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REQUEST FOR COUNCIL ACTION

		MEETING DATE: 5-19-03
AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-2
ITEM DESCRIPTION: Land Use Plan Map Amendment #03-01 by Jack Remick to amend the Land Use Plan designation from "Medium Density Residential" to "Industrial" on approximately 27.63 acres of land. The property is platted as Lot 1, Block 1 and Lot 1, Block 2 Athletic Club Subdivision and is located along Industrial Drive NW, south of 19th Street NW and west of Valleyhigh Drive NW.		PREPARED BY: Brent Svenby, Planner

May 14, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on April 23, 2003 to consider the Land Use Plan Amendment request for the property. The applicant is requesting to designate approximately 27.63 acres be designated for "Industrial" on the Rochester Urban Service Area Land Use Plan.

Ms. Kristi Clarke, of McGhie & Betts, Inc., addressed the Commission and explained the applications submitted by the applicant and the zoning history of the property.

The Commission discussed whether the area proposed to be designated "Industrial" is appropriate based on the criteria as included in the staff report. The Commission is recommending approval, with the following findings.

Ms. Petersson made a motion to recommend approval of Land Use Plan Amendment #03-01 by Jack Remick based on staff findings. Mr. Haeussinger seconded the motion. The motion carried 8-0.

a) ***The property has fairly level to rolling terrain. An existing wetland dissects the property.***

b) ***This property has direct access to 19th Street NW which is identified as an arterial roadway on the ROCOG Thoroughfare Plan. 19th Street NW also connects to West Circle Drive which is an expressway on the ROCOG Thoroughfare Plan.***

c) ***The property consists of approximately 27.63 acres, which is adequate area for the expansion of industrial uses. The property to the south is an industrial park and is developed with industrial/commercial uses.***

The Land Use Plan refers to "industrial" designation as an area intended primarily for manufacturing, transportation related facilities, communication related facilities, privately owned utilities, warehousing and outside storage of materials and equipment and uses of similar character. Industrial uses are characterized by relatively high levels of truck traffic and noise.

d) ***Public utilities are available to serve the property. Sanitary sewer and water mains are located in Industrial Drive NW which can be extended to serve the development. Sanitary sewer is also available at the Rochester Athletic Club and would need to be extended to serve the northerly portion of the development. The applicant will need to coordinate with the utility agencies the extension of utilities to the property.***

Planning Staff Recommendation:

See attached staff report dated April 16, 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:_____.

