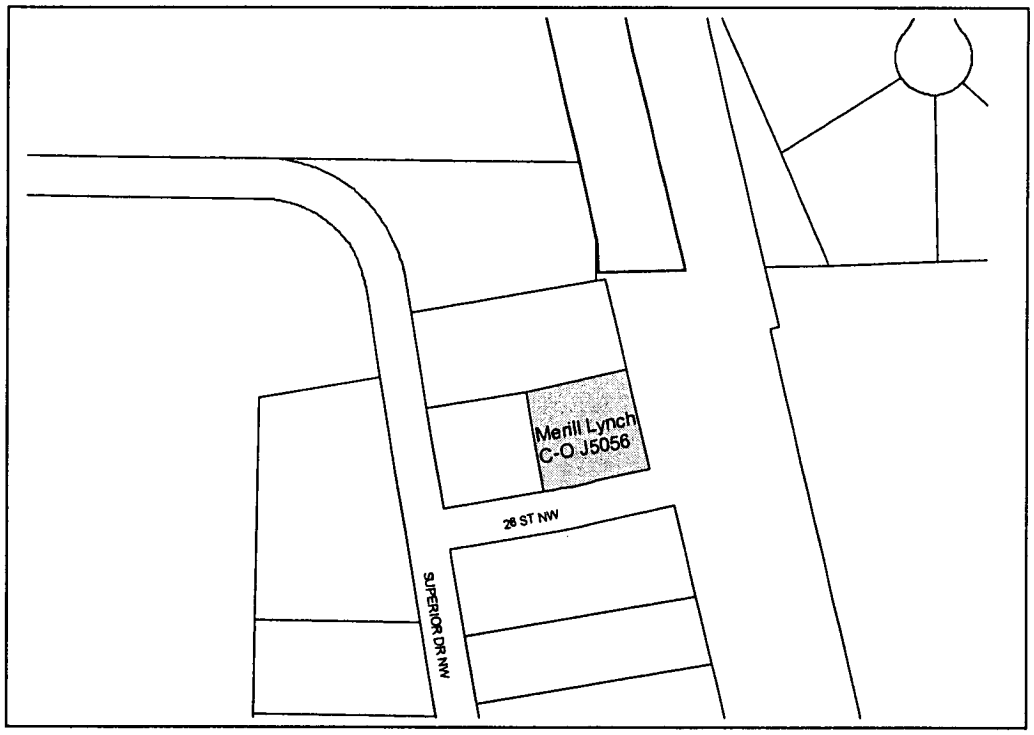
MEETING 53

DATE: 3/17/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	Public Works	D-25
ITEM DESCRIPTION: Owner Contract – Watermain Extension to Serve Lot 2, Block 1, Circle Drive Business Center Fifth (Merill Lynch Building) - (J5056)		**PREPARED BY:** M. Baker

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

Badger Development, LLC (Owner) & Road Constructors, Inc. (Contractor) are requesting a City / Owner Contract J5056 consisting of "Watermain Extension to Serve Lot 2, Block 1, Circle Drive Business Center Fifth (Merill Lynch Building)".



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5056 "Watermain Extension to Serve lot 2, Block 1, Circle Drive Business Center Fifth (Merill Lynch Building)".

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

5x

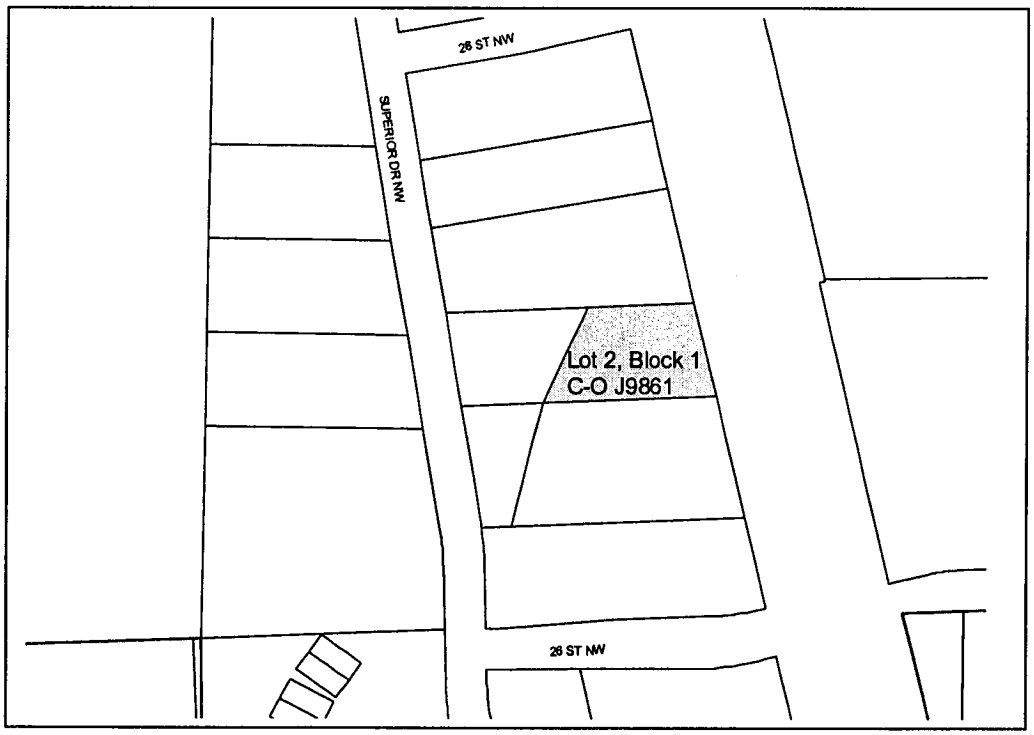
REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/17/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	Public Works	D-26
ITEM DESCRIPTION: Owner Contract – Watermain Extension to Serve Lot 2, Block 1, Circle Drive Business Center Third (J9861)		**PREPARED BY:** M. Baker

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

Badger Development, LLC (Owner) & Road Constructors, Inc. (Contractor) are requesting a City / Owner Contract J9861 consisting of "Watermain Extension to Serve Lot 2, Block 1, Circle Drive Business Center Third".



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J9861 "Watermain Extension to Serve lot 2, Block 1, Circle Drive Business Center Third".

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

54

REQUEST FOR COUNCIL ACTION

MEETING 57

DATE: 3/17/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONSENT AGENDA	Public Works	D-27
ITEM DESCRIPTION: STORMWATER MANAGEMENT AGREEMENTS		PREPARED BY: M. Baker

The Department of Public Works has received a request on one (1) property, to voluntarily participate in the City's Regional Storm Water Management Plan (SWMP). This department has reviewed the information for the property and has determined that there is support for participation. The Owner has requested voluntary participation in the City's Plan, with the applicable participation fee as follows:

- Christ United Methodist Church (SDP#03-06) $ 5,824.45

The Owner has already provided payment for its respective charges. These funds will be deposited upon acceptance by the Council for the property to participate in the City's Plan.

COUNCIL ACTION REQUESTED:

Adopt a Resolution accepting voluntary participation by the above noted property, in the City's Regional Storm Water Management Plan (SWMP).

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

58

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/17/03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
Consent Agenda	Fire	D-28
ITEM DESCRIPTION: Authorize contract for Non-Destructive Testing of Fire Apparaturs		**PREPARED BY:** Jeff Leland

The approved 2003 Fire Dept. operating budget includes the funding to conduct non-destructive testing for 1 aerial/ladder fire apparatus. This type of testing is needed every 5 years. The Fire Dept. will be using Underwriters Laboratories, Inc. to conduct the test. Cost will be $850.00

COUNCIL ACTION REQUESTED

The Fire department requests the Council adopt a resolution authorizing the Mayor and City Clerk to sign a the contract with Underwriters Laboratory, Inc. for non-destructive testing of the fire apparatus.

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

59

REQUEST FOR COUNCIL ACTION

MEETING DATE: 2-19-03

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

ITEM DESCRIPTION: ***Land Use Plan Amendment Petition #02-06 by Mark Leitzen to amend the Land Use Plan designation from "Low Density Residential" to "Commercial" and the zoning from R-1 (Mixed Single Family) to the B-4 (General Commercial) district on approximately 10.53 acres of land. The property is located east of HyVee, north of West River Parkway, south of 37th Street NW and west of the Zumbro River.***

PREPARED BY: Mitzi A. Baker, Senior Planner

March 13, 2003

Please note staff does not recommend approval of this application.

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on January 8, 2003.

Ms. Burke moved to recommend approval of Land Use Plan Amendment #02-06 based upon the following findings:

a. ***It has been found in previous occasions that the road access location requirements need not be met. We have approved other projects not meeting hits criterion.***
b. ***Having relatively flat terrain.***
c. ***Having good vehicular and pedestrian access, which has been presented at the meeting.***
d. ***The projected service area meets the criteria.***
e. ***This criterion appears to be met.***

Council Action Needed:

1. ***The Council shall hold a public hearing. The Council may approve or deny this petition. The Council's decision must be supported by findings based on the criteria listed in the Land Use Plan (as included in the staff report).***

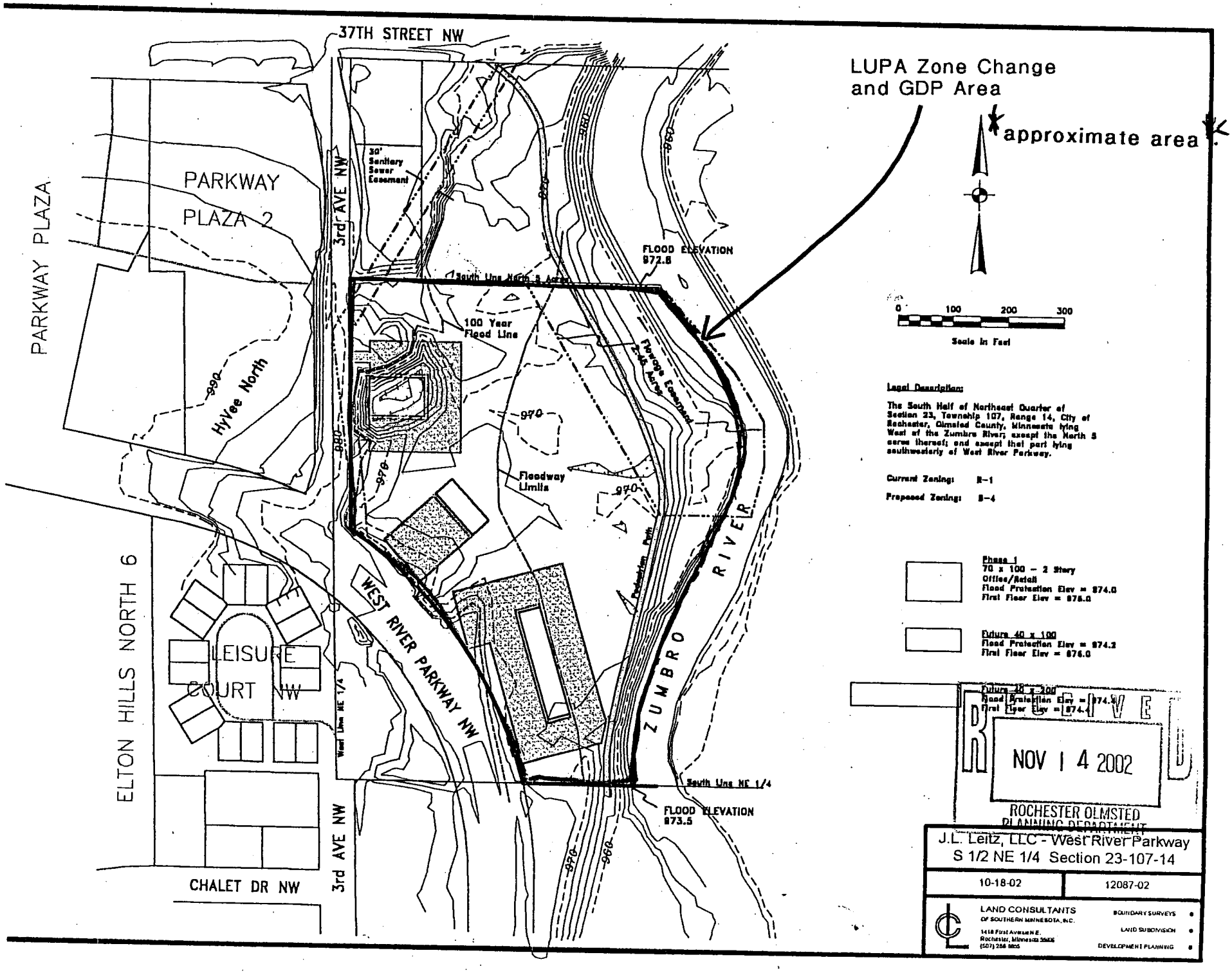
2. ***If the Council wishes to proceed with the land use plan amendment as petitioned, it should instruct the City Attorney to prepare a resolution supported by findings of fact and conclusions of law.***

Distribution:

1. City Clerk
2. City Administrator
1. City Attorney: Legal Description attached
2. Planning Department File
3. Applicant: This item will be considered some time after 7:00 p.m. on Monday March 17, 2003 in the Council / Board Chamber at the Rochester - Olmsted Government Center Building

COUNCIL ACTION:

Motion By: Seconded By: Action:


37TH STREET NW
PARKWAY PLAZA
PARKWAY PLAZA 2
3rd AVE NW
30' Sanitary Sewer Easement
South Line North 5 Acres
FLOOD ELEVATION 872.8
100 Year Flood Line
Hy-Vee North
Floodway Limits
Flowage Easement 2.16 Acres
Pedestrian Path
WEST RIVER PARKWAY NW
ZUMBRO RIVER
ELTON HILLS NORTH 6
LEISURE COURT NW
West Line NE 1/4
South Line NE 1/4
FLOOD ELEVATION 873.5
CHALET DR NW
LUPA Zone Change and GDP Area
approximate area
0 100 200 300
Scale in Feet
Legal Description:
The South Half of Northeast Quarter of Section 23, Township 107, Range 14, City of Rochester, Olmsted County, Minnesota lying West of the Zumbro River; except the North 5 acres thereof; and except that part lying southwesterly of West River Parkway.
Current Zoning: R-1
Proposed Zoning: B-4
Phase 1
70 x 100 - 2 Story
Office/Retail
Flood Protection Elev = 874.0
First Floor Elev = 876.0
Future 40 x 100
Flood Protection Elev = 874.2
First Floor Elev = 876.0
Future 40 x 100
Flood Protection Elev = 874.3
First Floor Elev = 874.4
RECEIVED
NOV 14 2002
ROCHESTER OLMSTED PLANNING DEPARTMENT
J.L. Leitz, LLC - West River Parkway
S 1/2 NE 1/4 Section 23-107-14
10-18-02
12087-02
LAND CONSULTANTS OF SOUTHERN MINNESOTA, INC.
1414 First Avenue N.E.
Rochester, Minnesota 55906
(507) 288 5605
BOUNDARY SURVEYS
LAND SUBDIVISION
DEVELOPMENT PLANNING

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

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

TO: City Planning and Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

DATE: December 5, 2002

RE: **Land Use Plan Amendment Petition #02-06 by Mark Leitzen to amend the Land Use Plan designation from "Low Density Residential" to "Commercial" and the zoning from R-1 (Mixed Single Family) to the B-4 (General Commercial) district on approximately 10.53 acres of land. The property is located east of HyVee, north of West River Parkway, south of 37th Street NW and west of the Zumbro River.**

Planning Department Review:

Petitioner:	Mark Leitzen 309 60th Ave SW Rochester, MN 55902
Location of Property:	The property is located along the northeast side of West River Parkway, east of 3rd Ave NW and the HyVee north store.
Requested Action:	The applicant is requesting a Land Use Plan Amendment and Zoning District Amendment on this site to accommodate B-4 zoning. The GDP proposes three potential building sites.
Existing Land Use:	The property is currently undeveloped.
Proposed Land Use:	The General Development Plan for this property proposes three building sites, one is labeled as office/retail. The other two are not labeled as far as use, but the applicant verbally identified those as intended for office use.
Adjacent Land Use and	Property to the west of 3rd Ave. NW is the site of a

Zoning: HyVee grocery store. To the east is the Zumbro River. North of this property is a property zoned B-4, which is occupied by a steel sided building and the site is currently being used for seasonal sales of Christmas trees. To the south is a parcel of undeveloped property and the City park land. South west, across West River Parkway are townhomes and other residential development.

Transportation Access: The GDP for this property proposes three access to the site, two from West River Parkway and one from 3rd Ave NW. Access will not be permitted at all locations shown on the GDP however. Access will be limited to one location from 3rd Ave., and an additional access may be permitted to West River Parkway, but will likely need to be a shared access at the south property line. Since West River Parkway is an Arterial roadway, the shared access may be required to provide adequate spacing, while providing access to two properties.

Wetlands: There may be hydric soils in the Floodway district. Additional site investigation should be completed. The property owner is responsible for identifying Westlands on the property and submitting the information to the LGU.

Referral Comments:

1. See comments attached to GDP 195

Report Attachments:

1. Location Map

Analysis:

The applicant requests an amendment to the Land Use Plan to designate this property for "commercial" land uses. The Rochester Urban Service Area Land Use Plan includes several categories for "commercial" land uses (see attached). This property does not easily fit into the primary categories and does not meet the site location criteria for the/

Though this property does not fit well into any of the "commercial Use" categories identified in the Land Use Plan, it is probably appropriate to look at the "neighborhood shopping center" category, since that category requires 4 – 8 acres of land, and the applicant is also requesting B-4 (General Commercial) zoning. In looking at the other categories, it is clear that this site would not be defined as a "regional shopping center" and due to it's location and separation from the HyVee development by 3rd Ave. NW, it really is not an integral part of a "community shopping center" either.

Staff Suggested Findings:

Please see the attached excerpts from the Rochester Urban Service Area Land Use Plan for the site location criteria for "Neighborhood Shopping Center". The following are staff suggested findings to these criteria:

This property is approximately 10.53 acres in size. The Floodway encumbers about ½ of the site, however, so the developable portion is probably limited to 5-6 acres.

a) The property is not located at the intersection of a Collector street and/or higher level streets. The property is located at the intersection of 3rd Ave. NW (local street) and West River Parkway (Arterial). Access to this property will be limited. One access will be permitted from 3rd Ave NW and an additional access may be permitted to West River Parkway. Since West River Parkway is an Arterial, access spacing standards applicable to that road designation must be met. In order to meet spacing requirements, it may be necessary to have a shared access with the abutting property to the south. This property does not meet this criteria.

b) This property has varied terrain, which may be due in part to its history. In the 1950's the City had a lease agreement with the property owner to use the property for a City dump. Nearly all of the property is in the flood plain districts. The eastern portion of the property is in the Floodway, and most of the remaining part of the property is in the 100 year Flood Fringe district.

c) Access to this property will be limited. One access will be permitted from 3rd Ave NW and an additional access may be permitted to West River Parkway. Since West River Parkway is an Arterial, access spacing standards applicable to that road designation must be met. In order to meet spacing requirements, it may be necessary to have a shared access with the abutting property to the south. Pedestrian facilities currently exist along the Zumbro River, but not along this portion of the abutting public roadways. If this site develops, sidewalk will be required along the abutting public road rights-of-way.

d) Within a 1-mile radius, there is a projected service area population of 9,354, with approximately 4,092 dwelling units. Existing commercial uses in this area already provide some services to these households.

e) The gross site area would appear to meet this criterion. However, if one subtracts the non-developable floodway from the site, this criterion would not be met.

Summary & Staff Recommendation:

In summary, this property does not meet site location criteria for a "neighborhood shopping center" commercial land use designation. Staff also reviewed the site location criteria for other "commercial" land use designation categories and concluded this site does not meet the criteria for any of commercial categories.

Though this site does not meet criteria for a "commercial" land use designation, it is important to evaluate the appropriateness of the current "low density residential" designation. Please see the attached location criteria for the "low density residential" designation. Staff suggests that the northern portion of the site, which would be oriented toward 3rd Ave. NW, and the rear of the HyVee grocery store has characteristics which make it undesirable for it's current land use designation. This portion of the site is oriented toward a local non-residential street and the rear of a grocery store, which includes delivery traffic and a generally unattractive façade. This portion of the property, specifically, is not buffered from the adverse influences of the existing commercial use (see low density residential criteria #c). The orientation of the southern portion of the site, toward West River Parkway NW and additional separation from the rear of the grocery store

provides for more buffering from the existing commercial use. Additional landscaping and buffering could also be incorporated into a site design. Since this property is in the Flood Fringe and floodway districts, the site would not meet the first criteria for a low density residential designation.

Given the complexities of this site, the fact that it is not highly suitable for low density residential uses, low intensity non-residential uses at this location are probably reasonable. Establishing low intensity non-residential uses at this location could be proposed through the Restricted Development application process, or a request for B-5 (Residential Commercial) zoning, without changing the Land Use Plan.

Since the property does not meet criteria for a "commercial" land use designation, staff recommends denial of this petition. Furthermore, staff recommends that the applicant consider alterative means to accomplish development of this site, that would not require actions that would be contrary to adopted plans and policies.

22. Preserve public access to water-based recreation sites.

23. Prohibit noticeable emissions of objectionable odors from industrial uses; curtail development in close proximity to open odor producing activities such as feedlot operations and sewage treatment plants.

Locational Criteria

Several of the guidelines presented above could be considered as general planning principles, rather than as guidelines addressing specific growth problems affecting the City of Rochester and its environs. A number of additional planning principles specifically applicable to the various use designations have been identified as criteria for determining the most suitable uses for given sites and the most suitable locations for specific uses In applying these criteria, it should be kept in mind that plan designations have been made based not only on locational factors but also on projected demand for various uses. Thus, a site that may be suitable for either a commercial or a residential use may be designated on the plan for residential purposes, based on projected land area needs. Within limits of projected needs (with allowances made for an excess of land supply over demand for each use designation), only the best sites have been identified for each use.

A. Locational Criteria for Residential Uses

1. Low density residential uses are most suitable in areas with the following characteristics:

   a. Having terrain with variety, but outside flood prone or poorly drained areas, and areas with slopes over fifteen percent.

   b. Bounded but not penetrated by major streets.

   c. Buffered from the adverse influences of industrial, commercial, and high activity/high density residential areas.

   d. Served by park, school, and other public facility systems, especially bikeway and pedestrian systems.

2. Medium density residential uses are most suitable in areas with the following characteristics:

   a. Having level to fairly rolling terrain, outside flood prone or poorly drained areas, or areas with steep slopes.

   b. In close proximity to commercial areas, employment centers, recreation areas, or other facilities that serve smaller households.

   c. Having good access by means of collector, arterial, and expressway streets and transit systems to employment centers, commercial areas, and community facilities.

   d. Buffered from the adverse influences of commercial, industrial, and other incompatible activities.

3. High density uses are most suitable in areas with the following characteristics:

   a. Having level to fairly rolling terrain, outside flood prone or poorly drained areas, or areas with steep slopes.

   b. In close proximity to major shopping areas, major employment centers, recreational and cultural facilities, and other facilities that serve smaller households.

   c. Having immediate pedestrian, highway, and transit access to commercial areas, community facilities, and major employment centers.

   d. Buffered from the adverse influences of industrial and other incompatible activities.

   e. Not adversely affecting adjoining low density residential areas.

B. Locational Criteria for Commercial Uses

The commercial designation on the Plan encompasses a wide range of uses, including, for example, grocery stores, department stores, restaurants, gas stations, motels, and professional offices. These uses vary widely in the amount and kind of traffic generated, the size of the service area, the level of compatibility with more sensitive uses (such as residential areas), and the type and number of clientele. Because of the wide variation in types of commercial use, a number of sets of criteria have been developed to deal with groups of commercial uses having several common characteristics. These are presented below:

1. Neighborhood shopping centers, defined as small centers (four to eight acres in area) including stores catering to the daily or weekly convenience shopping needs and personal services needs of a neighborhood, are most suitable in areas with the following characteristics:

   a. Located at the intersection of a collector street and/or higher level streets.

   b. Having relatively flat terrain.

   c. Having good vehicular and pedestrian access.

   d. With a projected service area population of at least 1,500 households with a radius of one-half to one mile.

   e. Having at least enough land area to serve the fully developed neighborhood at the rate of 2.5 acres of land per 1,000 neighborhood households.

2. Community shopping centers of 15 to 25 acres in area and including some stores (such as variety stores or small department stores) selling longer term shopping goods, such as applicances or apparel, are most suitable in areas with the following characteristics:

a. Located at the intersection of an arterial with similar or higher level streets.

b. Having relatively level terrain.

c. With a projected service area of roughly 10,000 households within a radius of two miles.

d. Having good pedestrian, vehicular, and transit access.

e. Having at least enough land area to serve the fully developed service area at the rate of 1.5 acres per 1,000 households.

3. Regional shopping centers, defined as including one or more major department stores, or several specialty stores, are best suited in areas with the following characteristics:

   a. Located at the intersection of a major arterial or higher level street with similar or higher level streets.

   b. Having level terrain.

   c. Having good pedestrian, vehicular, and transit access.

   d. Having at least 40 acres of land suitable for commercial development.

   The service areas of regional shopping centers in Rochester extend beyond Olmsted County to include Southeastern Minnesota, Southwestern Wisconsin, and Northeastern Iowa. Projections of area requirements for regional shopping centers and for other commercial uses have been made on the basis of projected employment growth, as explained in Appendix B.

4. Highway commercial uses, which include uses oriented primarily to serving the traveling public, such as gas stations, drive-in restaurants, truck stops, motels, hotels, and so on, as well as uses requiring large areas of highway frontage, such as automobile dealerships, are most suitable in areas with the following characteristics:

   a. On major highway approaches with access to a frontage road (or in the case of lodging establishments, in close proximity to major visitor attractions such as the medical complex).

   b. Having relatively level terrain.

   c. Providing for a concentration of similar uses.

   d. Not detrimental to the safety or appearance of the surrounding area.

5. A number of other commercial uses that are less easily classified are listed below with recommended locational criteria:

   a. Professional office uses. Major office uses, such as financial institutions, should locate in concentrations of similar uses in order to facilitate business transactions, to benefit from joint use of parking facilities, and so on. Office uses tend to draw customers

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from throughout the City and its environs; hence, site characteristics of good access and visibility are essential. Minor office uses should also be clustered where possible; if clustering is not possible, uses should be located on the fringe of established or proposed community or regional shopping centers. Isolated office uses similar in character and intensity of use to, and not in conflict with, surrounding residential uses may be considered to be appropriate in areas designated predominantly for residential use.

b. Business-serving commercial uses. Commercial uses primarily oriented toward services to other businesses, such as printing shops, sign painting companies, and so on, should also locate in close proximity to establsihed or proposed community or regional shopping centers.

c. Isolated neighborhood-oriented commercial uses. Currently, there are several small commerical uses, such as groceries and personal services businesses, located in residential areas of the City, providing needed convenient shopping and other facilities within walking distance of large parts of many of the City's established neighborhoods. It is proposed that zoning ordinances provide for this sort of use within residential use designations, especially in medium and high density planned unit developments, where the following conditions exist:

   i. locational criteria "a", "b", and "c" of neighborhood shopping centers area met.

   ii. no existing neighborhood shopping center is located within one-half mile of the proposed commercial use.

   iii. adequate protection is given adjacent residential uses from adverse parking and traffic influences.

All types of commercial use other than those in B5a and B5c listed above should be allowed only in areas designated for commercial use.

d. Recreational commercial uses. Private recreational commercial facilities of a low intensity of use, such as campgrounds, ski hills, and golf courses, should be accommodated in any area in the Land Use Plan, through zoning mechanisms that address potential noise, access, and other conflicts with residential development, or existing public open space uses, where pertinent. In general, recreational commercial uses should be allowed in areas that have good access, that are situated in such a way as not to adversely affect neighboring residential areas, and that have some significant natural feature making the area suitable for a recreational use. Such natural features might include streams, lakes, ponds, or other significant bodies of water; flood prone areas unsuited for other development; or steep or wooded hillsides. Zoning ordinances accommodating recreational commercial uses in a separate zone should not also routinely allow general commercial uses in that zone.

C. <u>Locational Criteria for Industrial Uses</u>

The industrial use designation on the proposed Plan provides for such activities as manufacturing; transportation, communications, and public utilities industries; warehousing; and construction industries. While these types of uses differ significantly in the potential effect on surroungind uses, their locational requirements are very similar. Sites to be considered for industrial uses should have the following characteristics:

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, January 8, 2003, at 7:00 p.m. in the Council/Board Chambers of the Government Center, 151 4th Street SE, Rochester, MN.

Members Present: Mr. Randy Staver, Chair; Ms. Lisa Wiesner, Vice Chair; Ms. Mary Petersson; Ms. Leslie Rivas; Mr. Michael Quinn; Mr. James Burke; Mr. Robert Haeussinger; and Mr. Paul Ohly

Members Absent: Mr. John Hodgson

Staff Present: Ms. Mitzi A. Baker; Mr. John Harford; and Ms. Jennifer Garness

ADMINISTRATIVE BUSINESS:

> **Ms. Petersson made a motion to approve the minutes of December 11, 2002, as written. Mr. Ohly seconded the motion. The minutes from December 11, 2002 were approved unanimously.**
>
> **Ms. Petersson made a motion to approve the agenda, as written. Mr. Haeussinger seconded the motion. The motion carried unanimously.**

Mr. Staver announced that public testimony for Conditional Use Permit #02-60 by South Broadway Partners, LLC would not be heard at the meeting. He explained that the request would be tabled to March 26, 2003 and that new notices would be mailed to individuals that received prior notice.

Ms. Baker noted that the applicant has already indicated that they may want to bring the conditional use permit request before the Commission prior to March 26, 2003. However, anyone that received notification previously, would receive them again.

Mr. Staver announced that public testimony would not be taken for General Development Plan #196 to be known as Bamber Valley Estates. He explained that the request would be heard before the Commission on January 22, 2003. He further explained that the Commission would **not be** meeting in the Council/Board Chambers, but in City Hall Room 104 for that meeting.

CONTINUED ITEMS:

Land Use Plan Amendment Petition #02-06 and Zoning District Amendment #02-15 by Mark Leitzen to amend the Land Use Plan designation from "Low Density Residential" to "Commercial" and the zoning from R-1 (Mixed Single Family) to the B-4 (General Commercial) district on approximately 10.53 acres of land. The property is located east of HyVee, north of West River Parkway, south of 37th Street NW and west of the Zumbro River.

AND

General Development Plan #195 to be known as West River Parkway by Mark Leitzen. The applicant is proposing to develop the property with commercial uses permitted in the B-4 zoning district. The property is located east of HyVee, north of West River Parkway, south of 37th Street NW and west of the Zumbro River.

Ms. Mitzi A. Baker presented the staff reports, dated December 5, 2002, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Ms. Baker explained that the 100-year flood plain runs throughout the property. She showed where the floodway boundaries were located.

Ms. Baker explained that the northern part of the site was not conducive for low-density residential development and that the property was primarily oriented towards West River Parkway rather than 37th Street NW.

Ms. Baker stated that a revised general development plan was submitted to the Rochester-Olmsted Planning Department on January 7, 2003. The revised plans were forwarded to other agencies to obtain comments prior to the City Council meeting.

Ms. Baker explained that staff understood that the property was difficult to work with. However, she expressed concern with the different commercial uses permitted in the B-4 zoning district.

Ms. Baker discussed that she was unsure if the general development plan could dictate the hours of operation, since the zoning district primarily dictated it.

Ms. Baker explained the different zoning districts surrounding the property. She explained the visibility from the frontage along 37th Street NW.

The applicant's representative, Mr. Bill Tointon of McGhie & Betts, Inc., addressed the Commission. His presentation notes are on file at the Rochester-Olmsted Planning Department. He indicated that both Mark and Gary Leitzen were available for questions.

Mr. Tointon explained that the request was previously tabled due to the fact that McGhie & Betts did not begin the project and needed time to work with staff on certain issues.

Mr. Tointon stated that he spoke with Mike Nigbur, from City Public Works, indicating that he approved of the revised access as submitted to the Rochester-Olmsted Planning Department dated January 7, 2003.

Mr. Quinn asked what the property to the east was currently zoned.

Mr. Tointon responded that east of the river the property is primarily zoned B-4.

Mr. Quinn asked if it had been developed as commercial.

Mr. Tointon responded no.

Ms. Rivas asked if Mr. Leitzen owned the property to the north with a pole shed.

Mr. Tointon responded no.

Mr. Burke stated that additional buffering to the residential area was discussed at the neighborhood meeting. He questioned if it was being proposed in future plans.

Mr. Tointon responded yes. He explained it depended on how much is taken out during construction. They are trying to have a minimum disturbance.

Mr. Staver asked if an upgrade to 3rd Avenue NW would occur.

Mr. Tointon responded that the developer would be required to upgrade that roadway. He indicated that it would be a public benefit.

Mr. Al Wick, 727 31st Street NW, Rochester MN, addressed the Commission. He stated that he did not oppose the rezoning. However, he expressed concern with traffic access. He explained that 37th Street NW is currently a right turn only access. He expressed concern with West River Parkway and rear access onto 3rd Avenue NW. He explained that it is currently a dangerous intersection. He expressed concern with putting additional traffic through that intersection. He discussed the visibility problems.

Mr. Steve McNaughton, of 422 Chalet Drive NW, Rochester MN, addressed the Commission. He stated that he was opposed to the change in land use plan and zoning district. He stated that, when he purchased his home in the neighborhood, he did not expect additional commercial development. He explained that he believed it would decrease his quality of life with parking areas so close by that are lighted 24 hours a day.

With no one else wishing to be heard, Mr. Staver closed the public hearing.

Mr. Burke asked Ms. Baker if the property is currently zoned R-1.

Ms. Baker responded yes and explained that there was a typo on criteria A of the general development plan.

Ms. Petersson stated that she did not think that the development would do anything but help the area. At present, there are a lot of overgrown weeds and debris. She explained that she could not foresee it being used for any type of residential use.

Mr. Haeussinger stated that he believed it should have been rezoned with the other areas surrounding it. He agreed that it was not appropriate for residential uses.

Mr. Burke questioned how any type of high density residential would be appropriate with B-4 zoning surrounding it.

Ms. Rivas stated that it was unfortunate that the entire parcel would be rezoned B-4. She suggested that part of the parcel could be zoned residential and part B-4 to come up with a better layout for the area.

Ms. Wiesner stated that the developer would be taking a risk to put residential homes with their front door looking at the back of HyVee.

Mr. Burke stated that he spoke with some of the property owners in the area and indicated that he did not receive any negative feedback. They seemed happy to have some sort of development to clean up the area.

Mr. Staver stated that the best use of the property is as a commercial use.

Ms. Wiesner stated that the notes on the revised general development plan state the approximate size of the structures. She asked if the developer was willing to put a cap on the square footage.

Ms. Baker explained that Section 61.217 of the City of Rochester Zoning Ordinance and Land Development Manual dictates what staff could approve at their level and what would need to come before the Commission.

Ms. Baker explained that a general development plan is required to identify the proposed intensity and density of the development. On this particular general development plan, the developer has indicated the potential development character and intensity. She explained that the City of Rochester Zoning Ordinance and Land Development Manual limits staff's ability to allow for amendments that would exceed a 5 percent change.

Mr. Gary Leitzen, of 6165 10th Street SW, Rochester MN, addressed the Commission. He stated that he was unsure of the size of the buildings or how they will fit into the design.

Discussion ensued regarding possible changes to the general development plan and what staff could approve and what would have to come back to the Commission.

Ms. Petersson asked if they would see a preliminary plat.

Ms. Baker responded no.

Ms. Wiesner asked if staff was comfortable with having enough information to review site plans when they come in for permits.

Ms. Baker responded yes, with regard to building size and intensity. Though she was uncertain if staff had the ability to hold the developer to the hours of operation and use restrictions noted on the general development plan. She explained that the zoning district regulations dictate that information.

Mr. Tointon stated that it is his understanding that the Findings of Fact approved by the City Council are legally binding in approval and denial.

Mr. Haeussinger stated that, if the general development plan was not used and a new one was approved, they would be subject to the B-4 zoning district standards, which actually dictate the hours of operation.

Ms. Wiesner responded that the new general development plan would have to go before the Commission.

Mr. Burke moved to recommend approval of Land Use Plan Amendment Petition #02-06 by Mark Leitzen based upon the following findings:

Locational Criteria for Commercial Use:

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a. **It has been found in previous occasions that the road access location requirements need not be met. We have approved other projects not meeting this criteria.**

b. **Having relatively flat terrain.**

c. **Having good vehicular and pedestrian access, which has been presented at the meeting.**

d. **The projected service area meets the criteria.**

e. **This criterion meets to be met.**

Mr. Haeussinger seconded the motion. The motion carried 7-1, with Ms. Rivas voting nay.

Mr. Burke moved to recommend approval of Zoning District Amendment #02-15 by Mark Leitzen based on the fact that all of the adjacent properties are currently zoned B-4. Ms. Petersson seconded the motion.

Mr. Staver stated that part of the rationale is that the zoning would be inconsistent with the land use plan amendment that was recently approved.

The motion carried 7-1, with Ms. Rivas voting nay.

Mr. Burke moved to recommend approval of General Development Plan #195 to be known as West River Parkway with the restrictions as presented by the applicant. Ms. Petersson seconded the motion. The motion carried 7-1, with Ms. Rivas voting nay.

Text Amendment #02-06 initiated by the City Planning and Zoning Commission, to amend Section 65.510(5)(b) of the Rochester Zoning Ordinance and Land Development Manual. This section, Termination of Nonconforming Advertising Signs, covers the standards for use of advertising sign credits.

Mr. John Harford presented the staff report, dated December 13, 2002, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Ohly agreed with the language.

Ms. Petersson stated that Mr. Prow mentioned Highway 52 and getting longer time limits on the sign credits.

Mr. Harford responded that the City Administrator's office and City Council are responding to that issue.

With no one else wishing to be heard, Mr. Staver closed the public hearing.

Mr. Haeussinger moved to recommend approval of Text Amendment #02-06 initiated by the City Planning and Zoning Commission as presented. Mr. Ohly seconded the motion. The motion carried 8-0.

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REQUEST FOR COUNCIL ACTION

MEETING DATE: 3-17-03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONTINUED - PUBLIC HEARINGS	PLANNING	E-2
ITEM DESCRIPTION: Zoning District Amendment #02-15 by Mark Leitzen to amend the zoning from R-1 (Mixed Single Family) to the B-4 (General Commercial) district on approximately 10.53 acres of land. The property is located east of HyVee, north of West River Parkway, south of 37th Street NW and west of the Zumbro River.		**PREPARED BY:** Mitzi A. Baker, Senior Planner

February 13, 2003

Please note that staff is not recommending in favor of this petition.

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on February 19, 2003, to consider this petition.

Burke moved to approve Zoning District Amendment #02-15 based on the fact that all of the adjacent properties are currently zoned B-4. Ms. Petersson seconded the motion. The motion carried 7-0, with Ms. Rivas voting nay.

Planning Staff Recommendation:
See attached staff report.

Council Action Needed:

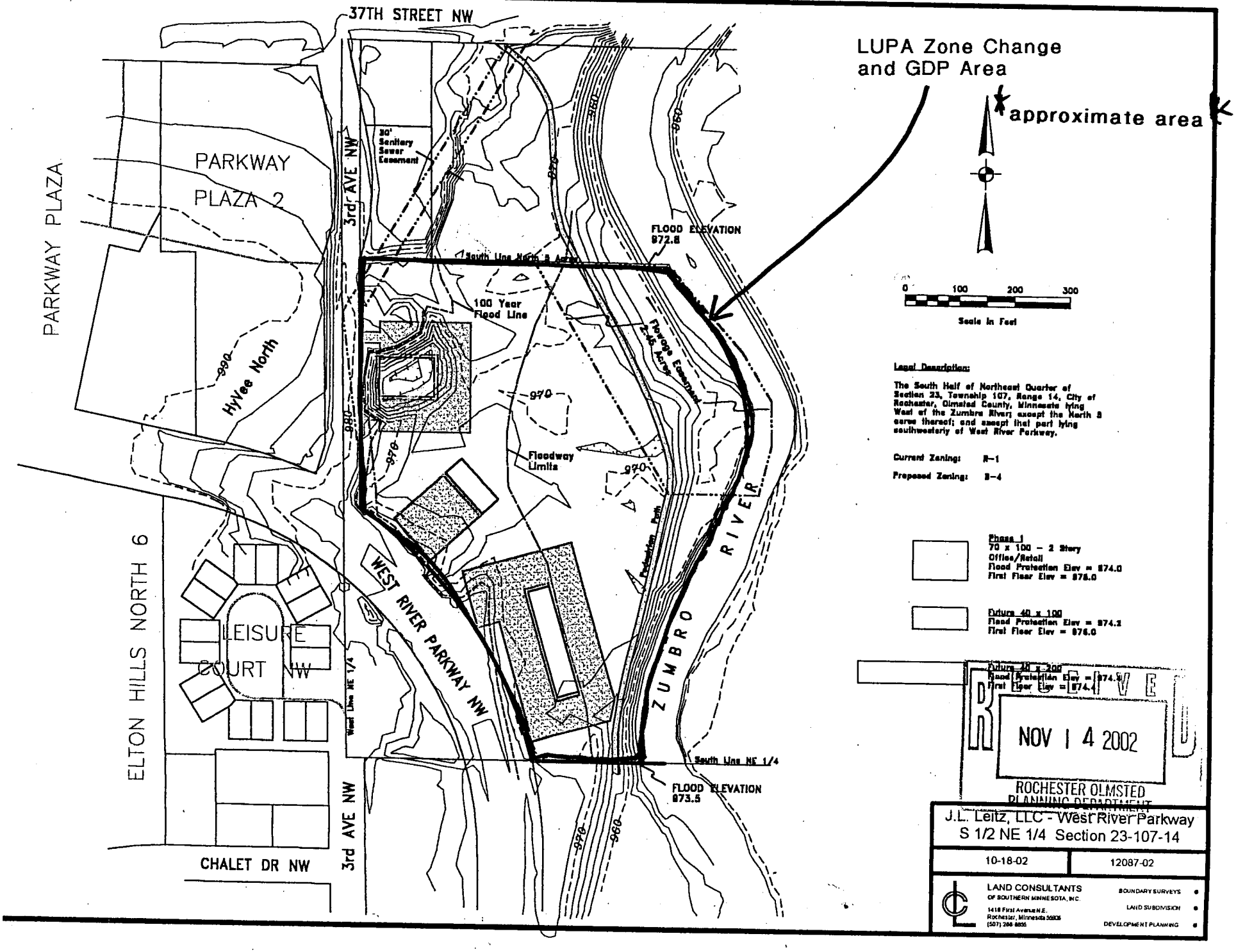
The Council should direct the City Attorney to prepare findings of fact reflecting the Councils decision on this zone change.

If the Council approves this zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property.

Distribution:
1. City Clerk
2. City Administrator
3. City Attorney: Legal Description attached
4. Planning Department File
5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday March 17, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION:

Motion By:	Seconded By:	Action:


37TH STREET NW
PARKWAY PLAZA
PARKWAY PLAZA 2
HyVee North
ELTON HILLS NORTH 6
LEISURE COURT NW
CHALET DR NW
3rd AVE NW
30' Sanitary Sewer Easement
South Line North 8 Acres
100 Year Flood Line
Floodway Limits
Flowage Easement 2.46 Acres
Protection Path
WEST RIVER PARKWAY NW
ZUMBRO RIVER
West Line NE 1/4
South Line NE 1/4
FLOOD ELEVATION 972.8
FLOOD ELEVATION 973.5
990
980
970
960
950
LUPA Zone Change and GDP Area
approximate area
0 100 200 300
Scale in Feet
Legal Description:
The South Half of Northeast Quarter of Section 23, Township 107, Range 14, City of Rochester, Olmsted County, Minnesota lying West of the Zumbro River; except the North 8 acres thereof; and except that part lying southwesterly of West River Parkway.
Current Zoning: R-1
Proposed Zoning: B-4
Phase 1
70 x 100 - 2 Story
Office/Retail
Flood Protection Elev = 974.0
First Floor Elev = 976.0
Future 40 x 100
Flood Protection Elev = 974.2
First Floor Elev = 976.0
Future 40 x 200
Flood Protection Elev = 974.5
First Floor Elev = 974.4
RECEIVED
NOV 14 2002
ROCHESTER OLMSTED PLANNING DEPARTMENT
J.L. Leitz, LLC - West River Parkway
S 1/2 NE 1/4 Section 23-107-14
10-18-02
12087-02
LAND CONSULTANTS OF SOUTHERN MINNESOTA, INC.
1418 First Avenue N.E.
Rochester, Minnesota 55906
(507) 288-8856
BOUNDARY SURVEYS
LAND SUBDIVISION
DEVELOPMENT PLANNING

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

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

TO: City Planning and Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

DATE: December 5, 2002

RE: **Zoning District Amendment #02-15 by Mark Leitzen to amend the zoning from R-1 (Mixed Single Family) to the B-4 (General Commercial) district on approximately 10.53 acres of land. The property is located east of HyVee, north of West River Parkway, south of 37th Street NW and west of the Zumbro River.**

Planning Department Review:

Petitioner:	Mark Leitzen 309 60th Ave SW Rochester, MN 55902
Location of Property:	The property is located along the northeast side of West River Parkway, east of 3rd Ave NW and the HyVee north store.
Requested Action:	The applicant is requesting a Land Use Plan Amendment and Zoning District Amendment on this site to accommodate B-4 zoning. The GDP proposes three potential building sites.
Existing Land Use:	The property is currently undeveloped.
Proposed Land Use:	The General Development Plan for this property proposes three building sites, one is labeled as office/retail. The other two are not labeled as far as use, but the applicant verbally identified those as intended for office use.
Adjacent Land Use and Zoning:	Property to the west of 3rd Ave. NW is the site of a HyVee grocery store. To the east is the Zumbro River. North of this property is a property zoned B-4, which is occupied by a steel sided building and the site is currently being used for seasonal sales of

Christmas trees. To the south is a parcel of undeveloped property and the City park land. South west, across West River Parkway are townhomes and other residential development.

Transportation Access: The GDP for this property proposes three access to the site, two from West River Parkway and one from 3rd Ave NW. Access will not be permitted at all locations shown on the GDP however. Access will be limited to one location from 3rd Ave., and an additional access may be permitted to West River Parkway, but will likely need to be a shared access at the south property line. Since West River Parkway is an Arterial roadway, the shared access may be required to provide adequate spacing, while providing access to two properties.

Wetlands: There may be hydric soils in the Floodway district. Additional site investigation should be completed. The property owner is responsible for identifying Westlands on the property and submitting the information to the LGU.

Referral Comments:

1. See comments attached to GDP 195

Report Attachments:

1. Location Map

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

1) **The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:**

   a) **The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;**

   b) **The area was originally zoned erroneously due to a technical or administrative error;**

   c) **While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or**

   d) **The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.**

If Land Use Plan amendment #02-02 is approved, the current zoning of this property will be inconsistent with the Land Use Plan designation for this site. Staff has however, recommended denial of the Land Use Plan amendment.

2) **The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:**

   a) **the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and**
   Although some limited uses allowed within the B-4 (General Commercial) zoning district could be appropriate for this property, there are numerous uses permitted in the B-4 district that would not be appropriate on this property. The intensity of development permitted in the B-4 district and the permitted hours of operation would not be appropriate on the subject property.

   b) **the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).**

   Though the adjacent property to the west of 3rd Ave. NW and also the property to the north are currently zoned B-4, this property does not meet land use plan criteria which would support zoning this property B-4 (General Commercial).

Staff Recommendation:

Staff suggests that the findings do not support re-zoning this property to the B-4 (General Commercial) zoning district. A Land Use Plan Amendment and General Development Plan are also being considered at this time.

Attendance Roll

NEIGHBORHOOD MEETING

PROJECT: J.L. LEITZ, LLC PROPERTY
DATE: TUESDAY, NOVEMBER 26, 2002
TIME: *7:30 P.M.*
PLACE: UNITY CHURCH – 11TH AVE. NW
ROCHESTER, MINNESOTA

NAME	ADDRESS	PHONE NO./FAX NO.
1. Clayjean Anderson	3413 Leisure Ct NW	282-5763
2. Ron Neubauer	3414 Leisure Ct NW	2891738
3. Frank Remming	3337 Leisure Ct. NW	289-8819
4. [illegible]	3405 LEISURE CT. NW	282-2194
5. Ellen Burns	3329 LEISURE CT N.W	2825896
6. Ed Burke	3402 Leisure Ct NW	288-3978
7. DALE RICHTER	3401 LEISURE CT NW	289.2951
8. BOB BRUESEWITZ	3336 GESELLE LN. NW	282-1763
9. Bruce Christensen	3419 Leisure Ct NW	282-2699
10. STEVE HUYBER	3420 LEISURE CT.	288-3246
11. [illegible]	411 Chabot Dr NW	289 9176
12. Tom Allen	6851 FCR E.P. MN	612-368-2298
13. Mary Kathleen Kropp	3410 Leisure Ct NW	289-8851
14. Rod Walters	3333 Leisure Ct NW	282-3938

NAME	ADDRESS	PHONE NO./FAX NO.
15. Dave Senjem	2423 12 Ave NW	282-7648
16. Bob Ludwig	295 37th St. NW	289-5911
17. Steve McNaughton	422 Chalet Dr. NW	529-5657
18.		
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MINUTES OF NEIGHBORHOOD MEETING

November 27, 2002

Gary Leitzen opened meeting at 7:33 PM by introducing himself and Mark.

Began the meeting by providing information where the project is located, who the owners are, and what the current plans are for developing the project.

Gary told the audience he is requesting a zone change to B4. The current plans include a commercial development, (not an apartment, heavy industrial or heavy construction). The site will include plenty of ample parking space. They have no tenant currently in mind and have not been contacted or contacted anyone regarding leasing the building/buildings.

Neighbors were told there would be not an adult bookstore or dance hall constructed on the site.

With the waterways and floodway there will be some building site restrictions. But there will be a lot of green space, which includes trees used as buffers.

Does the trail stay?	YES
Will you keep the trees for visual barriers?	YES
Will the elevation be changed?	The elevation will be raised in the building site. The floodway elevation will not be changed .
Where does access come in?	3rd Ave.
Will this project create a traffic flow problem?	Will be addressed with the City.
What work has already been done on the site?	Clearing trees.
How much fill will be needed?	Amount is unknown. Fill will be engineered and compacted as necessary.

What about the concrete there now?	Will be removed and cleaned up.
Has there been any soil testing done yet?	No.
How many acres?	Ten acres
How many stories will the buildings be?	Possibly two.
Do you plan to re-zone and then sell?	NO
Will the city have to widen the road?	Will be addressed with the city.
Sewer & Water – is it available?	YES
Will neighbors be notified regarding changes?	YES
What will the buffer between plan & homes?	Approximately 300'
Do you see a stop light added?	Will be addressed with the City.
What time of day do you anticipate work being done?	7 a.m. to 6 p.m.
Have you approached the city regarding selling the property to them for a park?	We have not discussed it.
What type of trees do you anticipate?	Evergreens or Oaks
Neighbors want something to block bldgs.	Trees
Would you be willing to plant trees by the road on the west side of West River Road?	We don't own that property.
Can neighbors be involved in the zoning process?	The city will notify you through out the process.
Would you be willing to change to B1 instead of B4?	Not sure of differences between two.

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What are your timetables?	Takes at least two years site work to be completed.
When do you plan to start zoning changing?	NOW
What about architecture drawing to give neighbors a better idea of your plan?	The current map gives an accurate picture.
Can the neighborhood association have a copy of the map?	YES – given a copy tonight

Meeting adjourned at 8:15 PM

Minutes taken by Jackie Payne

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REQUEST FOR COUNCIL ACTION

MEETING DATE: 3-17-03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONTINUED - PUBLIC HEARINGS	PLANNING	E-3
ITEM DESCRIPTION: General Development Plan #195 to be known as West River Parkway by Mark Leitzen. The applicant is proposing to develop the property with commercial uses permitted in the B-4 zoning district. The property is located east of HyVee, north of West River Parkway, south of 37th Street NW and west of the Zumbro River.		**PREPARED BY:** Mitzi A. Baker, Senior Planner

March 13, 2003

This item was continued at the February 19, 2003 City Council meeting. At the February 19 meeting, the Council asked that staff and the applicant meet to discuss the GDP and proposed limitations identified on the Plan. Staff met with the applicant and consultant on February 26, 2003.

The applicant wishes to proceed with this application, as submitted for Council consideration. The Planning Department is concerned with administration of unique standards on properties with standard zoning. The Planning Department objects to unique standards or restrictions identified on the GDP, as a condition or in such a way that the City is involved in the requirement and long-term enforcement.

If the Council proceeds to amend the Land Use Plan and Zoning Map to zone this property B-4, the Planning Department would rather it be done without any unique use or development standards identified through public action on the General Development Plan.

Privately, the developer may choose to place private restrictions on the property through covenants, and may even share those with the Council for their information.

Planning discussed the need to amend the Rochester Zoning Ordinance and Land Development Manual to develop a commercial zoning district that would fill a gap between the current B-1 (Restricted Commercial) district and the B-4 (General Commercial) district. At this time Planning does not know when such an amendment would be done, as time and resources are limited. Mr. Leitzen expressed interest in the "new" commercial district and suggested that they would not object to re-zoning their property to that district in the future, as long as it accommodated the types of uses they would like flexibility to market on the property.

Planning suggests two alternatives to Council for consideration on March 17, 2003.

1) Leave the GDP as-is, with the unique standards and restrictions identified on the face of the Plan. *(Planning does NOT support this option)*

2) Remove any notation of unique standards or restrictions from the face of the GDP and do not include them in the form of a condition. The applicant may choose to provide the Council with proposed covenants for the Council's information. Private covenants would not be part of the public action and would not include public enforcement.

In either case, Planning is interested in pursuing a text amendment to develop a new commercial zoning district that would fill a gap between the B-1 (Restricted Commercial) and B-4 (General Commercial) districts.

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

City Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission held a public hearing on this item on January 8, 2003. The Commission recommended approval 7-1, with Ms. Rivas voting nay.

Council Action Needed:

1. *Deny this application based on findings and conclusions in the attached staff report and memorandum prepared by the Planning Department.*

OR

2. *If the Council wishes to approve the General Development Plan it should instruct direct staff to prepare conditions and the City Attorney to prepare a resolution, with findings, for Council approval at the March 3, 2003 meeting.*

Distribution:

1. City Clerk
2. City Administrator
3. City Attorney
4. Planning Department File
5. Planning Department, GIS Division
6. McGhie & Betts, Inc.
7. Applicant: This item will be considered some time after 7:00 p.m. on Monday March 17, 2003 in the Council / Board Chambers in the Government Center at 151 4th Street SE.

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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

DATE: January 23, 2003

FROM: Mitzi A. Baker, Senior Planner

RE: Leitzen GDP #195

Prior to the January 8, 2003 Planning & Zoning Commission meeting, a revised General Development Plan was submitted. These revisions included modified access locations, as well as proposed restrictions/limitations for hours of operation, land uses and signage.

Staff noted at the Planning Commission meeting that the legality of the restrictions noted on the GDP would need to be reviewed with the City Attorney prior to Council consideration of this item. Specifically, staff was uncertain if the limited hours of operation and list of excluded uses were binding on a GDP.

Staff has since discussed the proposed revised GDP with legal counsel. It is the City Attorney's opinion that that the limitations noted on the GDP are not consistent with the proposed B-4 zoning district regulations, nor with the existing R-1 zoning. More importantly, the City Attorney concluded the restrictions and limitations shown on the revised GDP were not consistent with the requirements for or with the purpose of a GDP.

Section 61.210 states that an approved GDP "shall constitute approval of the conceptual land use mix ... provided that these are consistent with the comprehensive plan and zoning district requirements ... ." Furthermore, Section 61.214 states that the information submitted with an application for approval of a GDP "should show the density, intensity, land uses, pedestrian and bicycle ways, trail thoroughfares, parks, open space and pattern of future streets within the development, and possible off-site drainage situations affecting other tracts within 500 feet surrounding and adjacent to the proposed land subdivision." These ordinances describe the appropriate information that should be submitted with a proposed GDP.

The restrictions and limitations shown on this revised GDP go beyond the scope of what is required by Sections 61.210 and 61.214. They do not show the conceptual land use mix or land uses. Instead, they show the manner in which businesses will conduct their operations. In addition, the restrictions and limitations are not consistent with any one standard zoning district. As such, these restrictions and limitations are not properly found within the GDP document and should be removed.

A GDP is not a zoning district amendment and should not be used to design unique zoning standards for a development. However, there are alternatives available to the applicant. The LDM includes provisions for developing unique zoning standards for a property through a Special District. Another alternative would be for the applicant to identify specific uses and restrictions through the Restricted Development conditional use process.

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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: 1/24/03

The Department of Public Works has reviewed the application for General Development Plan #195 , for the proposed West River Parkway commercial development. The following are Public Works comments on this request from 12/2/02. New comments are shown in **BOLD**, while prior comments that have been addressed, and/or are no longer applicable are shown with ~~STRIKETHROUGH~~:

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, 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 reconstruct 3rd Ave NW, or pay **its proportional share of the cost of** said reconstruction to serve this Property. Dedication of **an** additional **7 feet of** right-of-way ~~may~~ **will** be required of the Owner to accommodate the reconstructed roadway, and pedestrian facilities.
3. Grading & Drainage Plan approval is required prior to development. A Storm Water Management fee will apply to any areas of this development that are allowed to participate in the City's Storm Water Management Plan (SWMP), and do not drain to an on-site facility.
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.
5. ~~Access to this development shall be limited to a single access onto 3rd Ave NW, and a single access onto West River Parkway, in locations conforming to Section 64.143 of the LDM~~. **The proposed access locations to 3rd Ave NW, and the single shared access location to West River Parkway NW are acceptable to Public Works as shown on the revised GDP. The driveways shall be perpendicular to the rights-of-way.**
6. Dedication of a Pedestrian Facilities Easement will be required for the existing path.
7. Dedication of a 10 foot wide utility easement for sanitary sewer is needed adjacent to the east line of the existing easement.

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.
- Watermain Connection Charge @ $40.19 per foot x 134.30 feet (watermain segment constructed by RPU Water in 1994) = $5,397.52
- Sanitary Sewer Connection Charge @ $45.07 per foot for the entire frontage of 3rd Ave NW
- Storm Water Management - TBD, for any areas that do not drain to an approved permanent on-site detention facility, and allowed to participate in the City's SWMP.

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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: Mitzi A. Baker, Senior Planner

DATE: December 5, 2002

RE: General Development Plan #195 to be known as West River Parkway by Mark Leitzen. The applicant is proposing to develop the property with commercial uses permitted in the B-4 zoning district. The property is located east of HyVee, north of West River Parkway, south of 37th Street NW and west of the Zumbro River.

Planning Department Review:

Petitioner:	Mark Leitzen 309 60th Ave SW Rochester, MN 55902
Location of Property:	The property is located along the northeast side of West River Parkway, east of 3rd Ave NW and the HyVee north store.
Proposed Use:	The applicant is requesting a Land Use Plan Amendment and Zoning District Amendment on this site to accommodate B-4 zoning. The GDP proposes three potential building sites.
Land Use Plan:	The Rochester Urban Service Area Land Use Plan designates this property as "Flood Fringe" and "Low Density Residential".
Zoning:	The property is currently zoned R-1 (Low Density Residential), the applicant is proposing to re-zone this property to B-4 (General Commercial).
Streets:	This property is adjacent to West River Parkway, designated an Arterial, and also to 3rd Ave. NW which

is a local street.

Sidewalks: Sidewalk would be required along the frontage of both public roadways and an easement will need to be granted for the existing pedestrian path along the Zumbro River.

Drainage: This property is adjacent to the Zumbro River. The Floodway district encompasses a portion of the site, with the 100 year flood district encompassing most of the rest of the site.

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

Wetlands: There may be hydric soils in the Floodway district. Additional site investigation should be completed. The property owner is responsible for identifying Wetlands on the property and submitting the information to the LGU.

Referral Comments:

1. See attached

Report Attachments:

1. Copy of General Development Plan
2. Referral Comments
3. Proposed General Development Plan Narrative

Staff Suggested Findings and Recommendation:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the Criteria for approval of a general development plan (see attached section from the newly adopted regulations, which became affective May 15, 1999.

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.

The Rochester Urban Service Area Land Use Plan designates this property as suitable for "Recreation/Open Space". A zoning district amendment is being considered concurrent with this request to change the zoning to B-4 (General Commercial). The property is currently zoned B-1 (Restricted Commercial).

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

The GDP for this property proposes three accesses to the site, two from West River Parkway and one from 3rd Ave NW. Access will not be permitted at all locations shown on the GDP, however. Access will be limited to one location from 3rd Ave., and an additional access may be permitted to West River Parkway, but will likely need to be a shared access at the south property line. Since West

River Parkway is an Arterial roadway, the shared access may be required to provide adequate spacing, while providing access to two properties.

Staff suggests that the northern portion of the site, which would be oriented toward 3rd Ave. NW, and the rear of the HyVee grocery store has characteristics which make it undesirable for low density residential development. This portion of the site is oriented toward a local non-residential street and the rear of a grocery store, which includes delivery traffic and a generally unattractive façade. This portion of the property, specifically, is not buffered from the adverse influences of the existing commercial use. The orientation of the southern portion of the site, toward West River Parkway NW and additional separation from the rear of the grocery store provides for more opportunities for buffering from the existing commercial use.

Given the complexities of this site, the fact that it is not highly suitable for low density residential uses, low intensity non-residential uses at this location are probably reasonable. The site does not, however, meet locational criteria for any of the "commercial" land use designations as identified in the Rochester Urban Service Area Land Use Plan.

Establishing low intensity non-residential uses at this location could be proposed through the Restricted Development application process, or a request for B-5 (Residential Commercial) zoning, without changing the Land Use Plan.

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

This proposal does not include a residential component.

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.

The GDP for this property proposes three access to the site, two from West River Parkway and one from 3rd Ave NW. Access will not be permitted at all locations shown on the GDP however. Access will be limited to one location from 3rd Ave., and an additional access may be permitted to West River Parkway, but will likely need to be a shared access at the south property line. Since West River Parkway is an Arterial roadway, the shared access may be required to provide adequate spacing, while providing access to two properties.

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

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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.

The GDP for this property proposes three access to the site, two from West River Parkway and one from 3rd Ave NW. Access will not be permitted at all locations shown on the GDP however. Access will be limited to one location from 3rd Ave., and an additional access may be permitted to West River Parkway, but will likely need to be a shared access at the south property line. Since West River Parkway is an Arterial roadway, the shared access may be required to provide adequate spacing, while providing access to two properties.

Depending on projected traffic volumes, turn lanes may need to be constructed to accommodate this development. Additionally, 3rd Ave. NW will need to be reconstructed. Dedication of additional right-of-way may also be required to accommodate the reconstructed roadway and required pedestrian facilities.

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.

   Utilities can be extended to serve this property. Watermain looping will be required with the development of this site as well as extension of facilities to abutting developable lands.

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 the abutting road rights-of-way (3rd Ave. NW and West River Parkway). In addition, a trail easement will need to be dedicated covering the existing pedestrian path along the River.

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.

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Detailed grading and drainage plans will be required prior to development and storm water management will need to be provided for this property.

Most of this property is within the flood districts. The eastern part of the site is in the Floodway and most of the remainder of the site (west ½) is in the 100 year Flood Fringe district. Development of this 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.

See responses to Criteria A & B above.

Summary & Recommendation:

Findings do not support the Land Use Plan Amendment (#02-06) or Zoning District Amendment (#02-15) submitted for this property. Since this GDP is proposing development within the B-4 district, the GDP should not be approved if the accompanying Land Use Plan amendment and Zoning District amendments are not approved. Additionally, if the applicant pursues other alternatives for developing the site, a General Development Plan for this property would need to reflect the required pedestrian facilities, additional right-of-way (3rd Ave), off-site improvements (turn lanes, if required) and access locations limited to one location at 3rd Ave. and a possible shared access at the south end of the property at West River Parkway (additional analysis may be needed to ensure compliance with access spacing standards).

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rpu

we pledge, we deliver

November 21, 2002

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

REFERENCE: Land Use Plan Amendment Petition #02-06 and Zoning District Amendment #02-15 to amend 10.53 acres of property from R-1 to B-4 and General Development Plan #195 by Mark Leitzen to be known as West River Parkway. The property is located east of HyVee North, south of 37th St. NW and north of West River Parkway NW.