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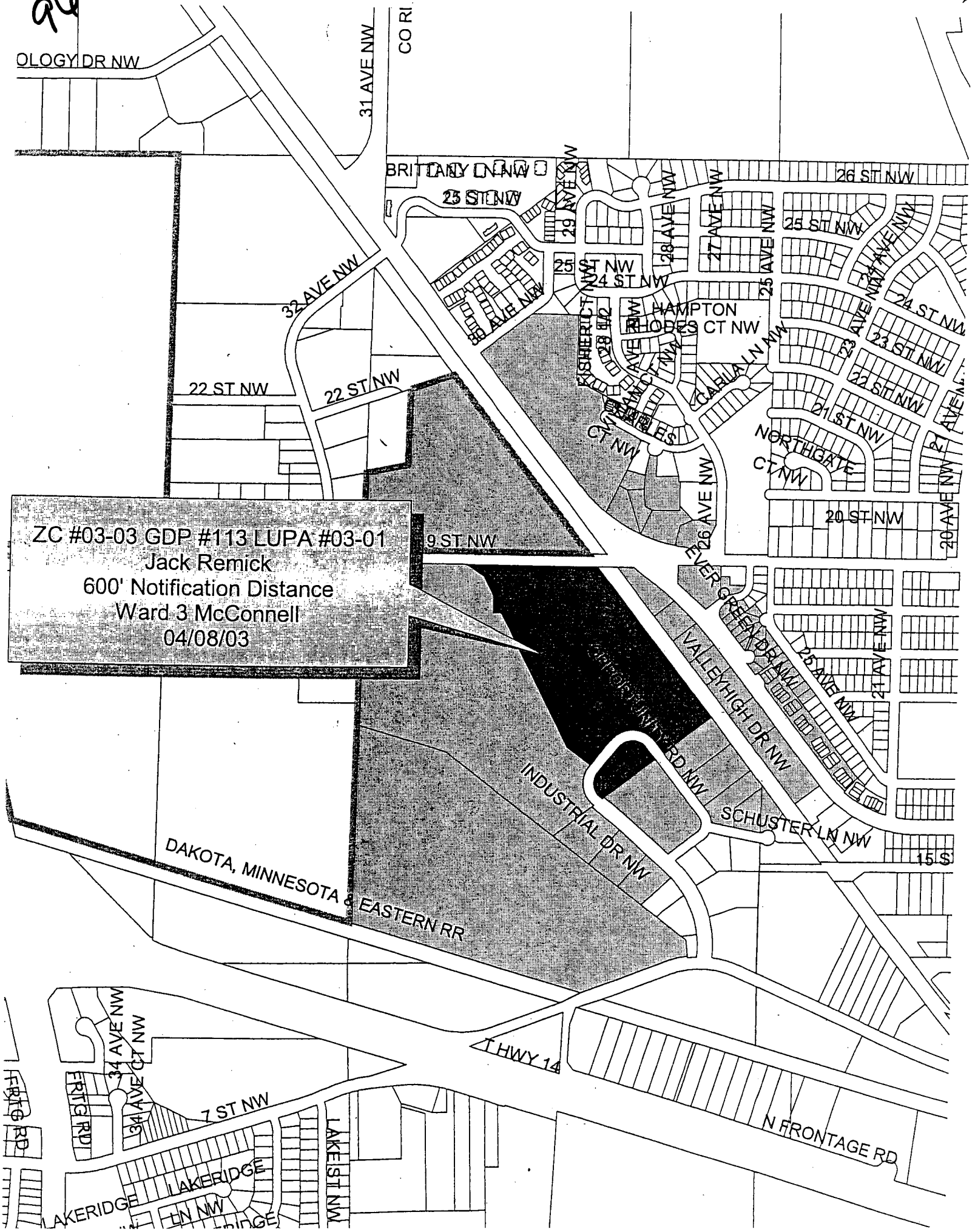
ZC #03-03 GDP #113 LUPA #03-01
Jack Remick
600' Notification Distance
Ward 3 McConnell
04/08/03
OLOGY DR NW
31 AVE NW
CO RI
BRITTANY LN NW
25 ST NW
29 AVE NW
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HAMPTON
RHODES CT NW
FISHER CT NW