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. 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 extreme NW corner of the site and at the corner of 3rd Ave. and West Circle Drive NW. The proposed water system must interconnect both of these existing mains and must extend to all adjoining developable properties per our requirements.
3. Static water pressures within this area will range from 81 to 89 PSI depending on final site elevations. The builders must install pressure-reducing devices near the domestic water meters as required by the Minnesota Plumbing Code.
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
Land Consultants
Mark Leitzen

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: 12/2/02

The Department of Public Works has reviewed the application for General Development Plan #195, LUPA#02-06, & ZONE#02-15 for the proposed West River Parkway commercial 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, 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 reconstruct 3rd Ave NW, or pay for said reconstruction to serve this Property. Dedication of additional right-of-way may be required of the Owner to accommodate the reconstructed roadway, and pedestrian facilities.
3. Grading & Drainage Plan approval is required prior to development. A Storm Water Management fee will apply to any areas of this development that are allowed to participate in the City's Storm Water Management Plan (SWMP), and do not drain to an on-site facility.
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.
5. Access to this development shall be limited to a single access onto 3rd Ave NW, and a single access onto West River Parkway, in locations conforming to Section 64.143 of the LDM.
6. Dedication of a Pedestrian Facilities Easement will be required for the existing path.
7. Dedication of a 10 foot wide utility easement for sanitary sewer is needed adjacent to the east line of the existing easement.

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.
- Watermain Connection Charge @ $40.19 per foot x 134.30 feet (watermain segment constructed by RPU Water in 1994) = $5,397.52
- Sanitary Sewer Connection Charge @ $45.07 per foot for the entire frontage of 3rd Ave NW
- Storm Water Management - TBD, for any areas that do not drain to an approved permanent on-site detention facility, and allowed to participate in the City's SWMP.

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ROCHESTER PARK AND RECREATION DEPARTMENT

November 18, 2002

TO: Jennifer Garness
Planning

RE: General Development # 195
West River Parkway

The proposed development will have no parkland dedication requirement.

A trail easement covering the existing pedestrian path should be included in the platting of the property.

WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: LUPA #02-06 + GDP #02-15 Mark Seibert

___ 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

The hydric soils information from the Soil Survey shows that the area affected is located within the floodway.

From John Harford
Wetlands LGU Representative

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Minnesota Department of Transportation

District 6
2900 – 48th St. NW
Rochester, Minnesota 55901-5848

(507) 280-2913

November 20, 2002

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

RE: Land Use Plan Amendment Petition #02-06 and Zoning District Amendment #02-15 by Mark Leitzen to amend the Land Use Plan Designation from "Low Density Residential" to "Commercial".

General Development Plan #195 to be known as West River Parkway by Mark Leitzen.

REVISED Type I Performance Residential Development #02-05 by Stone Hedge Townhomes CIC.

Dear Ms. Garness:

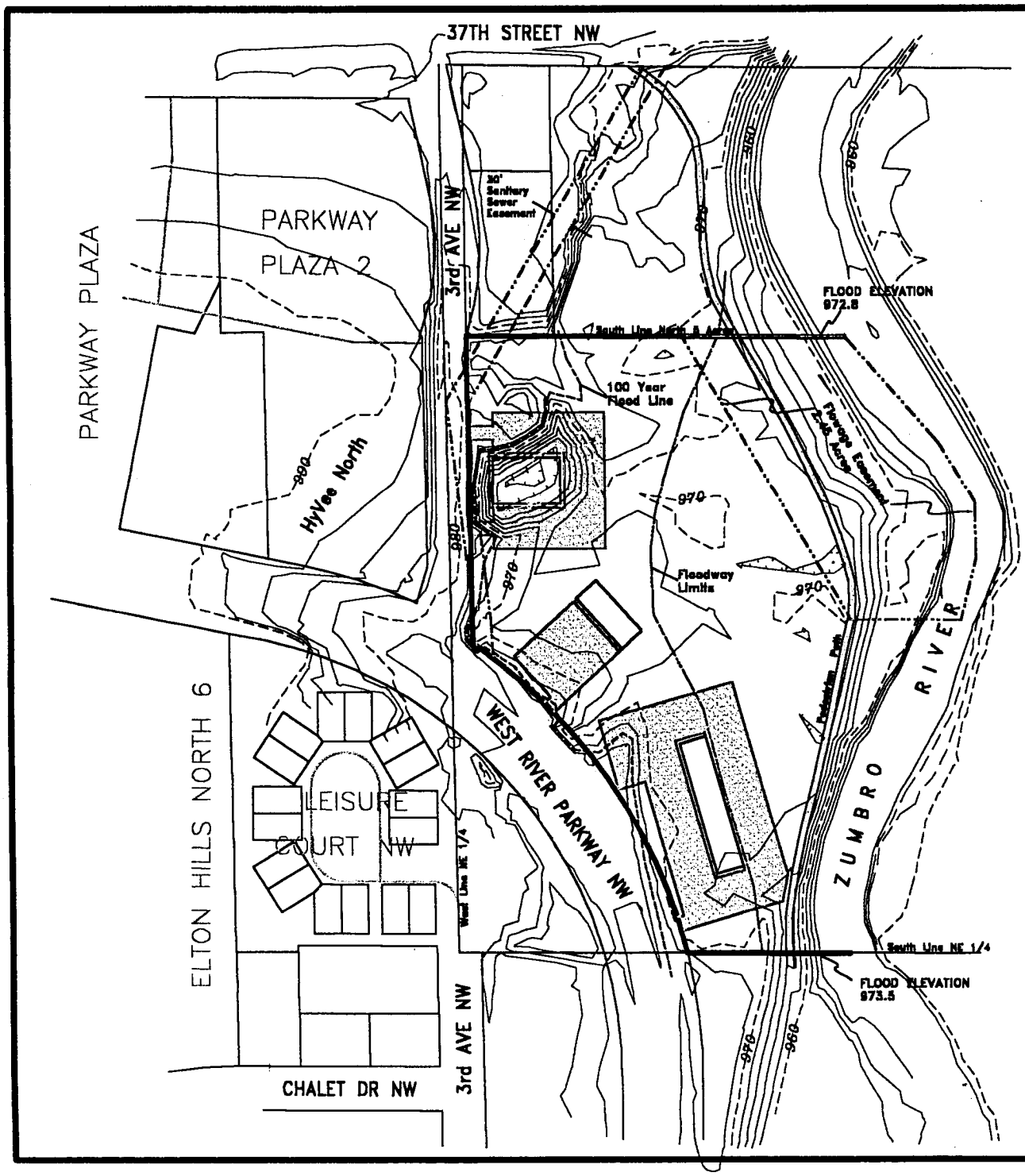
The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposal. Although these developments do not have direct access to Mn/DOT roadways, it is most likely TH 63 will be accessed via CSAH 22. The City of Rochester should continue to manage traffic impacts from growth in north Rochester.

Thank you for keeping Mn/DOT informed. Any questions you have 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

Dale E. Maul
Planning Director



0 100 200 300

Scale in Feet

Legal Description:

The South Half of Northeast Quarter of Section 23, Township 107, Range 14, City of Rochester, Olmsted County, Minnesota lying West of the Zumbro River; except the North 8 acres thereof; and except that part lying southwesterly of West River Parkway.

Current Zoning: R-1

Proposed Zoning: B-4

Phase 1
70 x 100 - 2 Story
Office/Retail
Flood Protection Elev = 974.0
First Floor Elev = 976.0

Future 40 x 100
Flood Protection Elev = 974.2
First Floor Elev = 976.0

Future 30 x 100
Flood Protection Elev = 974.2
First Floor Elev = 974.4

RECEIVED
NOV 14 2002
ROCHESTER OLMSTED PLANNING DEPARTMENT

J.L. Leitz, LLC - West River Parkway
S 1/2 NE 1/4 Section 23-107-14

10-18-02	12087-02

LAND CONSULTANTS
OF SOUTHERN MINNESOTA, INC
1418 First Avenue N.E.
Rochester, Minnesota 55906
(507) 288-8855

BOUNDARY SURVEYS
LAND SUBDIVISION
DEVELOPMENT PLANNING

96

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Consolidated Planning Department
2122 SE Campus Drive
Rochester, MN 55904

ATTN: Ms. Mitzi Baker
Senior Planner

RE: **37th Street and 3rd Avenue NW**

The following is a summary addressing items 3a – 3f of Item E, of the Informational Supplement for the Land Development Manual for the City of Rochester.

a) The location of the proposed structures have been selected to minimize the soil preparation for footing and foundation system. The use of engineered fill may be necessary for some of the footing system.

The structures and parking lots can be constructed as shown on the General Development Plan without changing the existing site drainage patterns.

There will not be any new public streets constructed on the site. Portions of the site may need to be elevated to the applicable flood protection level if the structures lie in the 100-year flood limit. No structures are proposed within the floodway.

b) Stormwater drainage from the proposed project and across the site from off-site locations will be handled in accordance with the policies of the Stormwater Management Plan for the City of Rochester.

c) The site currently receives stormwater runoff from areas off-site. This stormwater drainage from off-site will continue to cross the property. Treatment of the off-site and on-site stormwater will be handled in accordance with the Stormwater Management Plan for the City of Rochester.

d) Utilities are adjacent to the site and are adequate to serve the proposed project.

e) The type of soils found on this site are similar to soil conditions of Northwest Rochester. An erosion control plan for construction and a restoration plan after construction will be submitted for review and approval by the City of Rochester in accordance with their adopted Ordinances. Extra care shall be taken to prevent soil erosion from leaving the site because of the proximity to the Zumbro River.

f) The first phase of construction will be the northerly most building. The second phase will include the other structures. There is no time schedule for Phase II.

Mark J. Leitzen
309 SW 60th Avenue
Rochester, MN 55902
507-289-4538

101 /

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3-17-03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONTINUED - PUBLIC HEARINGS	PLANNING	E-4

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

March 13, 2003

This item was previously continued to provide additional time for analysis of new traffic study information.

At the time the 37th St Commercial Park development plan went to the Planning Commission staff had completed an analysis of traffic impacts based on a land use scenario which assumed a style of development similar to that found on other commercially zoned properties in the area to the east of the site. This land use scenario assumed a limited amount of high traffic generators along with office, secondary retail and business types of land uses.

In response to this analysis the applicant submitted an alternative site development proposal involving a much greater number of high traffic uses. This alternative land use scenario increases the number of proposed trips generated by the site from approximately 6,900 per day under the initial evaluation to approximately 22,000 trips per day. Given the capacity and current traffic volumes found on 37th St, this level of potential traffic raised some red flags and triggered staff to conduct an in-depth analysis of traffic impacts associated with this revised land use scenario.

Attached is an analysis prepared by Charlie Reiter, Planning Department Transportation Division. Based on this analysis, it appears that the revised development scenario involving higher traffic volumes exceeds capacity limitation of the transportation system, and traffic operations would suffer significantly. This more intense scenario would not meet adequate public facility standards criteria for the General Development Plan.

Given the roadway system that we have to work with it appears the overall traffic intensity of the site should not exceed a level about 40-45% above the initial land use scenario that was studied by staff. This can be achieved if full development of the site is to proceed through designation of a greater share of the lots for lower intensity uses than proposed in the applicant's revised land use scenario. Another option for the applicant to consider would be to agree not to develop all the lots in the development until some time in the future when traffic capacity is added to 37th St through construction of additional lanes, or capacity is freed up by construction of other facilities, such as the extension of 55th St across the Zumbro River to TH 63, which should divert about 5-10% of the traffic currently on 37th St NW.

Please see the attached detailed summary and analysis provided by Mr. Reiter for complete information regarding the initial development scenario submitted and the revised more intense scenario which has now been analyzed.

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

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Traffic calming:

The applicant has volunteered to have the Council add the following condition, related to off-site improvements for traffic calming in the area:

> *The developer agrees to pay for improvements for traffic calming up to $30,000 for improvements to East River Road between 31st and 37th Streets NE as well as on 31st Street NE between East River Road and North Broadway. The amount would be payable at the time of construction up to 10 years from the GDP approval date. The development agreement will include this requirement.*

Planning consulted with Rochester Public Works regarding the language of this condition, and recommends adding the following sentence *"The City Engineer shall determine the type and number of traffic calming improvements and make a recommendation to the City Council after a traffic analysis has been completed and a public information meeting is held with neighborhood property owners at which time they are advised of their share of the traffic calming improvement costs to be assessed to the benefiting property owners consistent with City Policy".* Planning recommends adding this complete condition as condition #9, as identified on the next page which is shown with underlined text, if this GDP is approved.

Planning Commission Review & Recommendation:

The Planning Commission held a public hearing to consider this item on February 12, 2003. Ms. Rivas moved to recommend approval of General Development Plan #199 to be known as 37th Street Commercial Park with staff-recommended findings and conditions. Mr. Burke seconded the motion. The motion carried 6-0.

CONDITIONS:

1. ***The GDP shall be revised to eliminate the right in/out access to 37th Street.***

2. ***This property must be platted prior to development. At the time of platting, 1) additional right-of-way may need to be dedicated for 37th Street and East River Road, 2) controlled access will need to be dedicated for the frontage along 37th Street, except for the one public street opening, and also along East River Road except for the approved driveway and public street opening, 3)the applicant shall dedicate a drainage easement over the 100 year floodplain where elevation will be at or below the 100 yr flood elevation following grading of the property 4) the applicant shall dedicate a 30' wide pedestrian Outlot in the Floodway designated area, to the City, for future trail access to 37th Street from the residential area to the south.***

3. ***The applicant/owner shall execute a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements to 37th Street and East River Road, access control, pedestrian facilities, right-of-way dedication, extension of utilities and contributions for public infrastructure.***

4. ***Because off site public facilities are currently inadequate to handle the proposed development (i.e. transportation improvements are needed), the development must be phased-in in a manner consistent with the City's planned infrastructure improvements. No development will occur and no further development permit will be issued until the Council determines public facilities are adequate to accommodate this development.***

5. ***Execution of an Ownership & Maintenance Declaration will be required for any privately constructed storm water facilities that serve less than 50 developable acres. A Storm Water Management fee will apply to any areas of this property that are not served by privately constructed on-site stormwater detention facilities that regulate post development run-off from this site to pre-development rates.***

6. ***Pedestrian facilities will be required along both sides of the public roadways and also along the entire frontage abutting East River Road.***

7. ***The final median design on 37th Street has not been determined. Final design for modifications to 37th Street and East River Road must be approved by the road authorities prior to development of the property. The timing and phasing of development relative to roadway improvements must also be finalized.***

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8. ***The proposed private access to East River Road will be limited to right in/out only and may require the construction of a median in East River Road, or other methods to limit traffic movement, based on results of Traffic Impact Report.***

9. ***The developer agrees to pay for improvements for traffic calming up to $30,000 for improvements to East River Road between 31st and 37th Streets NE as well as on 31st Street NE between East River Road and North Broadway. The amount would be payable at the time of construction up to 10 years from the GDP approval date. The development agreement will include this requirement. The City Engineer shall determine the type and number of traffic calming improvements and make a recommendation to the City Council after a traffic analysis has been completed and a public information meeting is held with neighborhood property owners at which time they are advised of their share of the traffic calming improvement costs to be assessed to the benefiting property owners consistent with City Policy.***

Council Action Needed:

1. *If the Council wishes to approve the General Development Plan it should instruct the City Attorney to prepare a resolution, with findings, for Council approval.*

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 17, 2003 in the Council / Board Chambers in the Government Center at 151 4th Street SE.

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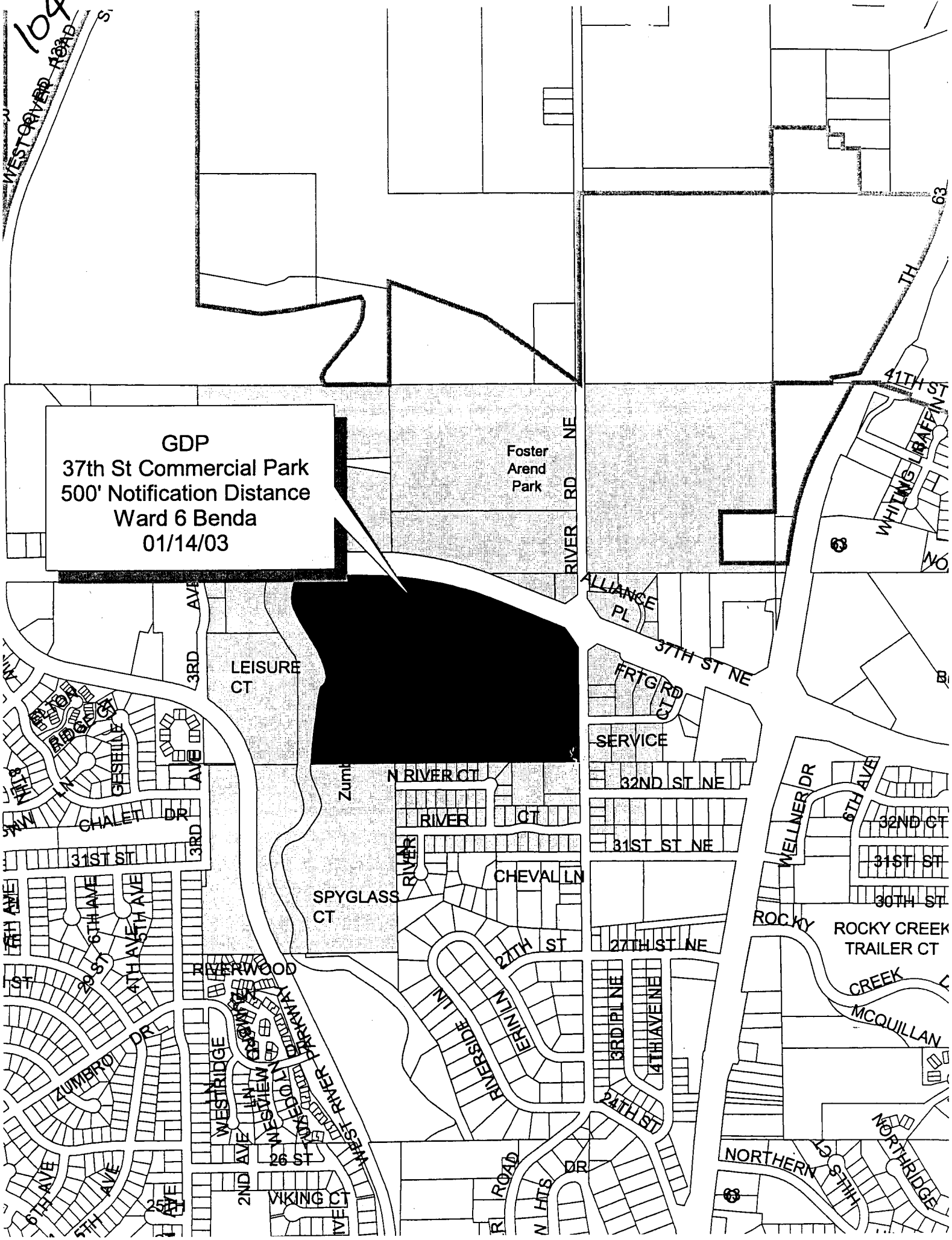
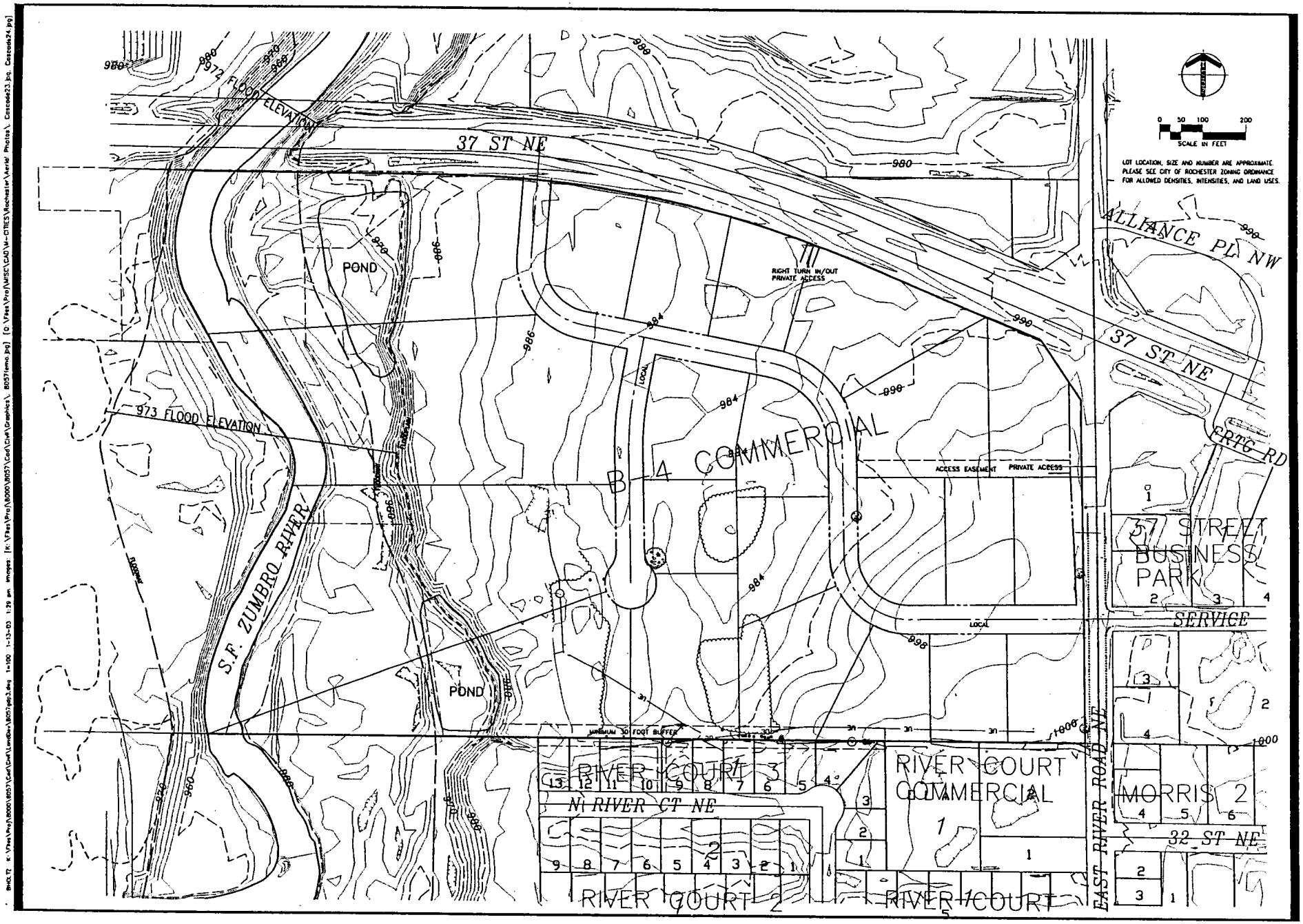

GDP
37th St Commercial Park
500' Notification Distance
Ward 6 Benda
01/14/03
Foster Arend Park
RIVER RD NE
ALLIANCE PL
37TH ST NE
FRTG RD
SERVICE
32ND ST NE
31ST ST NE
CHEVAL LN
N RIVER CT
RIVER CT
LEISURE CT
SPYGLASS CT
CHALET DR
31ST ST
3RD AVE
6TH AVE
5TH AVE
4TH AVE
29 ST
RIVERWOOD
ZUMBRO DR
WESTRIDGE
WESTVIEW
WEST RIVER PARKWAY
26 ST
25 ST
2ND AVE
VIKING CT
RIVERSIDE LN
ERIN LN
27TH ST
27TH ST NE
3RD PL NE
4TH AVE NE
24TH ST
WELLNER DR
32ND CT
30TH ST
ROCKY CREEK TRAILER CT
ROCKY CREEK
MCQUILLAN
NORTHERN HILLS DR
NORTHRIDGE
WHITING LN
BAFFIN
41TH ST
63



YAGGY COLBY ASSOCIATES

ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS

717 THIRD AVENUE SOUTHEAST
ROCHESTER, MINNESOTA 55904
507-288-6464
FAX 507-288-5058
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.

NUMBER	DATE

37TH STREET COMMERCIAL PARK

ROCHESTER, MINNESOTA

GENERAL DEVELOPMENT PLAN

PROJECT NUMBER	1157
COMPUTER FILE	23
DATE	01/15/03
DRAWN BY	BLH
CHECKED BY	WCD
REVISIONS	

SHEET NUMBER 1 OF 1 SHEETS

1 of 5

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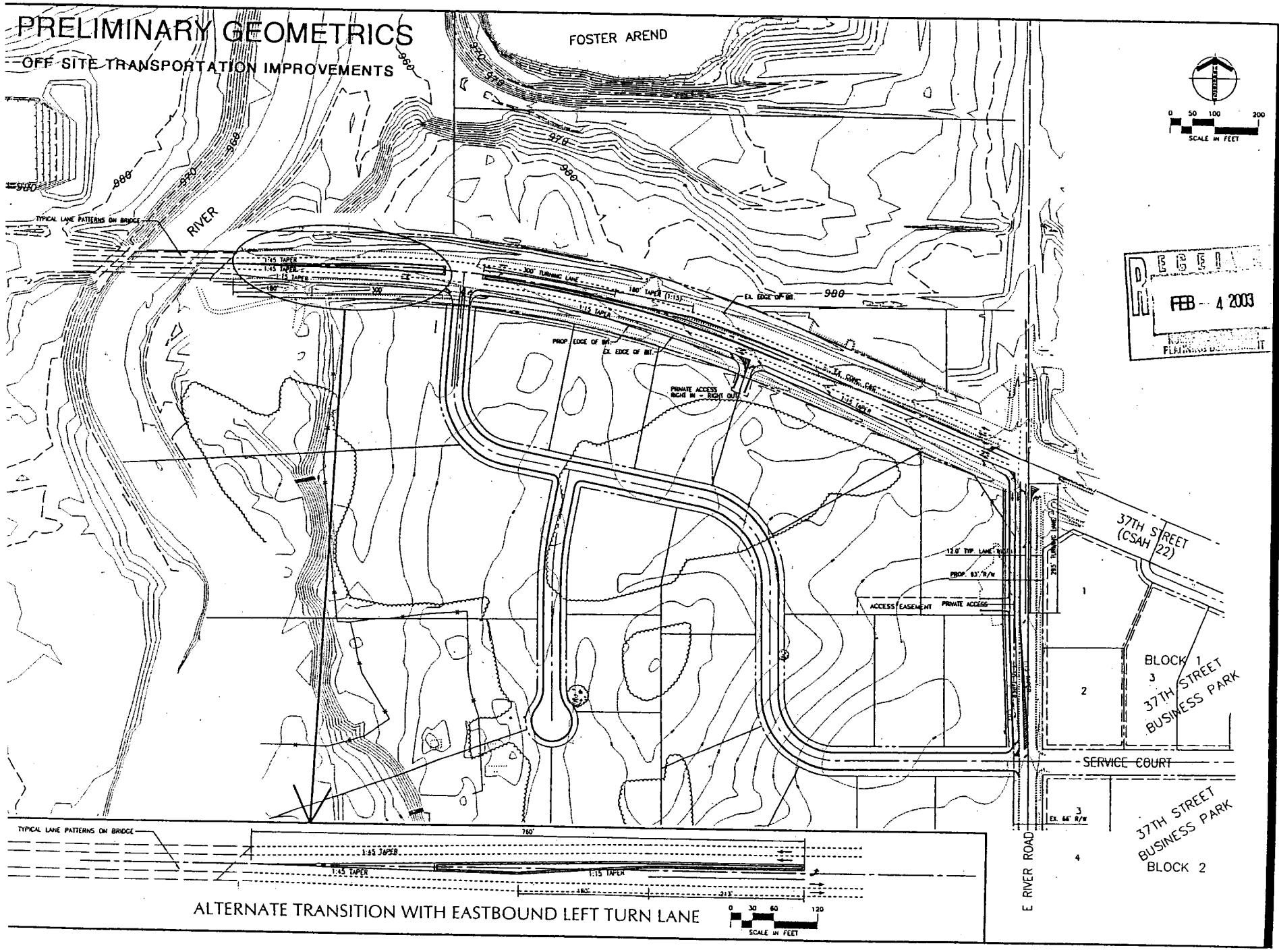
PRELIMINARY GEOMETRICS

OFF SITE TRANSPORTATION IMPROVEMENTS



ALTERNATE TRANSITION WITH EASTBOUND LEFT TURN LANE

RECEIVED
FEB - 4 2003
PLANNING DEPARTMENT

YAGGY COLBY ASSOCIATES

ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS

717 THIRD AVENUE SOUTHEAST
ROCHESTER, MINNESOTA 55904
507-288-6464
FAX 507-288-5058
EMAIL INFO@YAGGY.COM

NUMBER	DATE

37TH STREET COMMERCIAL PARK
ROCHESTER, MINNESOTA

37TH ST & EAST RIVER ROAD GEOMETRICS

PROJECT NUMBER	8057
COMPUTER FILE	8057GEOM01.DWG
DATE	12/18/02
DRAWN BY	BLH
CHECKED BY	CWS
REVISIONS	

SHEET NUMBER
1
OF SHEETS

MEMORANDUM

TO: Rochester City Council

FROM: Charles Reiter
Senior Transportation Planner

DATE; March 12, 2003

RE: Supplementary Material for Review of Traffic Impact related to 37th St Commercial Park

SUMMARY OF FINDINGS

The proposed 37th St Commercial Park involves a total of 22 lots zoned B-4 located on approximately 41 acres of developable land east of the Zumbro River along 37th St NW. An initial analysis of the site assuming development similar in nature to the areas east of the site, with a limited number of hi-traffic uses along with a majority of lower-traffic business and office uses, was evaluated. This analysis suggested that the site could function with the existing signal at East River Road and a ¾ access at a proposed access location located ¼ mile to the west.

In response to this analysis the applicant submitted an alternative site development proposal involving a much greater number of high traffic uses. This alternative land use scenario increases the number of proposed trips generated by the site from approximately 6,900 per day under the initial evaluation to approximately 22,000 trips per day. Given the capacity and current traffic volumes found on 37th St, this level of potential traffic raised some red flags and triggered staff to conduct an in-depth analysis of traffic impacts associated with this revised land use scenario. The following factors were analyzed:

- Ability of 37th St to absorb the additional traffic given its current capacity;
- The impact of the added development traffic on intersection operations at all the intersections along 37th St between North Broadway and West River Road;
- The impact of the added traffic on traffic flow and operations in the 37th St corridor;
- The impact of the development to streets in the East River Road neighborhood.

The conclusions of this analysis resulted in the following findings and recommendations:

- Under the revised scenario the reasonable operating capacity of 37th St will be exceeded and traffic operations would suffer significantly. The capacity analysis suggests a cap on trip generation for the site is needed at a level approximately 45% above the level analyzed in our the initial evaluation we conducted for the Planning Commission hearing;

- The traffic associated with the revised scenario will cause operations at the West River Road intersection to deteriorate to unacceptable level of service and will in all likelihood add enough new traffic to 37th St to deteriorate operations at the Hy-Vee entrance west of the river that a signal would be required at that location. Again a reduction in land use below that suggested in the revised scenario needs to considered, probably in combination with additional public investment at the West River Road intersection in the future;

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- The revised scenario results in a level of cut-through traffic being added to streets in the East River Road neighborhood that significantly exceeds standards in the Land Development Manual. This analysis suggests an overall traffic intensity on the order of 35-40% above the initial staff evaluation would maintain traffic impact to the neighborhood within levels deemed acceptable in the LDM;

- The revised scenario would necessitate the addition of probably two additional signals in the 37th St corridor between North Broadway and West River Road, one at the proposed West Site access and one on the west side of the river at the Hy-Vee entrance. The additional signalization will further reduce the capacity of the 37th St corridor and with the revised land use scenario will likely cause average travel times to drop on the order of 33%. To maintain an acceptable level of operations in the corridor a combination of lower intensity of overall land use along with reorientation of uses to better utilize the existing East River Road signal should be considered.

Given the roadway system that we have to work with it appears the overall traffic intensity of the site should not exceed a level about 40-45% above the initial land use scenario that was studied by staff. This can be achieved if full development of the site is to proceed through designation of a greater share of the lots for lower intensity uses than proposed in the applicant's revised land use scenario. Another option for the applicant to consider would be to agree not to develop all the lots in the development until some time in the future when traffic capacity is added to 37th St through construction of additional lanes, or capacity is freed up by construction of other facilities, such as the extension of 55th St across the Zumbro River to TH 63, which should divert about 5-10% of the traffic currently on 37th St NW.

MEMORANDUM

TO: Rochester City Council

FROM: Charles Reiter
Senior Transportation Planner

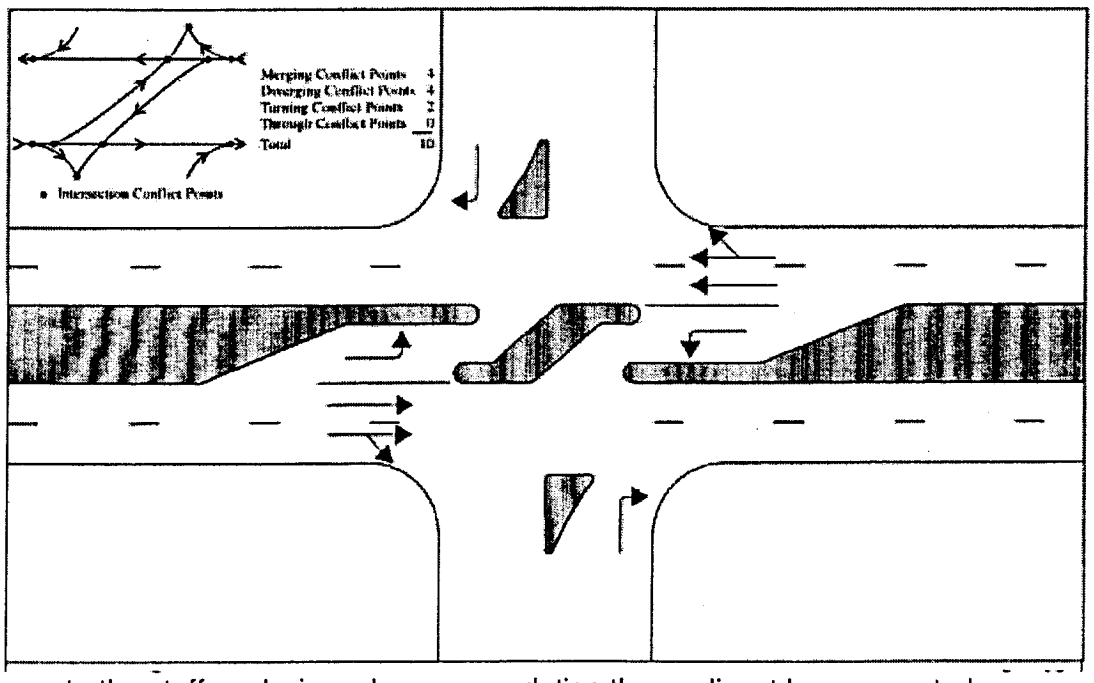
DATE; March 12, 2003

RE: Supplementary Material for Review of Traffic Impact related to 37th St Commercial Park

Background Information:

- At the time the 37th St Commercial Park development plan went to the Planning Commission staff had completed an analysis of traffic impacts based on a land use scenario which assumed a style of development similar to that found on other commercially zoned properties in the area to the east of the site. This land use scenario assumed a limited amount of high traffic generators along with office, secondary retail and business types of land uses.
- Based on that scenario and staff's perspective that the 37th St corridor should be managed to permit traffic to flow at speeds typical of high end arterial corridors (40mph +/-); and that efforts need to be made to retain east-west traffic capacity to the extent possible while balancing the need for access, staff recommended the following access improvements:
    - a ¾ access as illustrated below at the west access point
    - a five lane section on the south leg of the intersection at East River Road and 37th St including 3 northbound lanes and 2 southbound lanes

Figure 1: Proposed West Access Layout



In response to the staff analysis and recommendation the applicant has presented an

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alternative land use scenario for consideration. This scenario involves a number of high traffic-generating land uses. The following table contrasts the initial staff scenario (**Scenario A**) and the scenario proposed by the applicant **(Scenario B)** in terms of basic traffic characteristics

Table 1: Summary of Traffic Characteristics of Land Use Scenarios A and B

	Initial Land Use Scenario *(Scenario A)*	Applicants Scenario *(Scenario B)*
Land Uses	*Use types in both scenarios listed by Use / Number of sites / size* • Low Intensity Retail (3) 64,000sqft • Office 106,000 (7) sq ft • Restaurant (1) sit-down 9000 sqft • • Hi-Turnover Service (2) 9,000 sqft *EX: Drive-in bank* • Auto Service (1) 6 bays • Low-Turnover Service (2) 9000sqft *Use types only in Staff scenario* • Low Intensity Business (5) 103,000sqft • Day Care (1) 7500 sqft	*Use types in both scenarios listed by Use / Number of sites / size* • Low Intensity Retail (6) 85,000sqft • Office (1) – 20,000sqft • Restaurant sit-down (2) 15,000sqft • Restaurant Fast Food (2) 9,000sqft • Hi-Turnover Service (3) – 27,000 *EX: Drive-in bank* • Auto Service (1) – 6 bays • Low Turnover Service (1) – 35,000 *Use types only in applicants scenario* • Grocery Store (1) 70,000 • Convenience Store (1) – 12 bays
Estimate of Total Daily Trips Generated	**6,900 trips per day**	**22,000 trips per day** ***(See note below for comparisons)***
"Internal Trips" – trips between uses on the site where individuals make multiple stops	1,565 trips *(estimated at approximately 22% of total trips)*	4,840 trips *(estimated at approximately 22%)*
"Pass-by Trips" Trips captured from existing traffic flows in area	720 trips *(estimated at 13.5% of external trips)*	5,950 trips *(estimated at 35% of external trips)*
Daily "New trips" New Trips to area created by development	**4,615 new trips**	**11,210 new trips**
Estimate of Total Peak Hour Trips Generated	**910 PM Peak Hour Trips**	**2,185 PM Peak Hour Trips** ***(See note below for comparisons)***
Peak Hour "Internal Peak Trips"	**200**	**478**
Peak Hour "Pass-by Trips"	**97**	**593**
Peak Hour "New trips"	**612 new PM Peak Hour trips**	**1114 new PM Peak Hour trips**
Direction / Source of New Trips created	**To/from west on 37th St: 55%** **To/from North on East River Rd: 2%** **To/from North on TH 63: 5%** **To/from East Circle Drive: 10%** **To/From south on Broadway: 28%**	***Distribution assumed to be the same***
Rate of background traffic growth on 37th St NW	**Historic Rate of growth: 4% per year** **Projected rate of growth: approximately 2% per year**	***Growth rate assumed to be the same***

Comparative Data:

To assist individuals in assessing the amount of traffic some comparative examples are provided:

- *Rochester Marketplace Shopping Center / 460,000 sqft / Est 19,050 daily trips and 1725 peak hour external trips (compared to 17,160 and 1700 peak hour for Land Use Scenario B)*
- *Wal-Mart Super Center / 200,000 sqft / Est 15,900 daily trips and 1100 peak hour trips*

Ordinance Considerations

The Land Development Manual identifies eight factors that should be considered in the traffic analysis of a site development plan. These six factors are:

1) **Capacity:** The proposed development should not cause the capacity of the street serving the site to be exceeded
2) **Level of Service:** Level of Service is a term referring the quality of traffic flow at an intersection or along a corridor. It is a measure of delay and congestion. Level of Service is graded on a scale from A to F, with Level A indicating very high quality traffic flow and Level F indicating essentially peak hour gridlock. For arterial streets such as 37th St the goal is to maintain Level of Service at a level of C/D.
3) **Number of Access Points:** an adequate number of access points shall be provided to serve the site, with the contingency that the spacing and geometric design of all access points shall be consistent with the access management criteria of Section 64.140.
4) **Residential Street Impact:** Non-residential development shall not increase the traffic on a residential street with at least 300 average daily trips by more than 25%, and shall contribute no more than 20% of the traffic on any street segment providing residential access. Average Daily Traffic (ADT) on residential streets shall be within the ranges spelled out in the Thoroughfare Plan for the class of street involved.
5) **Traffic Flow and Progression:** The location of traffic signals or proposed changes to existing signals in order to meet Level of Service standards shall not interfere with the goal of achieving adequate traffic progression on major public streets in the vicinity of the development
6) **Vehicle Storage:** The capacity of storage bays and auxiliary lanes for turning traffic shall be adequate to insure turning traffic will not interfere with through traffic flows on any public street
7) **Internal Circulation:** On-site vehicle circulation and parking patterns shall be designed so as not to interfere with the flow of traffic on any public street and shall accommodate all anticipated types of site traffic.
8) **Safety:** Access points shall be designed to provide for adequate sight distance and appropriate facilities to accommodate acceleration and deceleration of site traffic.

Critical issues related to the development of the property, particularly under Land Use Scenario B, are factors 1 (Road Capacity), 2 (Level of Service), 4 (Residential Street Impact) and 5 (Traffic Flow and Progression). The following is a discussion of staff's analysis of each these four critical factors.

CAPACITY

Roadway capacity is a "first cut" measure of the adequacy of adjacent roadways. To assess capacity we look at the combined affect of existing traffic, the estimated new off-site traffic that will be generated by the development, and 10 years of continued growth in the background traffic. Ten years is identified as the benchmark in the Land Development Manual for assessment of future impact

The capacity of a roadway corridor is affected by any number of variables, with the major factors including the number of lanes and the presence and density of traffic signals. Figure 2 on the next page is taken from the Florida DOT Level of Service Handbook, which is the most thorough review of roadway capacity and Level of Service guidelines we have found. This illustrates that a 4 lane divided highway with less than 2 signals per mile (the upper table in Figure 2) can handle approximately 35,700 vehicles per day at Level of Service C/D.

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Figure 2: Generalized ADT Capacity Guidelines

Class I (>0.00 to 1.99 signalized intersections per mile)

Lanes	Divided	Level of Service A	B	C	D	E
2	Undivided	**	4,200	13,800	16,400	16,900
4	Divided	4,800	29,300	34,700	35,700	***
6	Divided	7,300	44,700	53,100	53,500	***
8	Divided	9,400	58,000	66,100	67,800	***

Class II (2.00 to 4.50 signalized intersections per mile)

Lanes	Divided	Level of Service A	B	C	D	E
2	Undivided	**	1,900	11,200	15,400	16,300
4	Divided	**	4,100	26,000	32,700	34,500
6	Divided	**	6,500	46,300	49,200	51,800
8	Divided	**	8,500	53,300	63,800	67,000

We use this figure of 35,700 as a benchmark to measure the combined impact of existing traffic, new development traffic and background traffic growth to determine if within a 10 Year time horizon the capacity of the corridor will be exceeded. Table 1 summarizes this review. This analysis finds that the impact of Land Use Scenario A falls within the capacity benchmark for the corridor (assuming additional signalization does not occur in the corridor) while Land Use Scenario B exceeds the benchmark,. As will be shown in the discussion on Level of Service, the need for additional signalization to satisfy access needs under Land Use Scenario B is an issue. Unfortunately, the placement of additional signals will further restrict the capacity of the corridor, making full development of the Scenario B more problematic.

Table 2: Capacity Assessment based on Daily Traffic

	Land Use Scenario A	Land Use Scenario B
Current Daily Traffic / 37th St	26,700	26,700
10 Year background growth	5,220	5,220
Impact of development (*Traffic associated with major direction of impact, which is 55% to / from the west on 37th St)*	2,540	6,165
TOTAL 2013 Traffic	34,460	38,085
Capacity Benchmark < 2 signals per mile	35,700	35,700
Capacity Benchmark with 2 to 4 signals per mile	32,700	32,700

<u>This analysis suggests that a level of traffic intensity 45% above that analyzed as part of Scenario A would result in the total traffic on the corridor not exceeding the capacity benchmark of the corridor</u>

As a second check on capacity staff also evaluated peak hour capacity for the corridor. As a general guide the maximum capacity of a signalized highway corridor will approach 900 vehicles per lane per hour; thus for a four lane facility we would expect a top capacity figure of 3600 vehicles per hour.

Staff completed an analysis of projected peak hour traffic operations on the 37th St corridor that provides us with data on peak our traffic flows by section of the roadway, with the endpoints of the sections defined by the location of traffic signals. Table 3 summarizes these results

Table 3: Capacity Assessment based on Peak Hour Traffic

	Land Use Scenario A	Land Use Scenario B
Capacity Benchmark	3,600 veh per hour	3,600 veh per hour

Projected Peak Hour Flows *Highest Analysis Values found*		
Between West River Road and East Road	3,760 veh per hour	4,057 vehicles per hour
Between East River Rd and TH 63	3,144 veh per hour	3,317 veh per hour

Given the projected heavy flow of traffic to the site to/from the west, the section of the corridor between East River Rd and West River Rd is the critical section for peak hour traffic. Scenario A results in the projected peak hour demand within 5% of the corridor capacity, which given the normal variability in traffic would lead us to conclude that adequate capacity is available. Under Scenario B, the capacity of the corridor is exceeded by approximately 15%, again suggesting that some reduction in traffic intensity is warranted below that assumed in Scenario B.

LEVEL OF SERVICE

Level of Service is a measure of the quality of traffic operations in a corridor. Level of Service can be evaluated for intersections as well as for corridors. The Level of Service standard in the Land Development Manual is typically focused on intersection operations, while the evaluation of corridor level of service relates more to the character of traffic flow and progression. The discussion in this section will focus more on intersections, while the section below on **Traffic Flow and Progression** will address 37th St corridor operations.

We have two tools that we use for intersection Level of Service, one being the Intersection Capacity Utilization (ICU) method and the second being the Highway Capacity Manual (HCM) method. Each tool has a slightly different focus and we used both to assess the impacts of the proposed development on the intersections along the 37th St corridor. The analysis stretched from the West River Road intersection to the North Broadway intersection, consistent with the guidance in the LDM that states that any intersection within ½ mile of a site where development may increase total intersection traffic by over 5% is a candidate for evaluation.

ICU Analysis

ICU analysis focuses primarily on an intersection's volume related to its capacity. It is a good first measure to determine to what extent development related traffic may tax the capacity of an intersection. The results of this analysis are shown in Table 4:

Table 4: ICU Level of Service at intersections within the 37th St corridor

	Intersection of Broadway & 37th	*Intersection of East River Road and 37th St*	*Intersection of 37th St and proposed West Site Access*	*Intersection of 37th St and Hy-Vee access west of river*	*Intersection of West River Rd and 37th St*
Current Traffic Conditions	D	B	n.a.	B	D
Current Traffic + Land Use Scenario A	D	B	B	A	D
Current Traffic + Land Use Scenario B	D	C	D	B	E
Current Traffic + Scenario A + Background	E	D	C	C	G

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	Intersection of Broadway & 37th	*Intersection of East River Road and 37th St*	*Intersection of 37th St and proposed West Site Access*	*Intersection of 37th St and Hy-Vee access west of river*	*Intersection of West River Rd and 37th St*
Current Traffic + Scenario B + Background	**F**	**D**	**E**	**C**	**H**

The various critical level of service results (E through H in the table) are described in the following paragraphs:

LOS E: *The intersection is right on the verge of congested conditions. Many vehicles are not served on the first cycle. Minor traffic fluctuations, accidents, and lane closures can cause significant congestion. This intersection has less than 10% reserve capacity available.*

LOS F: *The intersection is over capacity and likely experiences congestion periods of 15 to 60 minutes per day. Queues at the end of green are common.*

LOS G: *The intersection is 10% to 20% over capacity and likely experiences congestion periods of 60 to 120 minutes per day. Long queues are common. Motorists may be choosing alternate routes, if they exist, or making fewer trips during the peak hour. Signal timings can be used to "ration" capacity to the priority movements.*

LOS H, *The intersection is 20% over capacity and could experience congestion periods of over 120 minutes per day. Long queues are common. Motorists may be choosing alternate routes, if they exist, or make fewer trips during the peak hour. Signal timings can be used to "ration" capacity to the priority movements*

The critical findings in the ICU analysis are:

- In the 3rd row of the table the analysis indicates that traffic associated with the development of Scenario B, when added to today's existing traffic, causes the West River Road intersection to drop to a Level of Service E. This would suggest that a reduction in land use or developer participation in improvements at this intersection would be warranted in order for the Level of Service to be maintained at a LOS D.

- Analysis of the combined impact of development traffic plus 10 years of background traffic growth identify future concerns at two additional locations in addition to the West River Road intersection. These intersections are 37th St & North Broadway and the proposed West Access on the Allen property. These combined impact of a reduction in development intensity along the lines suggested in the capacity analysis and future public investment in additional turn lane capacity would likely address these future intersection capacity problems.

  At the North Broadway intersection I would anticipate the additional turn lane capacity would be a public investment cost. At the West Site access the cost for needed turn lane capacity would be a cost of development. Under Scenario B the analysis suggests a westbound dual left turn lane may be needed to service the site. The projected left turn volume (westbound on 37th St turning left into the site) is 335 vehicles for the PM Peak Hour. The rule of thumb is that when left turn volumes exceed 300 vehicles per hour additional turn lane capacity is needed.

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Highway Capacity Manual (HCM) Analysis

The HCM analysis provides a slightly different perspective than ICU in that its focus is on congestion and delay and thus the quality of intersection operation. Again a grading system is used, from A to F, and the standard from the Land Development Manual is for intersections to operate at a Level of Service D or better. HCM analysis can be completed for both signalized and unsignalized intersections. Table 5 reports the results of this analysis for each intersection and scenario studied.

Table 5: HCM Level of Service at intersections within the 37th St corridor

	Intersection of Broadway & 37th	*Intersection of East River Road and 37th St*	*Intersection of 37th St and proposed West Site Access*	*Intersection of 37th St and Hy-Vee access west of river*	*Intersection of West River Rd and 37th St*
Current Traffic Conditions	B	A	n.a.	Unsig: 6 vhd	D
Current Traffic + Land Use Scenario A	B	A	Unsig-3/4 :0.4 vhd Unsig/full: 47 vhd Sig: A	Unsig: 7 vhd Signal: A	E
Current Traffic + Land Use Scenario B	B	A	Unsig-3/4 : 0.5 vhd Unsig/full: >100 Sig: C	Unsig: 15 vhd Signal: A	E
Current Traffic + Scenario A + Background	B	B	Unsig-3/4 : 2 vhd Unsig/full: 59 vhd Sig: B	Unsig: 21 vhd Signal: B	F
Current Traffic + Scenario B + Background	B	B	Unsig-3/4 : 3.2 vhd Unsig/full:>100 Sig: F	Unsig: 31 vhd Signal: B	F

Footnote: "VHD" indicates vehicle-hours of delay for unsignalized intersections. Values substantially above 5 indicate intolerable delay conditions and suggest traffic signalization will be required.

Critical findings from this analysis include:

- The HCM analysis again indicates the Level of Service at the West River Road intersection will drop below standards in the LDM simply from the addition of Scenario B traffic.
- The analysis suggests that addition of the Scenario B traffic will significantly increase side street traffic delay at the Hy-Vee intersection and will likely necessitate signalization of the Hy-Vee entrance.
- The analysis finds the proposed West Site access would operate adequately as either a ¾ access or if it was signalized. A full median opening at this location will not function adequately.

With the layout and proposed location of land uses assumed with Scenario B we find that this intersection, even when signalized, would operate at a poorer level of service by 2-3 letter grades (C vs A in one case and F vs B in the other), suggesting underutilization of the existing signal that is already in-place and greater reliance on the need for a new signal due to traffic patterns resulting from the location of uses on the site. It should also be noted the HCM analysis also identifies insufficient intersection capacity at the west site access under full build-out and growth conditions, again due primarily to inadequate left turn capacity into the site.

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RESIDENTIAL STREET IMPACT

The Land Development Manual standard for residential street impact due to non-residential development states that the non-residential development shall not increase average daily trips by more than 25% and shall contribute no more than 20% of the traffic on any residential street. In addition, the resultant traffic flow should be within the ranges spelled out in the Thoroughfare Plan for the class of street under study.

East River Road south of the site has an existing traffic level of 2600 vehicles per day[1]. The 25% threshold suggests that development of the site should contribute no more than 650 additional vehicles per day to the corridor. The addition of 650 vehicles to the corridor would result in a total daily vehicle volume of 3250, which is at the upper end of the range of what would be considered acceptable on a residential collector street.

An analysis was completed to evaluate the amount of potential added traffic to East River Road as a result of development of the site. The traffic of concern is the 28% that is estimated to originate from or travel towards the southeast on North Broadway. Motorists to or from the southeast will potentially utilize local streets to reduce their trip distances. In estimating what this level of traffic might be, we took into account the traffic generated by the lots in the eastern half of the development would be more likely to utilize this short-cut (we assumed 75% of the southeast-oriented traffic from this area might short-cut) while traffic from the western half of the site may be somewhat less likely to short – cut through the neighborhood (we assumed 25% of the southeast-oriented traffic might shortcut). Based on these assumptions, we find:

- Land Use Scenario A yields an estimated 500 trips per day, within the ordinance criteria of 650.
- Land Use Scenario B yields an estimated 1100 trips per day, approximately 70% greater than the standard.

This analysis suggests that a trip generation cap on the site that falls somewhere between Scenario A and B would be appropriate from the perspective of impact to the streets in East River Road neighborhood.

TRAFFIC FLOW AND PROGRESSION

The issue of traffic flow and progression is a concern on 37th St due to its place in the hierarchy of the Rochester street system. It is a designated arterial on the Thoroughfare Plan and more importantly is also designated as one of a limited number of principal arterials in the federal system of highway functional classification. The principal arterial system is highlighted on the next page. Principal arterials make up a small portion of the overall highway system mileage in the urban area (about 10%) but carry about 55% of the vehicle miles of travel. This suggests that the principal arterials play an important role in urban area mobility that needs to be preserved in the management of these corridors if overall travel times in the area are to be maintained at acceptable levels.

As was shown in the Level of Service analysis the operation of both the proposed West Site access and the existing Hy-Vee access are critical issues. When each intersection is looked at in isolation, the analysis would suggest that traffic signals will need to be placed at each

[1] Based on traffic counts taken during the first week of April, 2001.

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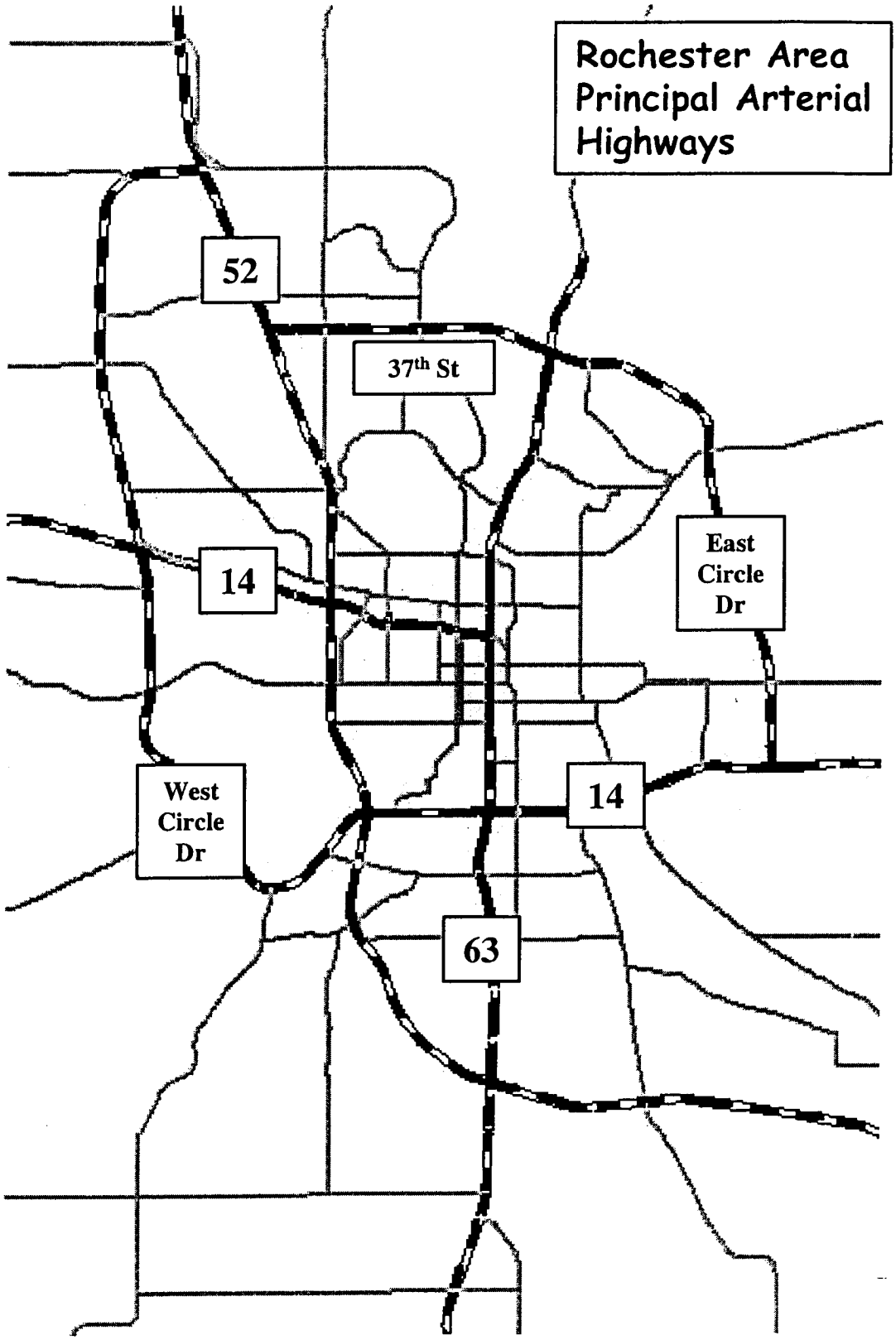
Rochester Area Principal Arterial Highways
52
37th St
14
East Circle Dr
West Circle Dr
14
63

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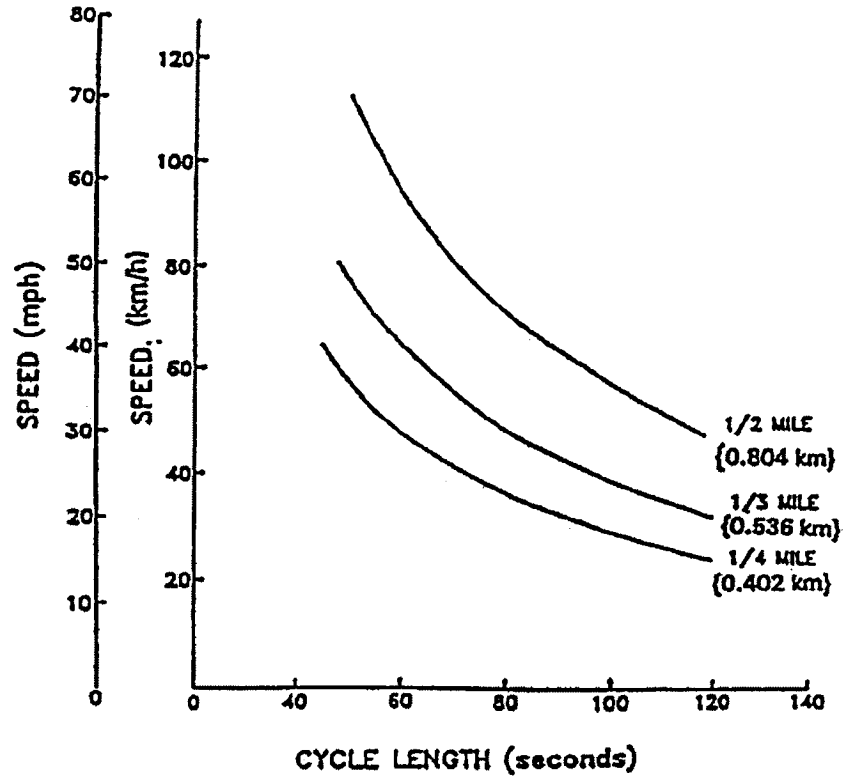
.location. However, the placement of signals has impacts that extend beyond the operation of the intersection. As was illustrated in the discussion on capacity, the addition of signals will reduce the overall capacity of the 37th St corridor by about 15%, which is a critical factor. The addition of signals will also affect average travel speeds detrimentally, as illustrated in the figure to the left. Reducing spacing from an average of ½ mile to ¼ mile, for example, will typically result in a reduction in average travel speeds from 35-40 mph to somewhere in the range of 20-25 mph at the longer cycle lengths that will need to be used with heavy traffic volumes.



Source: 3-2, 3-3, & 3-5

Figure 7. Relationship between speed, cycle length, and signal spacing (156, 157, 158)

Because of the role of 37th St in the overall system, staff felt it was important to assess the impact of potentially introducing two additional signals along the 37th St corridor between North Broadway and West River Road. We completed multiple evaluation runs looking at different signalization scenarios to see what impact this would have on the operation of 37th St. In order to compare apples with apples, the analysis program optimized the operation of the corridor under each scenario in order to obtain comparable results between scenarios. In the real world, this optimization is not currently done as it requires interconnection of the signal systems and routine assessment of operations. Therefore, these results indicate something close to the best-case situation that could be attained with a high level of ongoing traffic system maintenance.

As with other analysis, the results are again reported in terms of Level of Service A through F, with the goal to be maintaining Level of Service C. The following table reports the results:

Scenario	Eastbound L.O.S.	Westbound L.O.S	Ave Speeds
Current Conditions	**C**	**B**	**32**
Scenario A & Current Signals	**C**	**C**	**28**
Scenario A & 2 added signals	**D**	**C**	**28**
Scenario B & Current Signals	**D**	**C**	**22**
Scenario B & 2 added signals	**D**	**C**	**20**

The conclusions that can be drawn from this analysis are:

- The level of traffic associated with Land Use Scenario B significantly affects average travel speeds and causes the Eastbound level of service to decline to a Level of Service D under current signal configuration as well as with added signals. This suggests, consistent with the capacity and level of service analysis, that some reduction in land use intensity below Scenario B is warranted
- The addition of 2 signals under Land Use Scenario A causes the Eastbound Level of Service to decline to a Level of Service D. The same result was observed if only a single signal was installed at either the site access or at Hy-Vee. This would suggest that it would be desirable to maintain the existing level of signalization in the corridor from the perspective of traffic management on 37th St.

OTHER FACTORS

Unlike many major commercial developments in the city, the site is restricted to some degree by the lack of access to multiple major non-residential streets. If one looks at other sites generating comparable levels of traffic (Rochester Marketplace, Broadway Commons, Crossroads, Barclay Square) they have the benefit of having existing or planned access from multiple directions. Fronting only on 37th St, and with the need to limit traffic south on East River Road, places a significant burden on distributing maximum levels of commercial traffic from this site.

Further investigation will also be required once the overall level of traffic intensity is established to look at lane needs on the interior streets serving the site. It appears from the analysis that has been done that additional lane capacity may be needed at either the west site access or on East River Road to manage the heavy outbound flows to the west that are expected. This work can be done in conjunction with the platting stage of the project.

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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: Mitzi A. Baker, Senior Planner

DATE: February 6, 2003

RE: 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.

Planning Department Review:

Applicant/Owner: 37th Street Commercial Park, LLC
6851 Flying Cloud Drive
Eden Prairie, MN 55344

Consultants: Yaggy Colby Associates
717 Third Ave. SE
Rochester, MN 55904

Size and Location: The property includes approximately 55 acres of land located south of 37th Street NE, west of East River Road.

Existing Land Use: The site is presently undeveloped and zoned B-4 (General Commercial).

Report Attachments:

1. Proposed General Development Plan
2. Proposed Transportation Improvements
3. Narrative
4. Referral Comments

Staff Suggested Findings and Recommendation:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the Criteria for approval of a general development plan (see attached section from the newly adopted regulations, which became affective May 15, 1999.

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.

This property is zoned B-4 (General Commercial). The GDP proposes commercial development in the B-4 district, consistent with the current zoning. Existing 100-yr floodplain and Floodway boundaries exist on the property, and are identified.

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

Two accesses are proposed to 37th St. NW and two are proposed to East River Road. The easterly access to 37th St. does not meet Ordinance requirements and must be removed from the GDP.

Off-site improvements necessary to facilitate development of this property include widening 37th St. and East River Road, constructing turn lanes, and constructing acceleration and deceleration lanes. The pedestrian path on 37th St. may also need to be re-located as part of these improvements. A final design for modifications to both roadways will need to be approved by the road authorities.

To improve pedestrian circulation in this area, the City is requesting a 30' wide Outlot in the Floodway designated area of the site to allow for a future pedestrian connection to 37th St. from the residential developments located south of this GDP.

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

This GDP does not include a residential component.

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.

Off-site transportation improvements necessary to facilitate this development are not included in public works projects planned by the City or the County. These off-site improvements will need to be completed at the developer's cost, which will need to be outlined in a Development Agreement executed by the applicant/property owner.

Please see the attached memorandum from Charlie Reiter dated February 5, 2003 regarding the traffic impact analysis for this project.

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.

   Off-site transportation improvements necessary to facilitate this development are not included in public works projects planned by the City or the County. These off-site improvements will need to be completed at the developer's cost, which will need to be outlined in a Development Agreement executed by the applicant/property owner.

   The eastern access proposed to 37th Street (right in/out) does not meet Ordinance requirements and must be removed from the GDP.

   At the time of platting, access control will need to be dedicated along 37th Street and East River Road, except for the approved public roads and private drive opening.

   Please see the attached memorandum from Charlie Reiter dated February 5, 2003 regarding the traffic impact analysis for this project.