CARLA LN NW
NORTHGATE
CT NW
26 AVE NW
EVER GREEN DR NW
VALLEYHIGH DR NW
INDUSTRIAL DR NW
SCHUSTER LN NW
9 ST NW
DAKOTA, MINNESOTA & EASTERN RR
HWY 14
N FRONTAGE RD
34 AVE NW
34 AVE CT NW
FRTG RD
7 ST NW
LAKE ST NW
LAKERIDGE
LN NW
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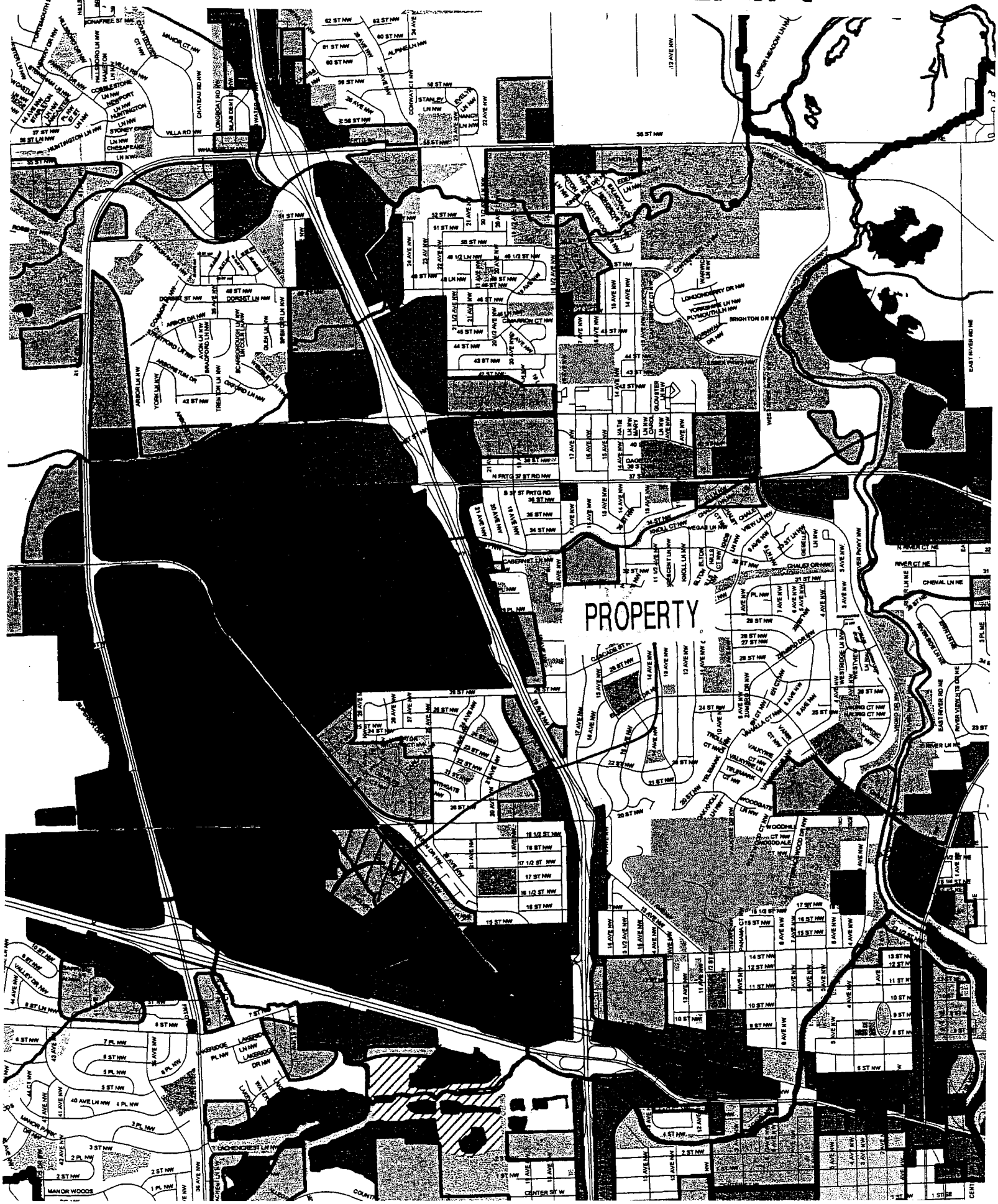
LAND USE PLAN