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.

   Sanitary sewer and water service is available at 37th St. and East River Road. Water is available from a water main stubbed from River Court Third Subdivision. Water main connections must be constructed as required by RPU.

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 will be required along both sides of the public roadways and also along the entire frontage abutting East River Road. Additionally, the City recommends the applicant provide a minimum 30' wide trail Outlot in the Floodway designated area of the development to provide for future pedestrian trail connections from the residential areas located south of this development to 37th Street.

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.

The GDP identifies two on-site storm water management ponds to handle a majority of the storm water run-off from this property. The applicant may participate in the City's Storm Water Management Plan for portions of the site that do not drain to on-site ponds.

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 roadway, lot and block layout are generally in accord with the Rochester Zoning Ordinance and Land Development Manual. The right in/out access to 37th Street (eastern access shown to 37th St.) does not meet Ordinance requirements and needs to be removed from the GDP. Off-site improvements are necessary to provide adequate public transportation facilities to facilitate development of this property. Those improvements are not included in City or County improvement plans and will need to be constructed by the developer/applicant at the developer/applicant expense. A Development Agreement will need to be executed by the developer/applicant that outlines obligations for on and off site improvements, phasing and timing among other things.
This property will need to be platted prior to development. The Development Agreement must be executed for the whole property prior to submittal of the first final plat for this GDP.

The City recommends the applicant provide a minimum 30' wide trail Outlot in the Floodway designated are of the development to provide for future pedestrian trail connections from the residential areas located south of this development to 37th Street.

Summary & Recommendation:

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If the Commission and Council wish to proceed with this application, Staff recommends the following conditions or modifications to assure compliance with the Rochester Zoning Ordinance and Land Development Manual and applicable criteria:

1. ***The GDP shall be revised to eliminate the right in/out access to 37th Street.***

2. ***This property must be platted prior to development. At the time of platting, 1) additional right-of-way may need to be dedicated for 37th Street and East River Road, 2) controlled access will need to be dedicated for the frontage along 37th Street, except for the one public street opening, and also along East River Road except for the approved driveway and public street opening, 3)the applicant shall dedicate a drainage easement over the 100 year floodplain where elevation will be at or below the 100 yr flood elevation following grading of the property 4) the applicant shall dedicate a 30' wide pedestrian Outlot in the Floodway designated area, to the City, for future trail access to 37th Street from the residential area to the south.***

3. ***The applicant/owner shall execute a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements to 37th Street and East River Road, access control, pedestrian facilities, right-of-way dedication, extension of utilities and contributions for public infrastructure.***

4. ***Because off site public facilities are currently inadequate to handle the proposed development (i.e. transportation improvements are needed), the development must be phased-in in a manner consistent with the City's planned infrastructure improvements. No development will occur and no further development permit will be issued until the Council determines public facilities are adequate to accommodate this development.***

5. ***Execution of an Ownership & Maintenance Declaration will be required for any privately constructed storm water facilities that serve less than 50 developable acres. A Storm Water Management fee will apply to any areas of this property that are not served by privately constructed on-site stormwater detention facilities that regulate post development run-off from this site to pre-development rates.***

6. ***Pedestrian facilities will be required along both sides of the public roadways and also along the entire frontage abutting East River Road.***

7. ***The final median design on 37th Street has not been determined. Final design for modifications to 37th Street and East River Road must be approved by the road authorities prior to development of the property. The timing and phasing of development relative to roadway improvements must also be finalized.***

8. ***The proposed private access to East River Road will be limited to right in/out only and may require the construction of a median in East River Road, or other methods to limit traffic movement, based on results of Traffic Impact Report.***

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1/15/03
YCA #8057 LD5

37th STREET COMMERCIAL PARK
GENERAL DEVELOPMENT PLAN

37th Street Commercial Park is approximately 55 acres bounded by 37th Street NE to the north, East River Road to the east, the South Fork Zumbro River to the west, River Court Commercial and River Court Third Subdivisions to the south. There are approximately 41 acres developable because of floodway and floodplain on the west portion of the property.

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.*

Soils on the property, indicated in the Olmsted County Soil Survey, consist of Dickinson (27A & B) and Plainfield (283B) on the upper portion of the property, Becker (25) and Kalmarville (465) along the river bench, and Salida (42E) on the riverbank. The majority of these soils are well to excessively well drained and the erosion potential is low. The properties of these soil types increases the risk of trenches caving in during construction, and enlarged trenches may be necessary to prevent caving. No shallow bedrock has been identified, but additional borings will be completed as design moves forward. The Kalmarville soil type is a small area located near the 37th Street bridge in the lower area next to the river, and is a hydric soil. Additional study will be necessary to determine if wetlands exist at this location near the river.

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 of the development.

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

The applicant intends to construct two ponds to handle the majority of the storm water run-off from this property. Rochester Public Works will be involved in the design of these ponds and their proximity to the river. Participation in the city's storm water management plan may occur on a portion of the site. There should be no problems with off-site drainage created by this development.

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

Sanitary sewer and water service is available in 37th Street and East River Road, and water is available from a water main stubbed from River Court Third Subdivision.

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

Where development encroaches into steeper slopes and on the perimeter of proposed graded areas, erosion control measures will be incorporated into the grading plan during final design.

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 first phase is planned to be off of East River Road and then continue toward the west. The full development of the site is planned to be over five to ten years.

ROCHESTER PARK AND RECREATION DEPARTMENT

MEMORANDUM

DATE: January 21, 2003

TO: Jennifer Garness
Planning

SUBJECT: 37th Street GDP #199

The development has no parkland dedication requirements.

There is currently a trail underpass under 37 Street NE located at the NW corner of this proposed commercial area. The underpass provides pedestrian and trail access to Foster Arend Park. The Park Department recommends that the applicant provide a mininum 30' wide trail outlot in the floodway designated area of the development. The outlot would provide a means for future trail access to 37 Street from residential areas located south of the commercial development. The outlot would be best located on the somewhat higher ground located along the eastern edge of the floodway line. Construction of the trail would be not be required of the applicant.

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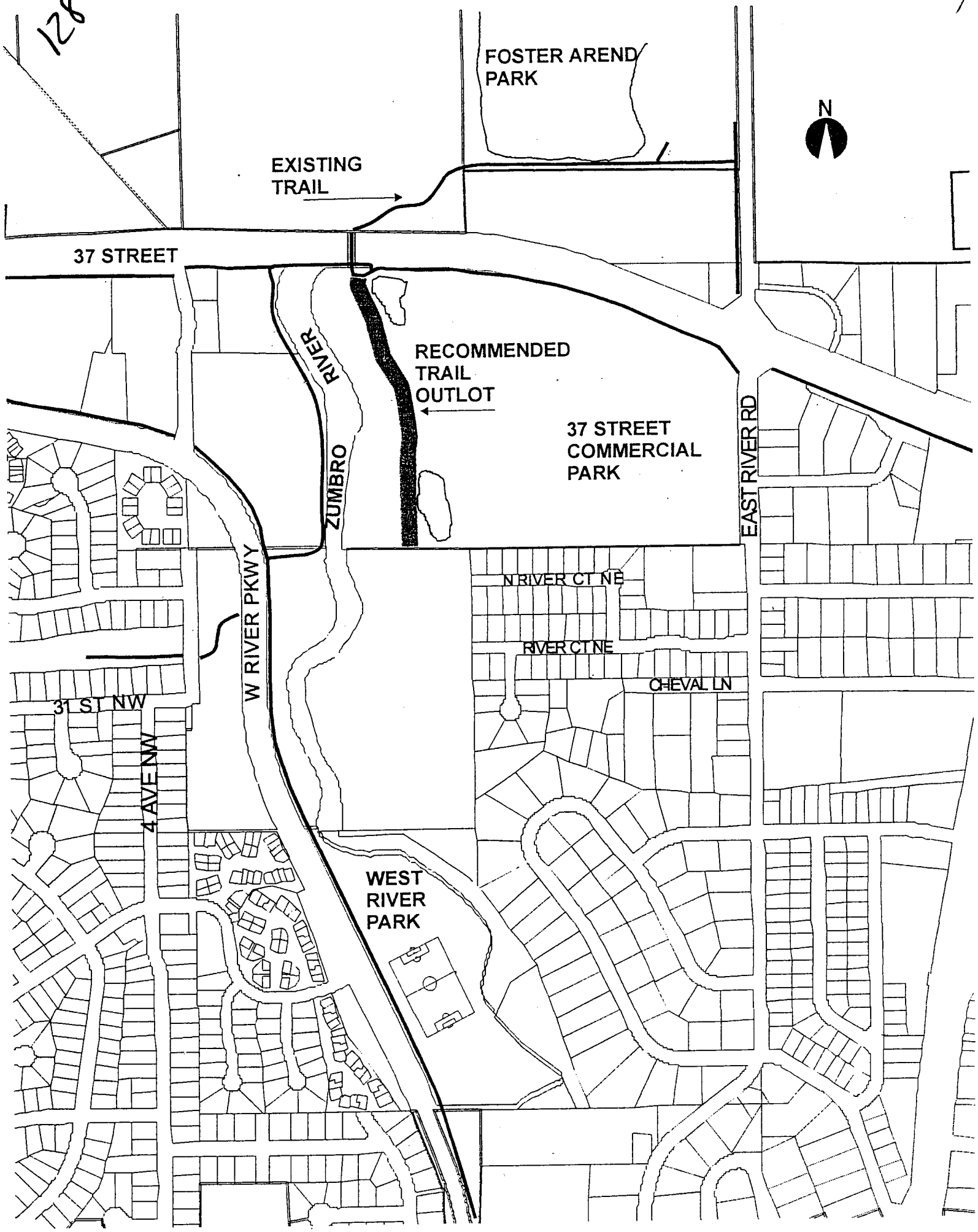
FOSTER AREND PARK
N
EXISTING TRAIL
37 STREET
RIVER
ZUMBRO
RECOMMENDED TRAIL OUTLOT
37 STREET COMMERCIAL PARK
EAST RIVER RD
N RIVER CT NE
RIVER CT NE
CHEVAL LN
W RIVER PKWY
31 ST NW
4 AVE NW
WEST RIVER PARK

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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 General Development Plan #199, for the proposed 37th Street Commercial Park 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 to 37th ST NE & East River Rd NE (including the construction of turn-lanes), access control, pedestrian facilities, right-of-way dedication, extension of utilities, and contributions for public infrastructure including installation of future Traffic Signal(s).
2. No right in/out private access will be allowed to 37th St NE. The only access allowed to 37th St NE will be the proposed public street.
3. At the new public street access to 37th St NE, the left turn onto 37th St NE may be prohibited until the intersection is signalized, subject to the findings in the TIR.
4. The proposed private access to East River Rd NE will be limited to right-in, right-out only and may require the construction of a median in East River Rd, or other methods to limit traffic movement, based on the results of the TIR.
5. Additional ROW dedication may be required through the platting process to accommodate needed improvements to 37th St NE & East River Rd NE.
6. Dedication of Controlled Access will be required along the entire frontage of 37th St NE and East River Rd NE, with the exception of a single public access on 37th St NE, and a single public and single private access on East River Rd NE.
7. Grading & Drainage Plan approval is required for this development. On-site detention facilities are required to address stormwater quality. In addition, a Storm Water Management fee will apply to any areas of this property that are not served by privately constructed on-site stormwater detention facilities that regulate post development run-off from this site to pre-development rates. Execution of an Ownership & Maintenance Declaration will be required for any privately constructed storm water facilities that serve less than 50 developable acres.

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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. In addition to the existing pedestrian facilities along the frontage of 37th ST NE, the Owner is obligated to provide pedestrian facilities along the entire frontage of the Property abutting East River Rd NE, and along both sides of all new public streets within this development.
9. Dedication of a drainage & utility easement will be required on the Final Plat over the entire area that is within the 100 year flood plain.

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):

- **J8856 Sanitary Sewer & Watermain to Kilpatrick Subd on 37th St NE:**
  Sanitary Sewer along 37th St @ $25.2357 per foot (includes 10 years interest) x approximately 1230 feet = approximately $31,039.91
  Watermain along East River Rd @ $48.8723 per foot (includes 10 years interest) x approximately 760 feet = approximately $37,142.95
  Sanitary Sewer Area Charge (SAC) @ $1928.8990 per acre (includes 10 years interest) = TBD, based on developable acreage.
- **Construction of Pedestrian Path along 37th St NE:**
  $27.88 per foot (current rate) x approximately 2000 feet = approx. $55,760.00
- **J8906 Sanitary Sewer & Watermain to Serve 37th St Business Park:**
  Sanitary Sewer East River Road and 37th St corner @ $53.3776 (includes 10 years interest) x 1137.41 feet = $60,712.22
- **J9029 Watermain in 37th St NE:**
  Estimated $40.19 per ft x approx. 1190 ft = $47,826.10
- **Water Availability Charge (WAC)** @ $1790.25 per developable acre.
- **J9172 Current Assessment Balance for resurfacing 37th St NE** = $5,119.19
- **Storm Water Management** - TBD

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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: General Development Plan #199
37th Street Commercial Park
East of the Zumbro River, west of East River Road NE and south of 37th St NE.

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
Yaggy Colby Associates, Attn Wade Dumond, 717 3rd Ave SE, Rochester, MN 55904

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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 General Development Plan #199 and has the following comments:

- ***An Olmsted County Highway Access Permit will be needed for proposed access points on CSAH 22.***
- ***Access control must be shown on plat along CSAH 22.***

Sincerely,

Michael Sheehan
County Engineer

MTS/ts

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WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: General Development Plan #199 - 37th St. Commercial Park

- [ ] 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.
- [x] 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 17, 2003

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

REFERENCE: General Development Plan #199 by 37th Street Commercial Park, LLC to be known as 37th Street Commercial Park.

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. 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 along a portion of 37th St. NE, along East River Rd. NE and a stub-out between Lots 9 & 10, Block 1 River Court 3.
3. Static water pressures within this area will range from 73 to 83 PSI (depending on final site elevations).
4. The water main in the cul-de-sac street must be connected to the stub-out from River Court 3 per our requirements.
5. 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
Wade Dumond, Yaggy Colby Associates
37th Street Commercial Park, 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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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),

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.

Ms. Mitzi A. Baker presented the staff report, dated February 6, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Baker explained that the property had been zoned B-4 for about a decade. She gave some background information on the property.

Mr. Burke asked if it is common to have a detention pond in the 100-year flood plain.

Ms. Baker explained that stormwater ponds could be located in the 100 year flood plain, just not in the floodway. Ms. Baker showed the floodway and flood plain.

Mr. Wade DuMond, of Yaggy Colby Associates, addressed the Commission. He stated that the applicant is in agreement with the conditions.

Mr. DuMond explained that, when the County purchased the property from the property owner in the late 1960's, they committed to having three access points.

Mr. DuMond stated that he had a meeting set up with Charlie Reiter (Planning Department Transportation Planner) on Thursday with regard to the geometrics and traffic report.

Mr. DuMond stated that the neighborhood expressed the following concerns:

1. The amount of traffic heading south from River Court NE. He explained that the City Bus Line and school bus picks people up at that intersection (East River Road and River Court NE). He indicated that he spoke to the neighborhood with regard to the following traffic calming ideas:
    a. stop signs
    b. creation of speed tables similar to those on Fox Valley Drive
2. Buffering from the neighborhood. The applicant has agreed to a minimum 30 foot buffer between the residences and the commercial area.
3. Whether 30 feet would be far enough with regard to a parking lot or loading area. He explained that the buffer would expand when having a parking lot over 6 stalls or a loading area.

Ms. Rivas asked if the applicant proposed to market the lots together.

Mr. DuMond responded that they are showing the preliminary intent at this time. A person could purchase several lots.

Mr. Eric Evans, if 150 North River Court NE, Rochester MN, addressed the Commission. He stated that he did not initially understand how much traffic would increase with the development. He stated that he thinks that most of the traffic will end up on East River Road. He expressed concern with the lack of traffic control on East River Road.

Mr. David Benda, of 1006 20th Street NW, Rochester MN, addressed the Commission. He stated that he was the 6th Ward Councilman. He asked if they should wait until they have an

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issue concerning a left turn out onto 37th Street and solve it then or if it is better to resolve it now.

Ms. Baker stated that there have been suggestions from different road authorities for different approaches. One suggests that we do not wait for it to become a problem and do not allow the left turn movement initially. Another suggestion is that we could have a full opening and allow it initially, with the idea that it could end up be eliminated in the future. Since it is a County Road, County Public Works will need to make a final determination. She explained that the final design had not been determined at this time.

Mr. Benda asked if it would be resolved prior to it coming before the City Council.

Ms. Baker responded that they are waiting for additional traffic analysis information from the consultants prior to a final determination being made. She explained that she was unsure of the timing.

Mr. DuMond responded that they hope that the signal light at the intersection of 37th Street gets built right away. He explained that he developer has agreed to pay for the light.

Ms. Rivas asked if the neighborhood preferred a stop sign instead of the signal.

Mr. DuMond responded that the neighborhood would need to express their interest to the Council members.

Mr. Benda clarified that the developer would pay for all the changes incurred along 37th Street (turn lanes, changing media, traffic light, etc.).

Mr. DuMond responded yes.

Mr. Benda stated that Mr. Reiter's report discussed not putting a signal there due to the close proximity to the signal at East River Road and 37th Street. He said that there may be some tradeoffs.

Mr. Benda asked what the required buffering would be.

Ms. Baker responded that there is an automatic requirement for bufferyard between a development in the B-4 zoning district and residential zoning district. She pointed out that the 30 feet the applicant is showing is not a zoning requirement that it be 30 feet. The applicant could go down to 10 feet, according to the Zoning Ordinance.

Mr. Mark Heminger, of 102 North River Court NE, Rochester MN, addressed the Commission. He asked if there was any guarantee that, after being approved, they cannot place big box retail in the development.

Ms. Petersson responded no.

Mr. DuMond responded that, even without a general development plan, it could be a big box retail right now.

Ms. Baker stated that the character of development identified suggests that it would not be big box retail. At staff's level, they could allow for modifications to the plan at the time of

development that may identify consolidating several of the lots. However, if someone wanted to purchase the majority of the property, it would not be consistent with the general development plan and traffic analysis that was completed.

Mr. DuMond stated that the traffic report that is being redone with Mr. Reiter does allow for a grocery use. The intent was that someone could purchase 4 or 5 lots.

Mr. Eric Evans, if 150 North River Court NE, Rochester MN, addressed the Commission. He stated that he would prefer not to have the new road exit onto East River Road. Without the left turn ability onto 37th Street, there will be more traffic coming down East River Road.

Ms. Rivas stated that moving the access point north would not meet standards. She explained the reason to line up the roadway with Service Road.

Ms. Baker stated that it was her understanding that there will not be a signal located at that intersection. She explained that too many signals on a roadway jeopardize the purpose for which the roadway was constructed.

Mr. Dave Sigl, of 110 North River Court NE, Rochester MN, addressed the Commission. He explained the importance of having a controlled intersection at 37th Street. He stated that the compactness of the lots is part of the issue.

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

Ms. Rivas moved to recommend approval of General Development Plan #199 to be known as 37th Street Commercial Park with staff-recommended findings and conditions. Mr. Burke seconded the motion. The motion carried 6-0.

CONDITIONS:

1. **The GDP shall be revised to eliminate the right in/out access to 37th Street.**

2. **This property must be platted prior to development. At the time of platting, 1) additional right-of-way may need to be dedicated for 37th Street and East River Road, 2) controlled access will need to be dedicated for the frontage along 37th Street, except for the one public street opening, and also along East River Road except for the approved driveway and public street opening, 3)the applicant shall dedicate a drainage easement over the 100 year floodplain where elevation will be at or below the 100 yr flood elevation following grading of the property 4) the applicant shall dedicate a 30' wide pedestrian Outlot in the Floodway designated area, to the City, for future trail access to 37th Street from the residential area to the south.**

3. **The applicant/owner shall execute a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements to 37th Street and East River Road, access control, pedestrian facilities, right-of-way dedication, extension of utilities and contributions for public infrastructure.**

4. **Because off site public facilities are currently inadequate to handle the proposed**

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development (i.e. transportation improvements are needed), the development must be phased-in in a manner consistent with the City's planned infrastructure improvements. No development will occur and no further development permit will be issued until the Council determines public facilities are adequate to accommodate this development.

5. **Execution of an Ownership & Maintenance Declaration will be required for any privately constructed storm water facilities that serve less than 50 developable acres. A Storm Water Management fee will apply to any areas of this property that are not served by privately constructed on-site stormwater detention facilities that regulate post development run-off from this site to pre-development rates.**

6. **Pedestrian facilities will be required along both sides of the public roadways and also along the entire frontage abutting East River Road.**

7. **The final median design on 37th Street has not been determined. Final design for modifications to 37th Street and East River Road must be approved by the road authorities prior to development of the property. The timing and phasing of development relative to roadway improvements must also be finalized.**

8. **The proposed private access to East River Road will be limited to right in/out only and may require the construction of a median in East River Road, or other methods to limit traffic movement, based on results of Traffic Impact Report.**

Mr. Burke asked if there is any proposal of upgrading East River Road south of the property.

Ms. Baker responded that she was not aware of any plans of improvement. However, there are ongoing discussions with regard to traffic calming.

Discussion ensued regarding improvements being made.

OTHER BUSINESS:

Ms. Baker asked who would like to volunteer to be on the Commercial and Industrial Parking Committee. She explained that Ms. Wiesner expressed interest, but she wanted to see if anyone else wanted to volunteer.

Ms. Rivas explained that she was already a representative on the committee from CUDE.

Ms. Petersson volunteered to be on the Committee.

1. As may be brought up with members

No discussion items were brought forward.

REQUEST FOR COUNCIL ACTION

MEETING DATE: 03-03-03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
CONTINUED - PUBLIC HEARINGS	PLANNING	E-5
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

March 10, 2003

A portion of this property is petitioned to be zoned R-1X at the time of annexation. Annexation of this property should reflect zoning the property R-1, except that portion included in Zoning District Amendment #03-02 should be zoned consistent with the decision on that petition.

Council Action Needed:

1. **If the Council wishes to proceed, the Council should instruct the City Attorney to prepare an Ordinance to be adopted, annexing the property to the City of Rochester. Annexation should specify that a portion of the property is to be zoned consistent with a decision on Zoning District Amendment #03-02.**

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 17, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.

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

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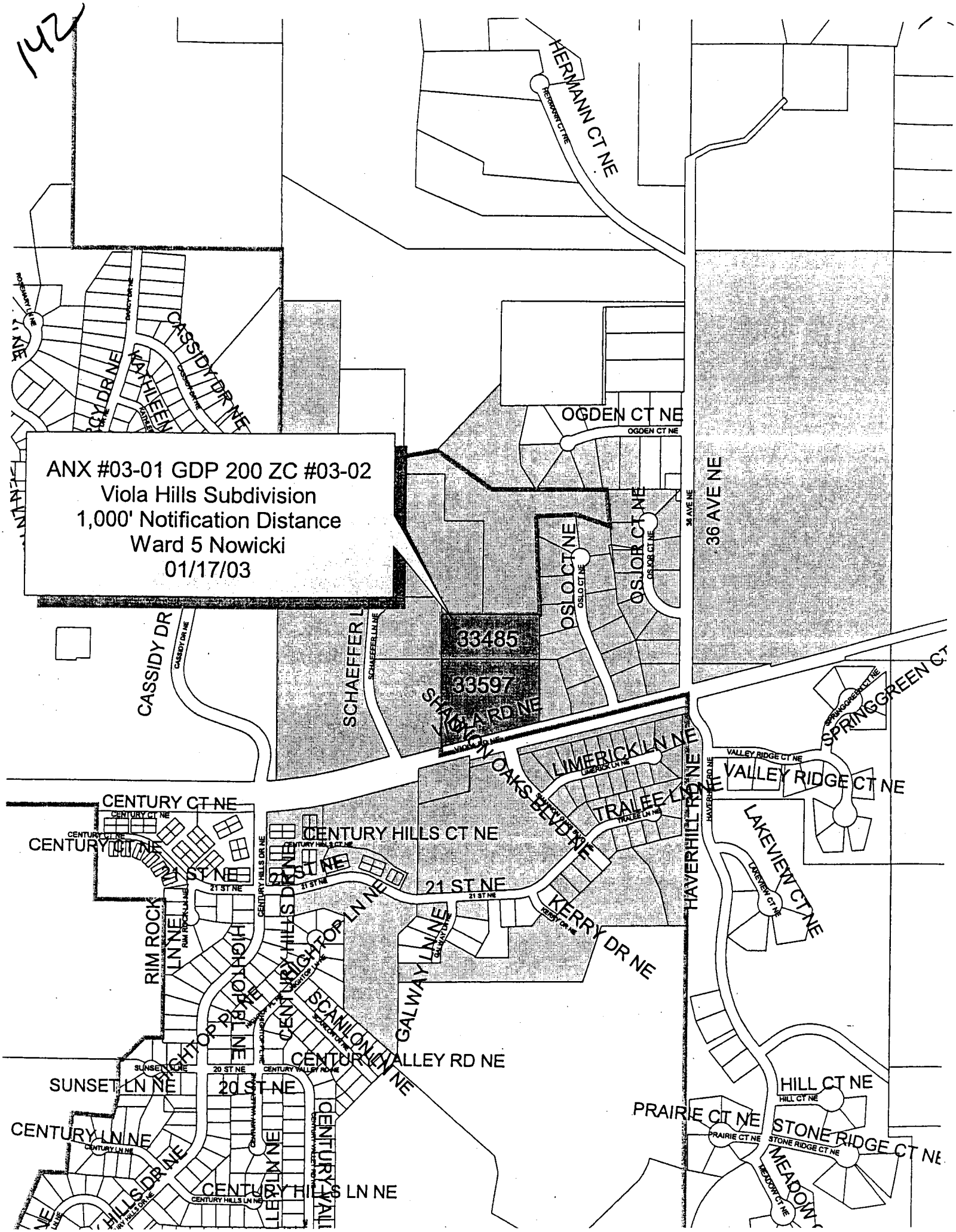
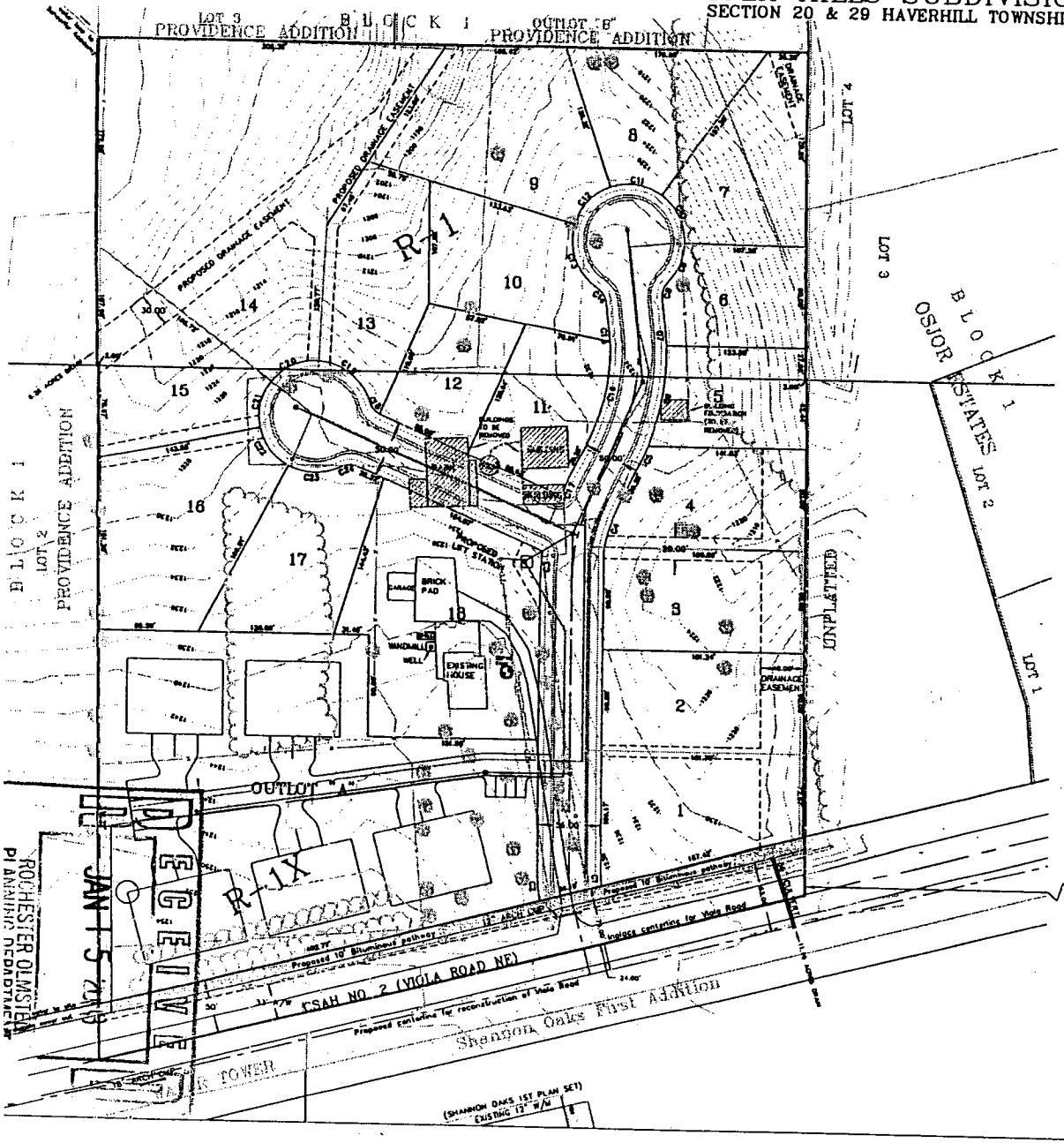

ANX #03-01 GDP 200 ZC #03-02
Viola Hills Subdivision
1,000' Notification Distance
Ward 5 Nowicki
01/17/03
HERMANN CT NE
OGDEN CT NE
36 AVE NE
OSLO CT NE
OSLOR CT NE
33485
33597
SCHAEFFER LN
CASSIDY DR
CASSIDY DR NE
KATHLEEN
SPRINGGREEN CT
VALLEY RIDGE CT NE
LIMERICK LN NE
TRALEE LN NE
HAVERHILL RD NE
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 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

GENERAL DEVELOPMENT PLAN
VIOLA HILLS SUBDIVISION
SECTION 20 & 29 HAVERHILL TOWNSHIP



DEVELOPER
TODD USTBY
1211 ASHLEY LANE SW
ROCHESTER, MN 55902

OWNER
RAD NASRIN
3323 VIOLA ROAD NE
ROCHESTER, MN 55906

ENGINEER & SURVEYOR
GGG INC.
14070 HWY. 52 SE
CHATFIELD, MN 55923

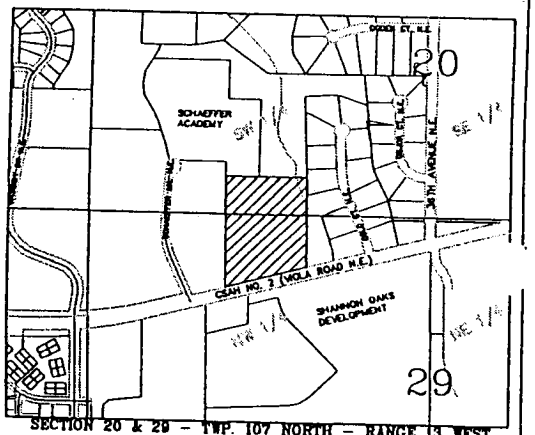
SITE DATA SUMMARY
UPON ANNEXATION WILL BE R-1
WILL BE APPLYING FOR A ZONE CHANGE FOR OUTLOT "A" TO R-1X

STREET CLASSIFICATION
ALL STREETS WITHIN THE DEVELOPMENT SHALL BE CLASSIFIED AS "LOCAL" STREETS

NOTE:
EXISTING HOUSE AND GARAGE TO REMAIN
ALL OTHER BUILDINGS TO BE REMOVED

DENSITY
PROPOSE R1 – 9.66 ACRES – 18 LOTS
UNITS PER ACRE – 0.54
PROPOSE R-1X – 2.21 ACRES – 10 UNITS
UNITS PER ACRE – 0.22

VICINITY MAP



SECTION 20 & 29 – TWP. 107 NORTH – RANGE 13 WEST
"NOT TO SCALE"

CURVE TABLE

CURVE	LENGTH	RADIUS
C1	10.22'	72.00'
C2	24.32'	128.00'
C3	25.52'	203.00'
C4	39.54'	150.00'
C5	19.32'	225.00'
C6	92.01'	225.00'
C7	17.22'	225.00'
C8	13.82'	15.00'
C9	39.40'	50.00'
C10	48.00'	50.00'
C11	48.00'	50.00'
C12	49.00'	50.00'
C13	84.48'	50.00'
C14	13.82'	15.00'
C15	8.93'	175.00'
C16	91.05'	175.00'
C17	17.74'	200.00'
C18	13.82'	15.00'
C19	83.05'	50.00'
C20	48.00'	50.00'
C21	43.83'	50.00'
C22	43.83'	50.00'
C23	49.55'	50.00'
C24	13.82'	15.00'

LAND DESCRIPTION
That part of the Northwest Quarter of Section 29, Township 107 North, Range 13 West, Olmsted County, Minnesota, described as follows:
Commencing at the northeast corner of said Northwest Quarter, thence due West along the north line thereof 843.38 feet for a place of beginning; thence South 00°21' East 458.67 feet to the center of State Aid Road No.2; thence Southeasterly along center of said road 646.86 feet; thence North 0°21' West 617.65 feet to the north line of said section; thence due East 827 feet to the place of beginning.
AND ALSO
That part of the Southwest Quarter of Section 20 in said Township and Range described as follows:
Commencing at the southeast corner of said Southwest Quarter, and running thence due West along the south line thereof a distance of 845.38 feet for a place of beginning; thence due West along said south line a distance of 827 feet; thence North 0°21' West a distance of 287.84 feet; thence due East a distance of 827 feet; thence South 0°21' East a distance of 287.84 feet to the place of beginning.
The above described parcel contains 11.87 acres, more or less.

LEGEND

- GUY WIRE
- ELECTRICAL BOX
- UTILITY POLE
- TELEPHONE BOX
- SANITARY MANHOLE
- STORM WATER MANHOLE
- WATER HYDRANT
- CONTOUR MAJOR
- CONTOUR MINOR
- OVERHEAD ELECTRIC
- WELL
- TREE EDGE
- DECIDIOUS TREE
- PROPOSED SANITARY MANHOLE
- PROPOSED WATER HYDRANT
- PROPOSED STORMWATER CATCHBASIN

GRAPHIC SCALE

GGG INC.
Engineering
Surveying
Planning

Rad Nasrin
3323 Viola Road NE
Rochester, MN 55906

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

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

TO: City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE: January 30, 2003

RE: **Annexation Petition #03-01 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 is being considered concurrent with this application.**

Planning Department Review:

Applicants/Owners:	Rad Nasrin 3325 Viola Road NE Rochester, MN 55906
Consultant / Engineer:	GGG Engineering 14070 Highway 52 SE Chatfield, MN 55923
Location of Property:	The property is located north of Viola Road (CR 2), west of Osjor Estates and east of Schaeffer Lane NE.
Existing Land Use:	This property is currently undeveloped land.
Size:	The property proposed for annexation is approximately 12 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.. A Zoning District Amendment request will be considered concurrently with this annexation petition. The applicant has petitioned to amend the zoning district on a portion (2.21 acres) of this property to R-1x (Mixed Single Family Extra).
Land Use Plan:	This property is designated for "low density residential" uses on the Rochester Urban Service Area Land Use Plan.

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Adjacency to the Municipal Limits:	The property is adjacent to the city limits along its northern, western and southern boundaries.
Sewer & Water:	This property cannot currently be served by municipal gravity sanitary sewer. Development of this property will require the construction of a private lift station.
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.
Roadways:	At the time of development of the property, an Olmsted County access permit will be required for review and comment, sight distance may be an issue at this location and turn lanes shall be required at this access.
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 Department 3. Olmsted County Public Works Department
Report Attachments:	1. Annexation Map 2. Location Map 3. Referral Comments (3 letters)

Staff Recommendation:

This property is adjacent to the City limits and can be served by city services upon extension of the water lines from their present end and the sanitary sewer with the construction of a private lift station. The Planning staff recommends that the City proceed to adopt an ordinance annexing the property according to Minnesota Statutes 414.033, Subdivision 2(3).

The City Planning and Zoning Commission recommendation shall include a portion (2.21 acres) of this property to be zoned R-1x, as requested in Zone Change Petition #03-02, upon annexation.

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rpu

we pledge, we deliver

January 28, 2003

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

REFERENCE: Annexation Petition #03-01 by Rad Nasrin to annex 12 acres of land located north of Viola Rd NE and west of Osjor Estates.

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. 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
GGG Engineering, Inc.
Rad Nasrin

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: 1/28/03

The Department of Public Works has reviewed the requested application for Annexation #03-01 on the Rad Nasrin (p/o Sections 20 & 29, Haverhill Township) property. The following are Public Works comments on the proposal:

1. This property cannot currently be served by municipal gravity sanitary sewer. Development of this property will require the construction of a private lift station.

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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 Annexation Petition #03-01 and has the following comments:

- ***Olmsted County access permit will be required for review and comment.***
- ***Sight distance may be a issue at this location.***
- ***Turn lanes will be required at this access.***

Sincerely,

Michael Sheehan
County Engineer

MTS:ss

149

3688 Valley Ridge Ct NE
Rochester. MN 55906

tony@tcpamn.org

February 11, 2003

RE: Annexation Petition #03-01 by Rad Nasrin

Theresa Fogarty, Planner
Rochester-Olmsted Planning Department
2122 Campus Drive SE,
Suite 100
Rochester, MN 55904

Haverhill Township has reviewed the Annexation Petition # 03-01 and the General development plan and has the following concerns which must be addressed before approval:

- Haverhill Township is experiencing severe water storm erosion in the watershed area north of this property caused by all the additional development in Section 19 and 20. There are no provisions for storm water control in the General Development Plan of this property. I do not believe that this plan meets the requirements for storm water control.

- The site distance for the access road is unsafe on Viola Road. Shannon Oaks had the same problem and they were required to put in a temporary entrance.

We oppose the annexation until these concerns are addressed.

Tony Ebert
Haverhill Township

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REQUEST FOR COUNCIL ACTION

MEETING DATE: 3-17-03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARINGS	PLANNING	E-6

ITEM DESCRIPTION: 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.

PREPARED BY: Mitzi A. Baker, Senior Planner

March 10, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on February 26, 2003, to consider this petition.

Mr. Haeussinger moved to recommend approval of Zoning District Amendment #03-02 by Todd Ustby with the staff-recommended findings. Mr. Staver seconded the motion. The motion carried 7-0.

Planning Staff Recommendation:
See attached staff report.

Council Action Needed:

The Council should direct the City Attorney to prepare findings of fact reflecting the Councils decision on this zone change.

If the Council approves this zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property.

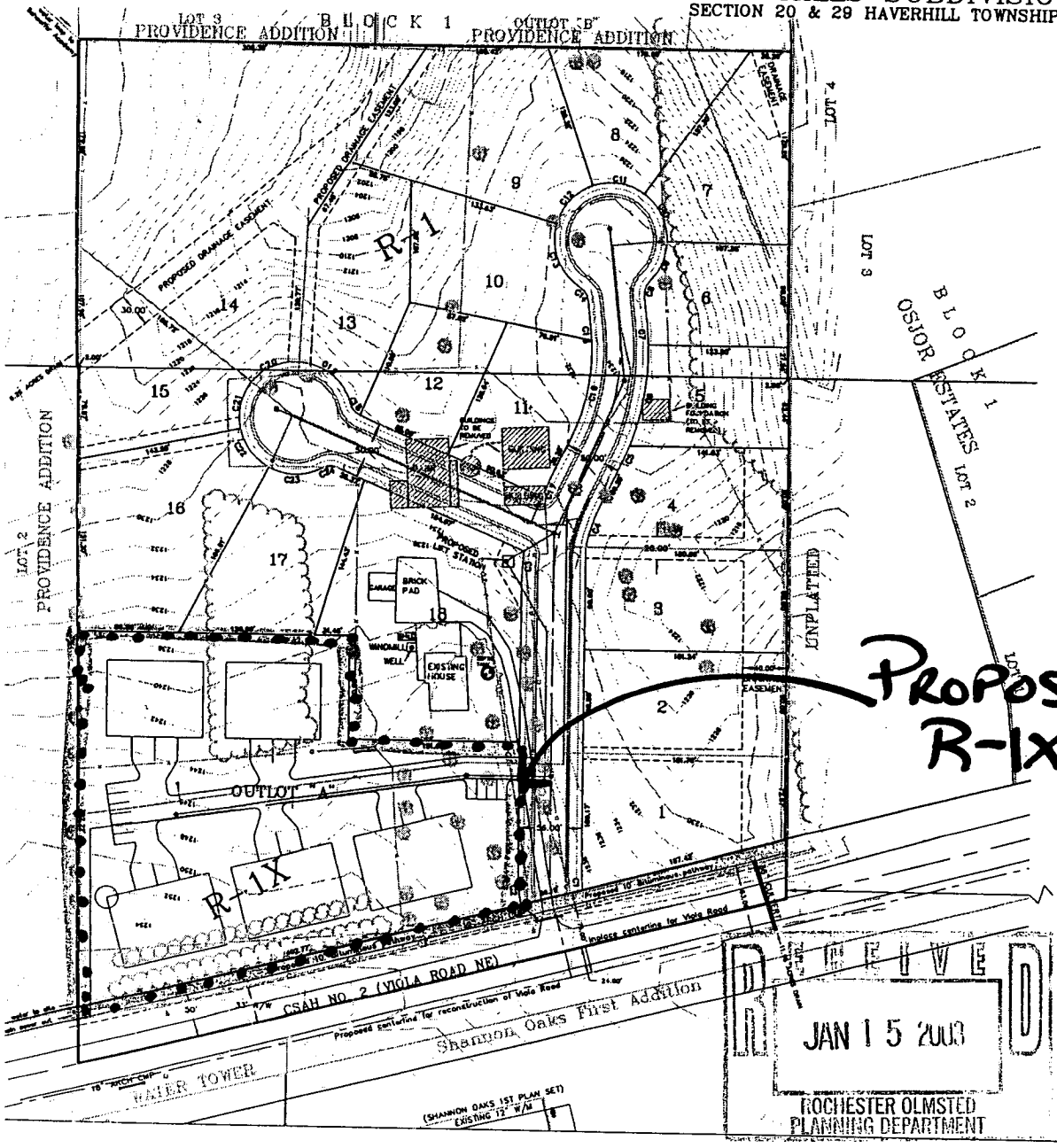
Distribution:
1. City Clerk
2. City Administrator
3. City Attorney: Legal Description attached
4. Planning Department File
5. GGG
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday March 17, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION:

Motion By: **Seconded By:** **Action:**

152

GENERAL DEVELOPMENT PLAN
VIOLA HILLS SUBDIVISION
SECTION 20 & 29 HAVERHILL TOWNSHIP



DEVELOPER
TODD USTBY
1311 ASHLEY LANE SW
ROCHESTER, MN 55902

OWNER
RAD NASWIN
3325 VIOLA ROAD NE
ROCHESTER, MN 55906

ENGINEER & SURVEYOR
GGG INC.
14070 HWY. 52 SE
CHATFIELD, MN 55923

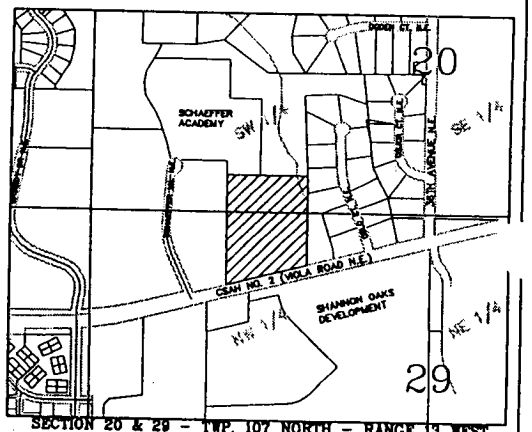
SITE DATA SUMMARY
UPON ANNEXATION WILL BE R-1
WILL BE APPLYING FOR A ZONE CHANGE FOR OUTLOT "A" TO R-1X

STREET CLASSIFICATION
ALL STREETS WITHIN THE DEVELOPMENT SHALL BE CLASSIFIED AS "LOCAL" STREETS

NOTE:
EXISTING HOUSE AND GARAGE TO REMAIN
ALL OTHER BUILDINGS TO BE REMOVED

DENSITY
PROPOSE R1 – 8.66 ACRES – 18 LOTS
UNITS PER ACRE – 0.54
PROPOSE R-1X – 2.21 ACRES – 10 UNITS
UNITS PER ACRE – 0.22

VICINITY MAP



SECTION 20 & 29 – TWP. 107 NORTH – RANGE 13 WEST
"NOT TO SCALE"

CURVE TABLE

CURVE	LENGTH	RADIUS
C1	10.22'	72.00'
C2	24.32'	128.00'
C3	25.52'	203.00'
C4	39.54'	150.00'
C5	19.32'	225.00'
C6	92.01'	225.00'
C7	17.22'	225.00'
C8	13.62'	15.00'
C9	39.40'	50.00'
C10	48.00'	50.00'
C11	48.00'	50.00'
C12	48.00'	50.00'
C13	64.48'	50.00'
C14	13.62'	15.00'
C15	8.93'	175.00'
C16	91.05'	175.00'
C17	17.74'	200.00'
C18	13.62'	15.00'
C19	63.05'	50.00'
C20	48.00'	50.00'
C21	43.83'	50.00'
C22	43.83'	50.00'
C23	49.55'	50.00'
C24	13.62'	15.00'

LAND DESCRIPTION
That part of the Northwest Quarter of Section 29, Township 107 North, Range 13 West, Olmsted County, Minnesota, described as follows:
Commencing at the northeast corner of said Northwest Quarter, thence due West along the north line thereof 943.38 feet for a place of beginning; thence South 00°21' East 456.87 feet to the center of State Aid Road No.2; thence Southeasterly along center of said road 646.86 feet; thence North 0°21' West 617.65 feet to the north line of said section; thence due East 827 feet to the place of beginning;
AND ALSO
That part of the Southwest Quarter of Section 20 in said Township and Range described as follows:
Commencing at the southwest corner of said Southwest Quarter, and running thence due West along the south line thereof a distance of 848.38 feet for a place of beginning; thence due West along said south line a distance of 827 feet; thence North 0°21' West a distance of 287.84 feet; thence due East a distance of 827 feet; thence South 0°21' East a distance of 287.84 feet to the place of beginning.
The above described parcel contains 11.87 acres, more or less.

LEGEND

- GUY WIRE
- ELECTRICAL BOX
- UTILITY POLE
- TELEPHONE BOX
- SANITARY MANHOLE
- STORM WATER MANHOLE
- WATER HYDRANT
- CONTOUR MAJOR
- CONTOUR MINOR
- OVERHEAD ELECTRIC
- WELL
- TREE EDGE
- DECIDIOUS TREE
- PROPOSED SANITARY MANHOLE
- PROPOSED WATER HYDRANT
- PROPOSED STORMWATER CATCHBASIN

GRAPHIC SCALE

RECEIVED
JAN 15 2003
ROCHESTER OLMSTED PLANNING DEPARTMENT

GGG INC.
Engineering
Surveying
Planning

LAST REVISION: 1-14-03
SW & NE QUARTER T107N R13W
Prepared For:
Rad Naswin
3325 Viola Road NE
Rochester, MN 55906

153

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: Mitzi A. Baker, Senior Planner

DATE: February 6, 2003

RE: 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.

Planning Department Review:

Applicant/Owner: Todd Ustby
1211 Ashley Lane SW
Rochester, MN 55902

Consultants: GGG Engineering, Inc.
14070 Highway 52 SE
Chatfield, MN 55923

Location of Property: This property is located along the north side of CR 2/Viola Road, east of Schaeffer Lane and west of Osjor Estates.

Requested Action: The applicant requests 2.21 acres of land be re-zoned from R-1 to R-1X (Mixed Single Family Extra).

Existing Land Use: The property is currently platted but undeveloped and is designated for "low density residential" types of uses on the Rochester Urban Service Area Land Use Plan.

Proposed Land Use: The applicant is proposing to develop this site with townhomes or single family attached housing in the R-1X zoning district.

Adjacent Land Use and Zoning: Properties in this area are identified for "Low Density Residential" uses on the Land Use Plan. Osjor Estates is an existing rural subdivision to the east. Property to the west is being developed by Shaeffer Academy. To the south is low density residential housing and a planned school/park site.

Transportation Access: Access to this development is planned at CR 2/Viola Road, via a public roadway which will align with

	Shannon Oaks Boulevard NE located on the south side of CR 2. The alignment of this road will need to be modified to intersect with CR 2 at a right angle.
Wetlands:	According to the Soil Survey, no hydric soils exist on this property. The property owner is, however, responsible for identifying wetlands. Due to the location in the landscape, the property owner should examine the site for wetlands.
Neighborhood Meeting:	A neighborhood meeting was held January 23. 2003. A summary of that meeting is enclosed.
Referral Comments:	1. See comments attached to General Development Plan #200, Viola Hills.
Report Attachments:	1. Location Map 2. Area Zoning Map

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:

   a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;

   b) The area was originally zoned erroneously due to a technical or administrative error;

   c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or

   d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

Finding for Proposed R-1X: ***The Rochester Urban Service Area Land Use Plan designates this property as appropriate for "low density residential" types of uses. Uses within the R-1X zoning district would be consistent with the current land use designation. Rezoning this property would help further the policies and goals found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, which encourage developing a range of densities and development styles. Re-zoning could also help to further goals and policies found within Chapter 3 of the Housing Plan to increase the supply of housing.***

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2) *The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:*

   a) *the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and*

      Finding for Proposed R-1X: ***Uses allowed within the R-1X zoning district will be appropriate on the property and compatible with adjacent properties . The Viola Hills General Development Plan, being considered concurrent with this re-zoning petition, identifies a general layout of roadways and townhomes on the property.***

   b) *the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).*

      Proposed R-1X: ***The amendment to R-1X would be consistent with the Rochester Urban Service Area Land Use Plan designation for this property as "low density residential", and would not be considered spot zoning.***

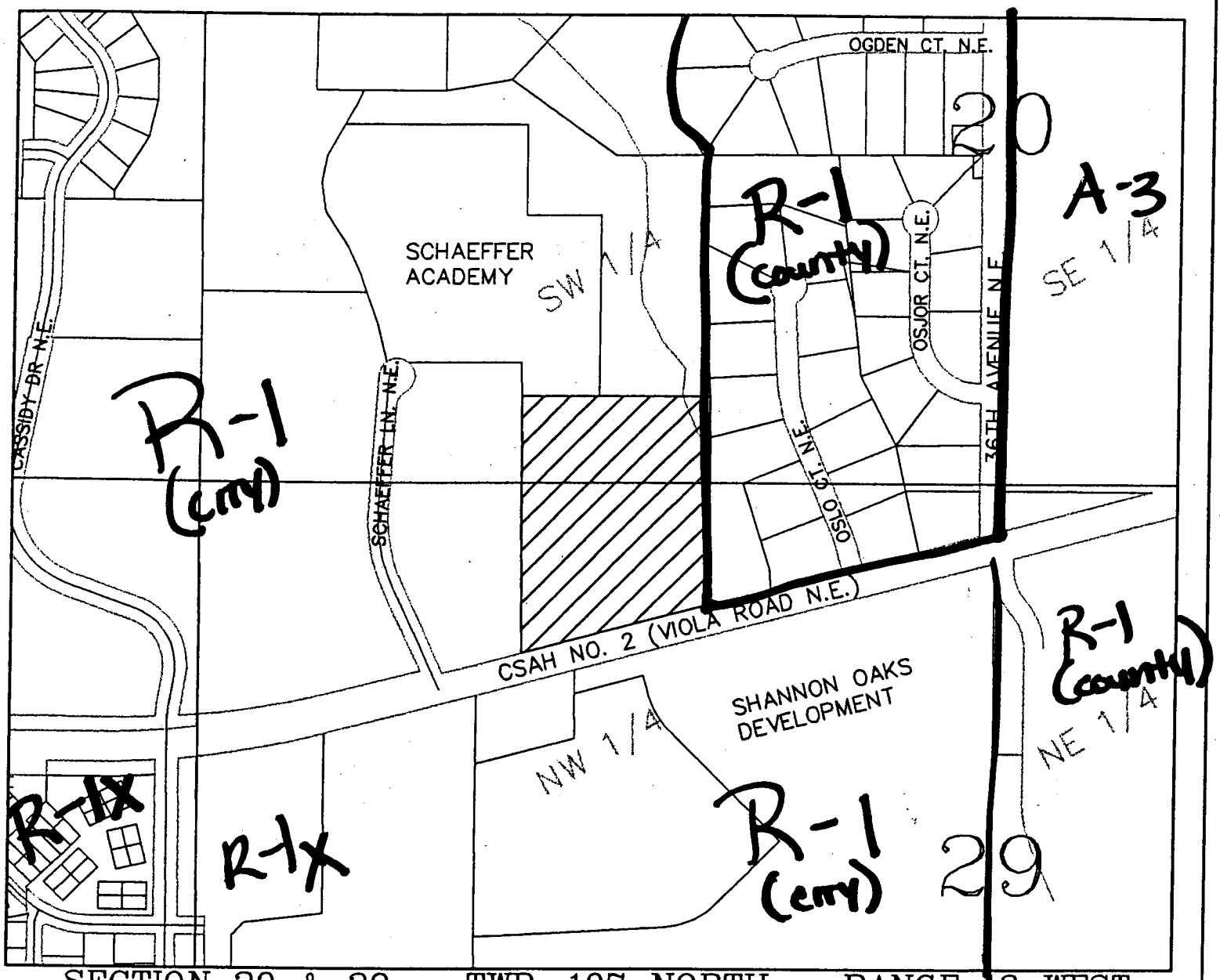
Staff Recommendation:

Findings can be made to support this request. Staff recommends approval to zone 2.21 acres R-1X upon annexation to the City of Rochester.

5u

AREA ZONING

VICINITY MAP



SECTION 20 & 29 – TWP. 107 NORTH – RANGE 13 WEST

"NOT TO SCALE"

CURVE TABLE

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C6	92.01'	225.00'
C7	17.33'	225.00'

157

GGG Inc.

Engineering Surveying & Planning

14070 Hwy 52 SE Chatfield, MN 55923
phone 507-867-1666
fax 507-867-1665

Olmsted Planning & Zoning
Attn: Brent Svenby
2122 Campus Drive SE
Rochester, MN 55904

RE: Viola Hills Subdivision neighborhood meeting

Dear Brent,
On the night of January 23rd 2003, a neighborhood meeting was held for Viola Hills Subdivision. About a dozen people attended to gather information and make comments. Some of the items that were discussed were utilities to serve the area, stormwater management, the reconstruction of Viola Road, and the type and price range of homes to be constructed. The meeting was mostly informational through question and answers. No new information was disclosed that caused me any concern. There were a couple of people that didn't seem to like the idea of the land being developed but nobody commented that they were against it.

An error on the GDP was found. The unit densities were expressed in acres per unit instead of units per acres. The single family density (R-1) should be 1.86 units per acre and the R-1X should be 4.52 units per acre.

Please feel free to call with any questions or comments.

Thank you,

Mark R. Welch
Design Engineer

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GGG Inc.

Engineering Surveying & Planning

VIOLA HILLS SUBDIVISION

NEIGHBORHOOD MEETING SIGN IN SHEET

NAME	ADDRESS AND TELEPHONE (OPTIONAL)
Steve Jech	RR Box 23 Elgin Mn. 55932 876-2415
Mark Welch	14070 Hwy 52 SE Rochfield 867-2985
Roger & Jackie Payne	1700 Northwood Dr NE - Rochester
Robert & Karen Tracy	2612 Oslo Ct N.E 288-3876
Joe Schueler	3504 Ogden Ct. NE - 288-8871
Rod Nagorn	3328 Viola Rd NE 281-9001
Kathleen Tarara	3516 Ogden Ct NE
John Kess	3505 Ogden Ct NE
Rebecca Murray	503 23rd St SW (Schaeffer Acad.)
Susan Madden	2611 Oslo Ct. N.E

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Mr. Staver moved to recommend approval of Annexation #03-04. Ms. Petersson seconded the motion. The motion carried 7-0.

Annexation Petition #03-05 by West 19 Development, LLC to annex approximately 56.44 acres of land located north of the Dakota, Minnesota & Eastern Railroad along US Highway 14 West and east of 50th Avenue NW. The property is located in a part of the NW ¼ of Section 29 of Cascade Township.

Mr. Burke moved to recommend approval of Annexation Petition #03-05 by West 19 Development, LLC. Ms. Petersson seconded the motion. The motion carried 7-0.

CONTINUED ITEMS:

Ms. Wiener asked if the Commission could hear all three continued items simultaneously.

Mr. Svenby responded yes.

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.

AND

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.

Mr. Brent Svenby presented the staff reports, dated January 30, 2003 and February 6, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that the items were continued at the last meeting due to the proposed access location to Viola Road NE. He stated that there was not good sight distance. At this point, the County has it in the CIP to regrade Viola Road NE in 2005. The applicant's consultant has been working with the County engineer in obtaining a temporary access to the property. He showed where it was located (westerly portion of site).

Mr. Svenby explained that Ms. Baker revised the staff recommended conditions for the general development plan and asked that the Commission act on the revised conditions that were handed out to them.

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Ms. Rivas asked why there needed to be sidewalks on both sides, due to the roadway being short.

Mr. Svenby explained that the Ordinance requires that sidewalks be located on both sides of the street.

The applicant's representative, Mark Welch of GGG Engineering (14070 Highway 52 SE, Chatfield MN 55923), addressed the Commission. He stated that the applicant was in agreement with the revised staff-recommended conditions. He explained that there would be a sedimentation pond on site.

Ms. Kathleen Tarara, of 3516 Ogden Court NE, Rochester MN, addressed the Commission. She asked where the sedimentation pond would be located.

Mr. Welch showed where the existing watersheds were located. He showed the location of the pond at the end between the two bulbs.

Mr. Tony Ebert, Haverhill Township Chair, addressed the Commission. He expressed concern about stormwater management in the area. He explained the current erosion problems that exist. He indicated that Shannon Oaks was currently having problems controlling their stormwater management. He wanted the Commission to make sure that the proposed development could handle their water and the water from Shannon Oaks.

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

Mr. Svenby noted that the Commission should note in their motion that it be consistent with the zoning district amendment for 2.21 acres to be zoned R-1x.

Mr. Haeussinger moved to recommend approval of Annexation Petition #03-01 by Rad Nasrin, with the notion that 2.21 acres be consistent with Zoning District Amendment #03-02. Mr. Staver seconded the motion. The motion carried 7-0.

Mr. Haeussinger moved to recommend approval of Zoning District Amendment #03-02 by Todd Ustby with the staff-recommended findings. Mr. Staver seconded the motion. The motion carried 7-0.

Mr. Haeussinger moved to recommend approval of General Development Plan #200 by Todd Ustby to be known as Viola Hills Subdivision with the staff-recommended findings and conditions. Mr. Quinn seconded the motion. The motion carried 7-0.

CONDITIONS:

1. **The public road access at CR 2 will need to be re-aligned to intersect at right angles and to align with the Shannon Oaks access to the south. This intersection currently has substandard sight distance. Unless a temporary access is provided to Schaeffer Lane or other temporary access is approved by Olmsted County Public Works, development of this property will need to be concurrent with, or following, improvements to CR 2 to correct the substandard sight distance. At the time of development turn lanes will be required from CR 2.**

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3-17-03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARINGS	PLANNING	E-7

ITEM DESCRIPTION: **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.**

PREPARED BY: Mitzi A. Baker, Senior Planner

March 10, 2003

City Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission held a public hearing on this item on February 26, 2003.

Mr. Haeussinger moved to recommend approval of General Development Plan #200 by Todd Ustby to be known as Viola Hills Subdivision with the staff-recommended findings and conditions. Mr. Quinn seconded the motion. The motion carried 7-0. The commission recommended the following conditions/modifications:

1. ***The public road access at CR 2 will need to be re-aligned to intersect at right angles and to align with the Shannon Oaks access to the south. This intersection currently has substandard sight distance. Unless a temporary access is provided to Schaeffer Lane or other temporary access is approved by Olmsted County Public Works, development of this property will need to be concurrent with, or following, improvements to CR 2 to correct the substandard sight distance. At the time of development turn lanes will be required from CR 2.***

2. ***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, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, and ownership & maintenance of the proposed Private Lift Station.***

3. ***This GDP narrative indicates that the Owner will request to participate in the City's Storm Water Management Plan (SWMP) in lieu of providing on-site storm water detention. On-site sedimentation detention control may be required, and a Storm Water Management fee will be applicable for the benefit of participation in the City's SWMP.***

4. ***At the time of Platting: the private lift station shall be platted on a separate Outlot; execution of an Ownership and Maintenance Agreement will be required for the private lift station and forcemain sanitary sewer; dedication of controlled access will be required for the entire frontage of CR 2, with the exception of an approved public road access.***

5. ***Pedestrian facilities are required along both sides of all new pubic roads, including the frontages abutting any publicly dedicated Outlots. In addition, a 10' wide bituminous path is required along the north side of CR 2/Viola Road.***

6. ***Parkland dedication shall be met via cash in lieu of land per the January 17, 2003 memorandum from Rochester Park and Recreation.***

7. ***Extension and connection of watermain must be provided per the requirements of RPU.***

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

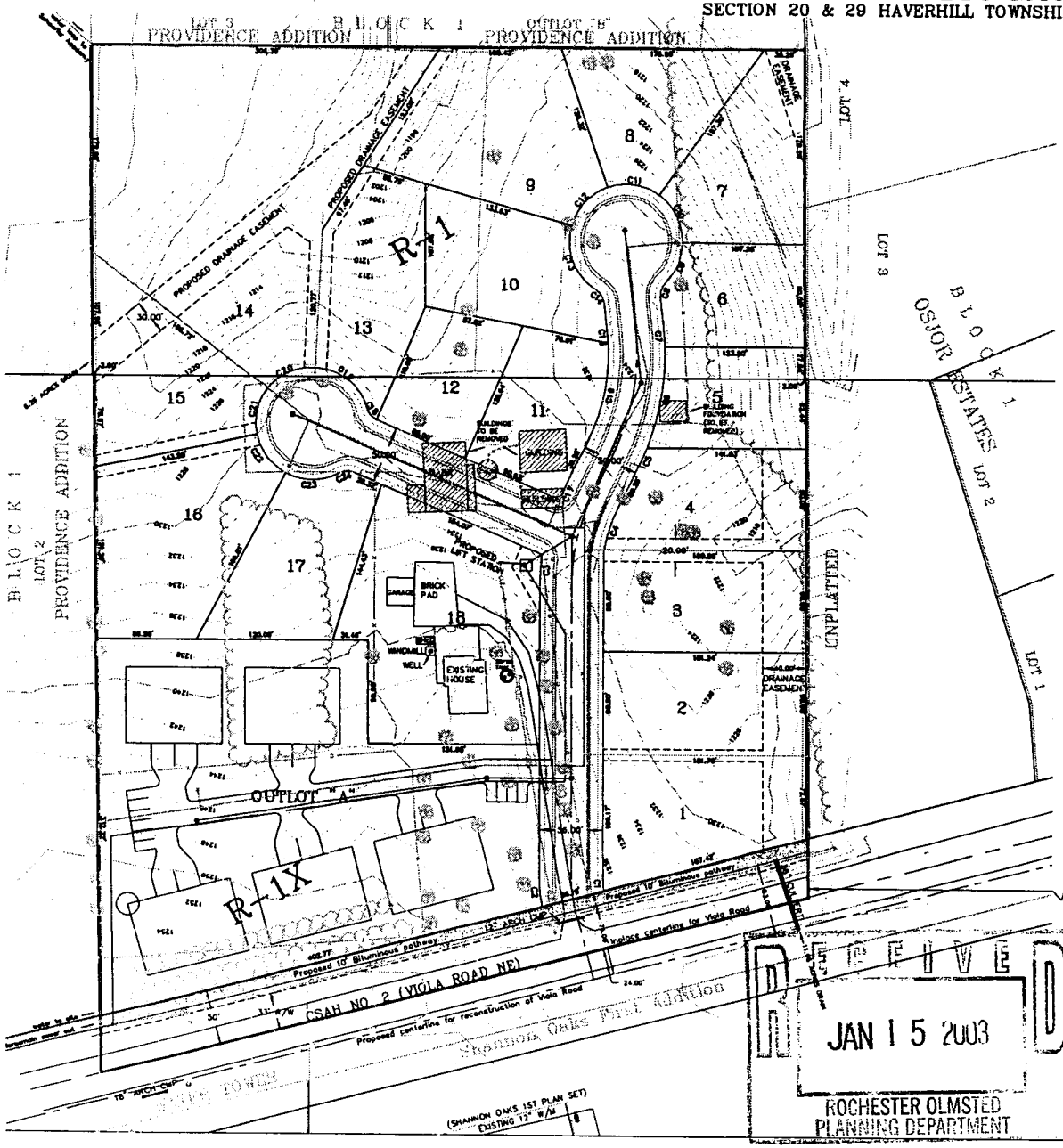
Council Action Needed:

1. *If the Council wishes to approve the General Development Plan it should instruct the City Attorney to prepare a resolution, with findings, for Council approval.*

Distribution:

1. City Clerk
2. City Administrator
3. City Attorney
4. Planning Department File
5. Planning Department, GIS Division
6. GGG
7. Applicant: This item will be considered some time after 7:00 p.m. on Monday March 17, 2003 in the Council / Board Chambers in the Government Center at 151 4th Street SE.