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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: April 16, 2003

RE: **Land Use Plan Amendment #03-01 by Jack Remick to amend the Land Use Plan designation from "Medium Density Residential" to "Industrial" on approximately 27.63 acres of land. The property is platted as Lot 1, Block 1 and Lot 1, Block 2 Athletic Club Subdivision and is located along Industrial Drive NW, south of 19th Street NW and west of Valleyhigh Drive NW.**

Planning Department Review:

Property Owner:
Jack Remick
3100 19th Street NW
Rochester, MN 55901

Consultant:
McGhie & Betts, Inc.
1648 Third Avenue SE
Rochester, MN 55904

Location of Property:
The property is located along the south side of 19th Street NW and west of Valleyhigh Drive NW.

Requested Action:
The applicant requests to amend the Rochester Urban Service Area Land Use Plan to designate approximately 27.63 acres of land for "industrial" uses. The property is currently designated for "medium density residential" uses. A Zoning District Amendment and General Development Plan amendment are being considered concurrent with this application.

In 1999 the property was rezoned from the M-1 district to the R-3 zoning district.

Existing Land Use:
The property is currently vacant.

Proposed Land Use:
The applicant has also filed a Land Use Plan amendment and a General Development Plan which are being considered concurrent with this application. The proposed GDP identifies the property being developed with commercial and industrial uses. The approved GDP identifies the property being developed with medium density residential uses.

Adjacent Land Use and Zoning:

East: The property to the east is zoned B-1 (Restricted Commercial) and is designated for "Commercial" uses. A spur line for DM&E Railroad is also located along the east property line of the site.

South: The property to the south is the Fred Schuster Industrial Park. It is zoned M-2 (Industrial) and designated for "Industrial" uses on the Land Use Plan Map.

North: The property to the north is a farm that is zoned A-4 (Agricultural Urban Expansion) on the Olmsted County Zoning Map. It is designated as "Industrial" on the Rochester Urban Service Area Land Use Plan.

West: The property to the west of the site is the location of the Rochester Athletic Club. It is zoned M-1. There is also an area that is zoned R-3 that is undeveloped.

Transportation Access:

This site has frontage along 19th Street NW and Industrial Drive NW. 19th Street NW is designated as an arterial street on the Thoroughfare Plan Map. It is in close proximity to Valleyhigh Drive NW, a collector/arterial and West Circle Drive.

Wetlands:

A wetland delineation was completed in 1992 and therefore will have to be reviewed and resubmitted to the LGU for approval.

Neighborhood Meeting:

A neighborhood meeting was held on April 9, 2003. A summary of the meeting is attached.

Referral Comments:

See GDP attachments.

Report Attachments:

1. Location Map
2. Land Use Plan Map
3. Referral Comments - see GDP Report
4. Neighborhood Meeting Summary

Analysis:

The Rochester Urban Service Area Land Use Plan identifies location criteria for "Industrial" types of uses as follows:

a) Having level terrain (less than 5% slope).

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b) ***Having excellent access to transportation facilities, including direct access to a freeway, expressway, or arterial. Access to either rail or air transportation is also desirable.***

c) ***Having adequate area available for industrial expansion, providing adequate space for buffer areas, where needed, to protect adjacent residential use designations.***

d) ***Served by utilities and pubic facilities.***

Staff Suggested Findings:

a) ***The property has fairly level to rolling terrain. An existing wetland dissects the property.***

b) ***This property has direct access to 19th Street NW which is identified as an arterial roadway on the ROCOG Thoroughfare Plan. 19th Street NW also connects to West Circle Drive which is an expressway on the ROCOG Thoroughfare Plan.***

c) ***The property consists of approximately 27.63 acres, which is adequate area for the expansion of industrial uses. The property to the south is an industrial park and is developed with industrial/commercial uses.***

The Land Use Plan refers to "industrial" designation as an area intended primarily for manufacturing, transportation related facilities, communication related facilities, privately owned utilities, warehousing and outside storage of materials and equipment and uses of similar character. Industrial uses are characterized by relatively high levels of truck traffic and noise.

d) ***Public utilities are available to serve the property. Sanitary sewer and water mains are located in Industrial Drive NW which can be extended to serve the development. Sanitary sewer is also available at the Rochester Athletic Club and would need to be extended to serve the northerly portion of the development. The applicant will need to coordinate with the utility agencies the extension of utilities to the property.***

Staff Recommendation:

The Planning Commission must make a motion to recommend approval or denial of this request. The Planning Commission must also make findings to support this recommendation. This recommendation will be forwarded to the City Council and heard at a later public hearing.

The ability to consider the Land Use Plan Amendment, Zone Change and the amendment General Development Plan concurrently allows the City to consider this development proposal as a package. ***Based upon the accompanying General Development Plan amendment for this site and the findings above, Staff recommends approval to amend the Land Use Plan to designate approximately 27.63 acres for industrial uses.***

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McGhie Betts, Inc.

Rochester
Minnesota

Land Surveying

Urban - Land Planning

Consulting - Civil Engineering

Geotechnical Engineering

Construction Material Testing

Landscape Architecture

April 10, 2003

Mr. Brent Svenby
Consolidated Planning & Zoning Department
2122 Campus Drive SE
Rochester, MN 55904

RE: Rochester Athletic Club Neighborhood Meeting Notes

Dear Mr. Svenby:

In accordance with Section 60.605 (B) of the amended zoning ordinance, we are submitting, on behalf of the applicant, Jack Remick, a copy of the minutes of the Neighborhood Informational Meeting which was held on April 9, 2003, 6:30 P.M. at, Rochester Athletic Club Rochester, Minnesota.

An attendance list is also enclosed for your reference.

If you have any questions, please contact me.

McGhie & Betts, Inc

Kristi L. Clarke

Kristi L. Clarke, AICP
Land Planner

Attachment

pc: Mr. Jack Remick, Owner

1648 Third Avenue S.E.
Rochester, MN 55904

Tel. 507.289.3919
Fax. 507.289.7333

e-mail. mbi@mcghiebetts.com

Established 1946

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Minutes of the Neighborhood Informational Meeting for Rochester Athletic Club- Lot 1 BLK 1 & Lot 1 BLK 2 On April 9, 2003, 6:30 p.m. at Rochester Athletic Club

It Attendance: See attached attendance list

Purpose: The purpose of the meeting was to introduce the proposed General Development Plan, Zone Change from R-3 to M–1 on 27.63 acres and Land Use Plan Amendment from Medium Density Residential to Mixed Commercial and Industrial to the neighborhood and to answer questions and document concerns or issues that may need further investigation or consideration.

General Discussion:

Ms. Clarke, representing McGhie & Betts, Inc. introduced the General Development Plan for the Rochester Athletic Club- Lot 1 BLK 1 & Lot 1 BLK 2 and the process for submitting and reviewing the plans. We discussed the purpose of a neighborhood informational meeting and outlined the dates and locations of the next two public hearings to be held on April 23, 2003 and May 5, 2003. We also discussed the submittals of the zone change of M-1 on approximately 27.63 acres and the proposed Land Use Amendment from Medium Density Residential to Mixed Commercial/Industrial.

We discussed the general location, surrounding infrastructure such as existing roads with their classifications and current and proposed utilities. We discussed the current location of the athletic facilities and surrounding road around the club to the west of the GDP boundary.

We discussed the proposed M-1 uses within the GDP with their accompanying bufferyard and lighting requirements. We also discussed potential roadway access points for this General Development Plan.

Ms. Clarke then introduced Mr. Jack Remick as the property owner for this General Development Plan. He explained that he is not planning to develop any of the potential lots within this GDP but that he would be very particular with respect to the site review and type of uses so that the final buildings will not detract from the athletic club to the west of the site.

The following questions and comments were reviewed by the attendee and recorded by Ms. Clarke. Responses to the questions have been drafted and follow each question/comment.

Questions and Answers:

Question #1 Will there be any bufferyards required on the east side of this site?

Answer #1 *Bufferyards are determined by the particular use that is developed. However, most of the property to the east of the GDP is zoned for a commercial use. Therefore, the bufferyards will most likely be minimal. The commercially zoned property to the east of this GDP will be required to provide increased bufferyards because of their proximity to residential uses and Valley High Drive.*

Question #2 Will there be increased traffic on 19th Street and Valley High Drive?