GENERAL DEVELOPMENT PLAN
VIOLA HILLS SUBDIVISION
SECTION 20 & 29 HAVERHILL TOWNSHIP



DEVELOPER
TODD USTBY
1211 ASHLEY LANE SW
ROCHESTER, MN 55902

OWNER
RAD NASRIN
3325 VIOLA ROAD NE
ROCHESTER, MN 55906

ENGINEER & SURVEYOR
GGG INC.
14070 HWY. 52 SE
CHATFIELD, MN 55923

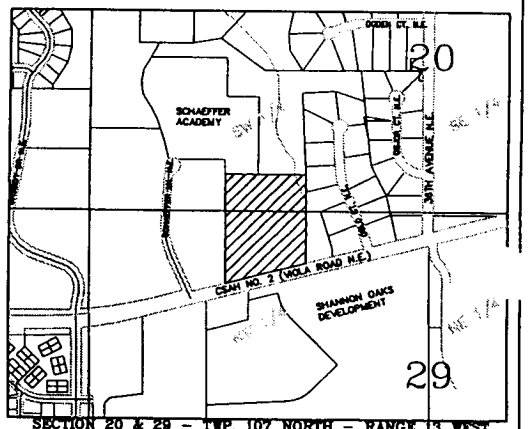
SITE DATA SUMMARY
UPON ANNEXATION WILL BE R-1
WILL BE APPLYING FOR A ZONE CHANGE FOR OUTLOT "A" TO R-1X

STREET CLASSIFICATION
ALL STREETS WITHIN THE DEVELOPMENT SHALL BE CLASSIFIED AS "LOCAL" STREETS

NOTE:
EXISTING HOUSE AND GARAGE TO REMAIN
ALL OTHER BUILDINGS TO BE REMOVED

DENSITY
PROPOSE R1 – 8.66 ACRES – 18 LOTS
UNITS PER ACRE = 0.54
PROPOSE R-1X – 2.21 ACRES – 10 UNITS
UNITS PER ACRE = 0.22

VICINITY MAP



SECTION 20 & 29 – TWP. 107 NORTH – RANGE 13 WEST
"NOT TO SCALE"

CURVE TABLE

CURVE	LENGTH	RADIUS
C1	10.22'	72.00'
C2	24.32'	128.00'
C3	25.52'	203.00'
C4	39.54'	150.00'
C5	19.32'	225.00'
C6	92.01'	225.00'
C7	17.22'	225.00'
C8	13.62'	15.00'
C9	39.40'	50.00'
C10	48.00'	50.00'
C11	48.00'	50.00'
C12	46.00'	50.00'
C13	64.48'	50.00'
C14	13.62'	15.00'
C15	8.93'	175.00'
C16	91.05'	175.00'
C17	17.74'	200.00'
C18	13.62'	15.00'
C19	63.05'	50.00'
C20	48.00'	50.00'
C21	43.63'	50.00'
C22	43.63'	50.00'
C23	49.55'	50.00'
C24	13.62'	15.00'

LAND DESCRIPTION
That part of the Northwest Quarter of Section 29, Township 107 North, Range 13 West, Olmsted County, Minnesota, described as follows:
Commencing at the northeast corner of said Northwest Quarter, thence due West along the north line thereof 843.38 feet for a place of beginning; thence South 00°21' East 458.87 feet to the center of State Aid Road No.2; thence Southwesterly along center of said road 646.86 feet; thence North 0°21' West 817.65 feet to the north line of said section; thence due East 627 feet to the place of beginning;
AND ALSO
That part of the Southwest Quarter of Section 20 in said Township and Range described as follows:
Commencing at the southeast corner of said Southwest Quarter, and running thence due West along the south line thereof a distance of 845.38 feet for a place of beginning; thence due West along said south line a distance of 627 feet; thence North 0°21' West a distance of 287.84 feet; thence due East a distance of 627 feet; thence South 0°21' East a distance of 287.84 feet to the place of beginning.
The above described parcel contains 11.87 acres, more or less.

LEGEND

- GUY WIRE
- ELECTRICAL BOX
- UTILITY POLE
- TELEPHONE BOX
- SANITARY MANHOLE
- STORM WATER MANHOLE
- WATER HYDRANT
- CONTOUR MAJOR
- CONTOUR MINOR
- OVERHEAD ELECTRIC
- WELL
- TREE EDGE
- DECIDIOUS TREE
- PROPOSED SANITARY MANHOLE
- PROPOSED WATER HYDRANT
- PROPOSED STORMWATER CATCHBASIN

GRAPHIC SCALE

RECEIVED
JAN 15 2003
ROCHESTER OLMSTED PLANNING DEPARTMENT

GGG INC.
Engineering
Surveying
Planning
14070 Hwy 52 SE
Chatfield, MN 55923
Ph. 507-867-4000
Fax 507-867-4003
www.ggg.cc

LAST REVISED: 1-14-03
DATE OF SURVEY: 1/21/02
Prepared For:
Rad Nasrin
3325 Viola Road NE
Rochester, MN 55906
SHEET 1 OF 1 | DWG NO. 99-138

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ROCHESTER-OLMSTED PLANNING DEPARTMENT
2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF Olmsted

DATE: February 26, 2003

TO: Rochester Planning and Zoning Commission

FROM: Mitzi A. Baker, Senior Planner MAB

RE: Viola Hills GDP # 200, Recommended Conditions

Please substitute the following recommended conditions for those that appear in the February 6, 2003 staff report for GDP #200.

1. *The public road access at CR 2 will need to be re-aligned to intersect at right angles and to align with the Shannon Oaks access to the south. This intersection currently has substandard sight distance. Unless a temporary access is provided to Schaeffer Lane or other temporary access is approved by Olmsted County Public Works, development of this property will need to be concurrent with, or following, improvements to CR 2 to correct the substandard sight distance. At the time of development turn lanes will be required from CR 2.*

2. *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, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, and ownership & maintenance of the proposed Private Lift Station.*

3. *This GDP narrative indicates that the Owner will request to participate in the City's Storm Water Management Plan (SWMP) in lieu of providing on-site storm water detention. On-site sedimentation detention control may be required, and a Storm Water Management fee will be applicable for the benefit of participation in the City's SWMP.*

4. *At the time of Platting: the private lift station shall be platted on a separate Outlot; execution of an Ownership and Maintenance Agreement will be required for the private lift station and forcemain sanitary sewer; dedication of*

controlled access will be required for the entire frontage of CR 2, with the exception of an approved public road access.

5. *Pedestrian facilities are required along both sides of all new pubic roads, including the frontages abutting any publicly dedicated Outlots. In addition, a 10' wide bituminous path is required along the north side of CR 2/Viola Road.*

6. *Parkland dedication shall be met via cash in lieu of land per the January 17, 2003 memorandum from Rochester Park and Recreation.*

7. *Extension and connection of watermain must be provided per the requirements of RPU.*

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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: Mitzi A. Baker, Senior Planner

DATE: February 6, 2003

RE: 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.

Planning Department Review:

Applicant/Owner: Todd Ustby
1211 Ashley Lane SW
Rochester, MN 55902

Consultants: GGG Engineering, Inc.
14070 Highway 52 SE
Chatfield, MN 55923

Size and Location: This GDP includes approximately 12 acres of land located along the north side of CR 2/Viola Road, west of Osjor Estates and east of Schaeffer Lane.

Existing Land Use: The site is presently undeveloped and has been the site of a farmstead.

Proposed Use: This GDP proposes to develop low density residential housing, which would include approximately 2.21 acres of the site for single family attached homes or townhomes. An application to zone 2.21 acres of this site R-1X (Mixed Single Family Extra) is being considered concurrent with this application. An annexation petition is also being considered

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simultaneously.

Land Use Plan: The Rochester Urban Service Area Land Use Plan designates this property as suitable for "low density residential uses.

Zoning: Upon annexation, most of the property will be zoned R-1 (Mixed Single Family Residential), and a portion will be zoned R-1X, if zone change petition #03-02 is approved by the City Council.

Streets: This Plan proposes both private and public roadways. The public roadways include two cul-de-sac bulbs. A private road is proposed to serve the townhomes.

Sidewalks: Sidewalk will be required on both sides of all new public roadways. In addition, a 10' wide bituminous path is required along CR 2/ Viola Road.

Drainage: This site generally drains from south to north. On site detention is not planned at this time. The applicant is proposing to participate in the City's Storm Water Management Plan. Public Works has, however, stated that on-site sedimentation detention control may be required.

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

Wetlands: According to the Soil Survey, no hydric soils exist on this property. The property owner is, however, responsible for identifying wetlands. Due to the location in the landscape, the property owner should examine the site for wetlands.

Public Utilities: Utilities will be extended from their present ends. Sanitary sewer is in the southeast corner of the property. Gravity flow sanitary sewer is not available for this entire development. A private lift station is proposed to pump waste to CR 2/Viola Road and west toward the City. The lift station will need to be on a separate Outlot, when the property is platted.

Water is proposed to be extended from Providence Addition, to the west.

Parkland Dedication: Parkland dedication requirements for this development need to be satisfied via cash in lieu of land.

Referral Comments:

1. Rochester Public Works
2. Rochester Park & Recreation
3. Olmsted County Public Works
4. RPU Water Division

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5. Rochester Fire Department
6. Wetlands LGU

Report Attachments:

1. Proposed General Development Plan
2. Referral Comments

Staff Suggested Findings and Recommendation:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the criteria for approval of a general development plan. Staff suggested findings are in ***bold italics*** print.

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.

The Rochester Urban Service Area Land Use Plan identifies this property for "low density residential "uses. This GDP proposes a low density residential development. An annexation petition is being considered concurrent with this application. In addition, a petition to zone 2.21 acres of the site R-1X (Mixed Single Family Extra) district is being considered concurrently.

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

Proposed lot sized, and density appear consistent with the land use designation and should be compatible with existing and future use of adjacent lands.

The public road access at CR 2 may need to be re-aligned to intersect at right angles and to align with the Shannon Oaks access to the south. This intersection currently has substandard sight distance. Olmsted County Public Works plans to re-grade this segment of CR 2 in 2005. Development of this property will need to be concurrent with, or following, improvements to CR 2 to correct the substandard sight distance.

The adjacent parcel to the east has potential for future re-subdivision. In an effort to plan for long term development in the area, and to minimize access locations and provide increased intersection spacing along CR 2, this GDP should be revised to identify an access to the parcel to the east. This access could either be via a public road right-of-way or a permanent access easement recorded to provide ingress/egress to the adjacent parcel.

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

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This development includes both single family detached and single family attached homes.

The Rochester Urban Service Area Land Use Plan designates this property as appropriate for "low density residential" types of uses. Uses proposed on the property would be consistent with the current land use designation. The mix of housing would help further the policies and goals found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, which encourage developing a range of densities and development styles. This development could also help to further goals and policies found within Chapter 3 of the Housing Plan to increase the supply of housing.

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.

It does not appear as though this development is impacted by Official Street Maps. The Plan does recognize future improvements to CR 2/Viola Road and identifies the current and the proposed centerline, future bituminous path and additional right-of-way.

The public road access at CR 2 may need to be re-aligned to intersect at right angles and to align with the Shannon Oaks access to the south. This intersection currently has substandard sight distance. Olmsted County Public Works plans to re-grade this segment of CR 2 in 2005. Development of this property will need to be concurrent with, or following, improvements to CR 2 to correct the substandard sight distance.

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.

The public road access at CR 2 may need to be re-aligned to intersect at right angles and to align with the Shannon Oaks access to the south. This intersection currently has substandard sight distance. Olmsted County Public Works plans to re-grade this segment of CR 2 in 2005. Development of this property will need to be concurrent with, or following, improvements to CR 2 to correct the substandard sight distance.

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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.

   Utilities will be extended from their present ends. Sanitary sewer is in the southeast corner of the property. Gravity flow sanitary sewer is not available for this entire development. A private lift station is proposed to pump waste to CR 2/Viola Road and west toward the City. The lift station will need to be on a separate Outlot, when the property is platted.

   Water is proposed to be extended from Providence Addition, to the west.

   This site generally drains from south to north. On site detention is not planned at this time. The applicant is proposing to participate in the City's Storm Water Management Plan. Public Works has, however, stated that on-site sedimentation detention control may be required.

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

   At the time of platting, controlled access will be required along the entire frontage of CR 2/Viola Road.

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.

   Sidewalk will be required on both sides of all new public roadways. In addition, a 10' wide bituminous path is required along CR 2/ Viola Road.

   Parkland dedication for this development will need to be met via cash in lieu of land.

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.

This site generally drains from south to north. On site detention is not planned at this time. The applicant is proposing to participate in the City's Storm Water Management Plan. Public Works has, however, stated that on-site sedimentation detention control may be required.

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 Rochester Urban Service Area Land Use Plan identifies this property for "low density residential "uses. This GDP proposes a low density residential development. An annexation petition is being considered concurrent with this application. In addition, a petition to zone 2.21 acres of the site R-1X (Mixed Single Family Extra) district is being considered concurrently.

In general, the lot, block and street layout for the development and the proposed density are consistent with the Ordinance. Specific site plans will be reviewed at a later date for the proposed townhomes, at which time compliance with zoning standards will be checked. The public road access at CR 2 may need to be re-aligned to intersect at right angles and to align with the Shannon Oaks access to the south. Additionally, turn lanes will be required at this access, from CR 2. This intersection currently has substandard sight distance. Olmsted County Public Works plans to re-grade this segment of CR 2 in 2005. Development of this property will need to be concurrent with, or following, improvements to CR 2 to correct the substandard sight distance.

The adjacent parcel to the east has potential for future re-subdivision. In an effort to plan for long term development in the area, and to minimize access locations and provide increased intersection spacing along CR 2, this GDP should be revised to identify an access to the parcel to the east. This access could either be via a public road right-of-way or a permanent access easement recorded to provide ingress/egress to the adjacent parcel.

Recommendation:

Staff recommends approval subject to the following conditions and/or modifications:

1. ***This GDP shall be revised to identify an access to the parcel to the east. This access could either be via a public road right-of-way or a permanent access easement recorded to provide ingress/egress to the adjacent parcel.***

2. ***The public road access at CR 2 will need to be re-aligned to intersect at right angles and to align with the Shannon Oaks access to the south. This intersection currently has substandard sight distance. Development of this property will need to be concurrent with, or following, improvements to CR 2 to correct the***

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substandard sight distance. At the time of development turn lanes will be required from CR 2.

3. *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; substandard street reconstruction charges and Transportation Improvement District charges, stormwater management, park dedication, pedestrian facilities, right-of-way dedication, dedication of controlled access, access and extension of utilities for adjacent properties, phasing of development and contributions for public infrastructure.*

4. *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, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, and ownership & maintenance of the proposed Private Lift Station.*

5. *This GDP narrative indicates that the Owner will request to participate in the City's Storm Water Management Plan (SWMP) in lieu of providing on-site storm water detention. On-site sedimentation detention control may be required, and a Storm Water Management fee will be applicable for the benefit of participation in the City's SWMP.*

6. *At the time of Platting: the private lift station shall be platted on a separate Outlot; execution of an Ownership and Maintenance Agreement will be required for the private lift station and forcemain sanitary sewer; dedication of controlled access will be required for the entire frontage of CR 2, with the exception of an approved public road access.*

7. *Pedestrian facilities are required along both sides of all new pubic roads, including the frontages abutting any publicly dedicated Outlots. In addition, a 10' wide bituminous path is required along the north side of CR 2/Viola Road.*

8. *Parkland dedication shall be met via cash in lieu of land per the January 17, 2003 memorandum from Rochester Park and Recreation.*

9. *Extension and connection of watermain must be provided per the requirements of RPU.*

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GGG Inc.

Engineering Surveying & Planning

14070 Hwy 52 SE Chatfield, MN 55923
Phone: 507-867-1666
Fax: 507-867-1665

January 15, 2003

Rochester/Olmsted Planning & Zoning
2122 Campus Dr. SE
Rochester, MN 55904

Re: Written Summary Addressing the General Development Plan for Viola Hills Subdivision

Dear Planning & Zoning Department:
We are representing the property to be known as Viola Hills Subdivision. This is a summary of the topographic, drainage, and utility conditions for the site at this time.

a) The soils consist of a silt loam with moderate to steep slopes (see attached soil map). We intend on cutting down the tops of the knobs on the property which will make for suitable walkout lots on the cul-de-sac without having to place fill material on the existing sideslopes. This will help minimize the area that will be disturbed and also maintain the integrity of the existing soils.
There is one area in the approximate location of the drainage channel across Lots 2 and 3 that may be a small wetland. This will be further examined when soil borings can be taken and vegetation types determined. If needed, a wetland delineation will be turned into the proper governmental units at that time.
b) Drainage and storm water should not be a problem for this site. All of the property provides plenty of relief for stormwater flows. However, due to the many directions that the stormwater can flow without reaching a common point, collection in a stormwater pond does not look feasible.
c) There are currently two drainage ditches running across this property. Additional stormwater flows will make their way into these ditches with further development in this region. We will be working with the City and adjoining properties to ensure the downstream properties aren't adversely affected by this and other developments in the area.
d) Utilities to serve this site are relatively close. There is a water tower directly across the road and sanitary sewer is in the intersection of Schaeffer Lane, approximately 300 feet to the west. A preliminary water layout has been worked out with RPU and can be adjusted as needed. The sanitary sewer in this development will need to include a lift station. The exact location of this lift station, its connection point, and the answer to whether it will be private or public will be worked out at a later date.
e) This site and adjacent properties can be protected during the grading of the lots with common erosion control methods that will ensure proper soil stabilization and re-vegetation.
f) This project will be graded, utilities installed, and roadways constructed in one construction phase.

Sincerely,

Mark R. Welch

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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 General Development Plan #200 and has the following comments:

- ***Olmsted County access permit will be required for review and Comment.***
- ***Access shall be opposite access on south side of CSAH 2.***
- ***Turn lanes will be requested at this access.***

Sincerely,

Michael Sheehan
County Engineer

MTS:ss

T:\PWDATA\ENGINDOC\PLANZONE.DOC

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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 General Development Plan #200 for the proposed Viola Hills Subdivision. 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, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, and ownership & maintenance of the proposed Private Lift Station.
2. 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 detention control may be required, and a Storm Water Management fee will be applicable for the benefit of participation in the City's SWMP.
3. The proposed lift station shall be platted on a separate Outlot.
4. Execution of an Ownership & Maintenance Agreement will be required for the private lift station & forcemain sanitary sewer.
5. Pedestrian facilities are required at the Owner's expense along both sides of all new public roads within this development. In addition, the Owner is obligated for providing a 10 foot wide bituminous pedestrian path along the entire frontage of CSAH 2 (Viola Rd NE).
6. Dedication of controlled access will be required through the platting process for the entire frontage of CSAH 2 (Viola Rd NE), with the exception of the proposed public road access.
7. Execution of a City-Owner Contract will be required prior to construction of any public infrastructure to serve this property.
8. The proposed public roadway shall intersect Viola rd NE at a 90 degree angle and line up with the access for Shannon Oaks.

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.
- Storm Water Management - TBD

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ROCHESTER PARK AND RECREATION DEPARTMENT

MEMORANDUM

DATE: January 17, 2003

TO: Jennifer Garness
Planning

SUBJECT: Viola Hills General Development Plan #200

Parkland dedication for the development should be in the form of cash in lieu of land.

O:\DSTOTZ\2003\PARK DEDICATION\NE2896\VIOLA HILLS GDP.DOC

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rpu

we pledge, we deliver

January 28, 2003

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

REFERENCE: General Development Plan #200 by Todd Ustby to be known as Viola Hills Subdivision.

Dear Ms. Garness:

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

1. This area is within the North East High Level Water System Area, which is currently available approximately 300' west at the intersection of Schaeffer Lane and Viola Road NE where there is a Viola Road crossing. It will also be available in the future at the NW plat corner from a planned Schaeffer Academy extension.
2. Static water pressures within this area will range from the mid 40's to upper 50's PSI depending on final grades.
3. The water main in the westerly cul-de-sac street must be extended to the NW plat corner for the planned future loop through Schaeffer Academy property mentioned in item #1 and water service must be extended to adjacent properties per our requirements.

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
GGG Engineering
Todd Ustby

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

178

ROCHESTER FIRE DEPT.

The hand to reach for...

DAVID A. KAPLER
Fire Chief

DATE: January 30, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher
Fire Protection Specialist

SUBJ: General Development Plan #200
Viola Hills 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".

   - 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.

c: Donn Richardson, RPU, Water Division
GGG Engineering
Todd Ustby

WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Zoning District Amendment #03-02 - Todd Ustby

- [x] 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.
- [x] 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

180

/

GGG Inc.

14070 Hwy 52 SE Chatfield, MN 55923
Phone: 507-867-1666
Fax: 507-867-1665

February 8, 2003

Planning Staff
Olmsted County Planning & Zoning
2122 Campus Drive SE
Rochester, MN 55904

Re: Viola Hills Subdivision

Dear Planning Staff,
We recently received the staff recommendations for Viola Hills Subdivision. I would like to work out two items before we get to the meeting on Wednesday.

Item #1:
Request to provide access to the east for future subdivision via public road right of way or a permanent access easement.

This is a request that we feel don't feel falls under the responsibilities of the developer. A closer look at the property to the east may explain our position: *(Attached is a drawing showing the property with contours to show the house and grades around the property.)* The parcel to the east contains approximately 1.45 acres of property outside the CR#2 right of way. There is currently one house (in very good condition) on the property. The back of this house is approximately in line with the extension of lots 2 and 3 on our general development plan. If you create a lot line 25 feet behind the house (minimum setback), half of the property goes to the existing house. The natural grade of the land behind this house drops at a 10% to 12% grade to the north property line.
The parcel just isn't large enough or flat enough to develop as it sits. If we were required to provide access, the most lots that could be created would be three and that would be at great cost and totally ruin the value of the existing house. Additionally, the property falls off substantially so that it could not be sewered without a lift station itself. The lots created probably wouldn't cover the costs of the necessary improvements and definitely would be well below the value of the lots in Osjor Estates, Shannon Oaks or Viola Hills Subdivision. If this request is being made to remove the existing driveway onto CR#2, then additional right of way needs to be purchased for the reconstruction of CR#2 and a driveway constructed fronting the right of way. This scenario would not be relative to our general development plan but we would work with the parties involved should this be needed. Please review your request and substantiate the need to supply an access for the adjoining property to the east.

Item #2:
Request that development of the property be concurrent with, and/or following improvements to CR#2 to correct substandard sight distance.

We would like to propose a temporary access at the southwest corner of the property. This would alleviate any current sight distance concerns and allow development prior to the County's reconstruction project. This could also provide a secondary access during the reconstruction of CR#2. If at all possible, we would like to explore the option of participating with the county in the improvements to CR#2 and construction of the bike path and turning lane. This could help lower the costs of construction for all parties and provide a better finished product. Participating with the county in the construction costs is an item that can be worked out during approval of construction plans and the development agreement. Our concern is that if CR#2 does not get construction in 2005, we would be pushed off until the road is reconstructed. We do not wish to be put in a position to have wait indefinitely.

Sincerely,

Mark R. Welch

CC: Todd Ustby – developer
Rad Nasrin – owner

123.50'
2.00'
BUILDING
LOCATION
REMOVED
30
20.00
180.69'
33
181.24'
10.00'
DRAINAGE
EASEMENT
2
181.79'
1232
1234
187.42'
pathway
UNPLATTED
230
LOT 2
LOT 1
1"=60'

183

3688 Valley Ridge Ct NE
Rochester. MN 55906

tony@tcpamn.org

February 11, 2003

RE: Annexation Petition #03-01 by Rad Nasrin

Theresa Fogarty, Planner
Rochester-Olmsted Planning Department
2122 Campus Drive SE,
Suite 100
Rochester, MN 55904

Haverhill Township has reviewed the Annexation Petition # 03-01 and the General development plan and has the following concerns which must be addressed before approval:

- Haverhill Township is experiencing severe water storm erosion in the watershed area north of this property caused by all the additional development in Section 19 and 20. There are no provisions for storm water control in the General Development Plan of this property. I do not believe that this plan meets the requirements for storm water control.

- The site distance for the access road is unsafe on Viola Road. Shannon Oaks had the same problem and they were required to put in a temporary entrance.

We oppose the annexation until these concerns are addressed.

Tony Ebert
Haverhill Township

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Mr. Staver moved to recommend approval of Annexation #03-04. Ms. Petersson seconded the motion. The motion carried 7-0.

Annexation Petition #03-05 by West 19 Development, LLC to annex approximately 56.44 acres of land located north of the Dakota Minnesota & Eastern Railroad along US Highway 14 West and east of 50th Avenue NW. The property is located in a part of the NW ¼ of Section 29 of Cascade Township.

Mr. Burke moved to recommend approval of Annexation Petition #03-05 by West 19 Development, LLC. Ms. Petersson seconded the motion. The motion carried 7-0.

CONTINUED ITEMS:

Ms. Wiener asked if the Commission could hear all three continued items simultaneously.

Mr. Svenby responded yes.

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.

AND

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.

Mr. Brent Svenby presented the staff reports, dated January 30, 2003 and February 6, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that the items were continued at the last meeting due to the proposed access location to Viola Road NE. He stated that there was not good sight distance. At this point, the County has it in the CIP to regrade Viola Road NE in 2005. The applicant's consultant has been working with the County engineer in obtaining a temporary access to the property. He showed where it was located (westerly portion of site).

Mr. Svenby explained that Ms. Baker revised the staff recommended conditions for the general development plan and asked that the Commission act on the revised conditions that were handed out to them.

Ms. Rivas asked why there needed to be sidewalks on both sides, due to the roadway being short.

Mr. Svenby explained that the Ordinance requires that sidewalks be located on both sides of the street.

The applicant's representative, Mark Welch of GGG Engineering (14070 Highway 52 SE, Chatfield MN 55923), addressed the Commission. He stated that the applicant was in agreement with the revised staff-recommended conditions. He explained that there would be a sedimentation pond on site.

Ms. Kathleen Tarara, of 3516 Ogden Court NE, Rochester MN, addressed the Commission. She asked where the sedimentation pond would be located.

Mr. Welch showed where the existing watersheds were located. He showed the location of the pond at the end between the two bulbs.

Mr. Tony Ebert, Haverhill Township Chair, addressed the Commission. He expressed concern about stormwater management in the area. He explained the current erosion problems that exist. He indicated that Shannon Oaks was currently having problems controlling their stormwater management. He wanted the Commission to make sure that the proposed development could handle their water and the water from Shannon Oaks.

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

Mr. Svenby noted that the Commission should note in their motion that it be consistent with the zoning district amendment for 2.21 acres to be zoned R-1x.

Mr. Haeussinger moved to recommend approval of Annexation Petition #03-01 by Rad Nasrin, with the notion that 2.21 acres be consistent with Zoning District Amendment #03-02. Mr. Staver seconded the motion. The motion carried 7-0.

Mr. Haeussinger moved to recommend approval of Zoning District Amendment #03-02 by Todd Ustby with the staff-recommended findings. Mr. Staver seconded the motion. The motion carried 7-0.

Mr. Haeussinger moved to recommend approval of General Development Plan #200 by Todd Ustby to be known as Viola Hills Subdivision with the staff-recommended findings and conditions. Mr. Quinn seconded the motion. The motion carried 7-0.

CONDITIONS:

1. **The public road access at CR 2 will need to be re-aligned to intersect at right angles and to align with the Shannon Oaks access to the south. This intersection currently has substandard sight distance. Unless a temporary access is provided to Schaeffer Lane or other temporary access is approved by Olmsted County Public Works, development of this property will need to be concurrent with, or following, improvements to CR 2 to correct the substandard sight distance. At the time of development turn lanes will be required from CR 2.**

2. **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, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, and ownership & maintenance of the proposed Private Lift Station.**

3. **This GDP narrative indicates that the Owner will request to participate in the City's Storm Water Management Plan (SWMP) in lieu of providing on-site storm water detention. On-site sedimentation detention control may be required, and a Storm Water Management fee will be applicable for the benefit of participation in the City's SWMP.**

4. **At the time of Platting: the private lift station shall be platted on a separate Outlot; execution of an Ownership and Maintenance Agreement will be required for the private lift station and forcemain sanitary sewer; dedication of controlled access will be required for the entire frontage of CR 2, with the exception of an approved public road access.**

5. **Pedestrian facilities are required along both sides of all new pubic roads, including the frontages abutting any publicly dedicated Outlots. In addition, a 10' wide bituminous path is required along the north side of CR 2/Viola Road.**

6. **Parkland dedication shall be met via cash in lieu of land per the January 17, 2003 memorandum from Rochester Park and Recreation.**

7. **Extension and connection of watermain must be provided per the requirements of RPU.**

PUBLIC HEARINGS:

General Development Plan #194 and Zoning District Amendment #02-14, by Chris Adamson/Truckin America. The applicant is proposing to re-zone Lot 1, Block 3 Pennington Business Park Sixth from B-1 to B-4 to permit additional outdoor display and sales. The property proposed for re-zoning is directly south of the existing Truckin America business along the east frontage road of TH 52, between 55th St. NW and 41st St. NW.

Mr. Brent Svenby presented the staff reports, dated February 20, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby stated that a neighborhood meeting was held. However, no one from the public attended the meeting.

Discussion ensued regarding where Pennington Drive would lead.

The applicant's representative, Wade DuMond of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN), addressed the Commission. He explained that there was a drainage easement across the entire property, which limited them of what they could do with the property.

REQUEST FOR COUNCIL ACTION

MEETING DATE: 03-17-03 187

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-8
ITEM DESCRIPTION: Annexation Petition #03-04 by the owners of Lots 1, 2, 11, 12 and 13 Osjor Estates 3rd Subdivision. The applicants request annexation to the City of Rochester. The area to be annexed includes Lots 1, 2, 11, 12, and 13 Osjor Estates Third Subdivision and the abutting road right-of-way. The properties are located in Sections 20 and 29 Haverhill Township and includes approximately 6 acres of land.		**PREPARED BY:** Theresa Fogarty, Planner

March 12, 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 the sewer through the City's Water Quality Protection Program and waterlines which are currently available on the south side of Viola Road NE, just east of 35th Avenue NE intersection. The Planning Commission therefore recommends approval of this request.

Mr. Staver moved to recommend approval of Annexation Petition #03-04.
Ms. Petersson 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 **$519.55.**

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. 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 17, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
7. WHKS & Company

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

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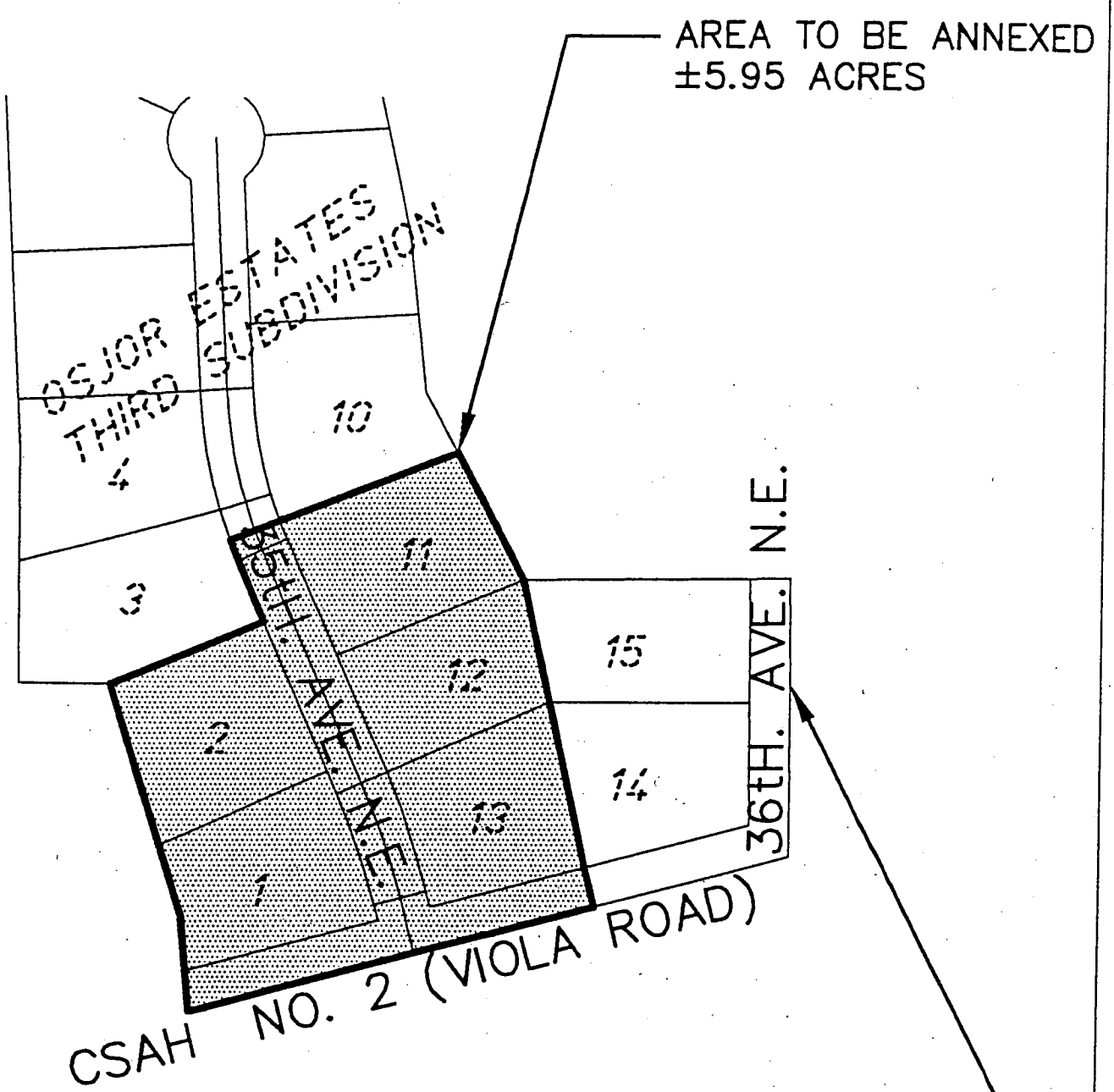
ANNEXATION EXHIBIT



RECEIVED
JAN 30 2003
ROCHESTER OLMSTED
PLANNING DEPARTMENT

SCALE:	1" = 200'
DRAWN BY:	BWC, MRD
DATE:	09/13/02
PROJECT NO.	6202
CADD NO.	6202 BWC

FOR:

CITY OF ROCHESTER
ROCHESTER, MINNESOTA

WHKS & CO.
ENGINEERS — PLANNERS — LAND SURVEYORS

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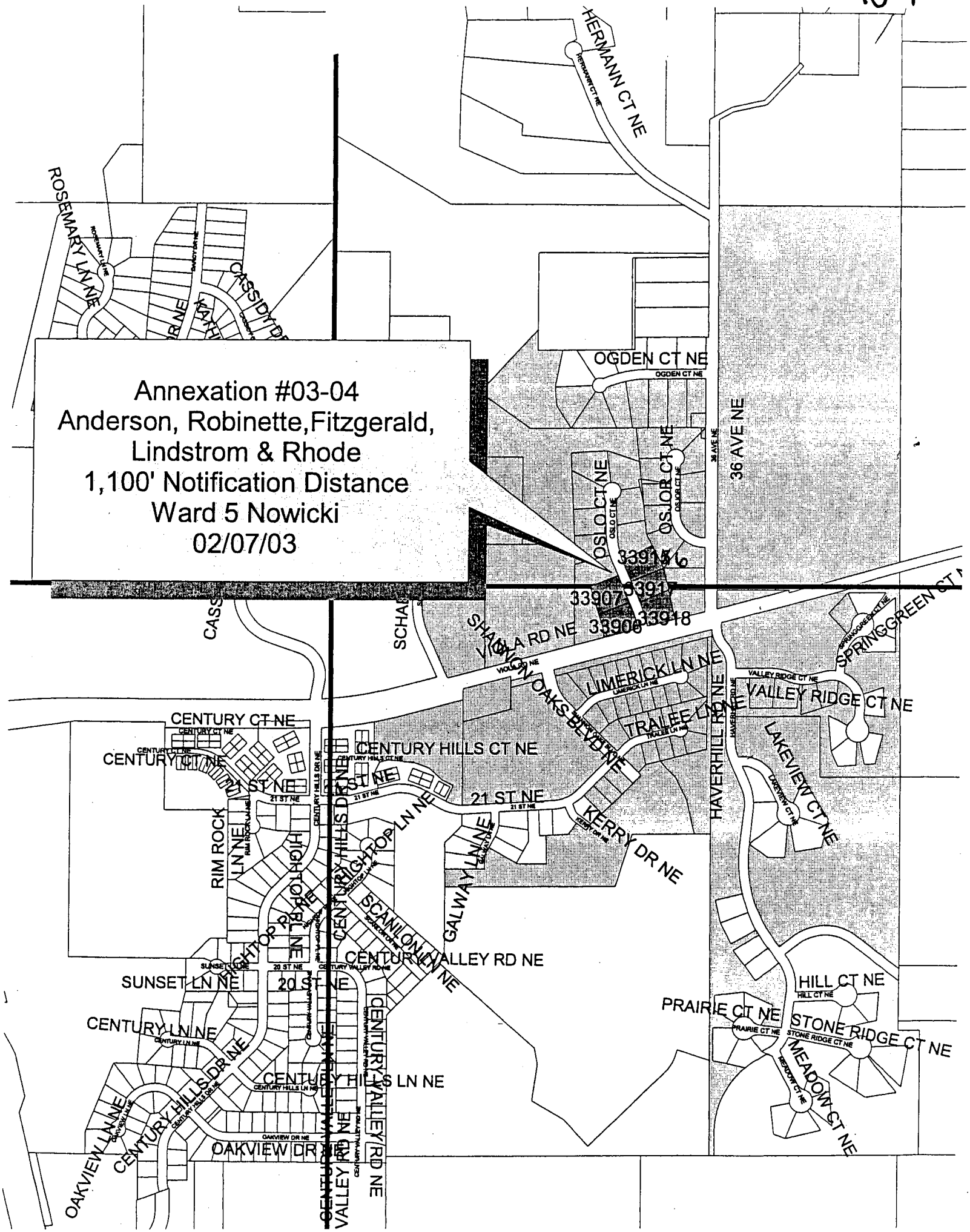
Annexation #03-04
Anderson, Robinette,Fitzgerald,
Lindstrom & Rhode
1,100' Notification Distance
Ward 5 Nowicki
02/07/03
HERMANN CT NE
ROSEMARY LN NE
CASSIDY DR
OGDEN CT NE
36 AVE NE
OSLO CT NE
33914
33907
33918
33906
VIOLA RD NE
SHARON OAKS BLVD NE
LIMERICK LN NE
TRALEE LN
VALLEY RIDGE CT NE
SPRINGGREEN CT
LAKEVIEW CT NE
HAVERHILL RD NE
CENTURY CT NE
CENTURY HILLS CT NE
21 ST NE
KERRY DR NE
RIM ROCK LN NE
HIGHTOP LN NE
CENTURY HILLS DR NE
SCANILON LN NE
GALWAY LN NE
CENTURY VALLEY RD NE
SUNSET LN NE
20 ST NE
CENTURY LN NE
CENTURY HILLS LN NE
OAKVIEW DR NE
OAKVIEW LN NE
CENTURY VALLEY RD NE
HILL CT NE
PRAIRIE CT NE
STONE RIDGE CT NE
MEADOW CT NE

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

Minutes of the regularly scheduled meeting of the City Planning and Zoning Commission held on Wednesday, February 26, 2003, at 7:00 p.m. in the Council/Board Chambers of the Government Center, 151 4th Street SE, Rochester, MN.

Members Present: Ms. Lisa Wiesner, Chair; Mr. Michael Quinn, Vice Chair; Ms. Mary Petersson; Ms. Leslie Rivas; Mr. Randy Staver; Mr. Robert Haeussinger; and Mr. James Burke

Members Absent: Mr. John Hodgson and Mr. Paul Ohly

Staff Present: Mr. Brent Svenby and Ms. Jennifer Garness

Other City Staff Present: Ms. Pat Alfredson, City Attorney

ADMINISTRATIVE BUSINESS:

Mr. Haeussinger made a motion to approve the minutes of February 12, 2003, with the revision that Ms. Petersson adjourned the meeting. Mr. Staver seconded the motion. The minutes from February 12, 2003 were approved unanimously.

Mr. Svenby asked that the memo from CUDE (regarding nonresidential parking standards) be discussed under "Other Business."

Ms. Wiesner clarified that Annexations #03-03, #03-04, and #03-05 were not public hearing items and asked the Commission to move them to the head of the agenda.

Ms. Petersson made a motion to approve the agenda, hearing Annexations #03-03, #03-04, and #03-05 ahead of the "Continued Items" and adding a discussion under "Other Business" with regard to the memo submitted from CUDE. Ms. Rivas seconded the motion. The motion carried unanimously.

ANNEXATIONS:

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.

Annexation #03-04 by the owners of Lots 1, 2, 11, 12, 13 Osjor Estates 3rd Subdivision. The applicants request annexation to the City of Rochester. The area to be annexed includes Lots 1, 2, 11, 12, and 13 Osjor Estates Third Subdivision and the abutting road rights-of-way. The properties are located in Sections 20 and 29 Haverhill Township and include approximately 6 acres of land.

Mr. Staver moved to recommend approval of Annexation #03-04. Ms. Petersson seconded the motion. The motion carried 7-0.

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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 #03-04 by the owners of Lots 1, 2, 11, 12 and 13 Osjor Estates 3rd Subdivision. The applicants request annexation to the City of Rochester. The area to be annexed includes Lots 1, 2, 11, 12 and 13 Osjor Estates Third Subdivision and the abutting road right-of-way. The properties are located in Sections 20 and 29 Haverhill Township and includes approximately 6 acres of land.

Planning Department Review:

Applicants/Owners:

Max and Lorene Robinett
2502 Oslo Court NE
Rochester, MN 55906

Larry and Connie Fitzgerald
2511 Oslo Court NE
Rochester, MN 55906

Bruce and Nancy Rohde
2510 Oslo Court NE
Rochester, MN 55906

Larry and Linda Anderson
2503 Oslo Court NE
Rochester, MN 55906

Dean and Ruth Lindstrom
2604 Oslo Court NE
Rochester, MN 55906

Consultant / Engineer:

WHKS & Company
2905 South Broadway Street
Rochester, MN 55904

Location of Property:

The property is located north Shannon Oaks Subdivision along Viola Road (CR 2).

Existing Land Use:

This property is currently a platted subdivision, Osjor Estates Third.

Size:

The property proposed for annexation is approximately 6 acres of platted land. Each lot is approximately ½ acre in size.

Existing Zoning:	The property is zoned R-1 (Residential) 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:	This 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 southern boundary.
Sewer & Water:	This area is within the Northeast High Level Water System area, which is currently available on the south side of Viola Road NE, just east of 35th Avenue NE intersection. Approximately static pressures will range from 40 to 53 PSI. The petitioned area can be served by City Sanitary Sewer through the City's Water Quality Protection Program (WQPP).
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.
Fire Department:	All buildings are required to display the proper street address number on the building front. 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 suggested.
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 17, 2003. The City Clerk has sent the certified 30 day notice.
Referral Comments:	1. Rochester Public Utilities - Water Division 2. Rochester Public Works Department 3. Rochester Fire Department
Report Attachments:	1. Annexation Map 2. Location Map 3. Referral Comments (3letters) 4. Copy of letter from Tony Ebert, Haverhill Townboard, dated September 24, 2002.

Staff Recommendation:

This property is adjacent to the City limits and can be served by city services upon extension of the sewer through the City's Water Quality Protection Program and water lines which are currently available on the south side of Viola Road NE, just east of 35th Avenue NE intersection. 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 #03-04 by the owners of Lots 1, 2, 11, 12 & 13 Osjor Estates 3rd Subdivision to annex these lots and the abutting road right-of-way approximately 6 acres.

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 Northeast High Level Water System Area, which is currently available on the south side of Viola Rd NE just east of 35th Ave NE intersection. Approximate static pressures will range from 40 to 53 PSI.

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
Max & Lorene Robinett
Bruce & Nancy Rohde
Larry & Connie Fitzgerald
Larry & Linda Anderson
Dean & Ruth Lindstrom
WHKS & 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

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 #03-04 for Lots 1,2,3,11,12,& 13, Osjor Estates 3rd. The following are Public Works comments on the proposal:

1. A petition has been received by the Owners, to serve this property with Sanitary Sewer through the WQPP. The petition area can be served by City Sanitary Sewer.

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ROCHESTER FIRE DEPT.

The hand to reach for...

DAVID A. KAPLER
Fire Chief

DATE: February 7, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJECT: Annexation Petition # 03-04
Lots 1, 2, 11, 12, 13 of Osjor Estates 3rd Subdivision.

With regard to the above noted annexation petition plan, the fire department has the following requirement:

1. 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

201 4th Street SE, Room 10 - Rochester, MN 55904-3726 - (507) 285-8072 - FAX (507) 280-4721

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City of Rochester
City Administrator's Office

Memo

To: Mayor and City Council

From: Gary Neumann

Date: September 30, 2002

Re: Potential Annexation of Osjor Estates 6 properties

As you will recall, 5 or 6 property-owners in Osjor Estates want to obtain municipal sewer under the WQPP program. However, the Township Board has previously indicated that they will not enter into an Orderly Annexation agreement to cooperate on this project. The properties involved are contiguous to the City and could request immediate annexation. At the present time, the property-owners are considering whether or not to request annexation at this time, to wait until next spring, or to drop the matter entirely.

I received the attached letter today from Tony Ebert of Haverhill Township explaining the Township's position not to enter into an Orderly Annexation agreement and the Township's request that the City not annex the properties if the City is requested to do so by the property-owners. I am providing you with a copy of the Township letter for your information.

Enclosure

cc: Stevan Kvenvold
Richard Freese
Jim Loehr

197 /

3688 Valley Ridge Ct NE
Rochester. MN 55906

September 24, 2002

John Huntsinger,
City Council Members
201 4th Street SE
Rochester, MN 55904

Subject: Response to letter from James Loehr dated August 30, 2002 to the Haverhill Town Board.

Five residents from Osjour Estates Subdivision requested annexation of their properties to the City of Rochester by an Orderly Annexation Agreement between Haverhill Township and the City. At the September 18th Haverhill Town Board meeting the decision of the Board was to not enter into an Orderly Annexation with Rochester and to oppose any efforts of annexation of these five properties for the following reasons:

The Osjor Subdivision, consisting of over 40 homes, were offered an opportunity to participate in Rochester's Water Quality Program. After a number of meetings and research by the Homeowners Association they voted to **not request annexation** by a majority vote. Haverhill Board members would have respected and supported their vote if they decided to take advantage of the Water Quality Program. We believe that decision should be respected and we believe that City Council should respect that vote.

The Subdivision should not be split by annexation. Subdivisions are created as a whole with a common infrastructure, a common community purpose, and single governing entity. In the case of Osjour Estates they are served by a common water well system controlled by a neighborhood homeowners association.

The roads in the Subdivision are all platted township roads and splitting the Subdivision would cause maintenance, taxing and assessment issues.

We do not believe that Minnesota State Annexation Laws intended subdivisions to be split and served by two different governing bodies. We do not recall any instances where the city has annexed only a few houses of a subdivision in this manner. There have been a few instances where individual lots of a subdivision were annexed but these were exceptional circumstances and were the appropriate decisions.

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A survey by University of Minnesota (Ken Olsen) confirmed that the majority of septic systems in the Osjour subdivision are in good working order and the few with minor problems can be rectified on their existing properties. With proper maintenance these septic systems can last for 10 to 20 additional years or longer. Of the five properties that are requesting annexation, only one is experiencing septic problems. That owner can fix the problem by moving his drain field to a different location on his property. Lawler Environmental and the Townships Septic Inspector have verified this. If the problem could not be fixed on the property the Township would welcome a solution by the City to provide sewer hookup.

(We note in the report by staff that the area to be annexed is 7.04 acres and contains six properties. The feasibility report states, "The lots are approximately ½ acre in size and are unable to absorb the nitrates created from septic systems." **The properties are actually one (1) acre more or less.** They also state that " There is an increasing threat of contamination to the City of Rochester's ground water supply as the existing septic system and **wells begin to fail**" The Osjor Subdivision has one community well that supplies all the homes and because of its size is regulated and inspected as a community well and must adhere to the same regulations that govern City wells.)

Since these septic systems are no threat to Rochester's water recharge area, the monies from a sales tax supported Water Quality Program can be better used in other areas of the Olmsted County that are in danger of contaminating the water recharge area. .

Three of the properties cannot be served by gravity sewer and will require grinders and lift pumps, at additional cost to the City and property owners. Additionally the City and property owners must share $21,000 for roadway restoration in an area where septic systems are not a threat.

The Township believes that a partial annexation of a subdivision in this manner would set a precedence that we are not willing to accept. We also believe that an annexation by ordinance does not allow for annexation or installation of sewer lines in a Township owned road.

The Haverhill Town Board requests the City Council to not support this annexation .

Respectfully,
Tony Ebert
Chairman, Haverhill Town Board

cc: Bruce Rhode, Max Robinett, Dean Lindstrom, Jerome Lawler

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

Minutes of the regularly scheduled meeting of the City Planning and Zoning Commission held on Wednesday, February 26, 2003, at 7:00 p.m. in the Council/Board Chambers of the Government Center, 151 4th Street SE, Rochester, MN.

Members Present: Ms. Lisa Wiesner, Chair; Mr. Michael Quinn, Vice Chair; Ms. Mary Petersson; Ms. Leslie Rivas; Mr. Randy Staver; Mr. Robert Haeussinger; and Mr. James Burke

Members Absent: Mr. John Hodgson and Mr. Paul Ohly

Staff Present: Mr. Brent Svenby and Ms. Jennifer Garness

Other City Staff Present: Ms. Pat Alfredson, City Attorney

ADMINISTRATIVE BUSINESS:

> **Mr. Haeussinger made a motion to approve the minutes of February 12, 2003, with the revision that Ms. Petersson adjourned the meeting. Mr. Staver seconded the motion. The minutes from February 12, 2003 were approved unanimously.**

Mr. Svenby asked that the memo from CUDE (regarding nonresidential parking standards) be discussed under "Other Business."

Ms. Wiesner clarified that Annexations #03-03, #03-04, and #03-05 were not public hearing items and asked the Commission to move them to the head of the agenda.

> **Ms. Petersson made a motion to approve the agenda, hearing Annexations #03-03, #03-04, and #03-05 ahead of the "Continued Items" and adding a discussion under "Other Business" with regard to the memo submitted from CUDE. Ms. Rivas seconded the motion. The motion carried unanimously.**

ANNEXATIONS:

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.

Annexation #03-04 by the owners of Lots 1, 2, 11, 12, 13 Osjor Estates 3rd Subdivision. The applicants request annexation to the City of Rochester. The area to be annexed includes Lots 1, 2, 11, 12, and 13 Osjor Estates Third Subdivision and the abutting road rights-of-way. The properties are located in Sections 20 and 29 Haverhill Township and include approximately 6 acres of land.

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Mr. Staver moved to recommend approval of Annexation #03-04. Ms. Petersson seconded the motion. The motion carried 7-0.

Annexation Petition #03-05 by West 19 Development, LLC to annex approximately 56.44 acres of land located north of the Dakota, Minnesota & Eastern Railroad along US Highway 14 West and east of 50th Avenue NW. The property is located in a part of the NW ¼ of Section 29 of Cascade Township.

Mr. Burke moved to recommend approval of Annexation Petition #03-05 by West 19 Development, LLC. Ms. Petersson seconded the motion. The motion carried 7-0.

CONTINUED ITEMS:

Ms. Wiener asked if the Commission could hear all three continued items simultaneously.

Mr. Svenby responded yes.

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.

AND

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.

Mr. Brent Svenby presented the staff reports, dated January 30, 2003 and February 6, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that the items were continued at the last meeting due to the proposed access location to Viola Road NE. He stated that there was not good sight distance. At this point, the County has it in the CIP to regrade Viola Road NE in 2005. The applicant's consultant has been working with the County engineer in obtaining a temporary access to the property. He showed where it was located (westerly portion of site).

Mr. Svenby explained that Ms. Baker revised the staff recommended conditions for the general development plan and asked that the Commission act on the revised conditions that were handed out to them.

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/17/03

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AGENDA SECTION: PUBLIC HEARINGS Continued from 10/7/2002	ORIGINATING DEPT: Public Works	ITEM NO. E-9
ITEM DESCRIPTION: Hearing: Sanitary Sewer to Serve Six Lots in Osjor Estates 3rd Subdivision Area, J7707		PREPARED BY: J. Loehr

This is a Hearing to consider the following local improvement project:

Project No. M2-33, J7707
"Sanitary Sewer to Serve Lots 1-3 and Lots 11-13 in Osjor Estates 3rd Subdivision Located on Oslo Court NE."

The estimated construction cost and expense of this project are as follows:

Sanitary Sewer	$	40,000
Sewer Service Connections		3,461
Roadway restoration, Seed & Sod		21,154
Sub-Total	$	64,615
Engineering/Interest/Contingencies		19,385
Estimated Project Cost	$	84,000

The project is proposed to be funded from sewer connection charges (Utility Connection Agreements), and from sales tax revenue appropriated to the Water Quality Protection Program.

Annexation
The six lots are located outside the City limits in Haverhill Township.

Since the Haverhill Town Board indicates that they will not enter into an Orderly Annexation with the City of Rochester for annexation of the lots, the property owners are required to petition for annexation prior to the award of a contract for the project.

The property owners requesting City sewer service indicate that they will not petition for annexation until after January 1, 2003.

COUNCIL ACTION REQUESTED:

Continue the Hearing until such time as the City receives a petition for direct annexation of the property to be served by the project, but not later than the City Council's 2nd regularly scheduled meeting in March 2003.

Attachment: Feasibility Report
Letter from the Haverhill Town Board

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

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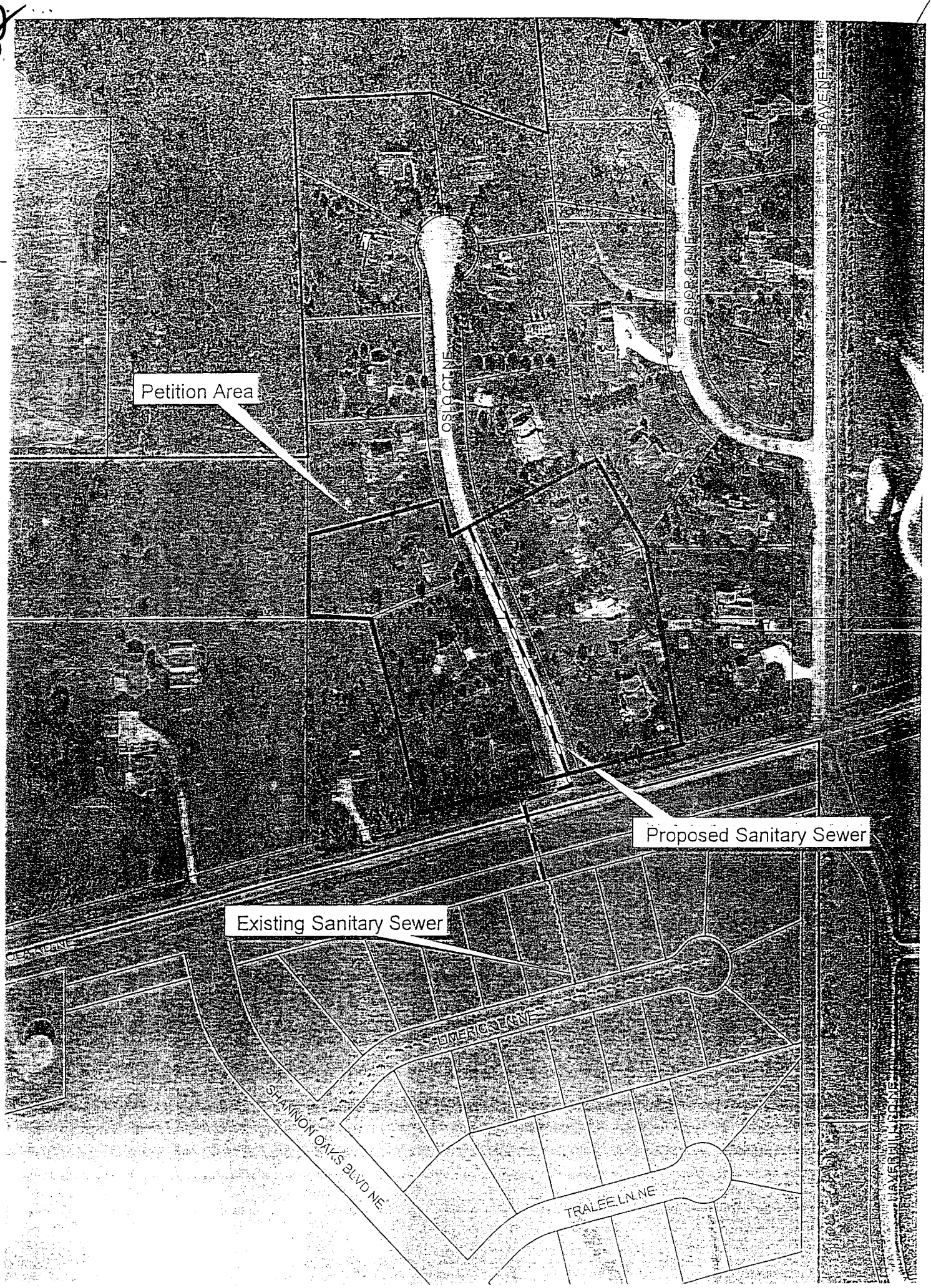
Petition Area
Proposed Sanitary Sewer
Existing Sanitary Sewer
OSLO CT NE
OSLO CIR NE
36 AVE NE
EMERGENT LN
SHANNON OAKS BLVD NE
TRALEE LN NE

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REPORT ON THE FEASIBILITY OF PROPOSED LOCAL IMPROVEMENT PROJECT

SANITARY SEWER TO SERVE LOTS 1-3 AND LOTS 11-13 IN OSJOR ESTATES 3RD SUBD. LOCATED ON OSLO COURT NE.

September 4, 2002

Honorable Mayor & Common Council
City of Rochester, Minnesota

A petition for sanitary sewer and watermain to serve six lots in Osjor Estates 3rd Subdivision located on Oslo Court NE was forwarded by the City Council at their meeting of August 5, 2002 to the Public Works Department for the preparation of a Feasibility Report. The petition was checked and found to be in proper form and was signed by 5 of 6 property owners of lots containing a single-family residential dwelling. This represents 83.3 percent of the single-family residential lots within the Oslo Court Petition Area that are eligible to participate in the City of Rochester, Water Quality Protection Program adopted by the City Council on December 21, 1998.

Feasibility Report

We report that the above referenced project is feasible and recommend its construction. The location of this project is within an area of existing single-family residential development that currently lacks public sanitary sewer and watermain. A majority of the septic systems within the Area were constructed prior to the State of Minnesota and Olmsted County having any requirements or standards for construction of septic systems and wells. The lots are approximately ½ acre in size and are unable to absorb the nitrates created from the septic systems. There is an increasing threat of contamination to the City of Rochester's ground water supply as the existing septic systems and wells begin to fail. This project would allow property owners of lots containing existing single-family residential dwellings to connect to public sanitary sewer system rather than replacing their old systems when they fail.

The costs of this project are proposed to be recovered through sanitary sewer connection charges (Utility Connection Agreements), and sales tax revenue appropriated to the City of Rochester, Water Quality Protection Program for existing single-family residential lots.

The proposed project consists of the installation of 8-inch sanitary sewer lines to serve the six lots located on Oslo Court NE. Osjor Estates is currently served by a private water system. Therefore, the petition only requests sanitary sewer.

Public sanitary sewer is currently available on the south side of Viola Road NE in Shannon Oaks Subdivision. Sanitary sewer will be extended from that location to serve six lots on Oslo Court. Therefore, an extension of trunkline sanitary sewer is not required to serve the Petition Area.

The estimated construction costs and expenses of the project made without completed plans or survey are as follows:

Sanitary Sewer		$ 52,000
Sewer Service Connection Stub-Outs	$750 per service x 6 services	4,500
Roadway Restoration, Seed & Sod		27,500
Estimated Project Cost		$ 84,000

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The estimated project costs are proposed to be funded as follows:

Utility Connection Agreements	$9,500/lot x 6 lots	$ 57,000
Sales Tax Revenue (see below)		27,000
Estimated Cost of the Project		$ 84,000

Amount of sales tax revenue required for the Project:

Sales Tax (Rate Cap and per Lot Cap)	$ 22,500
Sales Tax (Sewer Service Stub-Out Allowances) 6 services x $750/serv	4,500
Estimated Amount of Sales Tax Funding Required for Project Construction	**$ 27,000**

Estimated additional sales tax revenue required for work on private property

The 6 lots within the project area contain a single-family residential dwelling. These lots are eligible for *Allowances* through the Water Quality Protection Program as follows:

Sewer Service Lateral	6 lots x $1,000 per lot	$ 6,000
Septic Closure	6 lots x $ 500 per lot	$ 3,000
Private Force	3 lots x $4,000 per lot	$ 12,000
Estimated Amount of Sales Tax Revenue Required for *Allowances* For Work on Private Property		**$ 21,000**

Estimated sales tax revenue required for construction of Project and *Allowances*

Estimated Amount Sales Tax Revenue for Construction of the Project	$ 27,000
Estimated Amount of Sales Tax Revenue Required for *Allowances*	$ 21,000
Estimated Amount of Sales Tax Revenue Required for Construction of the Project And *Allowances* for Work on Private Property	**$ 48,000**

Average Per Lot Subsidy and Per Lot Sewer Connection Charge

The maximum per lot sales tax subsidy for sanitary sewer only is calculated as follows:

Maximum WQPP per lot subsidy for sewer only = $15,000 x 37/70 = $7,928.57/lot

Public Works recommends a maximum average per lot subsidy for this project be set at $8,000.

Each of the six lots within the project petition area is subject to a minimum Sanitary Sewer Connection Charge of:

Minimum Sanitary Sewer Connection Charge = $9,500 per lot

In the event that the project cost is less than the estimated project cost of $84,000 then the City's average per lot subsidy will be less than the maximum per lot subsidy of $8,000. Each of the six properties will still be subject to a Sanitary Sewer Connection charge of $9,500.

In the event that the project cost exceeds the estimated project cost of $84,000 then the City's average per lot subsidy will be $8,000, and each of the six lots is subject to the minimum Sanitary Sewer Connection Charge of $9,500, plus a proportional share of the project cost in excess of $84,000.

Project Bids and Award of Contract

If the bids received for the project exceed the estimated construction cost of $64,615 then the City will review the bids with each of the six property owners prior to the award of contract for the project. In the event that the owners choose not to proceed with the project then the City shall reject the bids.

We recommend that the necessary funding to construct sanitary sewer and service connections in the Oslo Court NE Petition Area be done so in accordance with the City of Rochester's existing sanitary sewer and watermain connection charge policies and the Water Quality Protection Program. Property owners that desire to participate in the Water Quality Protection Program and the benefits contained therein, are required to:

1. Enter into a Utility Connection Agreement with the City within three (3) years of the date the City awards a contract for the project.
2. Connect the existing single-family residential dwelling to the public sewer system within five (5) years of the date that the City awards a contract for the project.
3. Consent to annexation of their property consistent with the terms and conditions of an Orderly Annexation Agreement between the City of Rochester and Haverhill Township (Orderly Annexation Agreement is currently being reviewed by the Haverhill Town Board for their consideration).

   In the event that an Orderly Annexation cannot be reached between the City and Haverhill Township each of six property owners must petition for annexation prior to a contract being awarded for the project.

Submitted for your consideration:

James M. Loehr,
Water Quality Protection Program
Project Manager

Approved:

Richard Freese,
City Engineer

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BUDGET AND ASSESSMENT SCHEDULE FOR CONSTRUCTION CONTRACT

Project No: M2-33
J No: 7707

Date (Orig.) 09/04/2002

Description: Sanitary Sewer to Serve Lots 1-3 and Lots 11-13 Osjor Estates 3rd Subdivision Located on Oslo Court NE

	Project Budget	Contract Cost	Final Cost
Construction			
Sanitary Sewer	$ 40,000		
Service Connections	3,461		
Roadway Restoration, Seed & Sod	21,154		
Construction Cost	$ 64,615		
Engineering/Interest/Contingency	19,385		
Total Construction & Expense	$ 84,000		
Cost Distribution			
Anticipated Utility Connection Agreements	$ 57,000		
Sales Tax Funding	27,000		
TOTAL	$ 84,000		

Make Initial Disbursement from P. I. R. Fund

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REQUEST FOR COUNCIL ACTION

MEETING DATE: 03-17-03

AGENDA SECTION: HEARINGS	ORIGINATING DEPT: CITY ADMINISTRATION	ITEM NO. E-10
ITEM DESCRIPTION: **Amend the 2002 Action Plan for the City of Rochester's Community Development Block Grant (CDBG) Program.**		PREPARED BY: Theresa Fogarty, CDBG Administrator

March 11, 2003

Prior to amending the City of Rochester's Action Plan, the City Council shall review and approve any amendments through the public hearing process. Pursuant to the regulations of the Department of Housing and Urban Development, the City of Rochester's Action Plan shall be amended whenever it is decided to carry out an activity not previously described in the Action Plan.

The following activity was not previously described in the 2002 Action Plan relating to the use of CDBG funds for Program Administration:

The City of Rochester proposes to use up to $8,000 of CDBG Program Administration funds to contract with an organizational consultant who will coordinate discussion of issues and format recommendations with groups involved in providing housing opportunities within the City of Rochester.

Council Action Needed:

1. **Approve amending the 2002 Action Plan for the Community Development Block Grant allowing up to $8,000 for contracting an organizational consultant.**

Distribution:

1. City Administrator
2. City Clerk
3. CDBG File

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

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REQUEST FOR COUNCIL ACTION

MEETING DATE: 3-17-03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARINGS	PLANNING	E-11

ITEM DESCRIPTION:	PREPARED BY:
Zoning District Amendment #02-14, by Chris Adamson/Truckin America. The applicant is proposing to re-zone Lot 1, Block 3 Pennington Business Park Sixth from B-1 to B-4 to permit additional outdoor display and sales. The property proposed for re-zoning is directly south of the existing Truckin America business along the east frontage road of TH 52, between 55th St. NW and 41st St. NW.	Mitzi A. Baker, Senior Planner

March 10, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on February 26, 2003, to consider this petition.

Mr. Staver moved to recommend approval of Zoning District Amendment #02-14, by Chris Adamson/Truckin America with the staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 7-0.

Planning Staff Recommendation:
See attached staff report.

Council Action Needed:

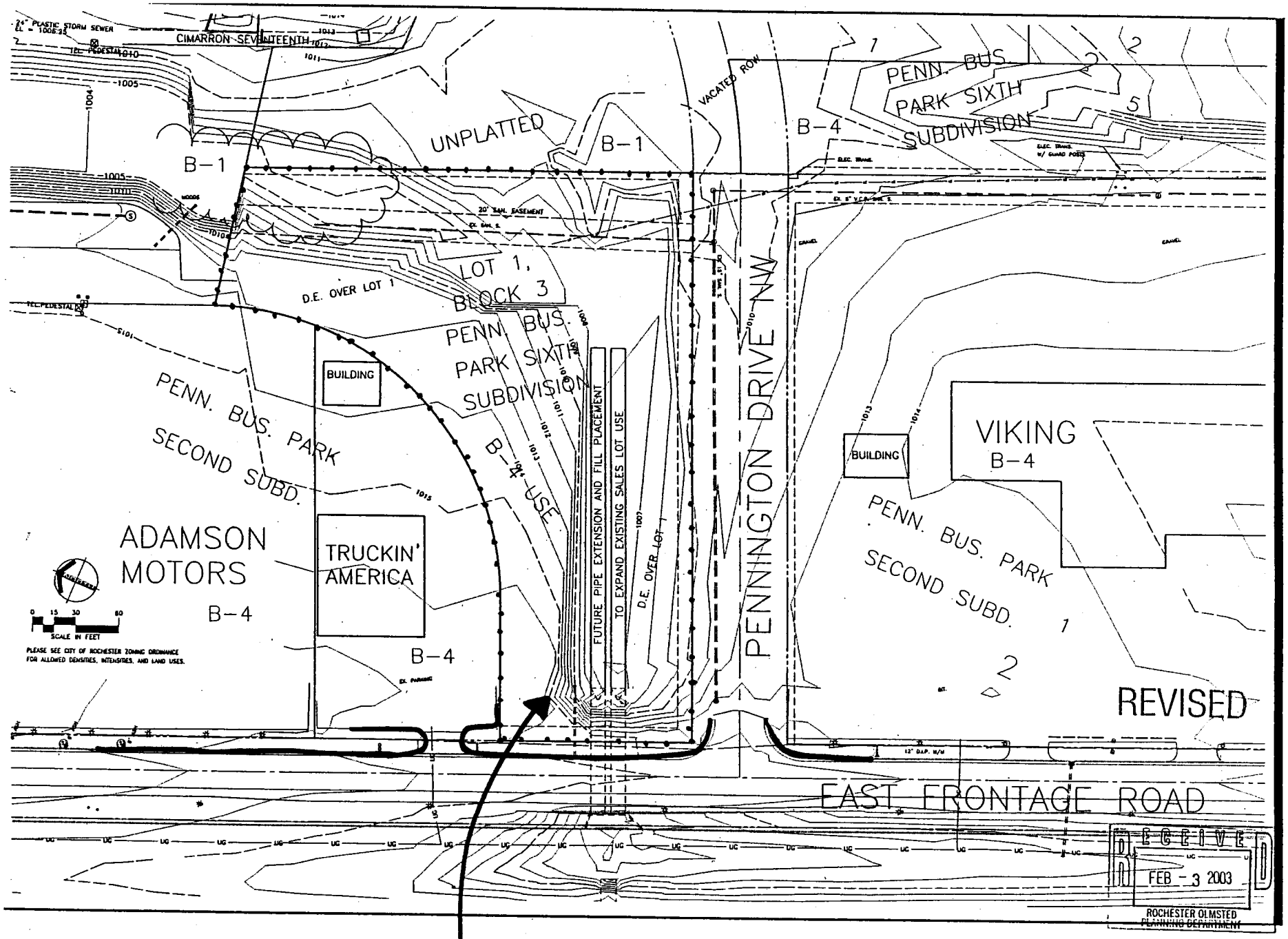
The Council should direct the City Attorney to prepare findings of fact reflecting the Councils decision on this zone change.

If the Council approves this zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property.

Distribution:
1. City Clerk
2. City Administrator
3. City Attorney: Legal Description attached
4. Planning Department File
5. Yaggy Colby Associates
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday March 17, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION:

Motion By: **Seconded By:** **Action:**



PROPOSED GDP & ZONE CHANGE

YAGGY COLBY ASSOCIATES

ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS

717 THIRD AVENUE SOUTHEAST
ROCHESTER, MINNESOTA 55904
507-288-6464
FAX 507-288-3038
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.

TYPE NAME HERE

NUMBER DATE

TRUCKIN' AMERICA
ROCHESTER, MINNESOTA

GENERAL DEVELOPMENT PLAN

PROJECT NUMBER
COMPUTER FILE
DATE 4-03
DRAWN BY MWE
CHECKED BY WD
REVISIONS

SHEET NUMBER
1
OF ONE SHEETS

20

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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 20, 2003

RE: Zoning District Amendment #02-14, by Chris Adamson/Truck'n America. The applicant is proposing to re-zone Lot 1, Block 3 Pennington Business Park Sixth from B-1 to B-4 to permit additional outdoor display and sales. The property proposed for re-zoning is directly south of the existing Truck'n America business along the east frontage road of TH 52, between 55th St. NW and 41st St. NW.

Planning Department Review:

Petitioner: Chris Adamson
Truck'n America
4720 Hwy 52 North
Rochester, MN 55901

Location of Property: The property is located along the east frontage road of TH 52, adjacent to and immediately south of the existing Truck'n America business, which is located at 4720 Hwy 52 North.

Requested Action: The applicant requests 1.83 acres be rezoned from B-1 (Restricted Commercial) to B-4(General Commercial). The GDP proposes expanding B-4 (General Commercial) uses on the site.

Existing Land Use: This property is adjacent to Truck'n America, and is undeveloped. A drainage easement is platted over this entire lot and this parcel has historically functioned as part of an open drainage channel which runs behind the automobile dealerships from Pennington Drive NW to the north.

Proposed Land Use: A General Development Plan is being considered concurrent with this application. The applicant requests 1.83 acres be rezoned from B-1 (Restricted Commercial) to B-4 (General Commercial). The GDP proposes

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	expanding the existing B-4 district located both north and south of this parcel.
Adjacent Land Use and Zoning:	Properties to the east of the drainage ditch are developed with low density residential subdivisions. Properties to the north and south are developed properties in the B-4 (General Commercial) district and primarily consist of automobile dealerships and their incidental uses.
Transportation Access:	There would not be any new public roadways within this development. Access to this site is proposed from the existing driveway serving the Truckin America business and may be available in the future from Pennington Drive NW.
Wetlands:	There are no known Wetlands on this site. A drainage easement is platted over the entire lot, however.
Neighborhood Meeting:	A neighborhood meeting was held on October 28, 2002. No one, other than Truckin America staff, attended the meeting. Therefore, there is no summary of the meeting.
Referral Comments:	1. See comments attached to GDP 194
Report Attachments:	1. Area Zoning Map

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:

   a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;

   b) The area was originally zoned erroneously due to a technical or administrative error;

   c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or

   d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

Proposed B-4:
The Rochester Urban Service Area Land Use Plan designates the drainageway as "Recreation/Open Space", with the abutting areas to the north and south being

designated for "commercial" uses. Proposed modifications to the drainageway to accommodate some level of development in the B-4 district would be consistent with the "commercial" land use designation in this area.

The area has changed. Since 1998 three zone changes were approved from B-1 to B-4, to facilitate expansion of automobile dealerships in this immediate area, which included portions of this same drainageway. Rezoning the property will facilitate expansion of B-4 uses along the frontage road. A drainage easement is platted over the entire parcel included in this petition. The property has historically served as a drainageway for a larger area. The applicant and consultant are coordinating with the Rochester Public Works Department to design an extension of storm sewer pipes that would allow fill to be placed over the pipes to accommodate additional space for commercial land uses. At this time it appears as though the easterly portion of the property is likely to remain an open (not covered) drainage channel. Final design will be approved by the City prior to modifying the site.

2) *The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:*

   a) *the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and*

   Proposed B-4:
   This GDP proposes expanding the B-4 zoning district, located on the north and south sides of this property. Access to the site is proposed from the existing driveway opening on the Truckin' America site, and may also be available from Pennington Drive in the future (currently not constructed). In general, commercial land uses on this property would be compatible with existing and future use of adjacent lands. Since there is an existing drainage easement over this parcel, use of the property will require revocable permits from the City of Rochester. Permanent structures would not be permitted unless portions of the drainage easement were vacated in the future.

   b) *the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).*

   Proposed B-4:
   If approved, this amendment would expand the established B-4 zoning district. This amendment would not constitute spot zoning.

Staff Recommendation:

It appears that findings can be made to support approval of this zone change as petitioned.

NOTE: Limitations of this site are recognized. The applicant and consultant are coordinating with the City to re-design the drainage channel to facilitate B-4 uses on this property. Additional permits will be required prior to disturbance, or use, of the site.

2. 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, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, and ownership & maintenance of the proposed Private Lift Station.

3. This GDP narrative indicates that the Owner will request to participate in the City's Storm Water Management Plan (SWMP) in lieu of providing on-site storm water detention. On-site sedimentation detention control may be required, and a Storm Water Management fee will be applicable for the benefit of participation in the City's SWMP.

4. At the time of Platting: the private lift station shall be platted on a separate Outlot; execution of an Ownership and Maintenance Agreement will be required for the private lift station and forcemain sanitary sewer; dedication of controlled access will be required for the entire frontage of CR 2, with the exception of an approved public road access.

5. Pedestrian facilities are required along both sides of all new pubic roads, including the frontages abutting any publicly dedicated Outlots. In addition, a 10' wide bituminous path is required along the north side of CR 2/Viola Road.

6. Parkland dedication shall be met via cash in lieu of land per the January 17, 2003 memorandum from Rochester Park and Recreation.

7. Extension and connection of watermain must be provided per the requirements of RPU.

PUBLIC HEARINGS:

General Development Plan #194 and Zoning District Amendment #02-14, by Chris Adamson/Truckin America. The applicant is proposing to re-zone Lot 1, Block 3 Pennington Business Park Sixth from B-1 to B-4 to permit additional outdoor display and sales. The property proposed for re-zoning is directly south of the existing Truckin America business along the east frontage road of TH 52, between 55th St. NW and 41st St. NW.

Mr. Brent Svenby presented the staff reports, dated February 20, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby stated that a neighborhood meeting was held. However, no one from the public attended the meeting.

Discussion ensued regarding where Pennington Drive would lead.

The applicant's representative, Wade DuMond of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN), addressed the Commission. He explained that there was a drainage easement across the entire property, which limited them of what they could do with the property.

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He stated that the proposal is an expansion of their existing sales and storage lot. He showed where the fill would be located.

Mr. DuMond stated that the property is 70 feet from the back of the lots to the residential area. He stated that no one attended the neighborhood meeting that was held.

Mr. DuMond stated that the applicant is in agreement with the staff-recommended conditions. However, he pointed out that they are only conditionally agreeing to condition number 1, as they will request a development agreement to see what the City will be looking for.

Mr. Burke asked if the storage area proposed would be paved or crushed rock.

Ms. Wiesner stated that it could not be crushed rock, according to the Zoning Ordinance. Anything that was previously crushed rock would need to be blacktopped with this expansion.

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

Mr. Staver moved to recommend approval of Zoning District Amendment #02-14, by Chris Adamson/Truckin America with the staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 7-0.

Mr. Staver moved to recommend approval of General Development Plan #194, by Chris Adamson/Truckin America with the staff-recommended findings and conditions. Mr. Quinn seconded the motion. The motion carried 7-0.

CONDITIONS:

1. **Prior to the issuance of development permits or zoning certificates, the applicant shall execute a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, access control, pedestrian facilities, and contributions for the construction on Pennington Drive NW.**

2. **The GDP plan identifies future extension of storm sewer, but as shown is only conceptual and not a final alignment of the extension. The Drainage Plan shall include an analysis of the proposed changes to the stormwater conveyance system and loss of storage for stormwater flows on this parcel. The proposed storm sewer extensions should be designed to avoid downstream erosion as a result of increased velocity of stormwater. The final design and alignment will be reviewed and approved on the Grading and Drainage Plan.**

3. **A Storm Water Management fee will be applicable for any new/additional areas of impervious surface associated with development of this Property, for the benefit of participation in the city's SWMP, if on-site detention is not provided.**

4. **Pedestrian facilities are required along the entire frontages of this property. The Owner is required to execute a Pedestrian Facilities Agreement for this property, and this can be incorporated with the required Development Agreement.**

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3-17-03

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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-12
ITEM DESCRIPTION: General Development Plan #194 by Chris Adamson/Truckin America. The property is proposed for uses in the B-4 district and the property is located directly south of the existing Truckin America business along the east frontage road of TH 52, between 55th St. NW and 41st St. NW.		PREPARED BY: Mitzi A. Baker, Senior Planner

March 10, 2003

City Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission held a public hearing on this item on February 26, 2003.

Mr. Staver moved to recommend approval of Zoning District Amendment #02-14, by Chris Adamson/Truckin America with the staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 7-0. The motion carried 7-0. The commission recommended the following conditions/modifications:

1. ***Prior to the issuance of development permits or zoning certificates, the applicant shall execute a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, access control, pedestrian facilities, and contributions for the construction on Pennington Drive NW.***

2. ***The GDP plan identifies future extension of storm sewer, but as shown is only conceptual and not a final alignment of the extension. The Drainage Plan shall include an analysis of the proposed changes to the stormwater conveyance system and loss of storage for stormwater flows on this parcel. The proposed storm sewer extensions should be designed to avoid downstream erosion as a result of increased velocity of stormwater. The final design and alignment will be reviewed and approved on the Grading and Drainage Plan.***

3. ***A Storm Water Management fee will be applicable for any new/additional areas of impervious surface associated with development of this Property, for the benefit of participation in the city's SWMP, if on-site detention is not provided.***

4. ***Pedestrian facilities are required along the entire frontages of this property. The Owner is required to execute a Pedestrian Facilities Agreement for this property, and this can be incorporated with the required Development Agreement.***

Council Action Needed:

1. *If the Council wishes to approve the General Development Plan it should instruct the City Attorney to prepare a resolution, with findings, for Council approval.*

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 17, 2003 in the Council / Board Chambers in the

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

Council Action Needed:

1. *If the Council wishes to approve the General Development Plan it should instruct the City Attorney to prepare a resolution, with findings, for Council approval.*

Distribution:

1. City Clerk
2. City Administrator
3. City Attorney
4. Planning Department File
5. Planning Department, GIS Division
6. GGG Engineering & Consulting
7. Applicant: This item will be considered some time after 7:00 p.m. on Monday March 17, 2003 in the Council / Board Chambers in the Government Center at 151 4th Street SE.

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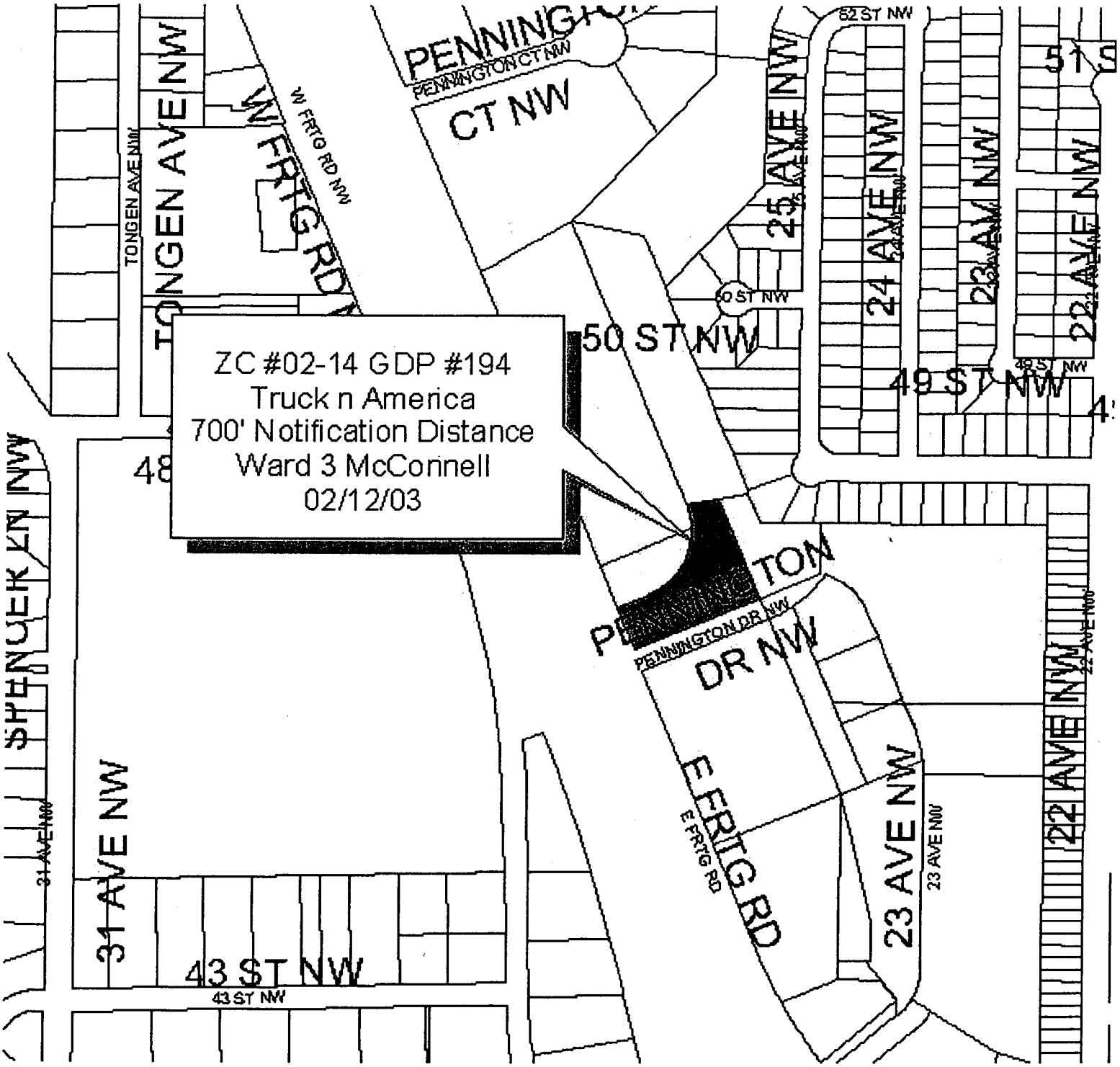
ZC #02-14 GDP #194
Truck n America
700' Notification Distance
Ward 3 McConnell
02/12/03
PENNINGTON CT NW
CT NW
W FRTG RD NW
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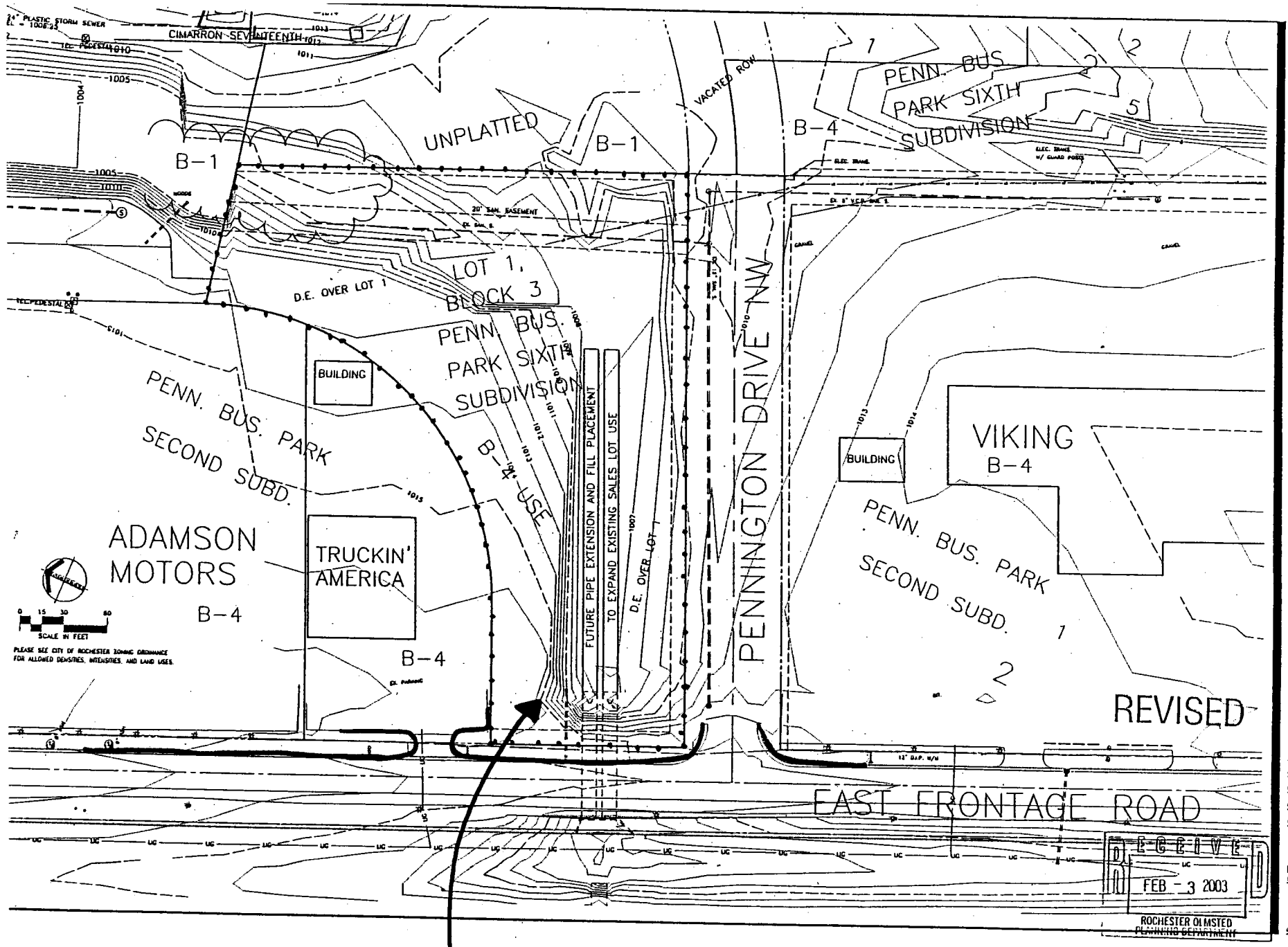

PROPOSED GDP & ZONE CHANGE

YAGGY COLBY ASSOCIATES

ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS

TYPE NAME HERE

NUMBER DATE

TRUCKIN' AMERICA
ROCHESTER, MINNESOTA

GENERAL DEVELOPMENT PLAN

1 OF ONE SHEETS

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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 20, 2003

RE: General Development Plan #194 by Chris Adamson/Truckin America. The property is proposed for uses in the B-4 district and the property is located directly south of the existing Truckin America business along the east frontage road of TH 52, between 55th St. NW and 41st St. NW.

Planning Department Review:

Petitioner:	Chris Adamson Truckin America 4720 Hwy 52 North Rochester, MN 55901
Consultant:	Yaggy Colby Associates 717 Third Ave. SE Rochester, MN 55904
Location of Property:	The property is located along the east frontage road of TH 52, adjacent to and immediately south of the existing Truckin America business, which is located at 4720 Hwy 52 North.
Proposed Use:	The applicant requests 1.83 acres be rezoned from B-1 (Restricted Commercial) to B-4(General Commercial). The GDP proposes expanding an outdoor display (sales and storage lot) on the property.
Land Use Plan:	The Rochester Urban Service Area Land Use Plan designates this drainageway as "Recreation/Open Space", with the abutting areas to the north and south being designated for "commercial" uses.

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Zoning:	The property is currently zoned B-1 (Restricted Commercial), the applicant is proposing to re-zone this property to B-4 (General Commercial).
Streets:	There would not be any new public roadways within this development. Access to this site is proposed from the existing driveway serving the Truckin America business.
Sidewalks:	The Owner is required to execute a Pedestrian Facilities Agreement for this property, which can be incorporated with the Development Agreement.
Drainage:	This property is primarily a drainageway, with a drainage easement platted over the entire lot. The portion of the property proposed for outdoor display & sales use is at a higher grade than the main drainage channel. Public Works will require a revocable permit for placement of any objects in the drainage easement. Detailed grading and drainage plans will also be required when the property is platted or developed.
Wetlands:	It does not appear as though Wetland exist on the property. A drainage easement exists over this whole parcel, however.
Referral Comments:	1. Rochester Public Works (see attached)
Report Attachments:	1. Copy of General Development Plan 2. Referral Comments 3. Proposed General Development Plan Narrative

Staff Suggested Findings and Recommendation:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the Criteria for approval of a general development plan (see attached section from the newly adopted regulations, which became affective May 15, 1999.

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.

The Rochester Urban Service Area Land Use Plan designates this drainageway as suitable for "Recreation/Open Space", with the abutting areas designated "commercial". A zoning district amendment is being considered concurrent with this request to change the zoning to B-4 (General Commercial). The property is currently zoned B-1 (Restricted Commercial).

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

This GDP proposes expanding the B-4 zoning district, located on the north and south sides of this property. Access to the site is proposed from the existing driveway opening on the Truckin' America site, and may also be available from Pennington Drive in the future (currently not constructed). In general, commercial land uses on this property would be compatible with existing and future use of adjacent lands. Since there is an existing drainage easement over this parcel, use of the property will require revocable permits from the City of Rochester. Permanent structures would not be permitted unless portions of the drainage easement were vacated in the future.

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

This proposal is for commercial use and does not include a residential component.

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 site is proposed from the existing driveway serving the Truckin America business. No new driveways are being proposed.

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 site is proposed from the existing driveway serving the Truckin America business.

   The Planning Department is unaware of any street system improvements necessary to accommodate the proposed development.

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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.

   The need for utilities will be reviewed further at the time of site development. Existing utilities and easements are reflected on the GDP.

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.

   No additional comments.

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.

A drainage easement is platted over the entire parcel included in this petition. The property has historically served as a drainageway for a larger area. The applicant and consultant are coordinating with the Rochester Public Works Department to design an extension of storm sewer pipes that would allow fill to be placed over the pipes to accommodate additional space for commercial land uses. At this time it appears as though the easterly portion of the property is likely to remain an open (not covered) drainage channel. Final design will be approved by the City prior to modifying the site.

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.

This GDP proposes expanding the B-4 zoning district, located on the north and south sides of this property. Access to the site is proposed from the existing driveway opening on the Truckin' America site, and may also be available from Pennington Drive in the future (currently not constructed). In general, commercial land uses on this property would be compatible with existing and future use of adjacent lands. Since there is an existing drainage easement over this parcel, use of the property will require revocable permits from the City of Rochester. Permanent structures would not be permitted unless portions of the drainage easement were vacated in the future.

Summary & Recommendation:

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At this time, a petition to re-zone this property to the B-4 District is being considered. If the Zone Change is approved, staff would suggest approval of this GDP subject to the following conditions or modifications:

1. *Prior to the issuance of development permits or zoning certificates, the applicant shall execute a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, access control, pedestrian facilities, and contributions for the construction on Pennington Drive NW.*

2. *The GDP plan identifies future extension of storm sewer, but as shown is only conceptual and not a final alignment of the extension. The Drainage Plan shall include an analysis of the proposed changes to the stormwater conveyance system and loss of storage for stormwater flows on this parcel. The proposed storm sewer extensions should be designed to avoid downstream erosion as a result of increased velocity of stormwater. The final design and alignment will be reviewed and approved on the Grading and Drainage Plan.*

3. *A Storm Water Management fee will be applicable for any new/additional areas of impervious surface associated with development of this Property, for the benefit of participation in the city's SWMP, if on-site detention is not provided.*

4. *Pedestrian facilities are required along the entire frontages of this property. The Owner is required to execute a Pedestrian Facilities Agreement for this property, and this can be incorporated with the required Development Agreement.*

NOTE:

1) A separate Site Development Review application will be reviewed by staff for specific site modifications/development.
2) Execution of a City-Owner Contract will be required prior to the extension of public storm sewer across this property.

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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: 2/18/03

The Department of Public Works has reviewed the **REVISED** application for General Development Plan #194 , ZONE#02-14 for the Truck'n America / Adamson property. 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, access control, pedestrian facilities, and contributions for public infrastructure including a proportional contribution for the construction on Pennington Dr NW.
2. Grading & Drainage Plan approval is required prior to development. The GDP plan shows the future extension of stormsewer, but as shown, is only conceptual and should not be looked at as a final alignment of the extension. The Drainage Plan shall include an analysis of the proposed changes to the stormwater conveyance system and loss of storage for stormwater flows on this parcel. The proposed stormsewer extensions should be designed to avoid downstream erosion as a result of increased velocity of stormwater. The final design and alignment will be reviewed and approved on the Grading & Drainage Plan.
3. Execution of a City-Owner Contract will be required prior to the extension of public storm sewer across this Property
4. A Storm Water Management fee will be applicable for any new/additional areas of impervious surface associated with development of this Property, for the benefit of participation in the City's SWMP, if on-site detention is not provided.
5. Pedestrian Facilities are required along the entire frontages of this property. The Owner is required to execute a Pedestrian facilities Agreement is required for this Property, and can be incorporated with the required Development Agreement.

Charges/fees applicable to the development of this Property will be addressed in the Development Agreement.

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2. 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, access control, pedestrian facilities, right-of-way dedication, contributions for public infrastructure, and ownership & maintenance of the proposed Private Lift Station.

3. This GDP narrative indicates that the Owner will request to participate in the City's Storm Water Management Plan (SWMP) in lieu of providing on-site storm water detention. On-site sedimentation detention control may be required, and a Storm Water Management fee will be applicable for the benefit of participation in the City's SWMP.

4. At the time of Platting: the private lift station shall be platted on a separate Outlot; execution of an Ownership and Maintenance Agreement will be required for the private lift station and forcemain sanitary sewer; dedication of controlled access will be required for the entire frontage of CR 2, with the exception of an approved public road access.

5. Pedestrian facilities are required along both sides of all new pubic roads, including the frontages abutting any publicly dedicated Outlots. In addition, a 10' wide bituminous path is required along the north side of CR 2/Viola Road.

6. Parkland dedication shall be met via cash in lieu of land per the January 17, 2003 memorandum from Rochester Park and Recreation.

7. Extension and connection of watermain must be provided per the requirements of RPU.

PUBLIC HEARINGS:

General Development Plan #194 and Zoning District Amendment #02-14, by Chris Adamson/Truckin America. The applicant is proposing to re-zone Lot 1, Block 3 Pennington Business Park Sixth from B-1 to B-4 to permit additional outdoor display and sales. The property proposed for re-zoning is directly south of the existing Truckin America business along the east frontage road of TH 52, between 55th St. NW and 41st St. NW.

Mr. Brent Svenby presented the staff reports, dated February 20, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby stated that a neighborhood meeting was held. However, no one from the public attended the meeting.

Discussion ensued regarding where Pennington Drive would lead.

The applicant's representative, Wade DuMond of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN), addressed the Commission. He explained that there was a drainage easement across the entire property, which limited them of what they could do with the property.

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He stated that the proposal is an expansion of their existing sales and storage lot. He showed where the fill would be located.

Mr. DuMond stated that the property is 70 feet from the back of the lots to the residential area. He stated that no one attended the neighborhood meeting that was held.

Mr. DuMond stated that the applicant is in agreement with the staff-recommended conditions. However, he pointed out that they are only conditionally agreeing to condition number 1, as they will request a development agreement to see what the City will be looking for.

Mr. Burke asked if the storage area proposed would be paved or crushed rock.

Ms. Wiesner stated that it could not be crushed rock, according to the Zoning Ordinance. Anything that was previously crushed rock would need to be blacktopped with this expansion.

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

Mr. Staver moved to recommend approval of Zoning District Amendment #02-14, by Chris Adamson/Truckin America with the staff-recommended findings. Mr. Quinn seconded the motion. The motion carried 7-0.

Mr. Staver moved to recommend approval of General Development Plan #194, by Chris Adamson/Truckin America with the staff-recommended findings and conditions. Mr. Quinn seconded the motion. The motion carried 7-0.

CONDITIONS:

1. **Prior to the issuance of development permits or zoning certificates, the applicant shall execute a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, access control, pedestrian facilities, and contributions for the construction on Pennington Drive NW.**

2. **The GDP plan identifies future extension of storm sewer, but as shown is only conceptual and not a final alignment of the extension. The Drainage Plan shall include an analysis of the proposed changes to the stormwater conveyance system and loss of storage for stormwater flows on this parcel. The proposed storm sewer extensions should be designed to avoid downstream erosion as a result of increased velocity of stormwater. The final design and alignment will be reviewed and approved on the Grading and Drainage Plan.**

3. **A Storm Water Management fee will be applicable for any new/additional areas of impervious surface associated with development of this Property, for the benefit of participation in the city's SWMP, if on-site detention is not provided.**

4. **Pedestrian facilities are required along the entire frontages of this property. The Owner is required to execute a Pedestrian Facilities Agreement for this property, and this can be incorporated with the required Development Agreement.**

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REQUEST FOR COUNCIL ACTION

		MEETING DATE: 03-17-03
AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-13
ITEM DESCRIPTION: Land Use Plan Amendment #03-02 by Castle Court MN Limited Partnership. The applicant is proposing to amend the Rochester Urban Service Area Land Use Plan to designate the southwest ¼ of the block bound by 2nd St. SW, 3rd St. SW, 19th Ave. SW and 20th Ave. SW for "commercial" land uses. The property is currently the site of Castles Trailer Park.		PREPARED BY: Brent Svenby, Planner

March 11, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on February 26, 2003 to consider the Land Use Plan Amendment request for the property. The applicant is requesting to designate the south half of the lot for "Commercial" on the Rochester Urban Service Area Land Use Plan.

Mr. Wade Dumond, of Yaggy Colby Associates, addressed the Commission and explained the applications submitted by the applicant.

The Commission discussed whether the area proposed to be designated "Commercial" is appropriate based on the criteria as included in the staff report. The Commission recommended approval, with the following findings.

Mr. Staver made a motion to approve Land Use Plan Amendment #03-02 by Castle Court MN Limited Partnership with the following findings. Mr. Haeussinger seconded the motion. The motion carried 7-0.

a) ***The property has direct frontage along 2nd Street SW (an arterial roadway). Basically all of the property fronting 2nd Street SW, from Highway 52 to 23rd Avenue SW, is zoned commercially or has a commercial use established on it, so there is a concentration of commercial uses in the area.***

b) ***The property does have good visibility and the access locations purposed on the general development plan will provide good access to the site. By not having direct access onto 2nd Street SW will help control the traffic movement on 2nd Street SW and reduce any potential vehicle conflict with traffic using 2nd Street SW and this property.***

c) ***Amending the Land Use Plan for this property will help further the goals and polices of the Rochester Urban Service Area Land Use Plan. The Land Use Plan amendment will encourage the redevelopment of the property and enhance the visual appearance of the community as a whole. The Plan states "There are significant public benefits to be derived from aiding in the redevelopment of older commercial area and significant problems affecting the public that can be avoided. Because the older commercial areas are generally close to the center of the community, their character and appearance affect the image of the community as a whole.***

Planning Staff Recommendation:

See attached staff report dated February 21, 2003

Council Action Needed:

1. ***The Council may approve or deny this petition. The Council's decision must be supported by findings based on the criteria listed in the Land Use Plan (as included in the staff report).***

2. ***If the Council wishes to proceed with the land use plan amendment as petitioned, it should instruct the City Attorney to prepare a resolution supported by findings of fact and conclusions of law.***

COUNCIL ACTION: Motion by:_____ Seconded by:_____ to:_____.

Attachments:

1. Staff Report dated February 21, 2003
2. Minutes of the February 26, 2003 CPZC Meeting

Distribution:

1. City Clerk
2. City Administrator
3. City Attorney: Legal Description attached
3. Planning Department File
4. Planning Department GIS
5. Applicant: This item will be considered some time after 7:00 p.m. on Monday, March 17, 2003 in the Council / Board Chamber at the Rochester – Olmsted Government Center Building
6. Yaggy Colby Associates

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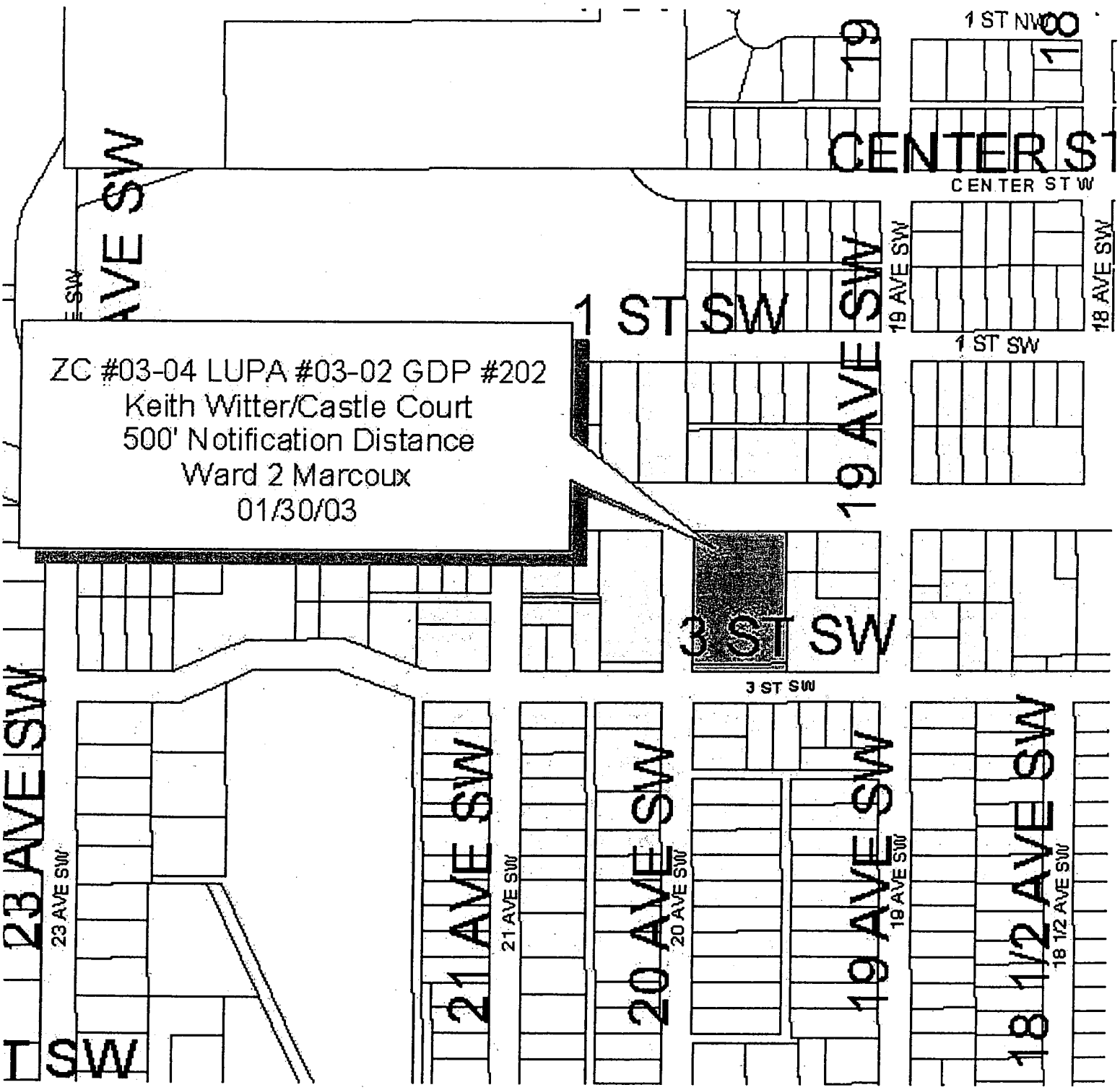
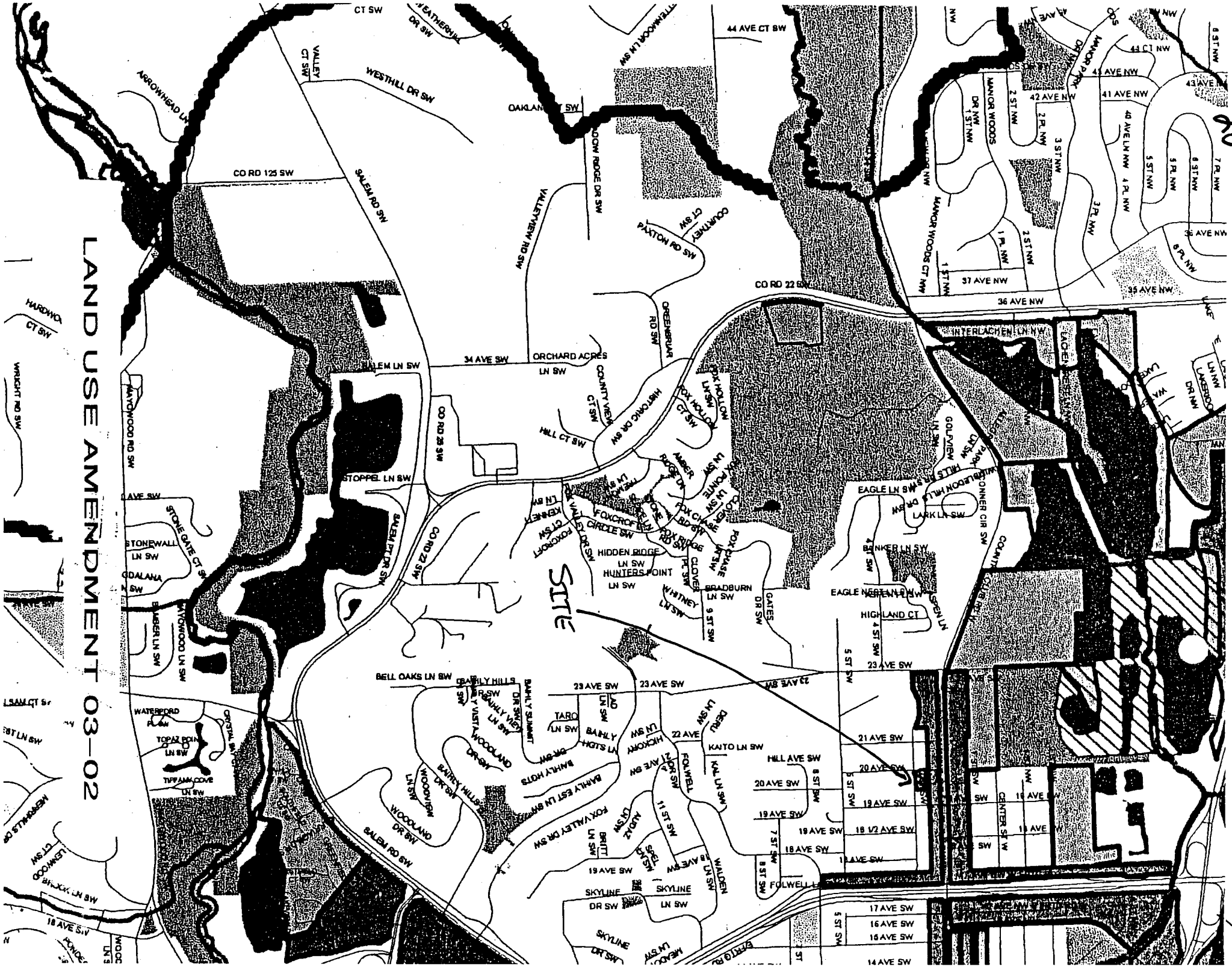

ZC #03-04 LUPA #03-02 GDP #202
Keith Witter/Castle Court
500' Notification Distance
Ward 2 Marcoux
01/30/03
1 ST NW
CENTER ST
CENTER ST W
1 ST SW
19 AVE SW
18 AVE SW
3 ST SW
23 AVE SW
21 AVE SW
20 AVE SW
18 1/2 AVE SW

LAND USE AMENDMENT 03-02



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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: Brent Svenby, Planner

DATE: February 21, 2003

RE: **Land Use Plan Amendment #03-02 by Castle Court MN Limited Partnership. The applicant is proposing to amend the Rochester Urban Service Area Land Use Plan to designate the southwest ¼ of the block bound by 2nd St. SW, 3rd St. SW, 19th Ave. SW and 20th Ave. SW for "commercial" land uses". The property is currently the site of Castles Court Manufactured Home Park**

Planning Department Review:

Petitioner/Property Owners

Castle Court MN Limited Partnership
Attn: Ken Witter
PO Box 727
Rochester, MN 55903

Consultant:

Yaggy Colby Associates
717 Third Avenue SE
Rochester, MN 55904

Location of Property:

The property is located along the south side of 2nd Street SW. The property is bounded by 2nd St SW, 3rd Street SW and 20th Avenue SW.

Requested Action:

The applicant is requesting to amend the Rochester Urban Service Area Land Use Plan to designate approximately the south half of the property for "commercial" uses. The property is currently designated for "low density residential" uses. A Zoning District Amendment and a General Development Plan are being considered concurrent with this application. The northerly half of the property is already designated for commercial uses on the Land Use Plan.

Existing Land Use:

The property is currently the Castle Court Manufactured Home Park. On July 15, 2002 the owner of the manufactured home park filed a notice with the City to close the park. The closing date of the park is April 12, 2003. Only 2 of the homes are still occupied.

Proposed Land Use:

The applicant has also filed a zone change petition and General Development Plan # 202 known as

Castle Court to change the zoning on the south half of the property to the B-4 zoning district. No specific use is identified on the GDP, just all uses allowed in the B-4 zoning district.

Adjacent Land Use and Zoning:

East: The northerly portion of the block is zoned B-4 (general commercial) and developed with commercial uses. The southerly portion is zoned PUD (planned unit development) and is development with apartment buildings.

South: Across 3rd Street SW is land development with single family homes in the R-1 (mixed single family) zoning district.

North: The northerly portion of the lot is zoned B-4 (general commercial) which is part of the Castle Court Manufactured Home Park. Across 2nd Street SW is developed property in the B-4 (general commercial).

West: Across 20th Ave. SW is the Masonic Temple which is zoned PUD.

Transportation Access:

There would not be any new public roadways within this development. The plan purposes two access along 20th Ave. SW and one access point along 3rd Street SW. The purposed southerly access on 20th Avenue SW should align across from one of the existing access locations on the property west of 20th Avenue SW.

Wetlands:

Wetlands are not found on the property.

Neighborhood Meeting:

A neighborhood meeting was held on Friday February 14, 2003. A summary of the meeting is attached.

Referral Comments:

None of the referral agencies had objections to the requested land use plan amendment.

Report Attachments:

1. Location Map
2. Land Use Plan Map
3. Neighborhood Meeting Summary

Analysis:

The applicant is requesting an amendment to the Land Use Plan to designate this property for "commercial" land uses. The Rochester Urban Service Area Land Use Plan includes several categories for "commercial" land uses. This property does not fit into the primary categories (neighborhood shopping centers, community shopping centers, regional shopping center and

highway commercial uses) of commercial uses. There are a number of other commercial uses that are less easily classified (professional office use, business serving uses, isolated neighborhood-oriented commercial ad recreational commercial) identified in the Land Use Plan. In looking at the site, the most likely type of commercial use to be established on the property would be that of professional office use. The locational criteria for professional office use include being located in a concentration of similar uses and having good access and visibility.

The Rochester Urban Service Area Land Use Plan list recommended growth patterns and policies for the City. One of the policies adopted in the Land Use Plan is to encourage the redevelopment of older commercial areas. The plan states "There are significant public benefits to be derived from aiding in the redevelopment of older commercial area and significant problems affecting the public that can be avoided. Because the older commercial areas are generally close to the center of the community, their character and appearance affect the image of the community as a whole. In addition, blighted commercial area could have a detrimental effect on the property values of neighborhoods for residential values. On the other hand, if older commercial area can be redeveloped, property values should stabilize or increase and adjacent residential areas should become highly desirable."

The Castle Court Manufactured Home Park is currently located on the property. The owner of the Park filed a notice to close the park on July 15, 2002 because of failing infrastructure within the property. Upon receiving the notice to close the Park, the City agreed to use Block Grant funds to help in the relocation cost for the residents in the park.

Since there needs to be some criteria that the requested Land Use Plan Amendment needs to be evaluated against and the site clearly doesn't fit any of the primary commercial land uses listed in the Land Use Plan, it is staff's opinion that the best criteria to use in evaluating this site would be that of professional office use. There is no guarantee that this site will be developed with office uses since the general development plan identifies all uses in the B-4 zoning district, however, certain uses permitted in the B-4 zoning district will not be allowed on the property because the site location requirement will not be met. The locational criteria for professional office use include a) being located in a concentration of similar uses; b) having good access and visibility.

a) ***The property has direct frontage along 2nd Street SW (an arterial roadway). Basically all of the property fronting 2nd Street SW, from Highway 52 to 23rd Avenue SW, is zoned commercially or has a commercial use established on it, so there is a concentration of commercial uses in the area.***

b) ***The property does have good visibility and the access locations purposed on the general development plan will provide good access to the site. By not having direct access onto 2nd Street SW will help control the traffic movement on 2nd Street SW and reduce any potential vehicle conflict with traffic using 2nd Street SW and this property.***

Staff would also suggest one additional finding in support of the Land Use Plan Amendment.

c) ***Amending the Land Use Plan for this property will help further the goals and polices of the Rochester Urban Service Area Land Use Plan. The Land Use Plan amendment will encourage the redevelopment of the property and enhance the visual appearance of the community as a whole. The Plan states "There are significant public benefits to be derived from aiding in the redevelopment of older commercial area and significant problems affecting the public that can be avoided. Because the older commercial areas are generally close to the center of the community, their character and appearance affect the image of the community as a whole.***

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Staff Recommendation:

The ability to consider the Zone Change, Land Use Plan Amendment and General Development Plan concurrently allows the City to consider this development proposal as a package. Based upon the accompanying General Development Plan for this site and the findings above, Staff suggested findings do support amending the Land Use Plan.

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ENGINEERS
ARCHITECTS
SURVEYORS
YAGGY COLBY ASSOCIATES
LANDSCAPE ARCHITECTS
PLANNERS

February 14, 2003

Ms. Mitzi Baker
Rochester-Olmsted Planning Department
2122 Campus Drive SE
Rochester, MN 55904

RE: Neighborhood Meeting Summary
Castle Court Zone Change & General Development Plan

Dear Ms. Baker:

A neighborhood meeting was held February 14, 2003 at 423 Third Avenue SE (Mr. Keith Witter's office) regarding the proposed B-4 Zone Change and General Development Plan (GDP) for Castle Court. Four neighbors were in attendance (please see attached sign-in sheet) in addition to Ms. Marcia Marcoux (Second Ward Council Member) and Mr. Keith Witter. The history and existing use of the property, the future use of the property, as well as individual neighbor's questions and concerns were discussed.

The zoning of the property is currently B-4 on the north half adjacent to Second Street SW and R-2 on the south half adjacent to Third Street SW. The Zone Change to B-4 and the proposed GDP were fairly well received, and the neighbors were glad to have the existing trailer park use change.

The primary concerns involve what the future use of the property will be. Currently there is a contract to sell the property for an office use pending the rezoning, and this use was well received. Other potential B-4 uses were discussed. Another concern was to encourage the owner to try to keep as many of the trees as possible if they are healthy and viable. Other issues related to the timing of removal for the existing trailers, permitted access locations, the potential floor area of a new building, and landscape buffering.

If you have any questions or concerns, please call.

Sincerely,

YAGGY COLBY ASSOCIATES

Wade DuMond, ASLA

RECEIVED
FEB 19 2003
ROCHESTER-OLMSTED PLANNING DEPARTMENT

WD
YCA #8198 LD2

Attachment

cc: Keith Witter
TSP Architects & Engineers

ROCHESTER OFFICE:
717 Third Avenue SE
Rochester, MN 55904
507-288-6464
Fax 507-288-5058

MPLS/ST PAUL OFFICE:
651-681-9040

MASON CITY OFFICE:
641-424-6344

DELAFIELD OFFICE:
262-646-6855

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YAGGY COLBY ASSOCIATES

ENGINEERS
ARCHITECTS
SURVEYORS
LANDSCAPE ARCHITECTS
PLANNERS

OJECT # 8198 LDZ

PROJECT Castle Court Neighborhood Meeting

PREPARED BY _____ DATE 2/14/03

CHECKED BY _____ DATE _____

SHEET NO. _____ OF _____

Name	Address	Phone
Wade DuMond	717 3rd Ave SE	288-6464
Ed Manahan	2014 3rd Ave SW.	287-0034
Kerry Watkins	326 20th Ave SW	280-0611
Maria Marcoux	1743 8th St. SW.	288-4263
Ernest Sargent	1811 2nd ST SW	289-0022
Andy Lucas	810 2nd Ave NW	284-3876
Ken Witter	606 23rd St NE	281-4361

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City, and the Owner is obligated to grade and construct a 10 foot wide bituminous pedestrian mid-block connection on each of the three Outlots. In addition, the Owner shall grade and seed to turf, the area less the 10' bituminous path, within the three Outlots A, B and C, prior to deeding to the City.

4. Dedication of parkland shall be met via: deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated January 31, 2003.

Land Use Plan Amendment #03-02 AND Zoning District Amendment #03-04 by Castle Court MN Limited Partnership. The applicant is proposing to amend the Rochester Urban Service Area Land Use Plan to designate the southwest ¼ of the block bound by 2nd St. SW, 3rd St. SW, 19th Ave. SW and 20th Ave. SW for "commercial" land uses" and to re-zone that portion of the block from R-2 (Low Density Residential) to B-4 (General Commercial). The property is currently the site of Castles Trailer Park.

AND

General Development Plan #202 by Castle Court MN Limited Partnership. The applicant is proposing to re-develop the Castles Trailer Park with uses in the B-4 (General Commercial) zoning district. The property is located south of 2nd St. SW, east of 20th Ave. SW and north of 3rd St. SW.

Mr. Brent Svenby presented the staff reports, dated February 21, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby clarified that the southerly access point on 20th Avenue SW should be moved to the north instead of south.

Discussion ensued regarding moving accesses to line up with the driveway across the street.

The applicant's representative, Wade DuMond of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN), addressed the Commission. He explained that the applicant had maps for the property showing different zoning districts than is on file at the Rochester-Olmsted Planning Department.

Ms. Wiesner asked when the last resident is scheduled to be moved.

Mr. DuMond responded April 2003.

Mr. DuMond explained that it is their intent to have an office use.

Mr. DuMond stated that the applicant agreed with the staff-recommended conditions, with the exception with regard to moving the access. He asked that they be able to use two of the access points and indicated that they would prefer they stay farther apart. He indicated that he did not believe that the Ordinance stated that he needed to line up the access points from different developments.

Mr. Haeussinger asked how many vehicles would be located in the parking lot.

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Mr. DuMond responded 20 to 25 vehicles.

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

Mr. Staver moved to recommend approval of Land Use Plan Amendment #03-02 by Castle Court MN Limited Partnership with the staff-recommended findings. Mr. Haeussinger seconded the motion. The motion carried 7-0.

Mr. Staver moved to recommend approval Zoning District Amendment #03-04 by Castle Court MN Limited Partnership with the staff-recommended findings. Mr. Haeussinger seconded the motion. The motion carried 7-0.

Ms. Rivas stated that she did not believe they needed to require the applicant to line up the access to the temple.

Mr. Svenby explained that, under Design Objectives in the Zoning Ordinance Section 64.144, states "Access locations have been properly offset from driveways or street intersections located across the roadway in order to limit conflicts within the mainline or median of the street."

Mr. Staver moved to recommend approval General Development Plan #202 by Castle Court MN Limited Partnership with the staff-recommended conditions as stated below. Ms. Rivas seconded the motion. The motion carried 7-0.

CONDITIONS:

1. **The GDP shall be revised removing the access opening proposed on 3rd Street SW.**
2. **The applicant shall receive approval of the grading and drainage plan for the property prior to the development of the site. A storm water management fee will apply to any additional areas of impervious surface from what is existing currently.**
3. **Any existing access locations that are removed for the redevelopment of the property shall be restored with curb and gutter, sidewalk and boulevard at the owner's expense.**
4. **The condition of the existing pedestrian facilities along the frontages of this property will be reviewed by Public Works, and any needed panel repair or replacement work shall be done at the owner's expense concurrent with redevelopment of this property.**

OTHER BUSINESS:

1. **As may be brought up with members**

Ms. Wiesner stated that CUDE asked that the Commission make a motion to initiate the review process for nonresidential parking standards.

Ms. Petersson moved to initiate the review process and committee with regard to nonresidential parking standards. Ms. Rivas seconded the motion. The motion carried 7-0.

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3-17-03 241

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARINGS	PLANNING	E-14
ITEM DESCRIPTION: Zoning District Amendment #03-04 by Castle Court MN Limited Partnership. The applicant is proposing to rezone the southwest ¼ of the block bound by 2nd St. SW, 3rd St. SW, 19th Ave. SW and 20th Ave. SW from R-2 (Low Density Residential) to B-4 (General Commercial). The property is currently the site of Castles Trailer Park		**PREPARED BY:** Brent Svenby, Planner

March 11, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on February 26, 2003 to consider this zone change. The Commission also reviewed a LUPA and GDP for the property.

The Commission reviewed the zone change request based on the criteria as included in the staff report and recommended approval, with staff suggested findings included in the staff report.

Motion by Mr. Staver, seconded by Mr. Haaaeussinger to recommend approval of Zoning District Amendment #03-04, with staff-recommended findings. Motion carried 7-0.

Planning Staff Recommendation:

See attached revised staff report dated February 21, 2003.

Council Action Needed:

If the Council wishes to proceed with the zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning District.