Answer #2 *Because we have no proposed uses at this time, it would be hard to estimate any increases in traffic flow or pattern. However, we are not showing an interior connection between 19th Street N.W. and Industrial Dr. N.W., which would have increased the cut-through traffic significantly. We do not anticipate a huge increase in traffic.*

Question #3 What type of lighting do you anticipate?

Answer #3 *Because we have no proposed uses at this time, it would be hard to estimate the need or restrictions on lighting within the various uses allowed in M-1. However, we will be very careful in reviewing the future buildings and uses because of the close proximity to our outdoor and indoor recreational uses directly to the west.*

There was some discussion about the review process for the property to the east of this GDP. Ms. Clarke provided the neighbor with copies of the bufferyard requirements and the lighting requirements from the City of Rochester. We spoke briefly about the history of this area and past potential uses for this site.

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Attendance Roll

NEIGHBORHOOD MEETING

PROJECT: **Jack Remick – Re-zone from R-3 to M-1**
Rochester, Minnesota
DATE: April 9, 2003
TIME: *6:30 p.m.*
PLACE: Rochester Athletic Club – Conference Room
Rochester, Minnesota

NAME	ADDRESS	PHONE NO/ FAX NO./ E-MAIL ADDRESS
1. GEOFF WARNER	1823 25TH AVE NW	288-2823
2. Kristi Clarke	4910 Manor Brook N.W.	288-1794
3. John D. Remick	RAC	289-8067
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14.		

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4. Storm Water Management must be provided for this development. If participation in the City's Storm Water Management Plan (SWMP) is approved, a Storm Water Management fee will apply for the benefit of participation for those areas where on-site detention is not provided.

5. Outlot A shall be dedicated to the City as a mid-block pedestrian access. Additionally, the developer is obligated to construct the 10' wide bituminous pedestrian path within Outlot A, as well as concrete sidewalk along both sides the public roads being dedicated in the plat, concurrent with the development of this property. In addition, the owner is obligated to pay a contribution toward pedestrian facilities along the entire frontage of 55th Street.

6. This property is within the area designated for the Northwest Transportation Improvement District (NWTID), and will be subject to a TID area charge based on the gross acreage of the subdivision.

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.

9. The applicant is responsible to construct a private roadway within Outlot B and must also extend utilities to serve the abutting exception parcel located north of Outlot B. An access easement shall be recorded over Outlot B for ingress/egress to the abutting parcel to the north (Krebsbach farmstead). 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.

*

Land Use Plan Amendment Petition #03-01 and Zoning District Amendment #03-03 by Jack Remick to amend the Land Use Plan designation from "Medium Density Residential" to "Industrial" and the zoning from R-3 (Medium Density Residential) to the M-1 (Mixed Commercial-Industrial) district on approximately 27.63 acres of land. The property is platted as Lot 1, Block 1 and Lot 1, Block 2 Athletic Club Subdivision and is located along Industrial Drive NW, south of 19th Street NW and west of Valleyhigh Drive NW.

AND

Amendment to General Development Plan #113 known as Rochester Athletic Club by Jack Remick. The applicant is proposing to amend to approved GDP which identifies the property being developed with residential uses to being developed with commercial and industrial uses. The property is platted as Lot 1, Block 1 and Lot 1, Block 2 Athletic Club

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Subdivision and is located along Industrial Drive NW, south of 19th Street NW and west of Valleyhigh Drive NW.

Mr. Brent Svenby presented the staff reports, dated April 15, 2003 (Zoning District Amendment), April 16, 2003 (Land Use Plan Amendment), and April 17, 2003 (General Development Plan), to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby referred to revised comments from Public Works received today. He asked that they be substituted for staff-recommended condition number 2 in the staff report and for the findings for criteria E (3) and F.