Attachments:

1. Staff Report dated February 21, 2003
2. Minutes of the February 26, 2003 CPZC Meeting (attached to LUPA RCA)

Distribution:

1. City Administrator
2. City Attorney: Legal Description attached
3. Planning Department File
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, March 17, 2003 in the Council/Board Chambers at the Government Center, 151 4th Street SE.
5. Yaggy Colby Associates

COUNCIL ACTION:

Motion By: _____ **Seconded By:** _____ **Action:**

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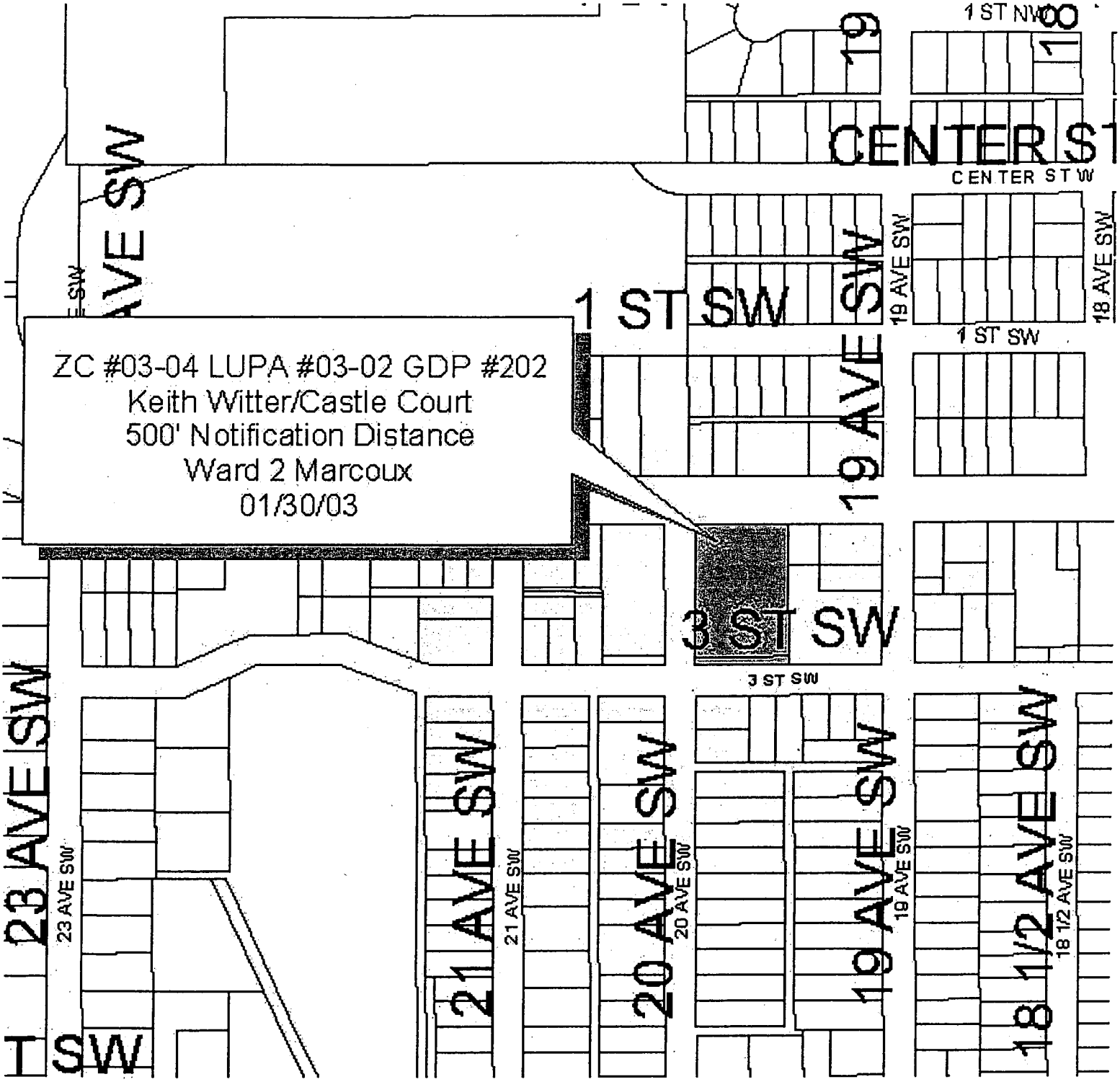
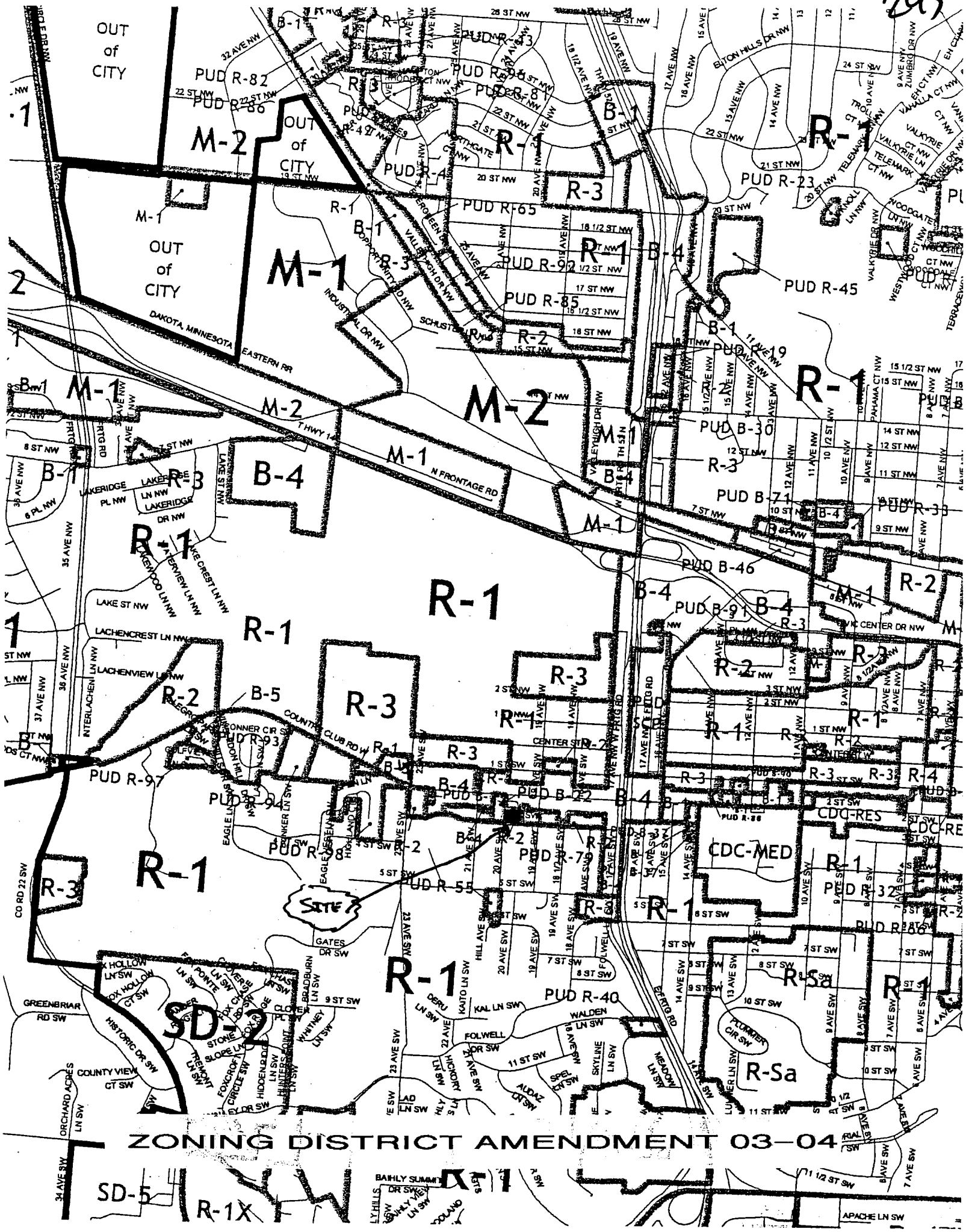

ZC #03-04 LUPA #03-02 GDP #202
Keith Witter/Castle Court
500' Notification Distance
Ward 2 Marcoux
01/30/03
1 ST NW
CENTER ST
CENTER ST W
1 ST SW
19 AVE SW
18 AVE SW
3 ST SW
23 AVE SW
21 AVE SW
20 AVE SW
18 1/2 AVE SW


OUT of CITY
M-2
M-1
R-1
R-2
R-3
R-4
B-1
B-4
B-5
SD-2
SD-5
R-1X
R-Sa
CDC-MED
CDC-RES
SITE
PUD R-82
PUD R-86
PUD R-43
PUD R-65
PUD R-92
PUD R-85
PUD R-45
PUD R-23
PUD B-30
PUD B-71
PUD B-46
PUD B-91
PUD R-33
PUD R-93
PUD R-97
PUD R-94
PUD R-98
PUD R-79
PUD R-55
PUD R-32
PUD R-40
DAKOTA, MINNESOTA EASTERN RR
HWY 14
N FRONTAGE RD
COUNTY CLUB RD W
CENTER ST
GATES DR SW
GREENBRIAR RD SW
HISTORIC DR SW
COUNTY VIEW CT SW
ZONING DISTRICT AMENDMENT 03-04

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ROCHESTER-OLMSTED PLANNING DEPARTMENT
2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF Olmsted

TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: February 21, 2003

RE: **Zoning District Amendment #03-04 by Castle Court MN Limited Partnership. The applicant is proposing to rezone the southwest ¼ of the block bound by 2nd St. SW, 3rd St. SW, 19th Ave. SW and 20th Ave. SW from R-2 (Low Density Residential) to B-4 (General Commercial). The property is currently the site of Castles Court Manufactured Home Park.**

Planning Department Review:

Petitioner/Property Owner: Castle Court MN Limited Partnership
Attn: Ken Witter
PO Box 727
Rochester, MN 55903

Consultant: Yaggy Colby Associates
717 Third Avenue SE
Rochester, MN 55904

Location of Property: The property is located along the south side of 2nd Street SW. The property is bounded by 2nd St SW, 3rd Street SW and 20th Avenue SW.

Requested Action: The applicant is requesting to rezone the south half of the property from the R-2 (low density residential) zoning district to the B-4 (general commercial) zoning district.

Existing Land Use: The property is currently the Castle Court Manufactured Home Park. On July 15, 2002 the owner of the manufactured home park filed a notice with the City to close the park. The closing date of the park is April 12, 2003. Only 2 of the homes are still occupied.

The Rochester Urban Service Area Land Use Plan designates this property as "Low Density Residential".

Proposed Land Use: The applicant has also filed a Land Use Plan amendment and a General Development Plan #202 to be known as Castle Court to change the land use designation from low density residential to general commercial. No specific use is identified on the GDP, just all uses allowed in the B-4 zoning district.

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Adjacent Land Use and Zoning:

East: The northerly portion of the block is zoned B-4 (general commercial) and developed with commercial uses. The southerly portion is zoned PUD (planned unit development) and is development with apartment buildings.

South: Across 3rd Street SW is land development with single family homes in the R-1 (mixed single family) zoning district.

North: The northerly portion of the lot is zoned B-4 (general commercial) which is part of the Castle Court Manufactured Home Park. Across 2nd Street SW is developed property in the B-4 (general commercial) zoning district.

West: Across 20th Ave. SW is the Masonic Temple which is zoned PUD.

Transportation Access:

There would not be any new public roadways within this development. The plan purposes two access along 20th Ave. SW and one access point along 3rd Street SW. The purposed southerly access on 20th Avenue SW should align across from one of the existing access locations on the property west of 20th Avenue SW.

Wetlands:

Wetlands are not found on the property.

Neighborhood Meeting:

A neighborhood meeting was held on Friday February 14, 2003. A summary of the meeting is attached.

Referral Comments:

None of the referral agencies had objections to the requested rezoning.

Report Attachments:

1. Location Map
2. Area Zoning Map
3. Neighborhood Meeting Summary – see land use plan amendment report

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:

   a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;

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b) The area was originally zoned erroneously due to a technical or administrative error;

c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or

d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

The area was originally zoned erroneously due to a technical or administrative error. The half north of the property was zoned B-3 (now considered B-4) in 1967 while the southerly portion of the property remained R-1. In 1977 the southerly portion of the property was zoned to the R-2 zoning district. In 1977, the southerly portion of the property should have been zoned to the R-3 or B-3 zoning district instead of the R-2 zoning district to allow for the conformance of the manufactured home park on the property.

In addition to being zoned erroneously, the closing of the manufactured home park is changing the character of the area and it is in the public interest to rezone the property to encourage the redevelopment of the land.

2) *The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:*

a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

The B-4 zoning district allows a wide variety of uses. Depending on the type of use proposed, bufferyards maybe required to be provided at the time of development. These bufferyards will help to minimize any potential negative impacts that there maybe.

According to the City of Rochester Zoning Ordinance, the B-4 zoning district is intended to provide for areas of concentrated commercial development outside the Central Development Core, oriented towards thoroughfare locations because of the access and visibility those locations provide, and consistent with the locational criteria for such uses in the Land Use Plan. Uses in the district are generally of a type providing service to the residents of the entire region or community.

b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).

The amendment to B-4 would be consistent with the Rochester Urban Service Area Land Use Plan, if the Land Use Plan Amendment which is being considered concurrently is approved, and northerly portion of the property is already zoned B-4. The proposed amendment would not be considered spot zoning.

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Staff Recommendation:

Based on the above findings, it would appear that the zoning district amendment to B-4 would meet the above criteria. Staff recommends that the request to rezone the southerly portion of the lot from the R-2 (Low Density Residential) district to the B-4 (General Commercial) district be approved, based on the above suggested findings.

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REQUEST FOR COUNCIL ACTION

MEETING DATE: 3-17-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-15
ITEM DESCRIPTION: General Development Plan #202 by Castle Court MN Limited Partnership. The applicant is proposing to re-develop the Castles Trailer Park with uses in the B-4 (General Commercial) zoning district. The property is located south of 2nd St. SW, east of 20th Ave. SW and north of 3rd St. SW.		PREPARED BY: Brent Svenby, Planner

March 12, 2003

City Planning and Zoning Commission Recommendation:

On February 26, 2003 the City Planning and Zoning Commission reviewed this General Development Plan. The Commission also reviewed a zone change and LUPA for the property.

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

Staff had recommended that the GDP be revised shifting the proposed southerly access point along 20th Avenue SW to align with one of the existing access points on the west side of 20th Ave. SW. The planning commission removed that recommendation. Staff would recommend that the Council require that that southerly proposed access point on 20th Ave. SW be aligned with the northerly access point on the west side of 20th Ave. SW.

Mr. Staver made a motion to recommend approval of General Development Plan #202 by Castle Court MN Limited Partnership with staff-recommended findings and conditions as amended. Ms. Rivas seconded the motion. The motion carried 7-0.

Conditions:

1. **The GDP shall be revised removing the access opening proposed on 3rd Street SW.**
2. **The applicant shall receive approval of the grading and drainage plan for the property prior to the development of the site. A storm water management fee will apply to any additional areas of impervious surface from what is existing currently.**
3. **Any existing access locations that are removed for the redevelopment of the property shall be restored with curb and gutter, sidewalk and boulevard at the owner's expense.**
4. **The condition of the existing pedestrian facilities along the frontages of this property will be reviewed by Public Works, and any needed panel repair or replacement work shall be done at the owner's expense concurrent with redevelopment of this property.**

Planning Staff Recommendation:

See attached staff report dated February 21, 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.**

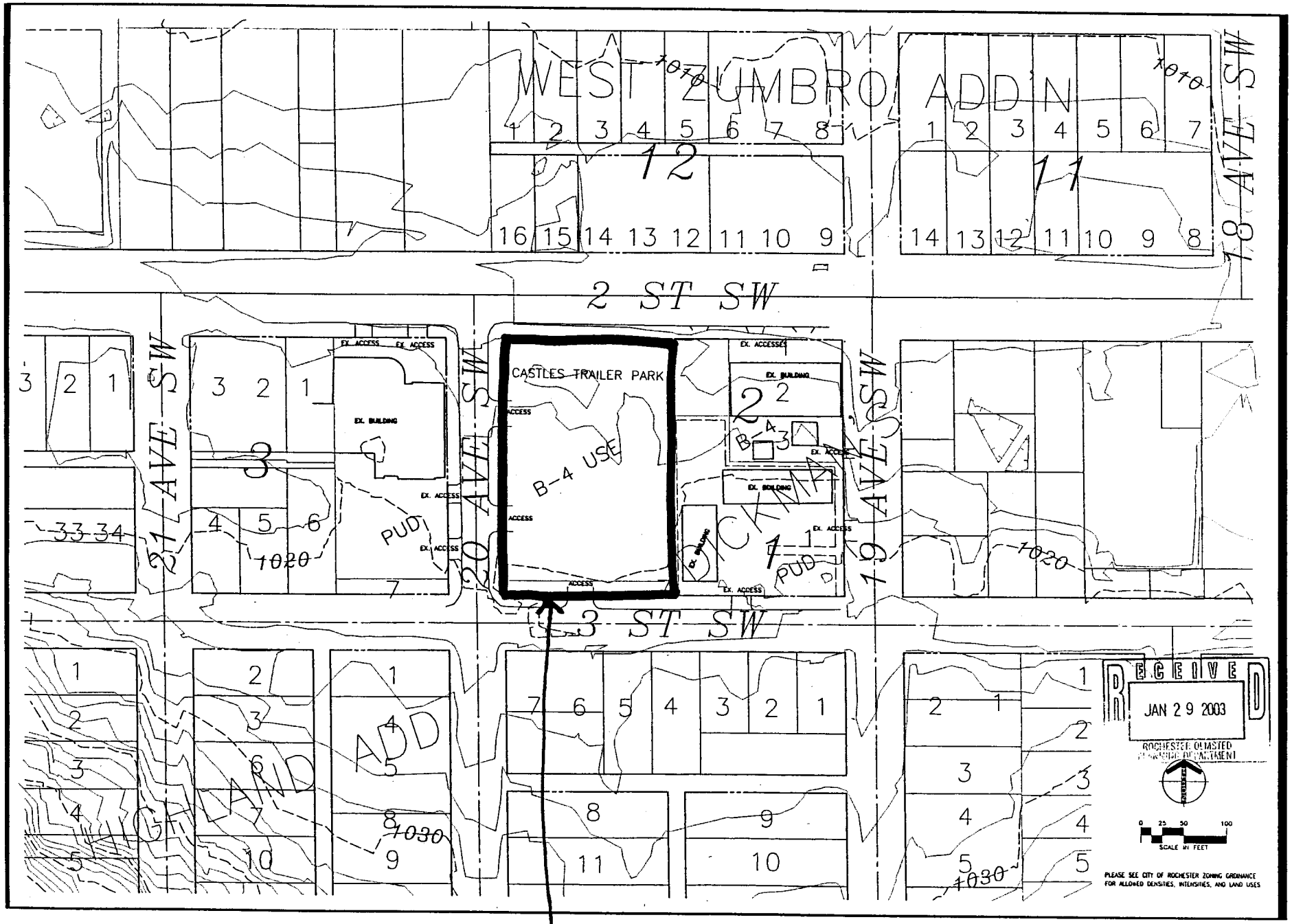
COUNCIL ACTION: Motion by:_____ Second by:_____ to:

Attachments:

1. Staff Report dated February 21, 2003
2. Minutes of the February 26, 2003 CPZC Meeting (attached to LUPA RCA)

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 17, 2003 in the Council/Board Chambers in the Government Center at 151 4th Street SE.
6. Yaggy Colby Associates



SITE

YAGGY COLBY ASSOCIATES

ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS

717 THIRD AVENUE SOUTHEAST
ROCHESTER, MINNESOTA 55904
507-288-5464
FAX 507-288-5059
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

CASTLE COURT
ROCHESTER, MINNESOTA

GENERAL DEVELOPMENT PLAN

PROJECT NUMBER 198
COMPUTER FILE
DATE 1/29/03
DRAWN BY WCD
CHECKED BY
REVISIONS

SHEET NUMBER
1 OF ONE SHEETS

251

ROCHESTER-OLMSTED PLANNING DEPARTMENT
2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF Olmsted

TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: February 21, 2003

RE: General Development Plan #202 by Castle Court MN Limited Partnership. The applicant is proposing to re-develop the Castles Trailer Park with uses in the B-4 (General Commercial) zoning district. The property is located south of 2nd St. SW, east of 20th Ave. SW and north of 3rd St. SW.

Planning Department Review:

Petitioner/Property Owner:	Castle Court MN Limited Partnership Attn: Ken Witter PO Box 727 Rochester, MN 55903
Consultant:	Yaggy Colby Associates 717 Third Avenue SE Rochester, MN 55904
Location of Property:	The property is located along the south side of 2nd Street SW. The property is bounded by 2nd St SW, 3rd Street SW and 20th Avenue SW.
Proposed Use:	The intended use of the property is not known at this time. If the rezoning of the property to the B-4 zoning district is approved, uses in the B-4 district would be permitted on the property as long as the zoning district standards could be met for the purposed use.
Land Use Plan:	The Rochester Urban Service Area Land Use Plan designates this property as "low density residential".
Zoning:	This portion of the property is currently zoned R-2 (Low Density Residential), the applicant is proposing to re-zone this portion of the property to the B-4 (General Commercial) zoning district.
Streets:	There would not be any new public roadways within this development. The plan proposes two access openings along 20th Ave. SW and one access opening along 3rd Street SW. The proposed southerly access on 20th Avenue SW should align across from one of

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the existing access locations on the property west of 20th Avenue SW.

Sidewalks: Sidewalks currently exist along the street frontages of the property. The condition of these pedestrian facilities will be reviewed by Public Works and any needed panel repair or replacement work would be the Owner's expense concurrent with re-development of the property.

Drainage: No on-site storm water detention ponds are purposed for the property. The applicant intends to participate in the City's Storm Water Management Plan for the re-development of the site.

A detailed grading and drainage plan will be required when the property is platted or developed.

Wetlands: Wetlands are not found on the property.

Referral Comments:

1. Rochester Public Works (see attached)
2. Fire Department
3. RPU Water Division
4. RPU Operations Division
5. MnDOT
6. Qwest
7. John Harford, Wetlands LGU

Report Attachments:

1. Copy of General Development Plan
2. Referral Comments (3)
3. Proposed General Development Plan Narrative

Staff Suggested Findings and Recommendation:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the Criteria for approval of a general development plan (see attached section from the newly adopted regulations, which became affective May 15, 1999.

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.

The Rochester Urban Service Area Land Use Plan designates this property as suitable for "Low Density Residential". A zoning district amendment is being considered concurrent with this request to change the zoning to B-4 (General Commercial). The property is currently zoned R-2 (Low Density Residential).

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

The proposed development is the redevelopment of a site that a manufactured home park once occupied. A commercial development would be compatible with the existing uses of the adjacent properties to the north, east and west.

The plan proposes two access openings along 20th Ave. SW and one access opening along 3rd Street SW. The proposed southerly access on 20th Avenue SW should align across from one of the existing access locations on the property west of 20th Avenue SW. The proposed access opening onto 3rd Street SW should be removed in order to keep commercial traffic generated by the future redevelopment of the property from conflicting and disrupting the residential traffic currently on 3rd Street NW.

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

This proposal is for expansion of an existing commercial zoning and does not include a residential component.

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.

The Planning Department is unaware of any street system improvements necessary to accommodate the re-development of the property.

The plan proposes two access openings along 20th Ave. SW and one access opening along 3rd Street SW. The proposed southerly access on 20th Avenue SW should align across from one of the existing access locations on the property west of 20th Avenue SW.

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.

The Planning Department is unaware of any street system improvements necessary to accommodate the re-development of the property.

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The plan proposes two access openings along 20th Ave. SW and one access opening along 3rd Street SW. The proposed southerly access on 20th Avenue SW should align across from one of the existing access locations on the property west of 20th Avenue SW. The purposed access opening onto 3rd Street SW should be removed in order to keep commercial traffic generated by the future redevelopment of the property from conflicting and disrupting the residential traffic currently on 3rd Street 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. The property is within the Main Level Water System area, with static pressures ranging from 63 to 68 PSI. Any unused water service must be abandoned property at the main per the requirements of the RPU Water Division. The property will be subject to water availability charge and sewer availability charge.

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.

   Sidewalks currently existing along the street frontages of the property. The condition of these pedestrian facilities would be reviewed by Public Works and any needed panel repair or replacement work would be the Owner's expense concurrent with re-development of the property.

   No storm water management facilities are identified on this GDP. The applicant intends to participate in the City's Storm Water Management Plan for the re-development of the site.

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 applicant intends to participate in the City's Storm Water Management Plan for the re-development of the site.

A detailed grading and drainage plan will also be required when the property is developed.

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.

Zoning district appearance standards will be reviewed in detail at time when a specific use is proposed on the property and is reviewed through the Site Development Plan review process.

Summary & Recommendation:

The applicant has filed petitions to amend the Rochester Urban Service Area Land Use Plan to designate the southerly portion of the lot for "commercial" uses and to rezone it to the B-4 zoning district. If the CPZC and Council approve the Land Use Plan Amendment and rezoning, staff would recommend approval of the GDP with the following conditions or modifications:

1. ***The GDP shall be revised removing the access opening proposed on 3rd Street SW and shifting the southerly access point on 20th Ave. SW to the south to align across from the existing access location on the property across 20th Ave. SW.***

2. ***The applicant shall receive approval of the grading and drainage plan for the property prior to the development of the site. A storm water management fee will apply to any additional areas of impervious surface from what is existing currently.***

3. ***Any existing access locations that are removed for the redevelopment of the property shall be restored with curb and gutter, sidewalk and boulevard at the owner's expense.***

4. ***The condition of the existing pedestrian facilities along the frontages of this property will be reviewed by Public Works, and any needed panel repair or replacement work shall be done at the owner's expense concurrent with redevelopment of this property.***

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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: 2/12/03

The Department of Public Works has reviewed the application for GDP#202 on the Castle Court. The following are Public Works comments on this request:

1. Grading & Drainage Plan approval is required prior to development, and a Storm Water Management charge will apply to any additional areas of impervious surface.
2. Any existing access locations that are removed for this project shall be restored with curb & gutter, sidewalk & boulevard at the Owner's expense.
3. The condition of existing pedestrian facilities along the frontages of this property will be reviewed by Public Works, and any needed panel repair or replacement work shall be done at the Owner's expense, concurrent with re-development of this Property.
4. The proposed southerly access to 20th Ave SW should align across from one of the existing access locations on the property west of 20th Ave SW.

Charges/fees applicable to the development of this property include the following (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.
- Storm Water Management – TBD, for all additional impervious surface.

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rpu

we pledge, we deliver

February 6, 2003

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

REFERENCE: General Development Plan #202 by Castle Court MN Limited Partnership to re-develop the current Castles Trailer Park with uses in the B-4 zoning district.

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. 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, with static water pressures ranging from 63 to 68 PSI.
3. Any unused water service must be abandoned properly at the main per our requirements.

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
Keith Witter, Castle Court MN Limited Partnership
Yaggy Colby Associates

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 FIRE DEPT.

The hand to reach for...

DAVID A. KAPLER
Fire Chief

DATE: February 13, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher – Fire Protection Specialist

SUBJ: General Development Plan #202 by Castle Court MN Limited Partnership.

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
Castle Court, MN Limited Partnership – Attn: Keith Witter – PO Box 727 – Rochester, MN 55903
Yaggy Colby Associates – 717 3rd Ave SE – Rochester, MN 55904

2ED

1/29/03
YCA #8198 LD5

CASTLE COURT
GENERAL DEVELOPMENT PLAN

Castle Court is approximately 1.58 acres that includes approximately 0.23 acres of 2nd Street SW right-of-way. It is currently being used as a trailer court that is in the process of closing. It is bounded by 2nd Street SW on the north, 20th Avenue SW on the west, 3rd Street SW on the south, and an apartment building and a commercial use on the east.

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.*

Soils on the property, indicated in the Olmsted County Soil Survey, consist of Lawler loam (485). This soil is somewhat poorly drained and because of the flat aspect of the property the erosion potential is low. No shallow bedrock or high water table conditions have been identified, but borings will be completed as design moves forward to identify further physical limitation on the site.

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 for the development.

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

The applicant intends to participate in the city's storm water management plan for development of this site. There should be no problems with off-site drainage created by this development.

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

Sanitary sewer and water service is available in 2nd and 3rd Streets SW, and water is available from 20th Avenue SW as well. Storm sewer is available in 2nd Street SW and is extended into 20th Avenue SW as well.

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

Erosion control measures will be incorporated into the grading plan during final design, but problems should be minimal if installed properly.

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

There is planned to only one phase for the development of this site.

City, and the Owner is obligated to grade and construct a 10 foot wide bituminous pedestrian mid-block connection on each of the three Outlots. In addition, the Owner shall grade and seed to turf, the area less the 10' bituminous path, within the three Outlots A, B and C, prior to deeding to the City.

4. Dedication of parkland shall be met via: deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated January 31, 2003.

Land Use Plan Amendment #03-02 AND Zoning District Amendment #03-04 by Castle Court MN Limited Partnership. The applicant is proposing to amend the Rochester Urban Service Area Land Use Plan to designate the southwest ¼ of the block bound by 2nd St. SW, 3rd St. SW, 19th Ave. SW and 20th Ave. SW for "commercial" land uses" and to re-zone that portion of the block from R-2 (Low Density Residential) to B-4 (General Commercial). The property is currently the site of Castles Trailer Park.

AND

General Development Plan #202 by Castle Court MN Limited Partnership. The applicant is proposing to re-develop the Castles Trailer Park with uses in the B-4 (General Commercial) zoning district. The property is located south of 2nd St. SW, east of 20th Ave. SW and north of 3rd St. SW.

Mr. Brent Svenby presented the staff reports, dated February 21, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby clarified that the southerly access point on 20th Avenue SW should be moved to the north instead of south.

Discussion ensued regarding moving accesses to line up with the driveway across the street.

The applicant's representative, Wade DuMond of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN), addressed the Commission. He explained that the applicant had maps for the property showing different zoning districts than is on file at the Rochester-Olmsted Planning Department.

Ms. Wiesner asked when the last resident is scheduled to be moved.

Mr. DuMond responded April 2003.

Mr. DuMond explained that it is their intent to have an office use.

Mr. DuMond stated that the applicant agreed with the staff-recommended conditions, with the exception with regard to moving the access. He asked that they be able to use two of the access points and indicated that they would prefer they stay farther apart. He indicated that he did not believe that the Ordinance stated that he needed to line up the access points from different developments.

Mr. Haeussinger asked how many vehicles would be located in the parking lot.

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Mr. DuMond responded 20 to 25 vehicles.

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

Mr. Staver moved to recommend approval of Land Use Plan Amendment #03-02 by Castle Court MN Limited Partnership with the staff-recommended findings. Mr. Haeussinger seconded the motion. The motion carried 7-0.

Mr. Staver moved to recommend approval Zoning District Amendment #03-04 by Castle Court MN Limited Partnership with the staff-recommended findings. Mr. Haeussinger seconded the motion. The motion carried 7-0.

Ms. Rivas stated that she did not believe they needed to require the applicant to line up the access to the temple.

Mr. Svenby explained that, under Design Objectives in the Zoning Ordinance Section 64.144, states "Access locations have been properly offset from driveways or street intersections located across the roadway in order to limit conflicts within the mainline or median of the street."

Mr. Staver moved to recommend approval General Development Plan #202 by Castle Court MN Limited Partnership with the staff-recommended conditions as stated below. Ms. Rivas seconded the motion. The motion carried 7-0.

CONDITIONS:

1. **The GDP shall be revised removing the access opening proposed on 3rd Street SW.**

2. **The applicant shall receive approval of the grading and drainage plan for the property prior to the development of the site. A storm water management fee will apply to any additional areas of impervious surface from what is existing currently.**

3. **Any existing access locations that are removed for the redevelopment of the property shall be restored with curb and gutter, sidewalk and boulevard at the owner's expense.**

4. **The condition of the existing pedestrian facilities along the frontages of this property will be reviewed by Public Works, and any needed panel repair or replacement work shall be done at the owner's expense concurrent with redevelopment of this property.**

OTHER BUSINESS:

1. **As may be brought up with members**

Ms. Wiesner stated that CUDE asked that the Commission make a motion to initiate the review process for nonresidential parking standards.

Ms. Petersson moved to initiate the review process and committee with regard to nonresidential parking standards. Ms. Rivas seconded the motion. The motion carried 7-0.

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REQUEST FOR COUNCIL ACTION

MEETING DATE: 3-17-03

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARINGS	PLANNING	E-16

ITEM DESCRIPTION: Preliminary Plat # 03-04 to be known as Manor Woods West Fourteenth, by Forbrook - Bigelow Development, LLC. The plat contains 32.68 acres to be subdivided into 69 single- family home lots and 3 outlots. The plat includes a request for a *Substantial Land Alteration Permit* to allow grade changes in excess of 10 feet in 5 different areas. The property is located south of 5th Street NW, north of Manor Brook Drive NW, west of Manor Park Drive NW and allows of the continuation of Manor Ridge Drive NW.

PREPARED BY: Mitzi A. Baker, Senior Planner

March 11, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on February 26, 2003 to consider this preliminary plat.

Ms. Petersson moved to recommend approval of the substantial land alteration and Preliminary Plat # 03-04 to be known as Manor Woods West Fourteenth, by Forbrook - Bigelow Development, LLC with the staff-recommended conditions and findings. Mr. Quinn seconded the motion. The motion carried 6-0, with Ms. Rivas abstaining.

1. **The Final Plat shall include:**
   - **A 30' wide access from Manor Ridge Lane to Outlot A for maintenance and pedestrians;**
   - **Additional drainage and/or utility easements shall be identified as determined through construction plan review & approval;**
   - **A revised roadway name, to be approved by the Planning Department Addressing staff (see February 6, 2003 memo).**

2. **Parkland dedication for this subdivision shall be met via cash in lieu of land, per the January 31, 2003 memorandum from Rochester Park and Recreation.**

3. **Prior to Final Plat submittal, the applicant shall enter in to a Development Agreement with the City that outlines the obligations of the applicant, relating to, but not limited to, stormwater management, pedestrian facilities, park dedication, traffic improvements, right-of-way dedication, dedication of Outlots, owner obligation for perpetual care of any Wetlands, construction traffic, and contributions for public infrastructure needed to serve this property.**

4. **Execution of an Ownership & Maintenance Declaration for Outlot C is required, and shall be coordinated with Rochester Public Works.**

5. **Construction of pedestrian facilities is required, at the Owner's expense, along the entire frontages of both sides of all public streets within this subdivision, including the frontage of Manor Ridge Drive NW abutting proposed Outlot C, and the frontage of Manor Woods Lane NW abutting Outlots A & B.**

6. **Approval is contingent upon the Technical Evaluation Panel (TEP) finding that this Plat and GDP amendment are consistent with approved Wetland plans and permits. The wetlands in the Outlot must be field inspected by the TEP and determined to have either fulfilled the wetland replacement plan requirements of #99-8 or are in a condition that will lead to successful completion of the plan. In addition, an annual monitoring plan shall be required to be submitted to the TEP until the wetlands are created and stable if the later circumstance exists.**

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

7. **The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.**

8. **The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.**

Council Action Needed:

1. ***The Council may approve, approve with conditions, or deny the Land Subdivision Permit, and Substantial Land Alteration Permit. The Council must make findings of fact as a basis for the decision.***

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney
4. Planning Department File
5. Planning Department, GIS Division
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday March 17, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
7. McGhie & Betts, Inc.

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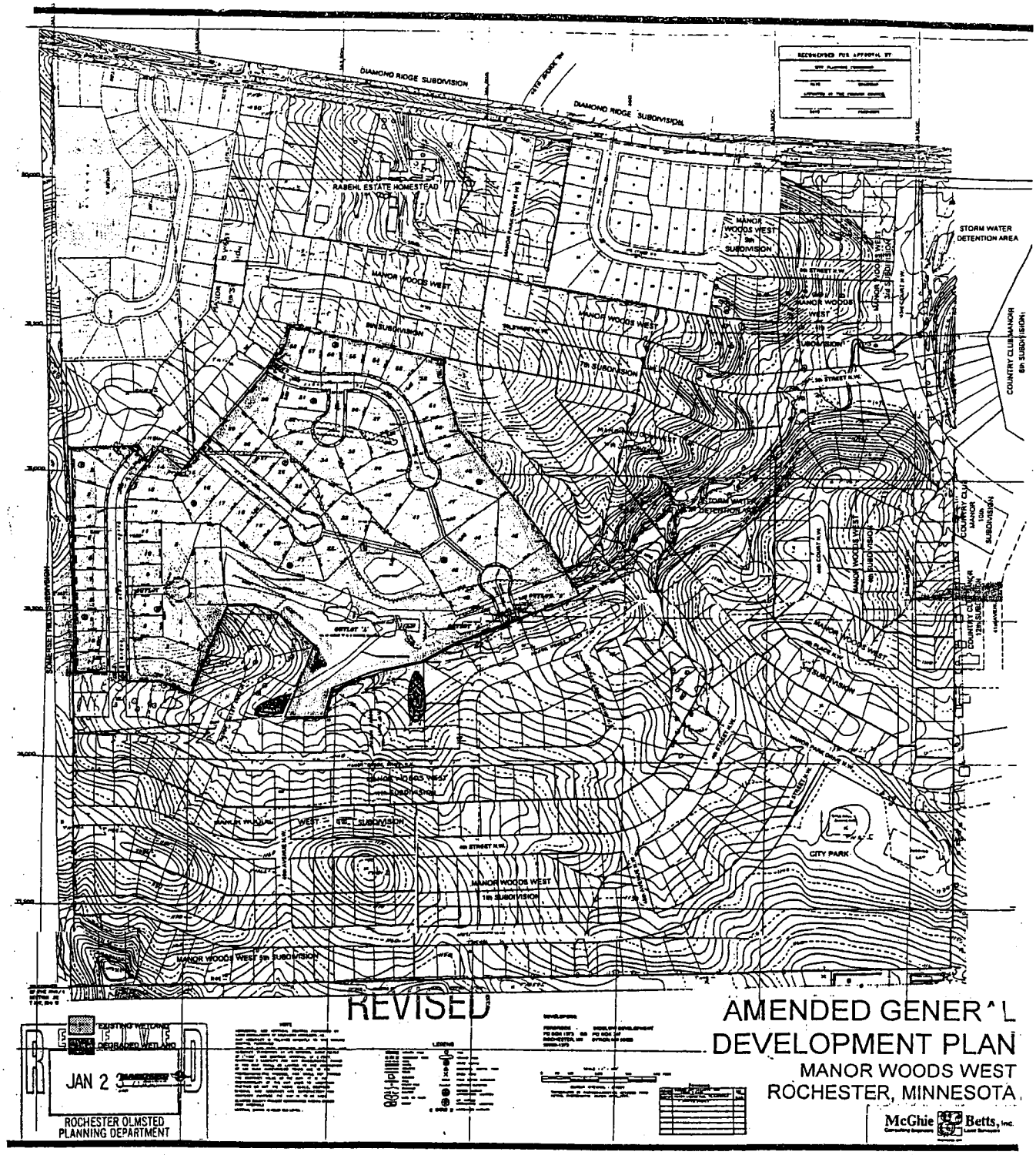

Proposed GDP
Amendment 1103

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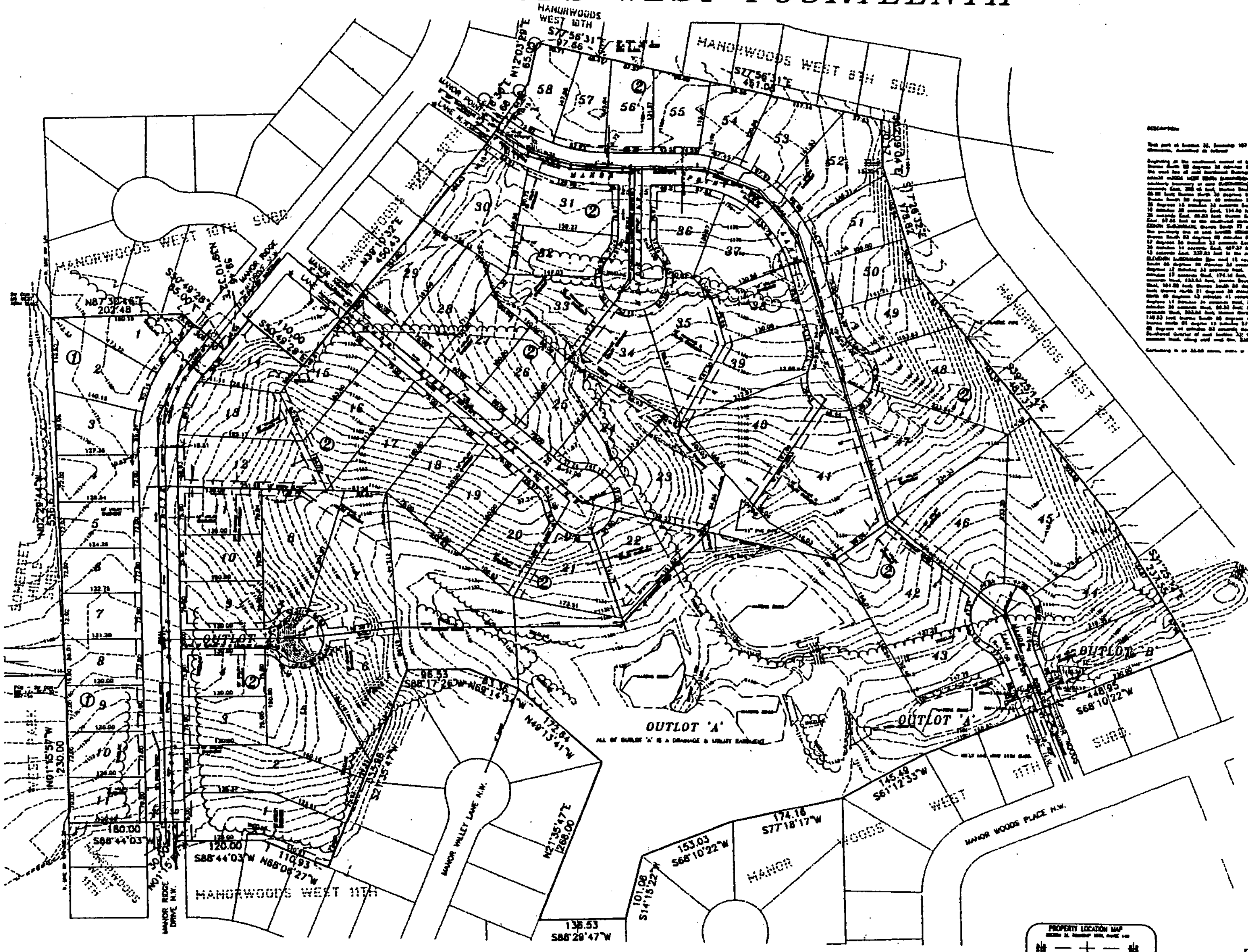
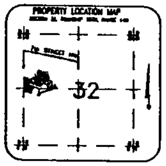
MANOR WOODS WEST FOURTEENTH



DESCRIPTION

[illegible]

MANOR WOODS WEST FOURTEENTH SITE DATA SUMMARY	
TOTAL ACREAGE	33.66
ACREAGE DEVOTED TO PUBLIC USE	3.37
NUMBER OF LOTS R-1 ZONE	58
NUMBER OF OUTLOTS	2



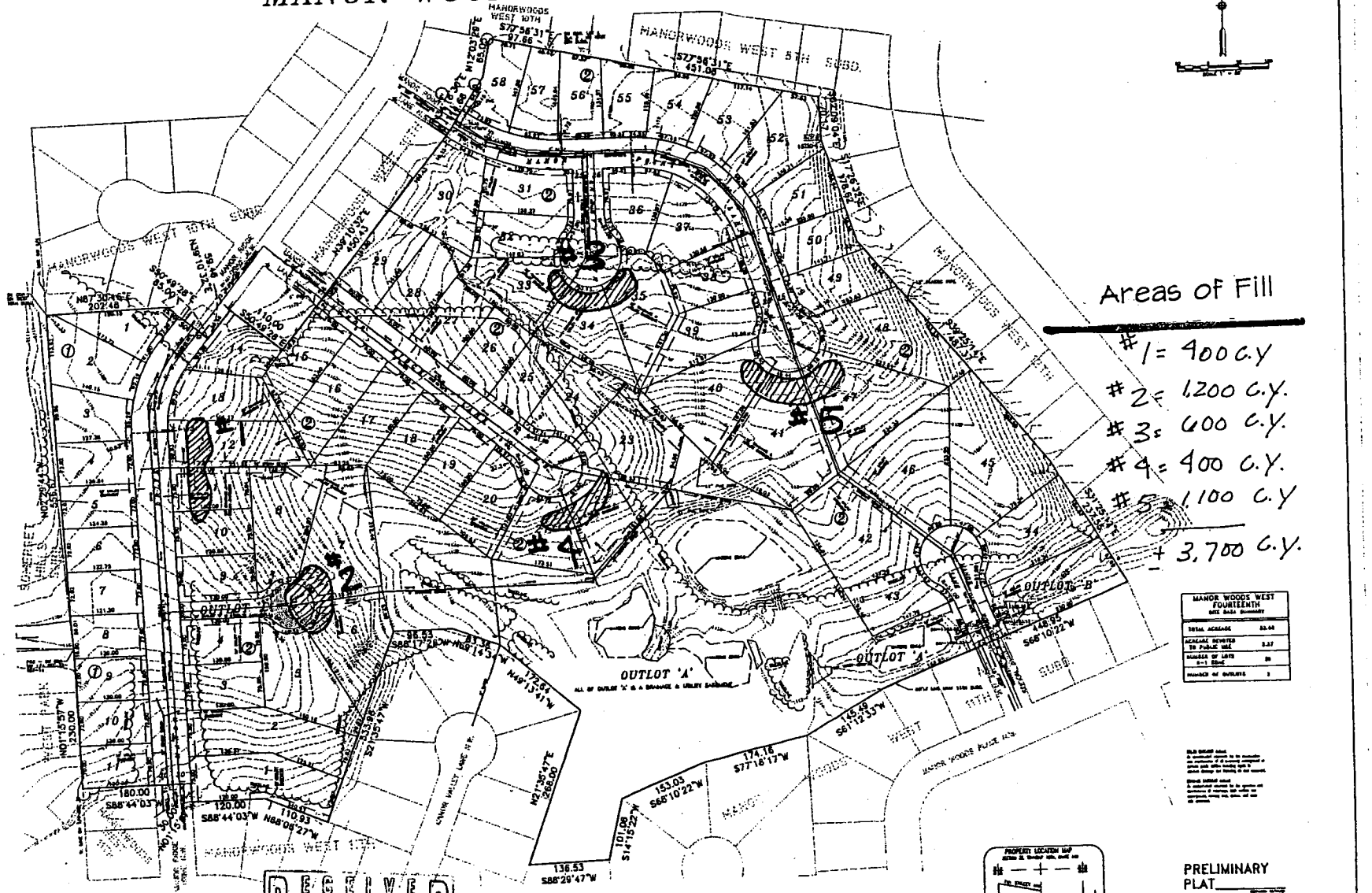
PRELIMINARY PLAT

OWNER & DEVELOPER

[illegible]

RECEIVED
JAN 2 3 2003
ROCHESTER OLMSTED PLANNING DEPARTMENT

MANOR WOODS WEST FOURTEENTH



Areas of Fill

#1 = 400 c.y
#2 = 1,200 c.y.
#3 = 600 c.y.
#4 = 400 c.y.
#5 = 1,100 c.y
+ 3,700 c.y.

MANOR WOODS WEST FOURTEENTH SITE DATA SUMMARY	
TOTAL ACREAGE	83.44
ACREAGE DEDICATED TO PUBLIC USE	3.37
NUMBER OF LOTS R-1 ZONE	39
NUMBER OF OUTLOTS	3

PRELIMINARY PLAT

OWNER & DEVELOPER

Exhibit "A"

RECEIVED
JAN 23 2003
ROCHESTER OLMSTED PLANNING DEPARTMENT

SUBSTANTIAL LAND ALTERATION

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ROCHESTER-OLMSTED PLANNING DEPARTMENT
2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF Olmsted

TO: City Planning and Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

DATE: February 20, 2003

RE: Preliminary Plat # 03-04 to be known as Manor Woods West Fourteenth, by Forbrook - Bigelow Development, LLC. The plat contains 32.68 acres to be subdivided into 69 single- family home lots and 3 outlots. The plat includes a request for a *Substantial Land Alteration Permit* to allow grade changes in excess of 10 feet in 5 different areas. The property is located south of 5th Street NW, north of Manor Brook Drive NW, west of Manor Park Drive NW and allows of the continuation of Manor Ridge Drive NW.

Planning Department Review:

Applicant/Owner: Forbrook-Bigelow Development
706 County Rd. 3 NW
Byron, MN 55920

Surveyors/Engineers: McGhie & Betts, Inc.
1648 3rd Avenue SE
Rochester, MN 55904

Referral Comments:

1. Rochester Department of Public Works
2. Rochester Park & Rec. Dept.
3. Wetlands LGU
4. RPU Water Division
5. Planning Department Addressing
6. Qwest

Report Attachments:

1. Land Development Manual Excerpts
2. Referral Comments
3. Copy of Preliminary Plat

Development Review:

Location of Property: The property is located south of 7th St. NW, between

2-11

Manor Park Drive NW and Manor Ridge Dr. NW, in a currently undeveloped portion of the Manor Woods West General Development Plan.

Zoning: The property is zoned R-1 (Mixed Single Family) district.

Proposed Development: The plat contains 32.68 acres to be subdivided into 69 single- family home lots and 3 outlots. The plat includes a request for a *Substantial Land Alteration Permit* to allow grade changes in excess of 10 feet in 5 different areas.

Streets: The plat proposes to dedicate right-of-way for five public roadways, including four cul-de-sacs. The roadways to be dedicated include extensions of Manor Point Lane NW, Manor Ridge Lane NW, Manor Woods Lane NW and Manor Ridge Drive NW.

Roadway names as shown on the Plat will need to be modified as required by the Planning Department addressing staff. Please see the attached memo dated February 6, 2003 regarding roadway names.

Utilities: Utilities will be extended from their present ends in the adjacent platted lands.

Sidewalks: In accordance with current City policy, sidewalk is required along the both sides of the roadways within the Plat.

Drainage: This property generally drains to Outlots A & B. According to Public Works, these Outlots are intended to be dedicated to the City as public Storm Water Detention Facilities. Additional access will need to be provided for maintenance and pedestrians. Additionally, a Wetland replacement are is located in this area that will need to be field checked and monitored regularly.

Wetlands: A wetland replacement plan has been approved on this property. The Technical Evaluation Panel will need to inspect the Wetland area and plans to assure compliance with the previously approved wetland replacement plan (file #99-08).

Spillover Parking: The spillover parking requirements for this development would be approximately 82 parking spaces. The public roadways in this development, and private driveways should be adequate to accommodate the needed spillover parking.

Parkland Dedication: Parkland dedication requirements for this development need to be satisfied via cash dedication

in lieu of land.

General Development Plan: This property is included in the Manor Woods West General Development Plan. A Type I (staff review) amendment to the GDP is being considered concurrent with this preliminary plat, to add the private road cul-de-sac on the west side and the public cul-de-sac from the south sides of the development.

Staff Suggested Findings for Substantial Land Alteration:

Regarding findings for Section 62.1105, staff suggests the findings as written can be made, with the exception of #13 and #14. Staff suggest the following findings for those two items:

#13) The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.

#14) The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.

The Planning Staff would suggest the following findings for Section 61.146:

1) *Not applicable.*
2) *Not applicable.*
3) *Not applicable.*
4) *The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.*
5) *Not applicable.*
6) *Not applicable.*
7) *Not applicable.*
8) *Not applicable.*

Staff Review and Recommendation:

The Planning staff has reviewed this preliminary plat request under the provisions of LDM Sections 61.225 (effective 5/15/199). Staff recommends the following modifications or conditions:

1. ***The Final Plat shall include:***
   - ***A 30' wide access from Manor Ridge Lane to Outlot A for maintenance and pedestrians;***
   - ***Additional drainage and/or utility easements shall be identified as determined through construction plan review & approval;***
   - ***A revised roadway name, to be approved by the Planning Department Addressing staff (see February 6, 2003 memo).***

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2. *Parkland dedication for this subdivision shall be met via cash in lieu of land, per the January 31, 2003 memorandum from Rochester Park and Recreation.*

3. *Prior to Final Plat submittal, the applicant shall enter in to a Development Agreement with the City that outlines the obligations of the applicant, relating to, but not limited to, stormwater management, pedestrian facilities, park dedication, traffic improvements, right-of-way dedication, dedication of Outlots, owner obligation for perpetual care of any Wetlands, construction traffic, and contributions for public infrastructure needed to serve this property.*

4. *Execution of an Ownership & Maintenance Declaration for Outlot C is required, and shall be coordinated with Rochester Public Works.*

5. *Construction of pedestrian facilities is required, at the Owner's expense, along the entire frontages of both sides of all public streets within this subdivision, including the frontage of Manor Ridge Drive NW abutting proposed Outlot C, and the frontage of Manor Woods Lane NW abutting Outlots A & B.*

6. *Lots with direct access to 7th St. NW shall have shared driveways, meeting the access spacing standards of the Rochester Zoning Ordinance and Land Development Manual.*

7. *Approval is contingent upon the Technical Evaluation Panel (TEP) finding that this Plat and GDP amendment are consistent with approved Wetland plans and permits. The wetlands in the Outlot must be field inspected by the TEP and determined to have either fulfilled the wetland replacement plan requirements of #99-8 or are in a condition that will lead to successful completion of the plan. In addition, an annual monitoring plan shall be required to be submitted to the TEP until the wetlands are created and stable if the later circumstance exists.*

8. *The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.*

9. *The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.*

REMINDER TO APPLICANT:

- *Prior to development, the property owner will need to execute a City Owner Contract for construction of the public roadways and utilities.*
- *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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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 application for Preliminary Plat #03-04 , for Manor Woods West 14th. 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, and contributions for public infrastructure.

2. Grading & Drainage Plan approval is required for this development prior to Final Plat submittal.

3. Execution of a City-Owner Contract will be required prior to construction of any public infrastructure to serve this development.

4. Execution of an Ownership & Maintenance Declaration is required for Outlot 'C'.

5. Construction of pedestrian facilities is required, at the Owner's expense, along the entire frontages of both sides of all public streets within this subdivision, including the frontage Manor Ridge Dr NW abutting proposed Outlot 'C', and the frontage of Manor Woods Ln NW abutting Outlots 'A' & 'B'.

6. Outlots 'A' & 'B' are intended to be dedicated to the City as public Storm Water Detention Facilities. Based on the Grading Plan for Manor Woods West 11th, there is a replacement wetland on a portion of the proposed Outlot 'A'. The Owner's obligation for perpetual care of any wetlands on the Outlot will be addressed in the Development Agreement.

7. All construction traffic for this development shall access the project via 7th St NW to Manor Ridge Dr NW.

2n5

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

9. A drainage easement is needed from Outlot 'C' to Outlot 'A' to accommodate the conveyance of stormwater from Block 2 of the proposed preliminary plat. In addition, the extension of storm sewer may be required to the existing detention ponds from Outlot 'C', Manor Ridge Ln NW, Manor Ln NW, & Manor Point Ln NW as erosion prevention. The requirement of stormsewer extension will be determined during construction plan and grading plan reviews.

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):

- J8619 Trunkline Sanitary Sewer @ approximately $1130.77 per developable acre (rate includes 10 years of interest @ 7.0%).
- J8251 Water Tower @ approximately $1531.50 per developable acre (rate includes 10 years of interest @ 7.0%).
- Storm Water Management, for any areas that do not drain to the on-site detention facilities @ $2,211.76 per developable acre
- Traffic Signs as determined by the City Engineer.
- First Seal Coat @ $0.49 per square yard of public street surface.

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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: Manorwoods West 14th
Preliminary Plat #03-04

Acreage of plat	32.68 a
Number of dwelling units	69 units
Density factor	.0244
Dedication	1.68 a
Fair market value of land	$14,000/a

The Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land

If Outlot A is intended to become public property, there should be additional access..both for maintenance and pedestrian. A 30' regraded access off of Manor Ridge Lane between lots 21-22 is one such option.

WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Type I Amendment to GDP #92 and Preliminary Plat #03-04 to be known as Manor Woods West 14th

- ☐ 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:

A wetland replacment plan has been approved and is incorporated into this GDP. The Technical Evaluation Panel will need to inspect the wetland area and plans to assure compliance with the previously approved wetland replacement plan. The wetland file number is #99-8.

From John Harford
Wetlands LGU Representative

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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: Preliminary Plat #03-04 by Forbrook-Bigelow Development, LLC to be known as Manorwoods West Fourteenth.

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 43 to 78 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
Forbrook-Bigelow Development, 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-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: February 6, 2003

TO: Jennifer Garness

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

CC: Mike Gowin (Yaggy Colby)

RE: **MANOR WOODS WEST FOURTEENTH**

PRELIMINARY PLAT #03-04

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

1. The cul-de-sac illustrated as Manor lane NW has been changed to MANOR GARDEN LANE NW.

RECOMMENDATION: Change roadway designation to illustrate **MANOR GARDEN LANE NW.**

2. The cul-de-sac illustrated as Manor Ridge Lane NW east of Manor Ridge Drive NW has been changed to **MANOR END LANE NW.** (Our staff will complete an RCA after the Final Plat is recorded to change Manor Ridge Lane NW (platted in Manorwoods West Tenth), to MANOR END LANE NW).

RECOMMENDATION: Change roadway designation to illustrate **MANOR END LANE NW.**

3. The cul-de-sac illustrated as OUTLOT C needs a designation even though it's a private roadway. Work with our office to verify roadway name.

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ROCHESTER-OLMSTED PLANNING DEPARTMENT
2122 CAMPUS DRIVE SE – SUITE 100
ROCHESTER, MN 55904
PHONE (507) 285-8232
FAX (507) 287-2275

Date: January 27, 2003

To: Agencies Indicated Below

From: Jennifer Garness, Planning Department

Subject: **Preliminary Plat # 03-04 to be known as Manor Woods West Fourteenth, by Forbrook - Bigelow Development, LLC. The plat contains 32.68 acres to be subdivided into 69 single- family home lots and 3 outlots. The plat includes a request for a Substantial Land Alteration Permit to allow grade changes in excess of 10 feet in 5 different areas. The property is located south of 5th Street NW, north of Manor Brook Drive NW, west of Manor Park Drive NW and allows of the continuation of Manor Ridge Drive NW.**

This application is scheduled for consideration by the City Planning and Zoning Commission on February 26, 2003, in the Council/Board Chambers of the Government Center, 151 4th Street SE. In order for the Planning Department to prepare a thorough review of this application, we would appreciate receiving your **comments by February 14, 2003**. You may also appear at the meeting if you so desire. Your cooperation and assistance is greatly appreciated. ***If you have comments, in addition to forwarding them to the Planning Department, please send a copy to:***

Forbrook-Bigelow Development, LLC
706 County Road 3 NW
Byron MN 55920
(507) 775-2280

McGhie & Betts, Inc.
1648 Third Avenue SE
Rochester MN 55904
(507) 289-3919
mbi@mcghiebetts.com

City Agencies

1. Public Works
   Richard Freese
2. Fire Department
   Vance Swisher
3. Crime Prevention
   Darrel Hildebrant, Gov. Center
4. RPU Operations Division
   Mike Engle
5. RPU Water Division
   Donn Richardson
6. Park & Recreation
   Denny Stotz
7. Building Safety
   Ron Boose
8. City Attorney
   Dave Goslee
9. Downtown Dev. Dist.
   Doug Knott
10. City Administration
    Terry Spaeth
11. Transportation Planner
    Charlie Reiter
12. John Harford, Planning Dept.

County Agencies

13. Health Department
    Rich Peter
14. Public Works
15. GIS Division
    Randy Growden
16. Environmental Resource Services

Other Agencies

17. School Board
    Jeff Kappers
18. Aquila
    Neal Clausen
19. Aquila
    Rory Lenton
20. Qwest
    Julie Schletty
21. Charter Communications
22. MN DOT
    Dale Maul
23. Post Office
    Supervisor
24. MN DNR
    Bob Bezek
25. SWCD
26. Peoples Coop
    Rick Wellik
27. Peoples Coop
    Sandy Sturgis
28. CUDE, Design Review Committee
    Christine Schultze
29. Susan Waughtal Neighborhood Organizer

Qwest does not object. However, if tel. cable needs to be relocated/moved, charges may be incurred be developer.

Val Whebred
Qwest Comm.
285-3634

McGhie Betts, Inc.
Rochester Minnesota
1648 Third Avenue S.E.
Rochester, MN 55904

Tel. 507.289.3919
Fax. 507.289.7333
e-mail. mcghiebetts.com
Established 1946

SUBSTANTIAL LAND ALTERATION

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January 23, 2003

Mr. Brent Svenby
Consolidated Planning Department
2122 Campus Dr. S.E.
Rochester, MN 55904

RE: Exemption from Section 62.1101 B. (1) for "Manor Woods West Fourteenth"

Dear Mr. Svenby:

Section 62.1101 of the Rochester Code of Ordinances contains new standards for Substantial Land Alteration projects. Five areas in the Manor Woods West Fourteenth Subdivision will result in exceeding a 10-foot vertical fill shown in Exhibit "A". This project meets the definition of Section 62.1101 2.a.1(d) where the fill involves a grade change of 10-feet or more from the pre-existing grades. Therefore, we are requesting an exemption.

Fill #1 involves a 10'-12' fill - with approximately 400 cubic yards of fill
Fill #2 involves a 10'-15' fill – with approximately 1,200 cubic yards of fill
Fill #3 involves a 10'-12' fill – with approximately 600 cubic yards of fill
Fill #4 involves a 10'-12' fill – with approximately 400 cubic yards of fill
Fill #5 involves a 10'-14' fill – with approximately 1,100 cubic yards of fill

Total fill in excess of 10' = 3,700 cubic yards (See Exhibit "A")

Section 62.1101 A..6 provides for an exemption provided there are sufficient findings made as contained in Section 62.1105. The following are suggested findings in support of the request.

62.1105 1-15

1. The activity necessary to grade the portions in excess of 10-foot vertical fill will not result in unstable slopes or unsafe access and is not near existing residential areas parks or roadways. The street gradients and side slopes are in accordance with the standards for the City of Rochester. The work is required to construct the public roadway or properly grade individual buildings.

2. The grading plan will document the extent of the work. The excess fills are a small part of the overall grading plan. These fills will have a negligible effect on the surrounding residential lots with regards to noise and air quality.

3. The equipment used to move the earth is the same type of equipment that will be utilized to grade all of the roadways in the subdivision. There is not

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a need for additional equipment to do the work, therefore, there would not be an adverse effect on the existing road system to the site.

4. The additional grading will not adversely effect air quality. The proposed fills are not near the ground water.

5. The grading will create the future public roadway and single-family residential lots, which have been sited to reduce the impacts for wooded areas, natural landscapes, and wildlife corridors.

6. The additional grading (in excess of 10-foot) is compatible with the existing and future subdivisions in the area and are necessary to construct the public roadway, ditches and back slopes of the future lots.

7. Grading is confined to the Manor Woods West Fourteenth Subdivision and not to the adjacent properties. Therefore, it will not unduly effect the use of adjacent properties.

8. Grading will take place within the proposed individual platted lots. All of these slopes will be restored after completion of grading either by paving or re-seeding.

9. The grading plan will provide for proper restoration and stabilization in accordance with the codes for the City of Rochester.

10. Grading of these areas are necessary to provide adequate drainage.

11. The area of grading does not contain sinkholes or wetlands and will not affect the ground water or the subsurface water quality once restoration and stabilization is completed.

12. The additional time necessary to complete the grading needed for the five filled areas will be negligible.

13. Permanent and interim (during construction) erosion/sedimentation control is provided for in the Grading Plan. The City will review and approve this grading plan.

14. There are numerous permits including the grading approval and NPDS that require the site to be fully restored to a safe condition. After the site is graded, as per the approved grading plan, the site will be developed into 69 single- family homes. These uses are compatible with the Comprehensive Plan, neighborhood plans, and the Land Use Plan and all applicable City policies.

15. The activity is not associated with the building code. Ordinance 62.1100 and the standards in the Land Development Manual and on file with Public Works shall apply to the design standards and construction process.

Yours very truly,

McGhie & Betts, Inc.

Kristi L. Clarke

Kristi L. Clarke, AICP
Land Planner

KLC/klc

Pc. Joel Bigelow
Chuck Forbrook

Preliminary Plat # 03-04 to be known as Manor Woods West Fourteenth, by Forbrook - Bigelow Development, LLC. The plat contains 32.68 acres to be subdivided into 69 single- family home lots and 3 outlots. The plat includes a request for a Substantial Land Alteration Permit to allow grade changes in excess of 10 feet in 5 different areas. The property is located south of 5th Street NW, north of Manor Brook Drive NW, west of Manor Park Drive NW and allows of the continuation of Manor Ridge Drive NW.

Ms. Rivas stated that she would need to abstain.

Mr. Brent Svenby presented the staff report, dated February 20, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Burke asked if condition number 6 listed in the staff report was an error in the report.

Mr. Svenby responded yes and asked that it be stricken.

Mr. Burke asked how steep the slope was on the westerly roadway going up the hill.

Mr. Svenby explained that he would review the construction plans.

Ms. Rivas asked if Outlot A was part of the wetland reconstruction.

Mr. Svenby responded yes and referred to condition number 7 listed in the staff report.

Ms. Rivas stated that the substantial land alteration was located by the cul-de-sacs. She asked if staff was concerned about possible erosion.

Mr. Svenby responded that he was not aware of any concerns from staff.

The applicant's representative, Ward Opitz, of 5955 118th Avenue NW, Byron MN 55920, addressed the Commission. He stated that the applicant was in agreement with the staff-recommended conditions, except for condition 1)a regarding the 30' wide pedestrian and maintenance access off of Manor Ridge Lane. He explained that they wouldn't want people to be walking through those wetlands.

Ms. Rivas asked if any trees would be saved.

Mr. Opitz responded that some trees would be.

Mr. Quinn asked what the westerly road elevation was.

Mr. Opitz responded that he thought it was roughly 5 percent, although he had not seen the grading plan.

Mr. Burke asked what the purpose was of having a private roadway to the cul-de-sac.

Mr. Opitz responded that it served 4 lots, in which an association agreement would be created. He indicated that it would be 28 feet wide with curb on both sides.

Mr. Svenby clarified that there would be an 8 percent slope according to the construction plan.

2K5 1

Mr. Svenby stated that the reason for the 30-foot wide access off of the cul-de-sac was for a maintenance and pedestrian access.

Ms. Wiesner indicated that the maintenance access should come from a different cul-de-sac.

Discussion ensued regarding where the maintenance access should be located. Mr. Svenby indicated that he would work it out prior to the City Council meeting.

Mr. Burke asked what the policy was with regard to a storm water management in wetlands.

Mr. Svenby stated that he would need to ask John Harford. He explained that a replacement plan was done in 1999.

Mr. Sam Ellis, of 4914 Manor Ridge Lane NW, Rochester MN, addressed the Commission. He indicated that the water pressure is already poor in Manor Ridge Lane. He expressed concern with the northern lot on Manor Ridge Drive being angled back from the other home. He indicated that the homes would be too close to each other.

Discussion ensued regarding the back lot line. Mr. Svenby showed the house layout for that lot from the grading plan and indicated that they would be 50 feet from each other.

Ms. Raelener Shufelt, of 443 Manor Valley Lane NW, Rochester MN, addressed the Commission. She stated that her backyard would abut the new development. She expressed concern with regard to loosing the wooded area and habitat and expressed concern with possible water runoff and land erosion if the landscape is changed (with regard to the substantial land alteration).

Ms. Wiesner explained that the developer plans to leave some of the trees along the perimeter by the wetlands. She explained that need for creating pads for homes.

Mr. Opitz explained that the substantial land alteration is needed to create the pads for the homes. He explained that there would be as much buffer as possible.

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

Ms. Petersson moved to recommend approval of the substantial land alteration and Preliminary Plat # 03-04 to be known as Manor Woods West Fourteenth, by Forbrook - Bigelow Development, LLC with the staff-recommended conditions and findings. Mr. Quinn seconded the motion. The motion carried 6-0, with Ms. Rivas abstaining.

CONDITIONS:

1. **The Final Plat shall include:**
   - **A 30' wide access from Manor Ridge Lane to Outlot A for maintenance and pedestrians;**
   - **Additional drainage and/or utility easements shall be identified as determined through construction plan review & approval;**
   - **A revised roadway name, to be approved by the Planning Department Addressing staff (see February 6, 2003 memo).**

2. **Parkland dedication for this subdivision shall be met via cash in lieu of land, per the January 31, 2003 memorandum from Rochester Park and Recreation.**

3. **Prior to Final Plat submittal, the applicant shall enter in to a Development Agreement with the City that outlines the obligations of the applicant, relating to, but not limited to, stormwater management, pedestrian facilities, park dedication, traffic improvements, right-of-way dedication, dedication of Outlots, owner obligation for perpetual care of any Wetlands, construction traffic, and contributions for public infrastructure needed to serve this property.**

4. **Execution of an Ownership & Maintenance Declaration for Outlot C is required, and shall be coordinated with Rochester Public Works.**

5. **Construction of pedestrian facilities is required, at the Owner's expense, along the entire frontages of both sides of all public streets within this subdivision, including the frontage of Manor Ridge Drive NW abutting proposed Outlot C, and the frontage of Manor Woods Lane NW abutting Outlots A & B.**

6. **Approval is contingent upon the Technical Evaluation Panel (TEP) finding that this Plat and GDP amendment are consistent with approved Wetland plans and permits. The wetlands in the Outlot must be field inspected by the TEP and determined to have either fulfilled the wetland replacement plan requirements of #99-8 or are in a condition that will lead to successful completion of the plan. In addition, an annual monitoring plan shall be required to be submitted to the TEP until the wetlands are created and stable if the later circumstance exists.**

7. **The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.**

8. **The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.**

Land Subdivision Permit (Preliminary Plat) #03-05 to be known as Hart Farm Second, by Arcon Development. The Applicant is proposing to subdivide approximately 18 acres of land into 47 lots for single family development and three Outlots. The Plat also proposes to dedicate new public roadways. The property is located west of 18th Ave. SW and Hart Farm Subdivision, north of 40th St. SW and includes an extension of Hart Drive SW.