The applicant's representative, Ms. Kristi Clarke, of McGhie & Betts, Inc. (1648 Third Avenue SE, Rochester MN), addressed the Commission. She explained that there was one DM&E train a month. She stated that a neighborhood meeting was held on April 9, 2003 at which only one person attended. She explained that his questions were with regard to the bufferyard and lighting problems. She showed where the bufferyard would be required. She indicated that the applicant agreed with the staff-recommended conditions, as well as the new comments received by Public Works.

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

Ms. Petersson moved to recommend approval of Land Use Plan Amendment Petition #03-01 Jack Remick with the staff-recommended findings. Mr. Haeussinger seconded the motion.

Ms. Rivas noted her working relationship with the Rochester Athletic Club.

The motion carried 8-0.

Ms. Petersson moved to recommend approval of Zoning District Amendment #03-03 by Jack Remick with the staff-recommended findings. Mr. Haeussinger seconded the motion. The motion carried 8-0.

Ms. Petersson moved to recommend approval of Amendment to General Development Plan #113 known as Rochester Athletic Club by Jack Remick with the staff-recommended findings and conditions (as revised by Mr. Svenby). Mr. Haeussinger seconded the motion. The motion carried 8-0.

CONDITIONS:

1. **Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, controlled access, pedestrian facilities, extension of utilities, and contributions for public infrastructure. Ownership & Maintenance of the wetlands shall be addressed in the Development Agreement.**

2. **The Owner proposes to provide stormwater management for the Property by utilizing existing stormwater management facilities and new stormwater management facilities proposed to be constructed and maintained by the Owner on adjacent land owned by**

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the Owner. Erosion and sediment control that may result from the development of Lot 1, Block 2 will be managed with a temporary on-site sediment pond and associated erosion control strategies. The Owner proposes to manage post development runoff from Lot 1 Block 2 by directing all of the surface flow to a planned bioswale drainage way and private two-cell stormwater management pond to be built by July 1, 2005 on the Owner's adjacent land. Owner agrees to leave the temporary on-site sediment control pond in place until the permanent off-site private facilities are constructed. Owner agrees to pay a Storm Water Management fee only if the private off-site facilities are not constructed by July 1, 2005. Existing and proposed stormwater management facilities owned and maintained by Owner may need to be modified in the future to handle any increase in stormwater runoff attributable to the actual impervious area of the development parcels. Owner agrees to formalize these requirements by execution of a Development Agreement for the entire Property.

3. **Access control shall be dedicated along the entire length of 19th Street NW when the property is re-platted except where the approved access location is shown. The northbound approach on the interior roadway to 19th St. NW should be designed with two approach lanes to provide a lane for right turn traffic and a lane for left turn traffic. There also should be an eastbound right turn lane on 19th street NW at the access point to 19th St. NW.**

4. **At the time of re-platting the applicant shall coordinate with the City Public Works Department to determine if additional right-of-way needs to be dedicated for 19th Street NW to accommodate turn lanes.**

5. **The Owner is obligated to provide pedestrian facilities along both frontages of the Property abutting Industrial Dr NW/Opportunity Rd NW. The Owner may request through the Development Agreement to execute a Pedestrian Facilities Agreement to address its obligations, in lieu of constructing the required facilities concurrent with development of the Property.**

6. **At the time of re-platting of the property or development of this site, the replacement plan approved in 1992 for this property shall be reviewed and resubmitted for approval.**

Text Amendment #03-03 initiated by the City Planning and Zoning Commission, to amend Section 60.506 of the Rochester Zoning Ordinance and Land Development Manual. The amendment addresses permit approval and current zoning or related violations.

Mr. John Harford presented the staff report, dated April 16, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Harford explained that he received comments from the City Attorney asking for some slight changes. He indicated that he agreed with the changes, except for changing a word to "pending."

Mr. Harford stated that Public Works indicated that they did not have any concerns regarding the recommendation regarding development agreements.