Mr. Brent Svenby presented the staff report dated February 21, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that condition number 2 listed in the staff report could be stricken.

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MEETING
DATE 3-17-03

REQUEST FOR COUNCIL ACTION

AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARINGS	PLANNING	E-17
ITEM DESCRIPTION: Land Subdivision Permit (Preliminary Plat) #03-05 to be known as Hart Farm Second, by Arcon Development. The Applicant is proposing to subdivide approximately 18 acres of land into 47 lots for single family development and three Outlots. The Plat also proposes to dedicate new public roadways. The property is located west of 18th Ave. SW and Hart Farm Subdivision, north of 40th St. SW and includes an extension of Hart Drive SW.		**PREPARED BY:** Brent Svenby, Planner

March 13, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on February 26, 2003 to consider this preliminary plat to allow for a single family residential development.

Andy Masterpole of McGhie & Betts, Inc. stated that the applicant agrees with staff's recommended conditions.

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 Plat shall be revised:**
   a. **Changing the roadway type for "Nova Court SW" to "Nova Lane SW".**
   b. **Changing the roadway type for "Nebula Drive SW' to "Nebula Lane SW".**
   c. **Changing the roadway type for "Galileo Drive SW" to "Galileo Place SW" or Galileo Road SW".**
   d. **Changing the roadway name for "Voyager Drive SW", but keep the roadway type and directional.**
   e. **Providing a 20' minimum public utility easement for the 8" watermain loop between Lots 6 and 7, Block 5 between the Nebula Drive SW cul-de-sac and the adjacent property to the north.**

2. **Grading and Drainage Plan approval is required prior to submitting the Final Plat. A Stormwater Management charge shall apply to any areas of this subdivision that do not drain to the existing on-site detention facilities constructed with Hart Farm Subdivision.**

3. **Pedestrian facilities (concrete sidewalk) shall be required, at the Owner's expense, along both side of all new public roads within this Subdivision, including the frontages along the three (3) mid-block connection - Outlots A, B and C. Outlots A, B and C shall be dedicated to the City, at no cost to the City, and the Owner is obligated to grade and construct a 10 foot wide bituminous pedestrian mid-block connection on each of the three Outlots. In addition, the Owner shall grade and seed to turf, the area less the 10' bituminous path, within the three Outlots A, B and C, prior to deeding to the City.**

4. **Dedication of parkland shall be met via: deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated January 31, 2003.**

Mr. Burke moved to recommend approval of Preliminary Plat #03-05 to be known as Hart Farms Second by Arcon Development with staff-recommended findings and conditions. Mr. Quinn seconded the motion. The motion carried 6-0 with Ms. Rivas abstaining.

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

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Council Action Needed:

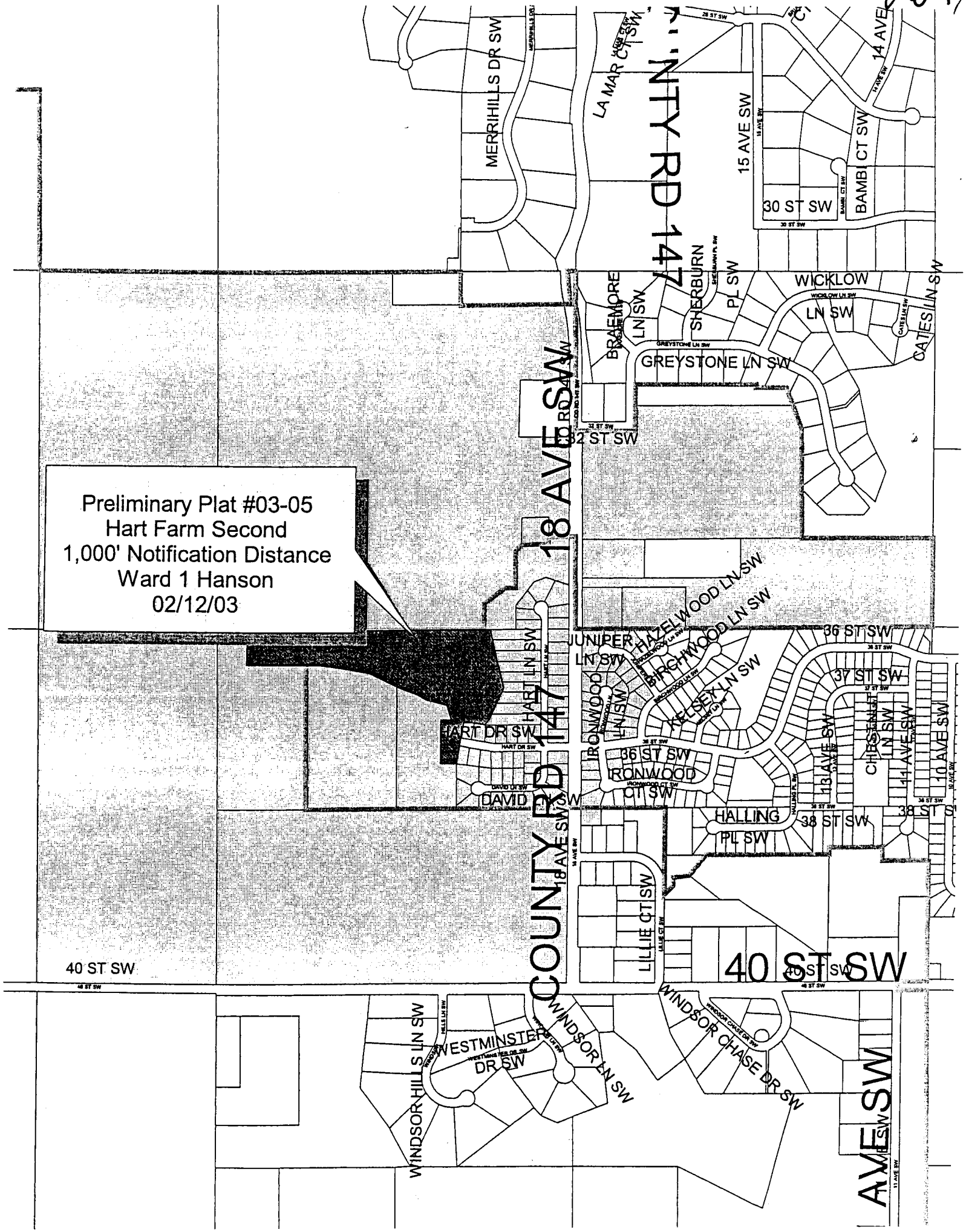
1) **The Council may approve, approve with conditions, or deny the land subdivision permit. The Council must make findings of fact based on the criteria included in the staff report. A motion to deny must include supporting reasons for a conclusion that at least one of the fifteen findings for denial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

Attachment:

1. Staff Report dated February 21, 2003
2. Minutes of the February 26, 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 17, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
6. McGhie & Betts, Inc.


Preliminary Plat #03-05
Hart Farm Second
1,000' Notification Distance
Ward 1 Hanson
02/12/03
COUNTY RD 147
18 AVE SW
40 ST SW
MERRIHILLS DR SW
LA MAR CT SW
15 AVE SW
14 AVE
BAMBI CT SW
30 ST SW
BRAEMORE LN SW
SHERBURN PL SW
WICKLOW LN SW
CATES LN SW
GREYSTONE LN SW
32 ST SW
HAZELWOOD LN SW
JUNIPER LN SW
BIRCHWOOD LN SW
KELSEY LN SW
36 ST SW
37 ST SW
HART LN SW
HART DR SW
IRONWOOD LN SW
IRONWOOD CT SW
DAVID LN SW
HALLING PL SW
38 ST SW
CHESTNUT LN SW
13 AVE SW
11 AVE SW
10 AVE SW
LILLIE CT SW
WINDSOR HILLS LN SW
WESTMINSTER DR SW
WINDSOR LN SW
WINDSOR CHASE DR SW

PROPERTY LOCATION MAP

PETER'S PROPERTY

Hart Farm Second Subdivison

HART FARMS' PROPERTY

OUTLOT

PHASE I

PHASE II

PHASE III

ANNEXATION LINE

ACCESS

HART DRIVE S.W. (MAJOR LOCAL)

DAVID LANE S.W.

FUTURE PARK 3.8 ACRES

20' UTILITY EASEMENT

20' DRAINAGE & UTILITY EASEMENT

NORTH RIDGE AVENUE S.W.

(COUNTY ROAD 147)

18th AVENUE S.W.

N 88°48'36" E 2626.71

N 01°27'27" W 1316.62

S 01°07'34" E 1318.00

S 88°48'32" W 2621.00

R C & A
HART FARMS' PROPERTY

APPROVED GDP

LILLIE'S FIRST SUBDIVISION

REVISED

SCALE 1" = 100'

McGhie Consulting Engineers

Betts, Inc. Land Surveyors

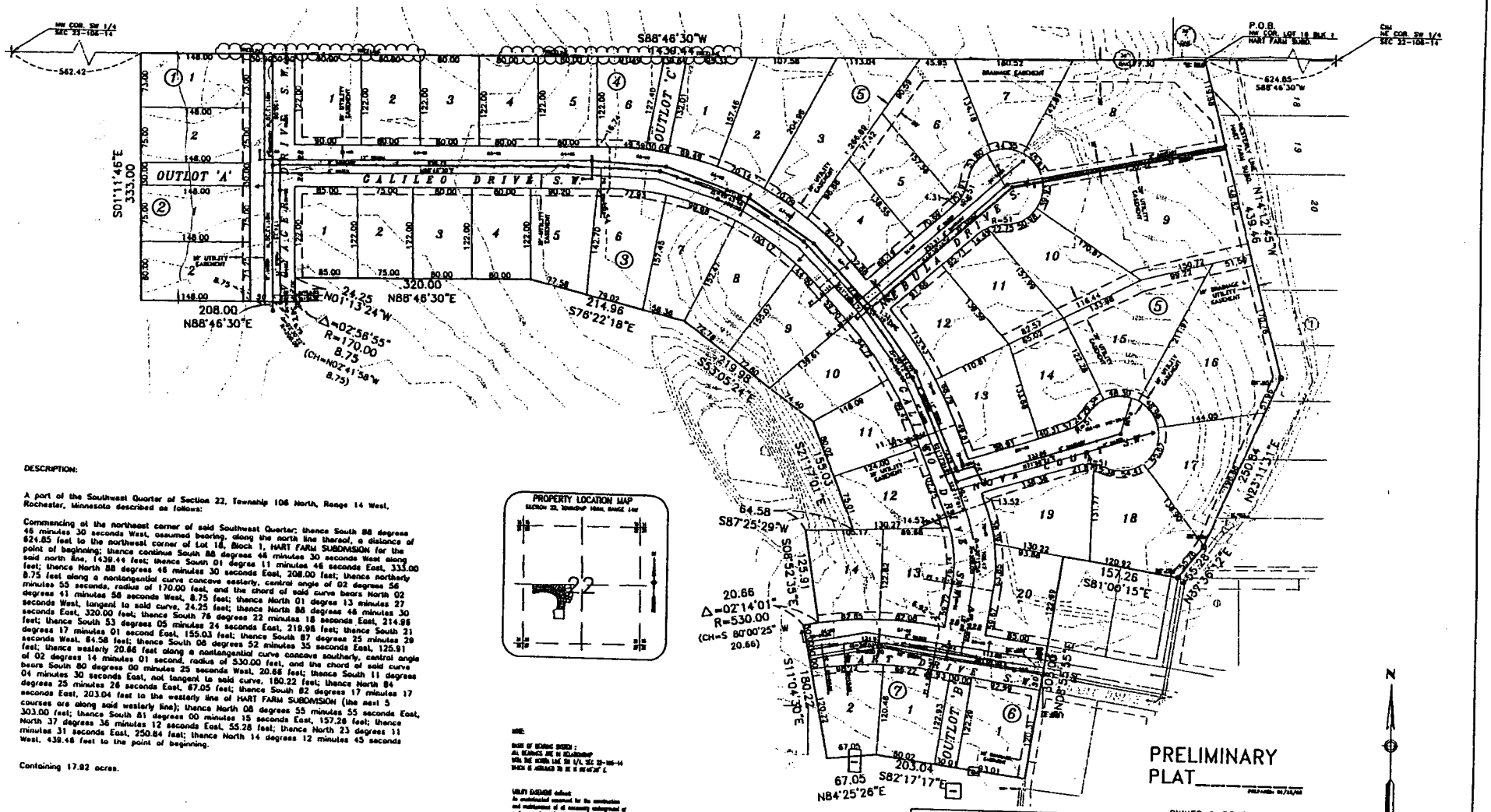
NEAL GROTENBOER
140 ELTON HILLS DRIVE NW
ROCHESTER, MN 55901
MDC, LLC

JOB NO. 1306/0043

HART FARMS SUBDIVISION GENERAL DEVELOPMENT PLAN

No. 1/2, SW 1/4

HART FARM SECOND



DESCRIPTION:

A part of the Southwest Quarter of Section 22, Township 106 North, Range 14 West, Rochester, Minnesota described as follows:

Commencing at the northeast corner of said Southwest Quarter; thence South 88 degrees 46 minutes 30 seconds West, assumed bearing, along the north line thereof, a distance of 624.85 feet to the northwest corner of Lot 18, Block 1, HART FARM SUBDIVISION for the point of beginning; thence continue South 88 degrees 46 minutes 30 seconds West along said north line, 1439.44 feet; thence South 01 degrees 11 minutes 46 seconds East, 333.00 feet; thence North 88 degrees 46 minutes 30 seconds East, 208.00 feet; thence northerly 8.75 feet along a nontangential curve concave easterly, central angle of 02 degrees 56 minutes 55 seconds, radius of 170.00 feet, and the chord of said curve bears North 02 degrees 41 minutes 58 seconds West, 8.75 feet; thence North 01 degree 13 minutes 27 seconds West, tangent to said curve, 24.25 feet; thence North 88 degrees 46 minutes 30 seconds East, 320.00 feet; thence South 76 degrees 22 minutes 18 seconds East, 214.96 feet; thence South 53 degrees 05 minutes 24 seconds East, 219.98 feet; thence South 21 degrees 17 minutes 01 second East, 155.03 feet; thence South 87 degrees 25 minutes 29 seconds West, 64.58 feet; thence South 08 degrees 52 minutes 35 seconds East, 125.91 feet; thence westerly 20.66 feet along a nontangential curve concave southerly, central angle of 02 degrees 14 minutes 01 second, radius of 530.00 feet, and the chord of said curve bears South 80 degrees 00 minutes 25 seconds West, 20.66 feet; thence South 11 degrees 04 minutes 30 seconds East, not tangent to said curve, 180.22 feet; thence North 84 degrees 25 minutes 26 seconds East, 67.05 feet; thence South 82 degrees 17 minutes 17 seconds East, 203.04 feet to the westerly line of HART FARM SUBDIVISION (the next 5 courses are along said westerly line); thence North 08 degrees 55 minutes 55 seconds East, 303.00 feet; thence South 81 degrees 00 minutes 15 seconds East, 157.26 feet; thence North 37 degrees 36 minutes 12 seconds East, 55.28 feet; thence North 23 degrees 11 minutes 31 seconds East, 250.84 feet; thence North 14 degrees 12 minutes 45 seconds West, 439.46 feet to the point of beginning.

Containing 17.92 acres.

NOTE:

BASIS OF BEARING SHOWN:
ALL BEARINGS ARE IN RELATIONSHIP WITH THE NORTH LINE OF S/L SEC 22-106-14 BASED ON ASSUMED BEARING OF S 88°46'30" E

UTILITY EASEMENT defined:
An unobstructed easement for the construction and maintenance of a necessary underground or surface public utilities including lights, to conduct drainage and blending on said easement.

DRAINAGE EASEMENT defined:
An unobstructed easement for the operation and maintenance of sidewalks, bulk heads and underground, flowing water, sewers, and under said easement.

HART FARMS SECOND SITE DATA SUMMARY	
TOTAL ACREAGE	17.92
ACREAGE DEVOTED TO PUBLIC USE	3.35
NUMBER OF LOTS R-1 ZONE	47
NUMBER OF OUTLOTS	3

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.

Date _____ Reg. No. _____

PREPARED BY
HANNE & ASSOC. INC.
CONSULTING ENGINEERS
PLANNERS, LAND SURVEYORS
ROCHESTER, MINNESOTA

HART FARM SECOND

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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 21, 2003

RE: Land Subdivision Permit (Preliminary Plat) #03-05 to be known as Hart Farm Second, by Arcon Development. The Applicant is proposing to subdivide approximately 18 acres of land into 47 lots for single family development and three Outlots. The Plat also proposes to dedicate new public roadways. The property is located west of 18th Avenue SW and Hart Farm Subdivision, north of 40th Street SW and includes an extension of Hart Drive SW.

Planning Department Review:

Applicant/Owner:

Arcon Development
7625 Metro Boulevard, Suite 350
Edina, MN 55439

Surveyors/Engineers:

McGhie & Betts, Inc.
1648 Third Avenue SE
Rochester, MN 55904

Referral Comments:

1. Rochester Public Works Department
2. Park and Recreation Department
3. Planning Department - John Harford, Wetlands Representative
5. Planning Department - Addressing staff
6. Public Utilities - Water Division
7. Rochester Fire Department

Report Attachments:

1. Referral Comments (7 letters)
2. Location Map
3. Copy of Preliminary Plat
4. Hart Farms Approved Amended GDP

Development Review:

Location of Property:

The property is located along the west side of 18th Avenue SW and Hart Farm Subdivision, north of 40th Street SW.

Zoning:

A majority of the property is currently zoned R-1 (Mixed Single Family) district on the City of Rochester Zoning Map. The City Council will consider the annexation of the westerly portion of the plat at their March 3, 2003 meeting.

Upon MN Planning / Office of Strategic Long Range Planning approval for this annexation, the westerly portion will be zoned R-1 (Mixed Single Family Residential) district on the Rochester Zoning Map.

Proposed Development:

This development is subdividing approximately 18 acres of land into 47 lots for low density residential development, three outlots and includes the extension of Hart Drive SW.

Roadways:

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

The first roadway is a continuation of "Hart Drive SW" and is designed with a 60' right-of-way.

The second roadway is named "Galileo Drive SW" and is designed with a 56' right-of-way. This roadway is illustrated as an incorrect roadway type. Staff is recommending changing the roadway type to "Galileo Place SW" or "Galileo Road SW".

The third roadway is a cul-de-sac named "Nova Court SW". This roadway is designed with a 50' right-of-way with a 50' cul-de-sac radius. This roadway is illustrated as an incorrect roadway type. Staff is recommending changing the roadway type to "Nova Lane SW".

The fourth roadway is a cul-de-sac named "Nebula Drive SW". This roadway is designed with a 50' right-of-way with a 51' cul-de-sac radius. This roadway is illustrated as an incorrect roadway type. Staff is recommending changing the roadway type to "Nebula Lane SW".

The fifth roadway named "Voyager Drive SW" is designed with a 60' right-of-way. This roadway will need to be given a different name. Staff is recommending changing the name, but keeping the roadway type (Drive) and directional (SW).

Pedestrian Facilities:

Pedestrian facilities (concrete sidewalk) is required at the Owner's expense, along both sides of all new public roadways within this Subdivision, including the frontages of the three (3) mid-block connection Outlots.

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Pedestrian Facilities (Continued):

Outlots A, B and C shall be dedicated to the City, at no cost to the City, the Owner is obligated to grade and construct a 10 foot wide bituminous pedestrian mid-block connection on each of the three Outlots.

The applicant shall be required to grade and seed to turf, the area less the 10' bituminous path, within the three Outlots A, B and C, prior to deeding to the City.

Drainage:

The topography generally drains from the NE to the southwest and west with elevations from the NE corner of the proposed plat being 1208' to 1236' along the SW and 1248' along the western portion of this proposed plat.

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 charge will apply to any areas of this subdivision that do not drain to the existing on-site detention facilities constructed with Hart Farm Subdivision.

Wetlands:

The Soil Survey and National Wetland Indicator maps were reviewed for the presence of wetlands. According to the Soils Survey, hydric soils do not exist on this property.

Public Utilities:

A 20' minimum public utility easement is required for the 8' water main loop needed between Lots 6 and 7, Block 5 between the Nebula Drive SW cul-de-sac and the adjacent property to the north. Static water pressures within this area will range from 49 to 65 PSI.

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 57 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 Park & Recreation Department stated that dedication requirements be met via: Deferred land dedication with the land to be dedicated as the 3.9 acre park site, as shown on the General Development Plan. The dedication of land shall occur when the park is accessed via public street or when the City wishes to begin development of the park.

Parkland Dedication (Continued)

The applicant shall be extended .08 parkland credits for the dedication of Outlot B, which will serve as access to Hart Farm Park.

General Development Plan: This preliminary plat is included in the amended Hart Farms General Development Plan, approved July 16, 2001.

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 Developer has executed a Development Agreement for this Property and development is subject to the terms of the Agreement. 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. The staff recommends approval with the following conditions / modifications:

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

    a. ***Changing the roadway type for "Nova Court SW" to "Nova Lane SW".***

    b. ***Changing the roadway type for "Nebula Drive SW' to "Nebula Lane SW".***

    c. ***Changing the roadway type for "Galileo Drive SW" to "Galileo Place SW" or Galileo Road SW".***

    d. ***Changing the roadway name for "Voyager Drive SW", but keep the roadway type and directional.***

    e. ***Providing a 20' minimum public utility easement for the 8" watermain loop between Lots 6 and 7, Block 5 between the Nebula Drive SW cul-de-sac and the adjacent property to the north.***

2. ***Grading and Drainage Plan approval is required prior to submitting the Final Plat. A Stormwater Management charge shall apply to any areas of this subdivision that do not drain to the existing on-site detention facilities constructed with Hart Farm Subdivision.***

3. ***Pedestrian facilities (concrete sidewalk) shall be required, at the Owner's expense, along both side of all new public roads within this Subdivision, including the frontages along the three (3) mid-block connection - Outlots A, B and C. Outlots A, B and C shall be dedicated to the City, at no cost to the City, and the Owner is obligated to grade and construct a 10 foot wide bituminous pedestrian mid-block connection on each of the three Outlots. In addition, the Owner shall grade and seed to turf, the area less the 10' bituminous path, within the three Outlots A, B and C, prior to deeding to the City.***

4. ***Dedication of parkland shall be met via: deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated January 31, 2003.***

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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

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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.

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: 2/14/03

The Department of Public Works has reviewed the application for Preliminary Plat #03-05, on the Hart Farm Second (p/o GDP#157) property. The following are Public Works comments on the proposal:

1. There is an executed Development Agreement for this Property. Development is subject to the terms of the Agreement..

2. Grading & Drainage Plan approval is required prior to Final Plat submittal. A Storm Water Management charge will apply to any areas of this subdivision that do not drain to the existing on-site detention facilities constructed with Hart Farm Subdivision.

3. A City / Owner Contract must be executed prior to development of this property to address the construction of all public infrastructure and utilities to serve this subdivision.

4. Pedestrian facilities (concrete sidewalk) will be required at the Owner's expense, along both sides of all new public roads within this Subdivision, including the frontages of the three (3) mid-block connection Outlots.

5. Outlots A, B, & C, shall be dedicated to the City, at no cost to the City. The Owner is obligated to grade & construct a 10 foot wide bituminous pedestrian mid-block connection on each of the three Outlots.

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

Charges & fees applicable to the development of this property are addressed in the Development Agreement with the exception of:

- First Seal Coat Program contribution @ $0.49 per sq.yds of public street surface (rate in place 8/1/02 through 7/31/03)
- Traffic Signs as determined by the City Engineer

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ROCHESTER PARK AND R CREATION 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: Hart Farm 2nd
Preliminary Plat # 03-05

Acreage of plat	18.0
Number of dwelling units	47 units
Density factor	.0244
Dedication	1.15 a
Fair market value of land	na

The Park and Recreation Department recommends that dedication requirements be met via: Deferred land dedication with land to be dedicated the 3.9 acre park site shown on the GDP. Dedication of land to occur when the park is accessed via public street or when the City wishes to begin development of the park.

The applicant should be extended .08 acres parkland credits for the dedication of Outlot B which will serve as access to Hart Farm Park. The applicant should be required to grade and seed the outlot to turf prior to deeding to the City.

Outlots A and C should be graded and seeded to turf prior to deeding to the City.

301/

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: February 11, 2003

TO: Jennifer Garness

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

CC: Kristi Clarke (McGhie & Betts Inc.)

RE: **HART FARM SECOND**

PRELIMINARY PLAT # 03-05

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

1. The cul-de-sac illustrated as NOVA COURT SW is using an incorrect roadway type.

RECOMMENDATION: Change roadway type to Lane, **NOVA LANE SW.**

2. The cul-de-sac illustrated as NEBULA DRIVE SW is using an incorrect roadway type.

RECOMMENDATION: Change roadway type to Lane, **NEBULA LANE SW.**

3. The roadway illustrated as GALILEO DRIVE SW is using an incorrect roadway type.

RECOMMENDATION: Change roadway type to Place or Road, **GALILEO PLACE or GALILEO ROAD SW.**

4. The roadway illustrated as VOYAGER DRIVE SW will need to be given a different name.

RECOMMENDATION: Change roadway name, but keep the roadway type and directional.

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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: Preliminary Plat #03-05 by Arcon Development to be known as Hart Farm Second.

Dear Ms. Garness:

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

1. A 20' public utility easement is required for the 8" water main loop that is needed between Lots 6 & 7 Block 5 between Nebula Drive SW cul-de-sac and the adjacent property to the north.
2. Static water pressures within this area will range from 49 to 65 PSI.
3. 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
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

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ROCHESTER FIRE DEPT.

The hand to reach for...

DAVID A. KAPLER
Fire Chief

DATE: February 13, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher – Fire Protection Specialist

SUBJ: Land Subdivision Permit (Preliminary Plat) 03-05 to be know as Hart Farm Second by Arcon Development.

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.

   - 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.

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
Arcon Development – 7625 Metro Blvd, Suite 350 – Edina, MN 55439
McGhie & Betts, Inc. – 1648 3rd Ave SE – Rochester, MN 55904

2. **Parkland dedication for this subdivision shall be met via cash in lieu of land, per the January 31, 2003 memorandum from Rochester Park and Recreation.**

3. **Prior to Final Plat submittal, the applicant shall enter in to a Development Agreement with the City that outlines the obligations of the applicant, relating to, but not limited to, stormwater management, pedestrian facilities, park dedication, traffic improvements, right-of-way dedication, dedication of Outlots, owner obligation for perpetual care of any Wetlands, construction traffic, and contributions for public infrastructure needed to serve this property.**

4. **Execution of an Ownership & Maintenance Declaration for Outlot C is required, and shall be coordinated with Rochester Public Works.**

5. **Construction of pedestrian facilities is required, at the Owner's expense, along the entire frontages of both sides of all public streets within this subdivision, including the frontage of Manor Ridge Drive NW abutting proposed Outlot C, and the frontage of Manor Woods Lane NW abutting Outlots A & B.**

6. **Approval is contingent upon the Technical Evaluation Panel (TEP) finding that this Plat and GDP amendment are consistent with approved Wetland plans and permits. The wetlands in the Outlot must be field inspected by the TEP and determined to have either fulfilled the wetland replacement plan requirements of #99-8 or are in a condition that will lead to successful completion of the plan. In addition, an annual monitoring plan shall be required to be submitted to the TEP until the wetlands are created and stable if the later circumstance exists.**

7. **The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.**

8. **The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.**

Land Subdivision Permit (Preliminary Plat) #03-05 to be known as Hart Farm Second, by Arcon Development. The Applicant is proposing to subdivide approximately 18 acres of land into 47 lots for single family development and three Outlots. The Plat also proposes to dedicate new public roadways. The property is located west of 18th Ave. SW and Hart Farm Subdivision, north of 40th St. SW and includes an extension of Hart Drive SW.

Mr. Brent Svenby presented the staff report, dated February 21, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that condition number 2 listed in the staff report could be stricken.

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Mr. Haeussinger stated that he spoke with Mark Baker at City Public Works with regard to Lots 1 and 2 Block 1. He indicated that they could not be served by gravity flow.

Mr. Svenby showed where the annexation line was located.

Discussion ensued regarding ability to serve Lots 1 and 2 Block 1.

Ms. Rivas stated that she would need to abstain from the vote.

The applicant's representative, Andy Masterpole of McGhie & Betts, Inc. (1648 Third Avenue SE, Rochester MN), addressed the Commission. He stated that the applicant agreed with the staff-recommended conditions. He indicated that he would meet with Mark Baker with regard to Lots 1 and 2 Block 1.

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

Mr. Burke moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-05 to be known as Hart Farm Second, by Arcon Development with the staff-recommended findings and conditions as revised. Mr. Quinn seconded the motion. The motion carried 6-0, with Ms. Rivas abstaining.

CONDITIONS:

1. **The Plat shall be revised:**
   a. **Changing the roadway type for "Nova Court SW" to "Nova Lane SW".**
   b. **Changing the roadway type for "Nebula Drive SW' to "Nebula Lane SW".**
   c. **Changing the roadway type for "Galileo Drive SW" to "Galileo Place SW" or Galileo Road SW".**
   d. **Changing the roadway name for "Voyager Drive SW", but keep the roadway type and directional.**
   e. **Providing a 20' minimum public utility easement for the 8" watermain loop between Lots 6 and 7, Block 5 between the Nebula Drive SW cul-de-sac and the adjacent property to the north.**
2. **Grading and Drainage Plan approval is required prior to submitting the Final Plat. A Stormwater Management charge shall apply to any areas of this subdivision that do not drain to the existing on-site detention facilities constructed with Hart Farm Subdivision.**
3. **Pedestrian facilities (concrete sidewalk) shall be required, at the Owner's expense, along both side of all new public roads within this Subdivision, including the frontages along the three (3) mid-block connection - Outlots A, B and C. Outlots A, B and C shall be dedicated to the City, at no cost to the**

City, and the Owner is obligated to grade and construct a 10 foot wide bituminous pedestrian mid-block connection on each of the three Outlots. In addition, the Owner shall grade and seed to turf, the area less the 10' bituminous path, within the three Outlots A, B and C, prior to deeding to the City.

4. Dedication of parkland shall be met via: deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated January 31, 2003.

Land Use Plan Amendment #03-02 AND Zoning District Amendment #03-04 by Castle Court MN Limited Partnership. The applicant is proposing to amend the Rochester Urban Service Area Land Use Plan to designate the southwest ¼ of the block bound by 2nd St. SW, 3rd St. SW, 19th Ave. SW and 20th Ave. SW for "commercial" land uses" and to re-zone that portion of the block from R-2 (Low Density Residential) to B-4 (General Commercial). The property is currently the site of Castles Trailer Park.

AND

General Development Plan #202 by Castle Court MN Limited Partnership. The applicant is proposing to re-develop the Castles Trailer Park with uses in the B-4 (General Commercial) zoning district. The property is located south of 2nd St. SW, east of 20th Ave. SW and north of 3rd St. SW.

Mr. Brent Svenby presented the staff reports, dated February 21, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby clarified that the southerly access point on 20th Avenue SW should be moved to the north instead of south.

Discussion ensued regarding moving accesses to line up with the driveway across the street.

The applicant's representative, Wade DuMond of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN), addressed the Commission. He explained that the applicant had maps for the property showing different zoning districts than is on file at the Rochester-Olmsted Planning Department.

Ms. Wiesner asked when the last resident is scheduled to be moved.

Mr. DuMond responded April 2003.

Mr. DuMond explained that it is their intent to have an office use.

Mr. DuMond stated that the applicant agreed with the staff-recommended conditions, with the exception with regard to moving the access. He asked that they be able to use two of the access points and indicated that they would prefer they stay farther apart. He indicated that he did not believe that the Ordinance stated that he needed to line up the access points from different developments.

Mr. Haeussinger asked how many vehicles would be located in the parking lot.

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REQUEST FOR COUNCIL ACTION

MEETING
3-17-03

AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	ITEM NO. E-18
ITEM DESCRIPTION: **Final Plat #99-25 to be known as Glendale Hills Fourth Subdivision.**		PREPARED BY: Mitzi A. Baker, Senior Planner

March 13, 2003

Staff Recommendation:

Prior to action on this Plat, the applicant should identify the intent of the two Outlots being created in the northwest corner of the property. If these Outlots are not intended to be combined with abutting parcels in Glendale Hills, the Owner should be required to execute an Ownership & Maintenance Agreement prior to recording the Final Plat documents.

Staff has reviewed this final plat for compliance with the applicable regulations and recommends approval subject to the following conditions/modifications:

1. ***Dedication of parkland shall be met via: cash in lieu of land with payment due prior to recording the final plat documents, as identified in the March 13, 2003 memorandum fro Rochester Park and Recreation. The mid block connection (Outlot A) shall be graded and seeded and a 10' wide bituminous path constructed through the Outlot prior to deeding to the City.***

2. ***A private driveway easement shall be recorded for access to Lot 8, Block 2 which has no frontage to a public road. The easement document must be recorded prior to recording the Final Plat and the Final Plat documents must be revised to identify the driveway easement and document number. The easement document shall be perpetual, establish a clear policy on how maintenance will be handled, establish the rights of usage, and define how use of the easement is limited or assignable. Public safety personnel and their vehicles shall be assigned the right of passage at all times. The private utility or driveway easements shall not overlap or share the same space as any public utility easements as previously require/requested by Public Works.***

Council Action Needed:

1. ***If the Council wishes to proceed a resolution approving the plat can be adopted.***

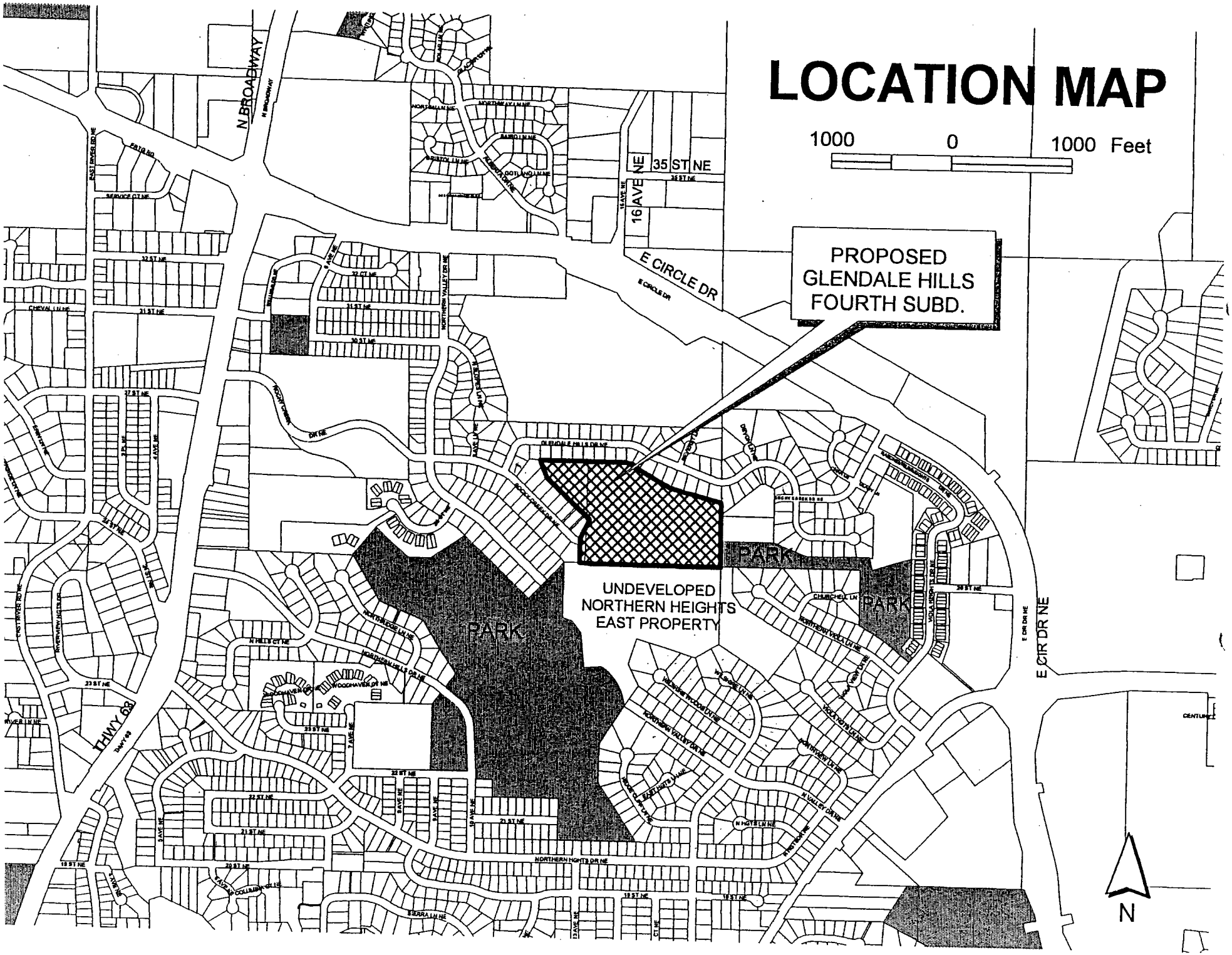
Distribution:

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 17, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

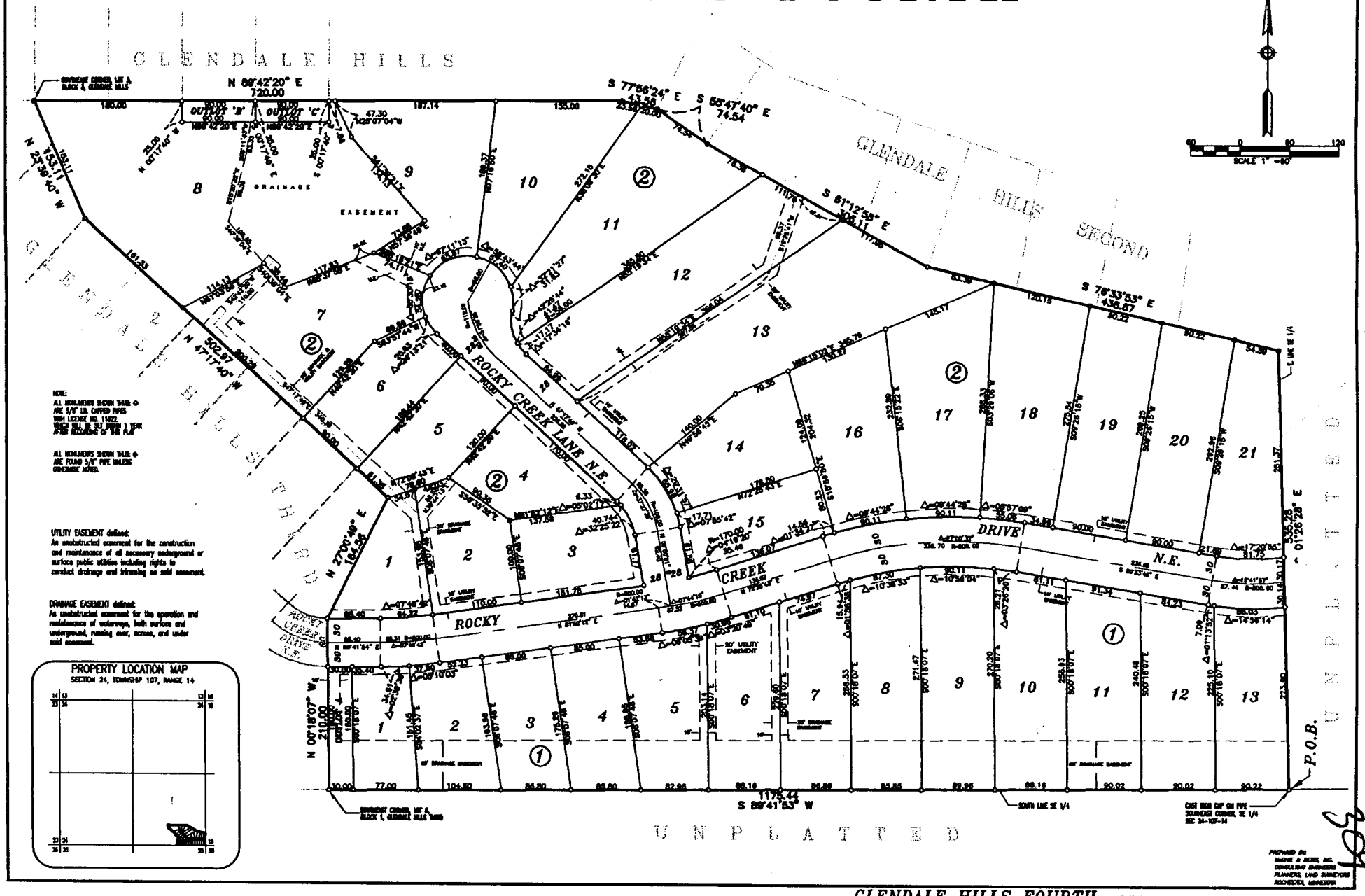
COUNCIL ACTION: Motion by:_____ Second by:_____ to:

LOCATION MAP

1000 0 1000 Feet



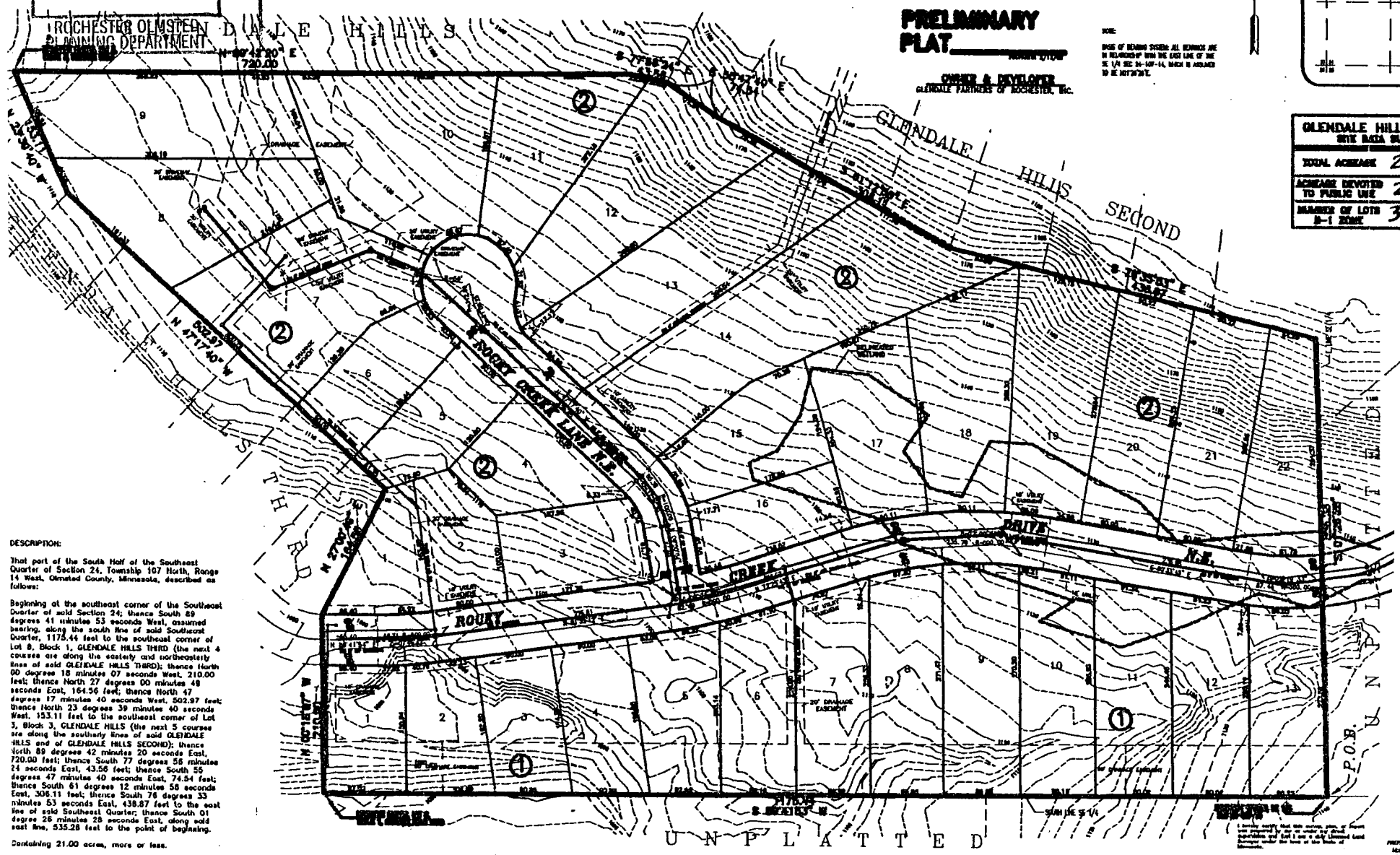
GLENDALE HILLS FOURTH



310

GLENDALE HILLS FOURTH

APPROVED LAND SUBDIVISION PERMIT (PRELIMINARY PLAT)



DESCRIPTION:

That part of the South Half of the Southeast Quarter of Section 24, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Beginning at the southeast corner of the Southeast Quarter of said Section 24; thence South 89 degrees 41 minutes 53 seconds West, assumed bearing, along the south line of said Southeast Quarter, 1175.44 feet to the southeast corner of Lot 8, Block 1, GLENDALE HILLS THIRD (the next 4 courses are along the easterly and northeasterly lines of said GLENDALE HILLS THIRD); thence North 00 degree 18 minutes 07 seconds West, 210.00 feet; thence North 27 degrees 00 minutes 49 seconds East, 164.56 feet; thence North 47 degrees 17 minutes 40 seconds West, 502.97 feet; thence North 23 degrees 39 minutes 40 seconds West, 153.11 feet to the southeast corner of Lot 3, Block 3, GLENDALE HILLS (the next 5 courses are along the southerly lines of said GLENDALE HILLS and of GLENDALE HILLS SECOND); thence North 89 degrees 42 minutes 20 seconds East, 720.00 feet; thence South 77 degrees 58 minutes 24 seconds East, 43.56 feet; thence South 55 degrees 47 minutes 40 seconds East, 74.54 feet; thence South 61 degrees 12 minutes 58 seconds East, 306.11 feet; thence South 76 degrees 33 minutes 53 seconds East, 438.87 feet to the east line of said Southeast Quarter; thence South 01 degree 26 minutes 28 seconds East, along said east line, 535.28 feet to the point of beginning.

Containing 21.00 acres, more or less.

James E. Swanson
Date Reg. No.

PREPARED BY
MOORE & BETZ, INC.
CONSULTING ENGINEERS
PLANNERS, LAND SURVEYORS
ROCHESTER, MINNESOTA

ROCHESTER-OLMSTED PLANNING DEPARTMENT
2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF Olmsted

TO: City Planning and Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

DATE: March 13, 2003

RE: Final Plat #99-25 by Rocky Creek of Rochester, LLC to be known as Glendale Hills Fourth. The Plat proposes to subdivide approximately 21 acres of land into 34 lots for single family development and one Outlot. The plat also proposes to dedicate right-of-way for the continuation of Rocky Creek Drive and also for a cul-de-sac roadway. The property is located east of Glendale Hills Third Subdivision and south of Glendale Hills and Glendale Hills Second subdivisions, including Glendale Hills Drive NE.

Planning Department Review:

Applicant/Owner:	Rocky Creek of Rochester, LLC 1002 North Broadway Rochester, MN 55906
Engineer:	McGhie & Betts, Inc. 1648 Third Ave. SE Rochester, MN 55904

Background & Summary:

A Land Subdivision Permit (preliminary plat) was approved for this property in June 2002. A Substantial Land Alteration was approved for this plat, with the Land Subdivision Permit (preliminary plat) application in 2002.

The approved preliminary plat included 35 single family lots. This Final Plat has been modified slightly to reduce the number of lots to 34. One lot was eliminated in the northwest corner of the property. Two Outlots have been added in the northwest corner of the property (Outlot B and Outlot C). The intent of these Outlots should be clarified by the applicant. An additional modification includes the addition of a 30' wide Outlot south of Rocky Creek Drive NE to provide future pedestrian connection south of this property.

Preliminary Plat:

The Preliminary Plat for this property was approved in June, 2002, subject to seven conditions/modifications as attached for your information.

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Staff Review and Recommendation:

Prior to action on this Plat, the applicant should identify the intent of the two Outlots being created in the northwest corner of the property. If these Outlots are not intended to be combined with abutting parcels in Glendale Hills, the Owner should be required to execute an Ownership & Maintenance Agreement prior to recording the Final Plat documents.

Staff has reviewed this final plat for compliance with the applicable regulations and recommends approval subject to the following conditions/modifications:

1. ***Dedication of parkland shall be met via: cash in lieu of land with payment due prior to recording the final plat documents, as identified in the March 13, 2003 memorandum fro Rochester Park and Recreation. The mid block connection (Outlot A) shall be graded and seeded and a 10' wide bituminous path constructed through the Outlot prior to deeding to the City.***

2. ***A private driveway easement shall be recorded for access to Lot 8, Block 2 which has no frontage to a public road. The easement document must be recorded prior to recording the Final Plat and the Final Plat documents must be revised to identify the driveway easement and document number. The easement document shall be perpetual, establish a clear policy on how maintenance will be handled, establish the rights of usage, and define how use of the easement is limited or assignable. Public safety personnel and their vehicles shall be assigned the right of passage at all times. The private utility or driveway easements shall not overlap or share the same space as any public utility easements as previously require/requested by Public Works.***

Glendale Hills 4th Subdivision

Preliminary Plat Conditions of Approval

A. Revise the preliminary plat and provide on the final plat a 20' wide public utility easement and 8" water-main across Block 1 to the south property line as requested by RPU Water Division in their memo of 4/26/02. Address all other comments found in the RPU Water Division memo.

B. Revise the preliminary plat and provide on the final plat the pedestrian walkway referenced in the 4/24/02 Park Department memo and points 4 & 5 in the 4/23/03 Public Works memo. The walkway should be shown on the west side of Lot, Block 1 of the plat. It can be dedicated as a "walkway" on the final plat or granted as a separate walkway easement accepted by the City, recorded and shown as such on the face of the final plat.

C. The parkland requirements must be satisfied according to the recommendations of the Park and Recreation Department in their April 24, 2002.

D. Clarify the fire protection needs of Lots 8 & 9, Block 2, with the Fire Prevention Bureau prior to submittal of the final plat for consideration. The minimum width of the pavement for the private roadway acceptable to the Fire Prevention Bureau should be determined and referenced in the final plat submittals. The private vs. public issue for the sanitary sewer and water lines to serve these lots must be agreed upon with the Public Works Department (see their comments #'s 7, 8, & 9 in their 4/23/02 memo). Easements for the utility lines be provided by plat or dedicated prior to recording of the final plat so all easements show on the face of the final plat.

E. The private driveway easement shown on the preliminary plat should be of record so it can be shown on the face of the final plat. The driveway easement documents should be submitted to the City for approval before recording. They should be perpetual, establish a clear policy on how maintenance will be handled, establish the rights of usage, and define how use of the easement is limited or assignable. Public safety personnel and their vehicles shall be assigned the right of passage at all times. The private utility or driveway easements shall not overlap or share the same space as any public utility easements as requested by Public Works in their attached memo.

F. Utility and drainage easement profiles should be provided for the storm sewer along the west side of the plat since it differs on the plat from the profile sheets as submitted and also the portion of storm sewer in Rocky Creek Drive between Rocky Creek Lane and the outfall in the back of Lots 6 & 7 of Block 1 since it differs from the topography.

G. The applicant(s) apply for and receive approval of a wetland replacement plan prior to Council approval of a final plat for this property.

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ROCHESTER

Minnesota

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

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

FROM: Mark E. Baker

DATE: 3/10/03

The Department of Public Works has reviewed the application for a Final Plat #99-25 for the proposed Glendale Hills Fourth development. The following are Public Works comments on this request:

1. A Development Agreement has been executed for this Property.
2. A City-Owner Contract has been executed for J5055, which includes public utilities and road base work. Execution of a separate City-Owner Contract is required prior to commencement of work on any public infrastructure that is not included in the Contract for J5055.
3. The Owner shall dedicate Outlot 'A' to the City, at no cost to the City.
4. It appears that Outlots 'B' & 'C' are intended to be combined with the abutting parcels in Glendale Hills (Lots 6 & 7, Block 3). Unless the Outlots are combined with the abutting parcels in Glendale Hills, the Owner is obligated to execute an Ownership & Maintenance Agreement prior to recording the Final Plat.
5. It appears that all of Outlot 'C', and a portion of Outlot 'B' are included within a drainage easement. This should be clarified by the Owner, or consulting engineer.

- Development Charges are addressed in the executed Development Agreement and City-Owner Contract for this Property, with the exception of:

  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: March 13, 2003

TO: Jennifer Garness
Planning

RE: Glendale Hills 4th
Final Plat #99-25

Acreage of plat	21.0
Number of dwelling units	34 units
Density factor	.0244
Dedication	.83 acres
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 in the amount of $16,600 (.83 a X $20,000/a) with payment due prior to recordation of final plat.

Prior to deeding to the City, the mid block connection (Outlot A) should be graded and seeded to turf and include a 10' paved path that extends across the drainage easement to the Burke property.

Under separate agreement, the City has hired the applicant's consultant (McGhie & Betts) to provide a grading plan for the Burke parcel that will provide acceptable grades between the Outlot, the Burke parcel and Northern Valley Drive NE.

Applicant:
Glendale Hills 4th LLC
P O Box 143
Kasson, MN 55944

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WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Final Plat #99-25 - Glendale Hills 4th

- [ ] 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.
- [x] 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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ROCHESTER FD FIRE DEPT.

The hand to reach for...

DAVID A. KAPLER
Fire Chief

DATE: March 3, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Final Plat 99-25 by Rocky Creek of Rochester, LLC to be known as Glendale Hills 4th.

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
Rocky Creek of Rochester, LLC – 1002 N Broadway – Rochester, MN 55906
McGhie & Betts Inc. – 1648 3rd Ave SE – Rochester, MN 55904

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rpu

we pledge, we deliver

March 5, 2003

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

REFERENCE: Final Plat #99-25 by Rocky Creek of Rochester, LLC to be known as Glendale Hills Fourth.

Dear Ms. Garness:

Our review of the referenced final plat is complete and we have no objections.
The final utility plans for the westerly portion of this area by the developer have been approved.
The plans for the easterly portion is part of the Rocky Creek Drive Project by the City, which has not yet been approved.

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

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

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REQUEST FOR COUNCIL ACTION

MEETING DATE: 3-17-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-19
ITEM DESCRIPTION: Final Plat #02-49 by Arcon Development Inc. to be known as Boulder Ridge Third		PREPARED BY: Brent Svenby, Planner

March 13, 2003

Planning Department Review:

See attached staff report dated March 13, 2003 recommending approval subject to the following modifications / conditions:

1. ***Dedication of parkland requirements shall be met via: Cash in lieu of land in the amount of $15,000, as recommended by the City Park & Recreation Department in the attached memo, dated March 13, 2003.***
2. ***Outlot 'A' & 'C' shall be dedicated to the City. The Owner is obligated to construct a 10 foot wide bituminous pedestrian path on Outlot C. The applicant shall execute an Ownership and Maintenance Agreement for Outlot 'B' prior to the recording of the Final Plat documents.***
3. ***The applicant shall execute an amendment to the existing Development Agreement to address the Owner's obligations regarding the new Trunkline Sanitary Sewer that will be constructed by the City to serve a portion of this property.***
4. ***Since sanitary sewer is not currently available to serve the property, no building permits will be issued until sanitary sewer is available to connect into to serve the property.***
5. ***The roadway labeled as 24th Avenue NW shall be changed to Granite Place NW.***
6. ***The Owner is shall construct a temporary turn-around at the southerly extent of 24th Ave NW, concurrent with construction under the City-Owner Contract for this Property, unless an agreement is reached between the Owner and City, for the Owner to construct the connection of 24th Ave NW from Boulder Ridge 3rd to Bandel Hills 3rd, through the Boulder Ridge 3rd City-Owner Contract process.***

Council Action Needed:

1. ***A resolution approving the plat can be adopted.***

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 17, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
6. McGhie & Betts, Inc.

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

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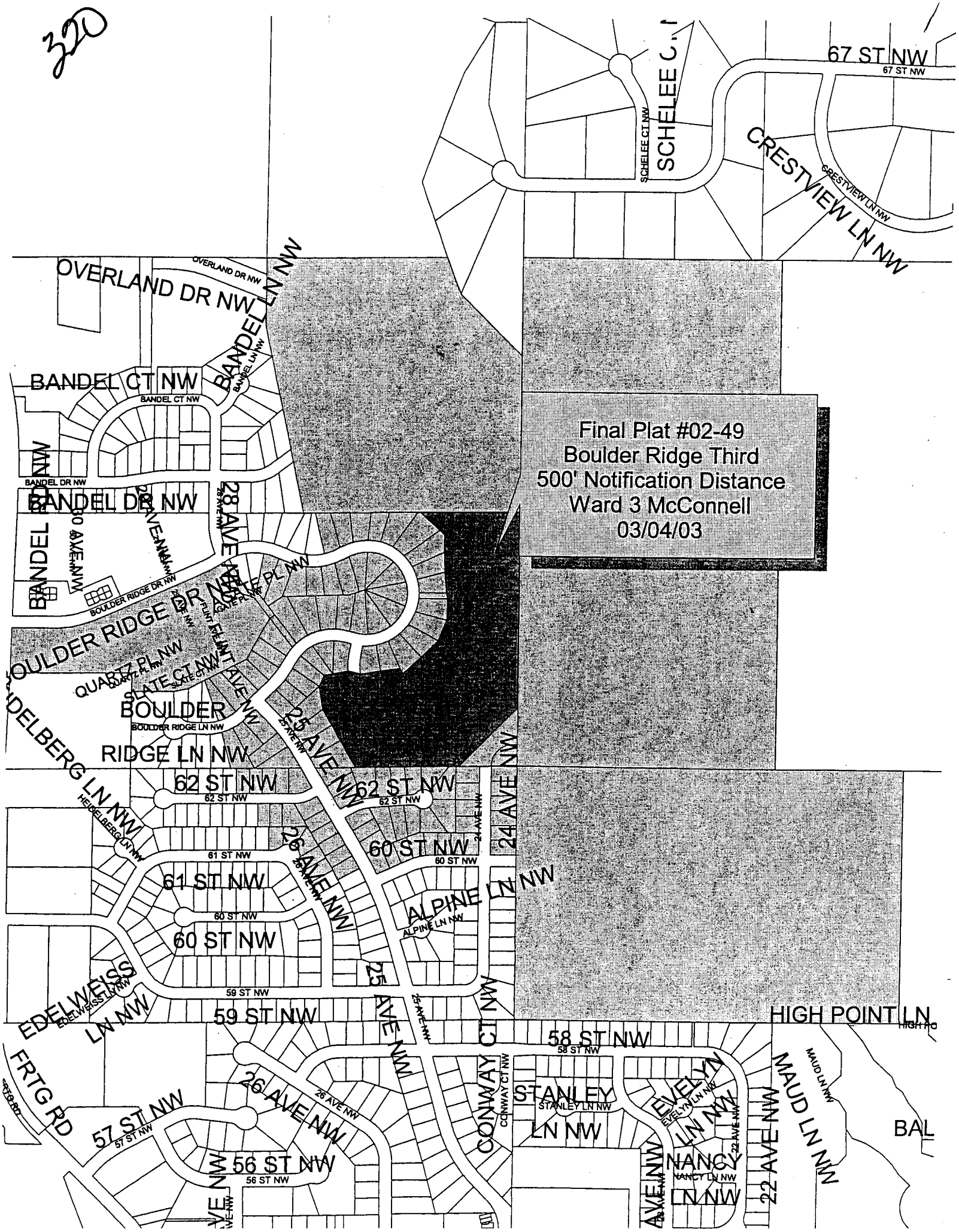
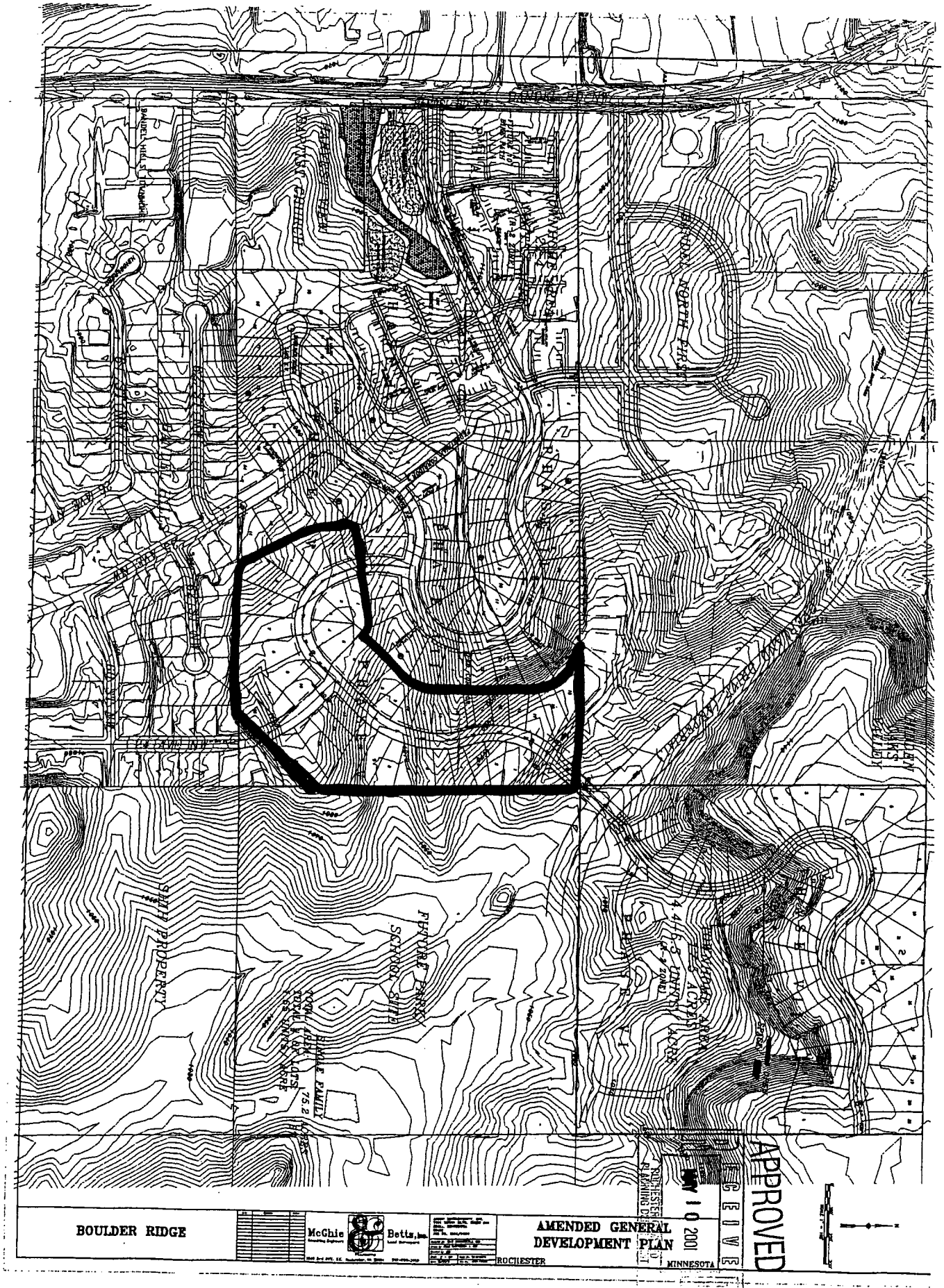

Final Plat #02-49
Boulder Ridge Third
500' Notification Distance
Ward 3 McConnell
03/04/03
67 ST NW
SCHELEE CT NW
CRESTVIEW LN NW
OVERLAND DR NW
BANDEL LN NW
BANDEL CT NW
BANDEL DR NW
28 AVE NW
BOULDER RIDGE DR NW
QUARTZ PL NW
SLATE CT NW
FLINT AVE NW
BOULDER RIDGE LN NW
HEIDELBERG LN NW
25 AVE NW
62 ST NW
61 ST NW
60 ST NW
24 AVE NW
ALPINE LN NW
EDELWEISS LN NW
59 ST NW
HIGH POINT LN
58 ST NW
CONWAY CT NW
STANLEY LN NW
EVELYN LN NW
MAUD LN NW
FRTG RD
57 ST NW
26 AVE NW
56 ST NW
NANCY LN NW
22 AVE NW
BAL



General Development Plan

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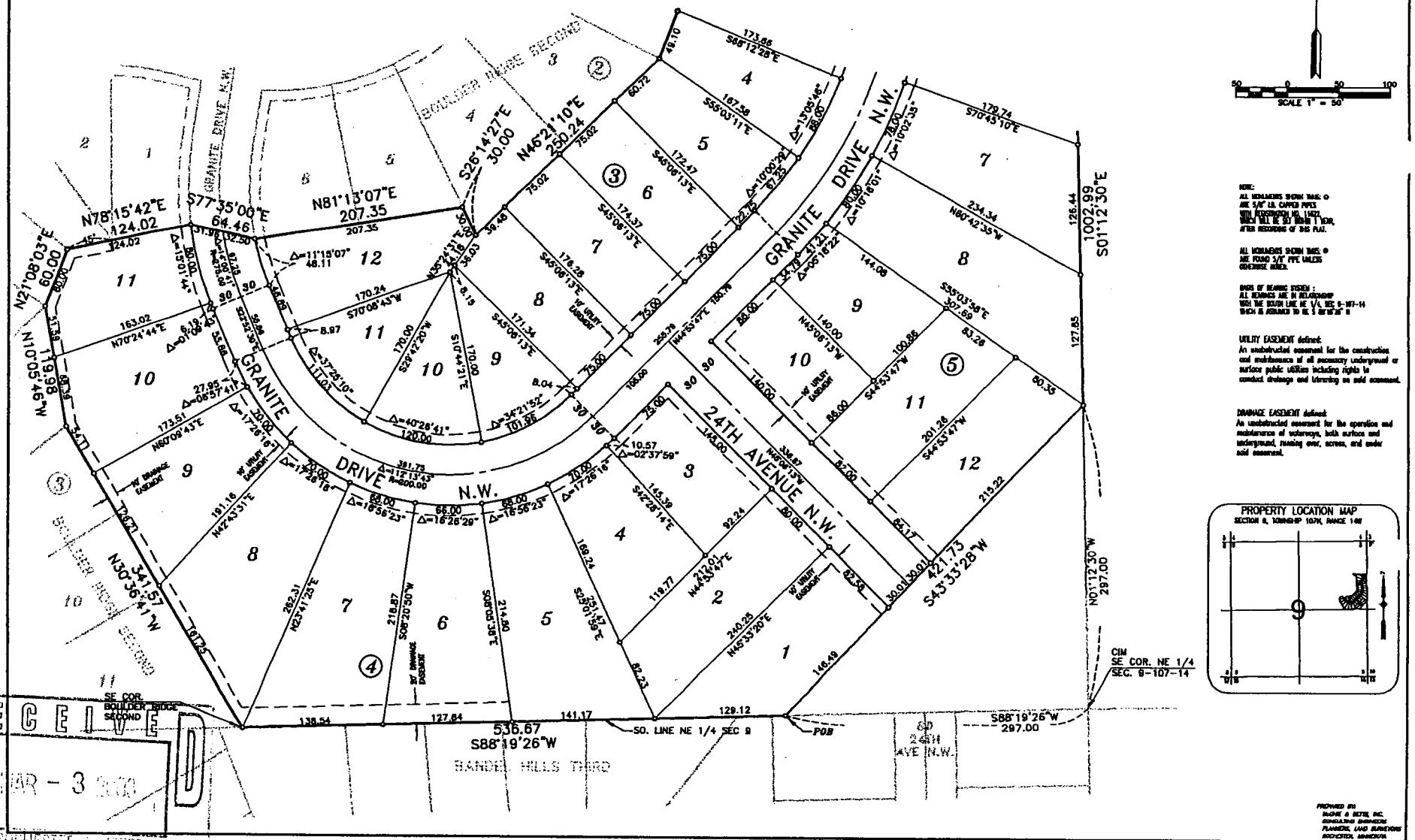
BOULDER RIDGE THIRD

SEE SHEET 3 OF 3 SHEETS



NOTE:
ALL MONUMENTS SHOWN THUS: ○ ARE 5/8" I.D. CAPPED PIPES WITH REGISTRATION NO. 11422, WHICH WILL BE SET WITHIN 1 YEAR AFTER RECORDING OF THIS PLAT.

ALL MONUMENTS SHOWN THUS: ● ARE FOUND 5/8" PIPE UNLESS OTHERWISE NOTED.

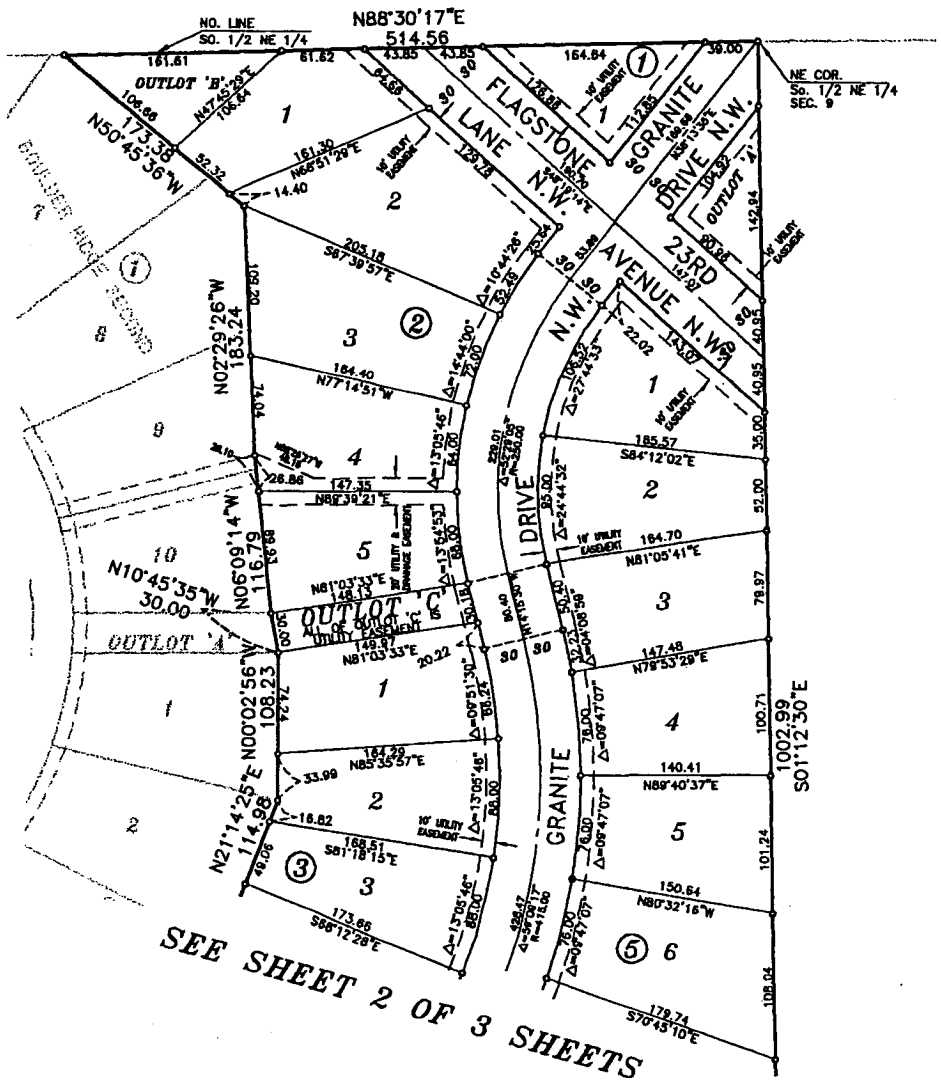
BASIS OF BEARING SYSTEM:
ALL BEARINGS ARE IN RELATIONSHIP WITH THE SOUTH LINE NE 1/4, SEC. 9-107-14 WHICH IS ASSUMED TO BE S 88°19'26" W

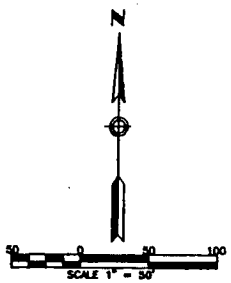
UTILITY EASEMENT defined:
An unobstructed easement for the construction and maintenance of all necessary underground or surface public utilities including rights to conduct drainage and trimming on said easement.

DRAINAGE EASEMENT defined:
An unobstructed easement for the operation and maintenance of waterways, both surface and underground, running over, across, and under said easement.

PREPARED BY
McGHIE & BOTTS, INC.
CONSULTING ENGINEERS
PLANNERS, LAND SURVEYORS
ROCHESTER, MINNESOTA

BOULDER RIDGE THIRD





NOTE:
ALL MONUMENTS SHOWN THUS ○ ARE 5/8" I.D. CAPPED PIPES WITH REGISTRATION NO. 11622, WHICH WILL BE SET WITHIN 1 YEAR, AFTER RECORDING OF THIS PLAT.

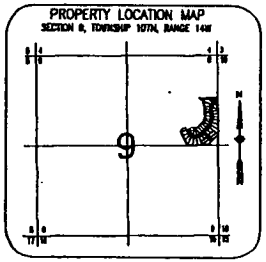
ALL MONUMENTS SHOWN THUS ● ARE FOUND 5/8" PIPE UNLESS OTHERWISE NOTED.

BASIS OF BEARING SYSTEM :
ALL BEARINGS ARE IN RELATIONSHIP WITH THE SOUTH LINE OF 1/4, SEC 9-107-14 WHICH IS ASSUMED TO BE S 88°30'28" E

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

DRAINAGE EASEMENT defined:
An unobstructed easement for the operation and maintenance of waterways, both surface and underground, running over, across, and under said easement.

PROPERTY LOCATION MAP
SECTION 9, TOWNSHIP 107N, RANGE 14W



PREPARED BY:
BOSHE & BETS, INC.
ENGINEERS ENGINEERS
PLANNERS, LAND SURVEYORS
ROCHESTER, MINNESOTA

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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: Brent Svenby, Planner

DATE: March 13, 2003

RE: **Final Plat #02-49, to be known as Boulder Ridge Third subdivision. The Plat proposes to subdivide approximately 17.31 acres of land into 41 lots for single family development and three outlots. The Plat will also dedicate public right of way for the continuation of Granite Drive NW as well as three other roadways. The property is adjacent to Boulder Ridge Second Subdivision and Bandel Hills Third subdivision and is located north of the current northerly end of 24th Ave. NW.**

Planning Department Review:

Applicant/Owner:
Arcon Development
7625 Metro Blvd. Suite 350
Edina, MN 55439

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

Referral Comments:
Rochester Public Works Department
Planning Dept. Wetlands
RPU – Water Division
RPU – Operations Division
Planning Dept. Addressing
Park and Recreation

Report Attachments:
1. Location Map
2. Copy of Final Plat
3. Referral Comments (3 letters)
4. Boulder Ridge General Development Plan

Development Review:

Location of Property: The property is located east of Boulder Ride Second Subdivision and north of Bandel Hills Third subdivision.

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 17.31 acres of land to be subdivided into 41 lots for single family development and 3 outlots. One of the outlots will provide a pedestrian connection.

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Roadways: This plat proposes to dedicate right-of-way for public roadways. The roadways are consistent with the pattern shown on the Boulder Ridge GDP. The name of the roadway labeled 24th Avenue NW must be changed to Granite Place NW.

Pedestrian Facilities: In accordance with current City policy pedestrian facilities are required for this development along both sides of all new public roads including along the road frontage of Outlot A. A mid-block pedestrian connection (outlot C) is being provided.

Drainage: The grading and drainage plan has been approved for this property. A temporary sediment basin will be constructed over Lot 1, Block 1 and Outlot A to collect the drainage that is moving north.

Wetlands: Minnesota Statutes now requires that all developments be reviewed for the presence of wetlands or hydric soils. It does not appear as though wetlands exist on this property.

Public Utilities: Final utility construction plans have been approved. Currently sanitary sewer is not available to serve this property. Sewer is anticipated to be available summer of 2003.

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 50 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: cash in lieu of land. Payment is due prior to the recording of the final plat documents.

Outlots A & C will be dedicated to the City. The applicant will be required to grade, establish turf and install the sidewalks prior to deeding to the City.

General Development Plan: This property is included within the Boulder Ridge General Development Plan (GDP).

Preliminary Plat Staff Review and Recommendation:

A preliminary plat for this area was approved by the City Council on November 4, 2002. The approval of the preliminary plat was subject to six (6) conditions. The conditions are listed below:

1. ***The applicant shall receive approval of roadway names, as outlined in the September 25, 2002 from the Planning Dept. Addressing staff, prior to the submittal of the final plat.***

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2. ***Parkland dedication shall be met as outlined in the September 19, 2002 memorandum from Rochester Park and Recreation.***

3. ***Outlot 'A' & 'C' shall be dedicated to the City. The ownership and maintenance of Outlot 'B' shall be addressed prior to Final Plat approval.***

4. ***An Easement necessary for off-site discharged of storm water onto the School property to the east, which is required for the development of this property, must be provided to the City prior to the final plat submittal.***

5. ***Because on and off site public facilities are currently inadequate to handle the proposed development, the development must be phased-in in a manner consistent with the City's planned infrastructure improvements. Specifically, there are no plans for sanitary sewer to serve the property within the first three years of the City's current six-year Capital Improvement Program. As such, no development will occur and no further development permit will be issued until the Council determines public facilities area adequate to accommodate this development.***

6. ***The applicant shall provide financial surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property and may be released upon completion of the project and all restoration to the satisfaction of the City.***

Planning Staff Review and Recommendation:

The Planning Staff has reviewed this final plat in accordance with the Rochester Zoning Ordinance and Land Development Manual, and would recommend approval subject to the following conditions or modifications:

1. ***Dedication of parkland requirements shall be met via: Cash in lieu of land in the amount of $15,000, as recommended by the City Park & Recreation Department in the attached memo, dated March 13, 2003.***

2. ***Outlot 'A' & 'C' shall be dedicated to the City. The Owner is obligated to construct a 10 foot wide bituminous pedestrian path on Outlot C. The applicant shall execute an Ownership and Maintenance Agreement for Outlot 'B' prior to the recording of the Final Plat documents.***

3. ***The applicant shall execute an amendment to the existing Development Agreement to address the Owner's obligations regarding the new Trunkline Sanitary Sewer that will be constructed by the City to serve a portion of this property.***

4. ***Since sanitary sewer is not currently available to serve the property, no building permits will be issued until sanitary sewer is available to connect into to serve the property.***

5. ***The roadway labeled as 24th Avenue NW shall be changed to Granite Place NW.***

6. ***The Owner is shall construct a temporary turn-around at the southerly extent of 24th Ave NW, concurrent with construction under the City-Owner Contract for this Property, unless an agreement is reached between the Owner and City, for the Owner to construct the connection of 24th Ave NW from Boulder Ridge 3rd to Bandel Hills 3rd, through the Boulder Ridge 3rd City-Owner Contract process.***

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ROCHESTER

Minnesota

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

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

FROM: Mark E. Baker

DATE: 3/10/03

The Department of Public Works has reviewed the application for Final Plat #02-49, for the Boulder Ridge Third development. The following are Public Works comments on this request:

1. A Development Agreement has been executed for this property. An Amendment is required to the existing Agreement, prior to recording the Final Plat, to address the Owner's obligations regarding the new Trunkline Sanitary Sewer that will be constructed by the City to serve a portion of this Property (draining to District 28J).

2. A City-Owner Contract has been prepared for this development. Execution is required prior to construction of public infrastructure to serve the Property.

3. Execution of an Ownership & Maintenance Agreement is required for Outlots 'A' & 'B'.

4. The Owner is obligated to construct 10 foot wide bituminous pedestrian path on Outlot 'C', concurrent with development of this property. The Outlot shall then be dedicated to the City.

5. The Owner is obligated to construct a temporary turn-around at the southerly extent of 24th Ave NW, concurrent with construction under the City-Owner Contract for this Property, unless an agreement is reached between the Owner and City, for the Owner to construct the connection of 24th Ave NW from Boulder Ridge 3rd to Bandel Hills 3rd, through the Boulder Ridge 3rd City-Owner Contract process.

6. Sanitary Sewer is not presently available to serve this property (anticipated sewer availability summer 2003). The schedule for development of this property is subject to the availability of sanitary sewer.

Charges/fees applicable to the development of this property are/will be addressed in the Development Agreement for this property and include.

- Sewer Availability Charge (SAC) @ $1790.25 per developable acre (for portion that does not drain to District 28J)
- Sewer Availability Charge for District 28J (28J SAC) – To Be Determined
- Water Availability Charge (WAC) @ $1790.25 per developable acre
- Substandard Rd / TID J9860 @ $2007.14 per gross acre
- Contribution for First Seal Coat @ $0.49 per square yard of roadway surface.
- 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: March 13, 2003

TO: Jennifer Garness
Planning

RE: Boulder Ridge 3rd
Final Plat #02-49

Acreage of plat	17.31 a
Number of dwelling units	41 units
Density factor	.0244
Dedication	1.00 a
Fair market value of land	$15,000 / acre

The Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land in the amount of $15,000 (1.0 a X $15,000/a) with payment due prior to recordation of final plat.

Outlot A and C to be graded and turf established prior to deeding to City.

The property located SE of Lot 1 Block 4 and Lot 12 Block 5 is owned by the City and is part of the 40 acre school / park site referred to as Schmidt Park. The grading plan for this plat in the vicinity of 24th Avenue should reflect that the road will eventually extend across the City property.

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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: March 6, 2003

TO: Jennifer Garness

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

CC:

RE: **BOULDER RIDGE THIRD**

FINAL PLAT # 02-49

A review of the **final plat** has turned up the following **ADDRESS** or **ROADWAY** related issues:

1. The roadway illustrated as 24 Avenue NW will not work. An agreement with Mike Gowin of McGhie and Betts was made to change the roadway name and type.

RECOMMENDATION: Change 24 AVENUE NW to **GRANITE PLACE NW**.

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REQUEST FOR COUNCIL ACTION

MEETING DATE: 3-17-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-20
ITEM DESCRIPTION: Final Plat #03-02 by Roger Payne to be known as Century Hills Seventh Subdivision		PREPARED BY: Brent Svenby, Planner

March 12, 2003

Planning Department Review:

See attached staff report dated March 12, 2003 recommending approval subject to the following modifications / conditions:

1. ***Dedication of parkland shall be met via: Deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated February 27, 2003.***
2. ***The cul-de-sac associated with this plan is indicated as less than 96 feet and shall be posted "No Parking".***
3. ***Prior to recording the Final Plat for this development, the applicant shall dedicate an off-site drainage easement to point discharge stormwater between Lots 9 & 10.***

Council Action Needed:

1. ***A resolution approving the plat can be adopted.***

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 17, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
6. Yaggy Colby Associates

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

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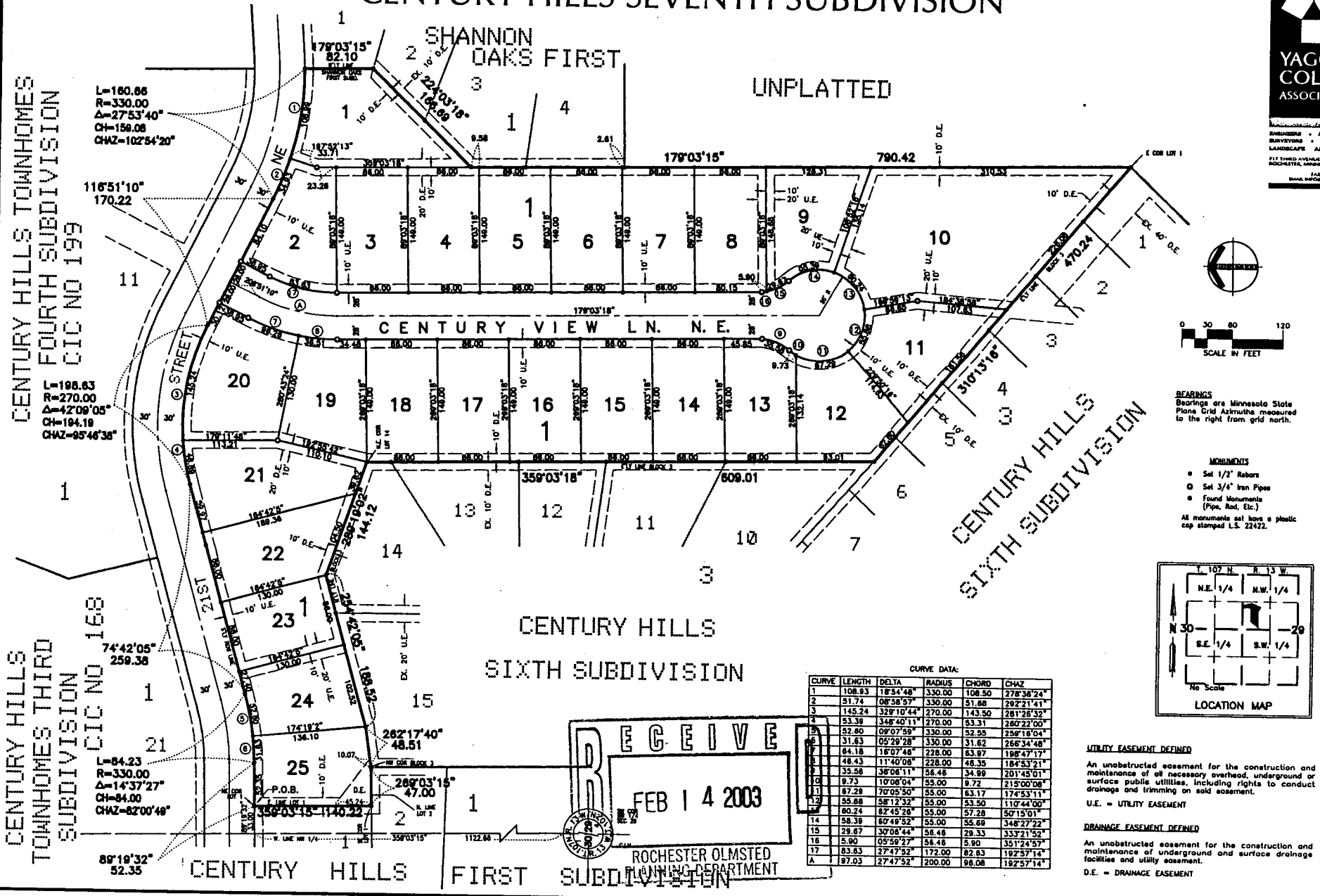
Final Plat #03-02
Century Hills 7th
500' Notification Distance
Ward 5 Nowicki
02/28/03
CASSI
SCHAEFFE
OSL
ROAD
2
ROAD
VAL
CENTURY CT
CENTURY HILLS DR NE
24 ST
RIM ROCK LN
HAVERHILL
N NE
20 ST NE
PRAI
CT
DR NE
CENTURY HILLS LN NE
VIEW DR NE

CENTURY HILLS SEVENTH SUBDIVISION



CURVE DATA:

CURVE	LENGTH	DELTA	RADIUS	CHORD	CHAZ
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2	51.74	08°58'57"	330.00	51.68	292°21'41"
3	145.24	329°10'44"	270.00	143.50	281°26'32"
4	53.39	348°40'11"	270.00	53.31	260°22'00"
5	52.80	09°07'59"	330.00	52.55	259°18'04"
6	31.63	05°29'28"	330.00	31.62	266°34'48"
7	64.18	16°07'46"	228.00	63.97	198°47'17"
8	46.43	11°40'06"	228.00	46.35	184°53'21"
9	35.58	36°06'11"	56.46	34.99	201°45'01"
10	9.73	10°06'04"	55.00	9.72	215°00'06"
11	67.29	70°05'50"	55.00	63.17	174°53'11"
12	55.88	58°12'32"	55.00	53.50	110°44'00"
13	60.24	62°45'26"	55.00	57.28	50°15'01"
14	58.39	60°49'52"	55.00	55.69	348°27'22"
15	29.67	30°06'44"	56.46	29.33	333°21'52"
16	5.90	05°59'27"	56.46	5.90	351°24'57"
17	83.63	27°47'52"	172.00	82.83	192°57'14"
A	97.03	27°47'52"	200.00	98.08	192°57'14"

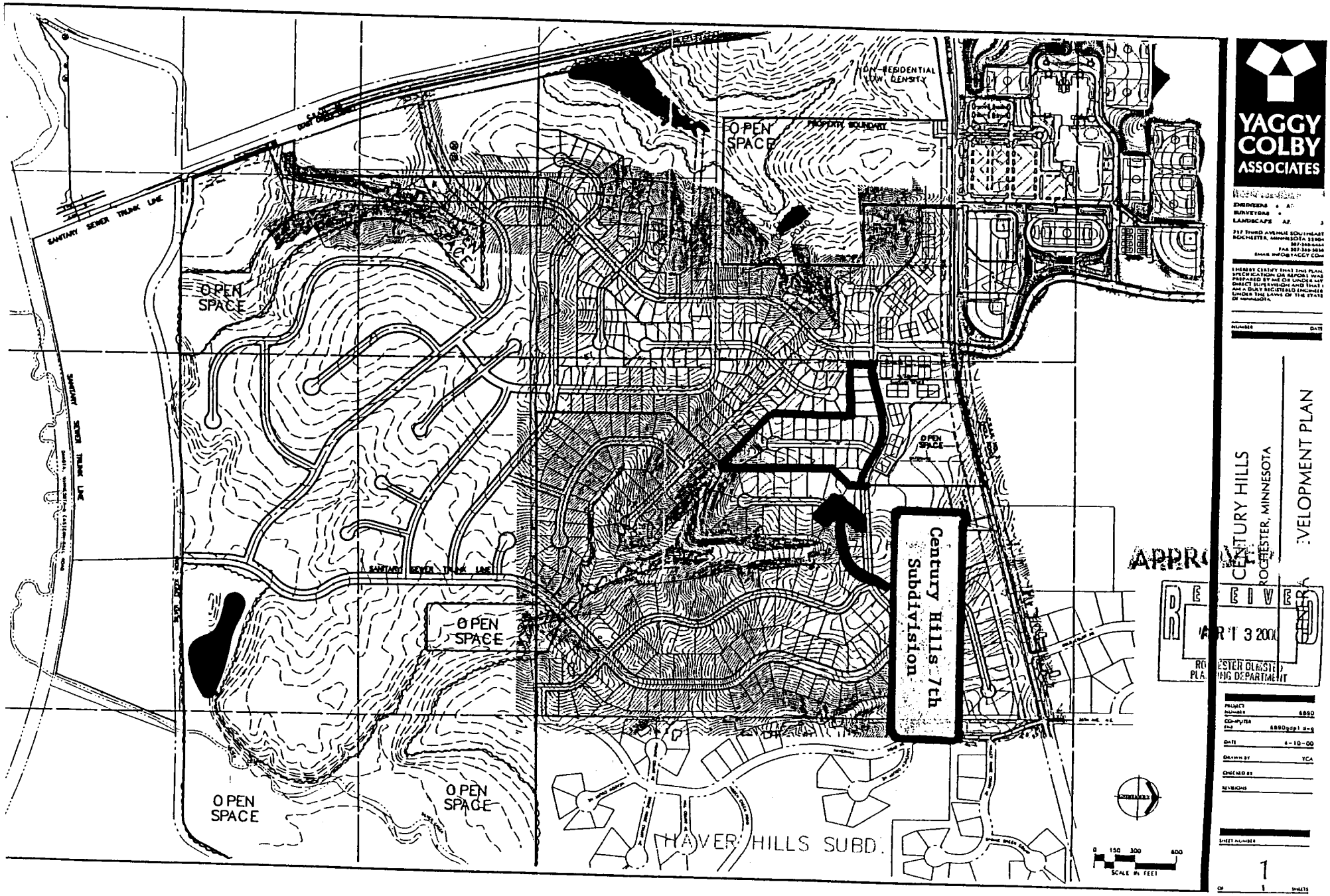
YAGGY COLBY ASSOCIATES
ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS
212 THIRD AVENUE SOUTHEAST
ROCHESTER, MINNESOTA 55904
507-288-3464
FAX 507-288-7056
EMAIL INFO@YAGGY.COM

PROJECT NUMBER: 8094 COMPUTER FILE: 8094-S PMPL D1.dwg DATE: 2/14/03 DRAFTSPERSON: J.K.S.

CENTURY HILLS SEVENTH SUBDIVISION

SHEET NO. 2 OF 2

333


Century Hills 7th Subdivision
OPEN SPACE
OPEN SPACE
OPEN SPACE
OPEN SPACE
OPEN SPACE
OPEN SPACE
NON-RESIDENTIAL LOW DENSITY
PROPERTY BOUNDARY
POND
SANITARY SEWER TRUNK LINE
SANITARY SEWER TRUNK LINE
SANITARY SEWER TRUNK LINE
HAVER HILLS SUBD.
SCALE IN FEET
0 150 300 600
YAGGY COLBY ASSOCIATES
CENTURY HILLS
ROCHESTER, MINNESOTA
DEVELOPMENT PLAN
APPROVED
RECEIVED
APR 13 2000
ROCHESTER OLMSTED PLANNING DEPARTMENT
PROJECT NUMBER 6890
COMPUTER FILE 6890gdp1 dwg
DATE 4-10-00
DRAWN BY TCA
CHECKED BY
REVISIONS
SHEET NUMBER
1
OF 1 SHEETS

337

335

ROCHESTER-OLMSTED PLANNING DEPARTMENT
2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF Olmsted

TO: City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE: March 12, 2003

RE: **Final Plat #03-02 by Roger Payne 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:
Roger Payne
1700 NE Northwood Drive
Rochester, MN 55906

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

Referral Comments:
Rochester Public Works Department
Planning Dept. Wetlands
RPU – Water Division
RPU – Operations Division
MnDOT
Rochester Fire Department

Report Attachments:
1. Location Map
2. Copy of Final Plat
3. Referral Comments (3 letters)
4. 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.

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

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Proposed Development: This development consists of 9.44acres 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 "Century View Lane NE". This roadway is designed with a 56' right-of-way ending in a cul-de-sac with a 55' radius.

Pedestrian Facilities: In accordance with current City policy Pedestrian Facilities and the approved Development Agreement, pedestrian facilities will be required along both sides 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 have been approved. Stormwater runoff from the site in being conveyed to a temporary sedimentation basin to be constructed southeast of the plat. Dedication of an off-site drainage easement to point discharge stromwater between Lots 9 and 10 needs to be dedicated.

Wetlands: Minnesota Statutes now requires that all developments be reviewed for the presence of wetlands or hydric soils. The maps do not indicate the presence of wetlands on this property.

Public Utilities: Final utility construction plans have been approved.

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).

Preliminary Plat Staff Review and Recommendation:

A preliminary plat for this area was approved by the City Council on March 3, 2003. The approval of the preliminary plat was subject to six (6) conditions. The conditions are listed below:

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

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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.***

Planning Staff Review and Recommendation:

The Planning Staff has reviewed this final plat in accordance with the Rochester Zoning Ordinance and Land Development Manual, and would recommend approval subject to the following conditions or modifications:

1. ***Dedication of parkland shall be met via: Deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated February 27, 2003.***

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

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

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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: Feb 27, 2003

TO: Jennifer Garness
Planning

RE: Century Hills 7th
Final 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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rpu

we pledge, we deliver

February 25, 2003

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

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

Dear Ms. Garness:

Our review of the referenced final plat is complete and we have no objections.
The final utility plans have been approved.

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

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

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

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

FROM: Mark E. Baker

DATE: 3/10/03

The Department of Public Works has reviewed the application for a Final 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. Execution of a City-Owner Contract is required prior to construction of public infrastructure to serve this development.

- Development Charges are addressed in the executed Development and Assessment Agreements for this Property, with the exception of:

  Traffic Signs – As Determined by the City Engineer

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3-17-03

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AGENDA SECTION:	ORIGINATING DEPT:	ITEM NO.
PUBLIC HEARINGS	PLANNING	E-21
ITEM DESCRIPTION: Zoning District Amendment #03-01 by David LaPointe. The applicant is proposing to re-zone approximately 1.86 acres of land from the RSA (Mixed Single Family Overlay) to R-1 (Mixed Single Family) zoning district. The property is located south of Mayowood Road SW (County Road 125), east of Highway 52 and has a property address of 1036 Mayowood Road SW.		**PREPARED BY:** Brent Svenby, Planner

March 12, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on February 26, 2003 to consider this zone change.

The Commission reviewed the zone change request based on the criteria as included in the staff report and recommended approval, with staff suggested findings included in the staff report.

Motion by Ms. Petersson, seconded by Mr. Haeussinger to recommend approval of Zoning District Amendment #03-01, with staff-recommended findings. Motion carried 7-0.

Planning Staff Recommendation:

See attached staff report dated February 21, 2003.

Council Action Needed:

If the Council wishes to proceed with the zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning District.

Attachments:

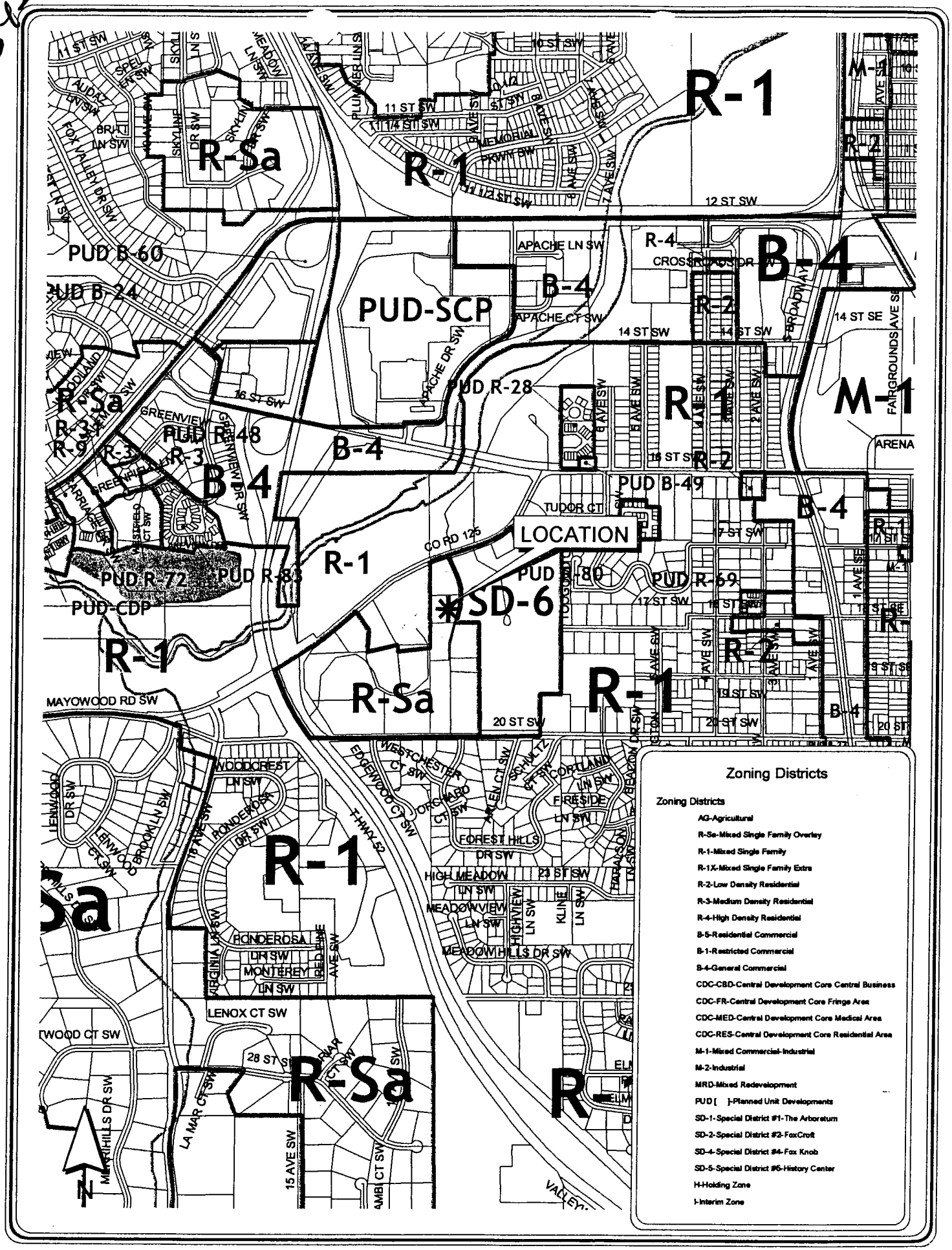
1. Staff Report dated February 21, 2003
2. Minutes of the February 26, 2003 CPZC Meeting

Distribution:

1. City Administrator
2. City Attorney: Legal Description attached
3. Planning Department File
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, March 17, 2003 in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION:

Motion By: _____ **Seconded By:** _____ **Action:**



ZONING PETITION #03-01

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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: Brent Svenby, Planner

DATE: February 21, 2003

RE: **Zoning District Amendment #03-01 by David LaPointe. The applicant is proposing to re-zone approximately 1.86 acres of land from the RSA (Mixed Single Family Overlay) to R-1 (Mixed Single Family) zoning district. The property is located south of Mayowood Road SW (County Road 125), east of Highway 52 and has a property address of 1036 Mayowood Road SW.**

Planning Department Review:

Petitioner	David LaPointe 4104 95th Street SW Stewartville, MN 55976
Property Owner:	Edward LaPointe 1036 Mayowood Drive SW Rochester, MN 55902
Location of Property:	The property is located south of Mayowood Road SW (County Road 125), east of Highway 52 and has a property address of 1036 Mayowood Road SW.
Requested Action:	The applicant is requesting to rezone 1.86 acres of land from the RSA (Mixed Single Family Overlay) to R-1 (Mixed Single Family) zoning district.
Existing Land Use:	The property is currently has a single family dwelling on it.
Proposed Land Use:	The applicant is proposing to rezone the property to the R-1 zoning district so that the property can be subdivided into one additional lot to construct a home on it.
Adjacent Land Use and Zoning:	East: Property zoned Special District Number 6 on the City of Rochester Zoning Map. South: Property zoned RSA (Mixed Single Family Overlay) on the City of Rochester Zoning Map and developed with single family dwellings. North: Property zoned RSA (Mixed Single Family Overlay) on the City of Rochester Zoning Map and

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	developed with a single family dwelling.
	West: Single family dwelling zoned R-1.
Transportation Access:	Current access to the property is from a private roadway off of Mayowood Road SW.
Wetlands:	According to the Olmsted County Soil Survey, no hydric soils exist on the site.
Neighborhood Meeting:	A neighborhood meeting was held on Thursday, February 13, 2003.
Referral Comments:	1. RPU Water Division 2. Rochester Public Works
Report Attachments:	1. Location/Zoning Map 2. Referral Comments 3. Neighborhood Meeting Summary

In 2000, this property was included in an annexation which covered properties in Sections 10, 11, 14, 15, 16 and 23 Rochester Township. In 2001, zoning districts were established for these properties through the public hearing process. The Planning Department had recommended the R-1 zoning district for this property but the CPZC recommended the RSA zoning district and ultimately the City Council zoned the property RSA.

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:

   a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;

   b) The area was originally zoned erroneously due to a technical or administrative error;

   c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or

   d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

The proposed rezoning of the property to the R-1 (Mixed Single Family) district would be consistent with the Rochester Urban Service Area Land Use Plan designation of "low density residential" types of uses. Rezoning this property would help further the

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policies and goals found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, which encourage developing a range of densities and development styles. This will also help to further goals and policies found within Chapter 3 of the Housing Plan.

2) *The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:*

   a) *the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and*

      The proposal will be appropriate on the subject property and compatible with adjacent properties and the neighborhood. The adjacent property to the west was rezoned to the R-1 zoning district in 2002.

   b) *the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).*

      The R-1 zoning is consistent with the Rochester Urban Service Area Land Use Plan and would not be considered spot zoning.

Staff Recommendation:

Based on the above findings, it would appear that the zoning district amendment to R-1 would meet the above criteria. Staff recommends that the request to amend 1.86 acres from the RSA (Mixed Single Family Overlay) district to the R-1 (Mixed Single Family) district be approved, based on the above suggested findings. The extension of sanitary sewer and watermain to this site and any access improvements needed for development of this property are the cost of the developer.

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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: 1/28/03

The Department of Public Works has reviewed the application for ZONE#03-01 on the LaPointe property. The following are Public Works comments on this request:

1. The extension of sanitary sewer & watermain to this site, and any access improvements needed for development of this property are the cost of the developer.

2. Development charges will apply to development of this property, and will be addressed during the platting process.

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we pledge, we deliver

January 29, 2003

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

REFERENCE: Zoning District Amendment #03-01 by David LaPointe to re-zone 1.86 acres of land from RSA to R-1 district at 1036 Mayowood Rd SW.

Dear Ms. Garness:

Our review of the referenced amendment 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. The area below elevation 1080 is within the Main Level Water System Area, which is available at Mayowood Rd SW. The area above elevation 1080 is within the Golden Hill High Level Water System Area, which is available along 20th St SW.

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
David LaPointe

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

348 ... Sign up sheet
Meeting date 2-13-03 6:00 PM.
Re: Zoning District Amendment #03-01
by Dave LaPointe to Rezone
1.86 acres of land from RS-A
to R-1 district at 1036 Mayowood Rd.

Name	Phone
Dave LaPointe	507-533-8872
Dwight Rieke	507-282-6306
Ruth Rieke	"
Diane Rosie	507-282-6143
Mike Evans	507-282-9938

Summary of items discussed:

1) Q Reason for zoning change request.
A To build my house on a smaller lot size than RS-A will allow.
2) Q Discussed the need for water and sewer availibility.
A. I have an approved septic site and water tie in from Ed LaPointe's well. I will join the neighbors in tying on the city services whenever that time comes. By building, I don't want to force city services on my new neighbors.

(2) 1

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3) Discussed where city services would be brought in from. No one was sure if it would be 20th St or Maywood Rd but Titus Evans noted that the Bible College had a tie into 20th St.

4) Discussed the neighbor's situation to the west, (Lloyd Johnson's) and didn't know much about it other than they weren't settled on what they were going to do. I didn't want their situation to interfere with my building proposal.

Meeting ended about 6:45 PM.

Re-Cap: If I am allowed to build with installing my own septic and have access to water from an existing well, I will join my neighbors in sharing cost to connect to city services whenever that time comes, whether that is one year or 10 years from now.

Zoning District Amendment #03-01 by David LaPointe. The applicant is proposing to re-zone approximately 1.86 acres of land from the RSA (Mixed Single Family Overlay) to R-1 (Mixed Single Family) zoning district. The property is located south of Mayowood Road SW (County Road 125), east of Highway 52 and has a property address of 1036 Mayowood Road SW.

Mr. Brent Svenby presented the staff report, dated February 21, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that the reason for the request to rezone the property is because the RSA zoning district would not allow the applicant to subdivide the property into another lot.

Mr. Svenby gave the zoning district history of the property and area around it.

Discussion ensued regarding the lot size requirement for the RSA zoning district.

Ms. Rivas questioned if approving the request would include spot zoning, as the closest RSA zoning district was small and to the north.

Mr. Svenby explained that it is considered low density residential on the land use plan

Mr. Burke asked where the access to the property was located.

Mr. Svenby responded off of Mayowood Road. He stated that it was a private road that served several lots.

Mr. Burke asked what the City's viewpoint was with regard to City septic and wells.

Mr. Svenby responded that any approval for a septic system or well would have to be approved by the City Council. He indicated that Public Works mentioned that a sanitary sewer and water main could be extended to serve the property.

The applicant, David LaPointe of 4104 95th Street SW, Stewartville MN, addressed the Commission. He stated that he agreed with the staff-recommended conditions. He explained they purchased this lot next to theirs and was rolled into one legal description. Therefore, it was a separate lot in 1975. He indicated that, when he started the process, he was under the impression that it was still a separate lot. He stated that he worked with Lawler Environmental regarding a septic system site. He stated that he understood that he would need to get approval from the City Council. When utilities are available, he plans to connect.

Ms. Rivas asked if his septic system would be separate from his parents.

Mr. LaPointe responded yes. However, he plans to tie onto their well.

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

Ms. Petersson moved to recommend approval of Zoning District Amendment #03-01 by David LaPointe with the staff-recommended findings. Mr. Haeussinger seconded the motion. The motion carried 7-0.

REQUEST FOR COUNCIL ACTION

MEETING DATE: 03-17-03 351

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-22
ITEM DESCRIPTION: Annexation Petition #03-05 by West 19 Development, LLC to annex approximately 56.44 acres of land located north of the Dakota, Minnesota & Eastern Railroad along US Highway 14 West and east of 50th Avenue NW. The property is located in a part of the NW ¼ of Section 29 of Cascade Township.		**PREPARED BY:** Theresa Fogarty, Planner

March 12, 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 is adjacent to the City limits and the public sanitary sewer & facilities have been constructed with capacity to serve this property. The Planning Commission therefore recommends approval of this request.

Mr. Burke moved to recommend approval of Annexation Petition #03-05 by West 19. Development, LLC. Ms. Petersson seconded the motion. The motion carried 7-0.

Planning Department Recommendation:

See attached staff report, dated February 20, 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 **$150.94.**

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 20, 2003.
2. 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 17, 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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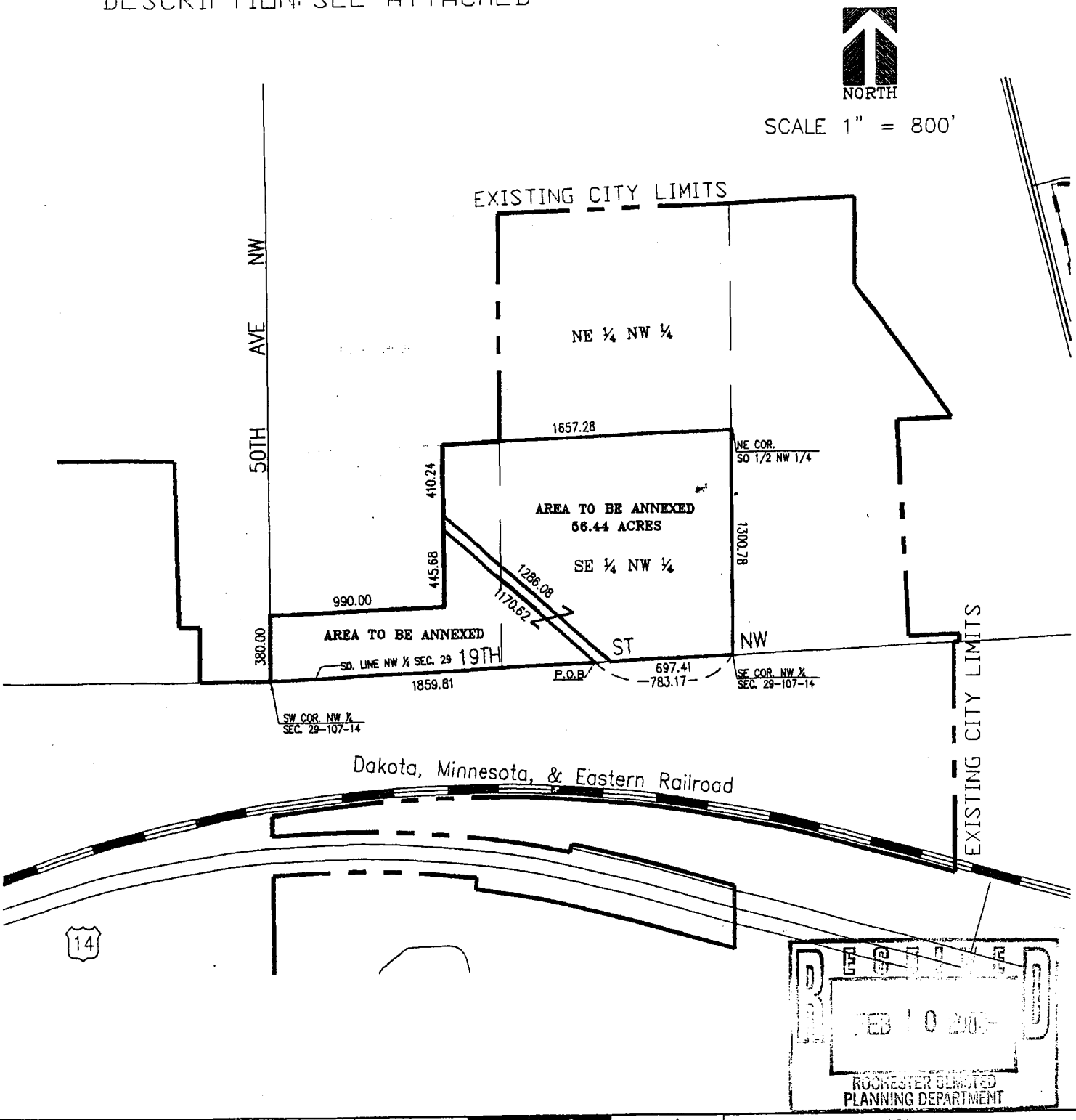
ANNEXATION EXHIBIT

DESCRIPTION: SEE ATTACHED



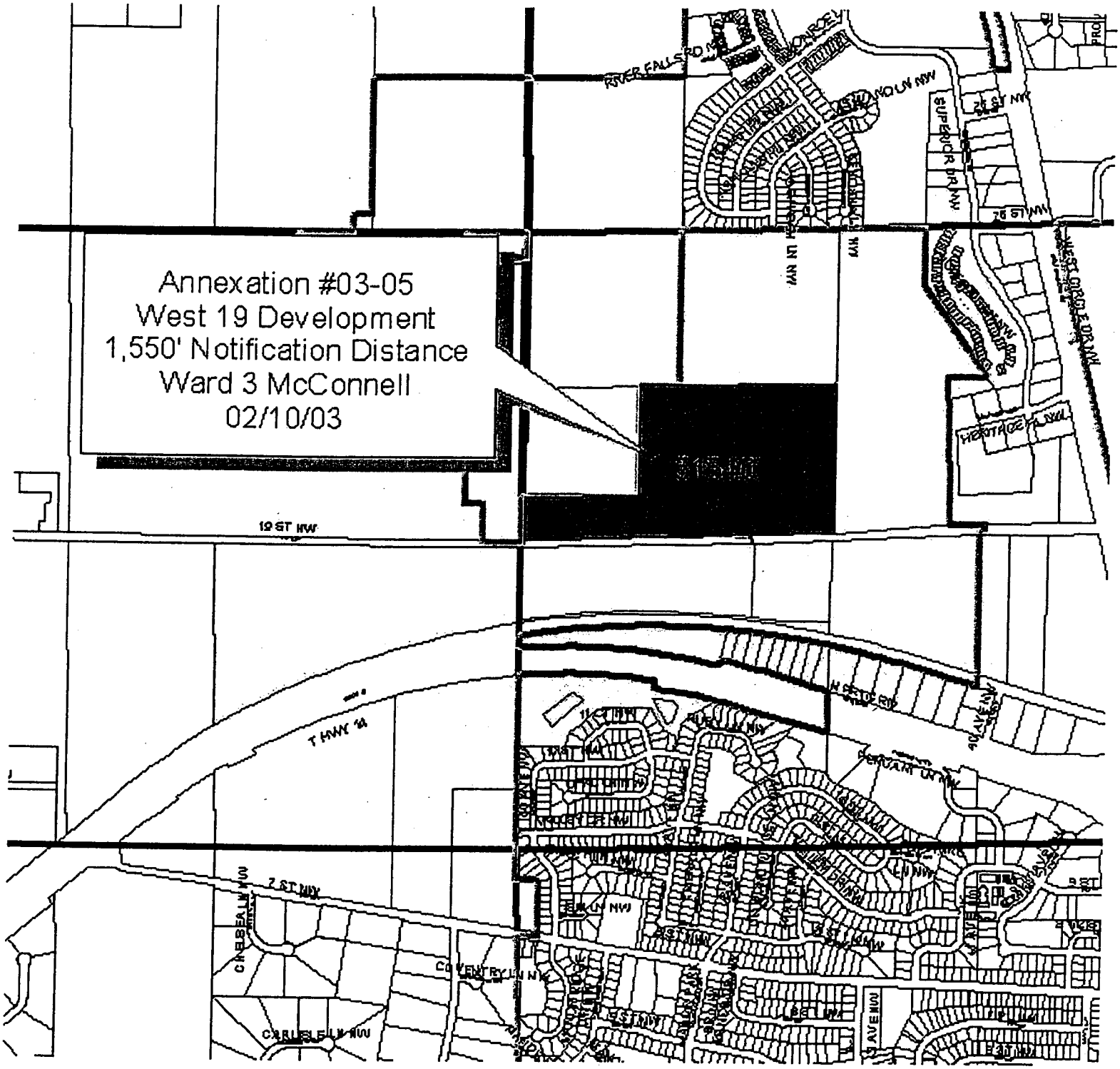
RECEIVED
FEB 10 2003
ROCHESTER LIMITED
PLANNING DEPARTMENT

FOR:

WEST 19 DEVELOPMENT, LLC
4410 19TH STREET N.W.
ROCHESTER, MN
55901

Land Surveying
Urban-Land Planning
Consulting - Civil Engineering
McGhie Betts, Inc.
Geotechnical Engineering
Construction Material Testing
Landscape Architecture
1646 Third Avenue S.E.
Rochester, MN 55904
Telephone 507.289.3919
Facsimile 507.289.7333
email: mbi@mcghiebetts.com

SCALE:	1" = 800'
DRAWN BY:	MMM
DATE:	02/08/03
ACCT. NO.:	1112H/2653 — Cadd No. 2653ANNE
FILE NO.:	BK. PG.


Annexation #03-05
West 19 Development
1,550' Notification Distance
Ward 3 McConnell
02/10/03
19 ST NW
RIVER FALLS RD
SUPERIOR DR NW
HERITAGE PL NW
WESTCIRCLE DR NW
T HWY 14
7 ST NW
CARBEAU LN NW
COVENTRY LN NW
CARLISLE LN NW
BERWICK LN NW
5 AVE NW

Mr. Staver moved to recommend approval of Annexation #03-04. Ms. Petersson seconded the motion. The motion carried 7-0.

Annexation Petition #03-05 by West 19 Development, LLC to annex approximately 56.44 acres of land located north of the Dakota, Minnesota & Eastern Railroad along US Highway 14 West and east of 50th Avenue NW. The property is located in a part of the NW ¼ of Section 29 of Cascade Township.

Mr. Burke moved to recommend approval of Annexation Petition #03-05 by West 19 Development, LLC. Ms. Petersson seconded the motion. The motion carried 7-0.

CONTINUED ITEMS:

Ms. Wiener asked if the Commission could hear all three continued items simultaneously.

Mr. Svenby responded yes.

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.

AND

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.

Mr. Brent Svenby presented the staff reports, dated January 30, 2003 and February 6, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that the items were continued at the last meeting due to the location for Viola Road NE. He stated that there was not good sight distance. At this point, the County has money in the CIP to regrade County Road 2 in 2005. The applicant's consultant has been working with the County engineer in obtaining a temporary access to the property. He showed where it was located (westerly portion of site).

Mr. Svenby explained that Ms. Baker revised the staff recommended conditions for the general development plan and asked that the Commission act on the revised conditions that were handed out to them.

355 /

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 20, 2003

RE: Annexation Petition #03-05 by West 19 Development, LLC to annex approximately 56.44 acres of land located north of the Dakota, Minnesota & Eastern Railroad along US Highway 14 West and east of 50th Avenue NW. The property is located in a part of the NW ¼ of Section 29 of Cascade Township.

Planning Department Review:

Applicants/Owners:	West 19 Development, LLC Attention: Mike Coats 4410 NW 19th Street Rochester, MN 55901
Consultant / Engineer:	McGhie & Betts, Inc. 1648 Third Avenue SE Rochester, MN 55904
Location of Property:	The property is located north of the Dakota, Minnesota & Eastern Railroad along US Highway 14 West and east of 50th Avenue NW.
Existing Land Use:	This property is currently undeveloped land.
Size:	The property proposed for annexation is approximately 56.44 acres of unplatted land.
Existing Zoning:	The property is zoned A-4 (Agricultural Urban) 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 at its north boundary.

Sewer & Water:

This area is within the Northwest High Level Water System Area, which is currently available at three locations near this property, to the south, to the east and to the north. The static water pressures will range from approximately 71 to over 100 PSI. The building must install pressure-reducing devices near the domestic water meters, as required by the Minnesota Plumbing Code.

Public sanitary sewer & water facilities have been constructed to provide capacity to serve this property, however, neither sewer or water is immediately available.

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 17, 2003. The City Clerk has sent the certified 30 day notice.

Referral Comments:

1. Rochester Public Utilities - Water Division
2. Rochester Public Works
3. MN Department of Transportation

Report Attachments:

1. Annexation Map
2. Location Map
3. Referral Comments (3 letters)

Staff Recommendation:

This property is adjacent to the City limits and the public sanitary sewer & facilities have been constructed with capacity to serve this property. 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 14, 2003

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

REFERENCE: Annexation Petition #03-05 by West 19 Development, LLC to annex 56.44 acres of land located north of 19th St. NW and east of 50th Ave. NW.

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 Northwest High Level Water System Area, which is currently available at three locations near this property:
   a. Approximately 1100' to the south.
   b. Approximately 1000' to the east.
   c. Approximately 1300' to the north.
3. The static water pressures will range from approximately 71 to over 100 PSI (depending on final grades). The builders must install pressure-reducing devices near the domestic water meters as required by the Minnesota Plumbing Code.
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
West 19 Development, LLC
McGhie & Betts, Inc.

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

35-8

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: 2/19/03

The Department of Public Works has reviewed the requested application for Annexation #03-05 for West 19 Development LLC. The following are Public Works comments on the proposal:

1. Public sanitary sewer & water facilities have been constructed to provide capacity to serve this Property, however, neither sewer or water is immediately available.

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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

February 19, 2003

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

RE: Annexation Petition #03-05 by West 19 Development, LLC to annex approximately 56.44 acres of land located north of the Dakota, Minnesota & Eastern Railroad along US Highway 14 West and east of 50th Avenue NW. The property is located in a part of the NW ¼ of Section 29 of Cascade Township.

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) requests the opportunity to review a General Development Plan with proposed access before commenting on this proposal. You may contact 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

Mr. Staver moved to recommend approval of Annexation #03-04. Ms. Petersson seconded the motion. The motion carried 7-0.

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REQUEST FOR COUNCIL ACTION

MEETING 361

DATE: 3/17/03

AGENDA SECTION: REPORTS and RECOMMENDATIONS	ORIGINATING DEPT: Public Works	ITEM NO. F-1
ITEM DESCRIPTION: TH 52 Noise Standards Exemption Request		PREPARED BY: R. Freese

In 1996 the environmental impacts of the Reconstruction of TH 14 / 52 from 65th Street NW to TH 63 (Project) were approved as a part of the Final Environmental Impact Statement (FEIS) for the Project. The FEIS included an analysis of the existing (1994) and predicted future (2020) traffic noise levels. Noise receptor locations and potential noise wall locations were identified and analyzed in the FEIS.

MnDOT has recently updated the noise analysis as found in the FEIS to account for the decision to build a 6-lane freeway through the City verses the 4-lane freeway analyzed in the FEIS. In addition MnDOT refined their methodology for determining which noise walls met MnDOT's standards for cost effectiveness. Several iterations of noise wall height, location and length were modeled at locations were residences are located adjacent to the roadway and associated entrance/exit ramps. Typical modeled heights of noise walls were every two-foot increment between 10 and 20 feet.

Existing and projected noise levels were calculated by MnDOT's Project consultant using a noise prediction model developed by the Federal Highway Administration and modified by MnDOT to use the heavy sound energy coefficients for heavy truck noise in Minnesota. The noise model uses traffic volumes, vehicle type mix, vehicle speed, receptor locations, wall and roadway alignment and noise wall heights to calculate noise levels.

Noise walls were found to be cost effective at many locations along the Project and are proposed to be built in those locations. MnDOT must build noise walls that have been found to be cost effective unless the local governmental unit passes a Resolution requesting that MnDOT not build the noise wall.

Six locations along the TH 52 corridor have been evaluated by the City's consultant, URS, based on staff review of the information in the MnDOT TH 52 Noise Standards Exemption Request dated March 2002. City staff held subsequent discussions with business owners impacted by the loss of visibility posed by the proposed noise walls. Numerous alternative noise wall configurations and locations were evaluated by URS and City staff. Meetings were held with the business owners and the neighboring owners of residential property to discuss the results of the noise wall alternatives. Business owners requesting the removal of the noise walls have agreed to execute Noise Easements that waive their right to current or future noise mitigation or abatement by any governmental unit.

Public Works staff recommends the following action for consideration by the City Council:

COUNCIL ACTION REQUESTED:

1. Adopt a Resolution requesting that MnDOT amend the TH 52 Noise Standards Exemption Request dated March 2002 to include the following additional noise wall exemptions because they cause undue hardship, are unreasonable or impracticable:
   a. Delete the south 520 feet of the proposed East Wall 1 along TH 52 as shown in East Wall 1 Alternative 2.
   b. Delete the north 460 feet of the proposed East Wall 3 along TH 52 and relocate the remaining 275 feet onto easements granted to the City as shown in East Wall 3 Alternative 1.
   c. Delete the north 185 feet of East Wall 6 as shown in East Wall 6 Alternative 1.
   d. Delete the entire 1,690 feet of East Wall 12 and relocate a portion of the wall onto easements granted to the City as shown in East Wall 12, Alternative 1.
   e. Relocate the south 710 feet of West Wall 2 onto easements to be granted to the City as shown in West Wall 2 Alternatives 3 or 4.
2. Adopt a Resolution in support of the TH 52 Noise Standards Exemption Request as amended by the City.

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

362

REQUEST FOR COUNCIL ACTION

MEETING 363
DATE: 3-17-03

AGENDA SECTION: REPORTS and RECOMMENDATIONS	ORIGINATING DEPT: Public Works	ITEM NO. F-2
ITEM DESCRIPTION: Amendment to Noise Permit for TH 52 Reconstruction Project		PREPARED BY: R. Freese

The Rochester City Council approved a Noise Permit request on April 15, 2002 from the Minnesota Department of Transportation (MnDOT) for the construction activity related to the TH 52 Project.

MnDOT sought the Noise Permit from the City to allow the TH 52 Design Builder the right to work 24 hours per day, 7 days per week without being in violation of the City's Noise Ordinance. Section 85.10 Subd. 2 limits the impacts of noise related to construction after the hours of 10:00pm until 7:00 am on Mondays thru Saturdays and until noon on Sundays.

MnDOT proposes to allow the Design Builder to close TH 52 mainline traffic lanes between the hours of 8:00 pm and 6:00 am Monday through Friday. This flexibility will allow the Design Builder the opportunity to work evenings and weekends in order to deliver the project in the most expeditious manner.

The Council approved a Noise Permit for the entire TH 52 Design Build Project with the following conditions:

1. Permit will not apply to those areas designated to receive noise walls on the official TH 52 Layout Plan until such time as the noise walls have been constructed.
2. Permit does not apply to blasting and pile-driving activities in the TH 52 corridor between 26th Street NW and TH 14 East.
3. Permit conditions may be temporarily rescinded by the City Engineer, for a period not to exceed 10 calendar days, only after an advanced Notice has been provided to residents within 1,000 feet of the activity area.

MnDOT and Zumbro River Constructors, the TH 52 Design Build Contractor have asked that the Noise Permit issued by the City in April 2002 be revised.

Staff recommends that Condition 1 be amended to state "The Noise Permit will not apply to those areas designated **in** ~~on~~ the official **Noise Standards Exemption Request for TH 14/52 Reconstruction dated May 2002, as amended and approved by City Council Resolution,** ~~Highway 52 Layout Plan~~ to receive noise walls until such time as the noise walls have been constructed**, unless otherwise amended by the MPCA**"

COUNCIL ACTION REQUESTED:

Authorize the City Engineer to issue a Amended Noise Permit to MnDOT and the TH 52 Design Builder for the TH 52 Reconstruction Project based on the revised Condition #1.

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

3e4

3865

REQUEST FOR COUNCIL ACTION

MEETING DATE: 3/17/03

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 Rezoning Approximately 4.8 Acres Of Property From The R-1 Zoning District To The R-2 Zoning District And Amending Ordinance No. 2785, Known As The Zoning Ordinance And Land Development Manual Of The City Of Rochester, Minnesota. Said Property is located on the West Side of West River Parkway NW, East of Fourth Avenue NW, and South of 31st Street NW.

b) An Ordinance Amending And Reenacting Section 45B.16 And Chapter 125A Of The Rochester Code Of Ordinances, Relating To The Renaming Of No-Intoxicating Liquor As 3.2 Percent Malt Liquor.

G. 4. MISCELLANEOUS

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

3L6P