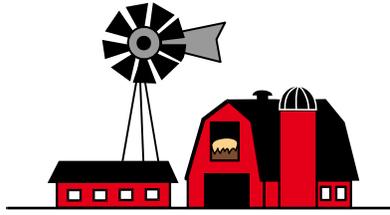


# TOWNSHIP COOPERATIVE PLANNING ASSOCIATION

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## TCPA

Date: 1/4/2021

To: Rochester Township Planning Commission  
Rochester Township Board  
Applicant & Consulting Engineer

RE: Mayowood Estates - Amended General Development Plan

Meeting: Rochester Township Planning Commission will hold a public hearing on Tuesday, January 12, 2021 at the Rochester Township Hall, 4111 11<sup>th</sup> Ave SW, Rochester, MN after 7:00 PM.

Because of the Covid-19 health pandemic it has been determined that attendance at the regular meeting location by members of the public is not feasible. Additionally, some of the members of the Commission may participate by phone.

Public comment will be accepted via email. Comments will be accepted up until Thursday, January 7, 2021 via email at - [tcpacomment001@gmail.com](mailto:tcpacomment001@gmail.com) - Members of the public may monitor the meeting by calling this phone number: **(551) 240-6019**. The Commission has a strong preference for comments and questions to be communicated before the meeting to facilitate the discussion. However, email comments to the same email address – [tcpacomment001@gmail.com](mailto:tcpacomment001@gmail.com) - will be monitored during the hearing and read aloud. The chair shall announce when those emails will start to be accepted and when that period will end.

The total meeting packet will be posted on the website at - [tcpamn.org/mayowood-estates/](http://tcpamn.org/mayowood-estates/) - and should be available after January 5, 2021. All emailed comments received shall be posted on the website by January 8, 2021.

Request: The hearing is to consider an amendment to an approved general development plan (GDP) application for approximately 208.93 acres. The area is currently zoned R-1 Low Density Residential District and the first phase of the development, consisting of 24 single family residential lots, has been platted. The current approved general development plan consists of 24 additional residential lots for a total of 48. The amendment, if approved, would increase the additional lots to 42 increasing the total number of lots by 18 for a total of 66 lots. Rochester Township recently completed the Environmental Assessment Worksheet process determining that sufficient measures were in place to mitigate any environmental affects this increase may have. The lots would be served by individual sewage treatment systems and private shared wells.

Location: Parts of Sections 17, 20 & 21 T106N, R14W Lying northwest of Bamber Valley Road SW (County Road 8 SW) with the northern boundary being Meadow Crossing Road. Olmsted County Parcel #s: 64.21.22.085356, 64.20.11.041891, and 64.17.44.083019.

Owner/Applicant:  
Clark Development LLC, 36 Woodlake Drive SW, Rochester, MN 55902

Consulting Engineer:  
WSB Engineering – 3701 40<sup>th</sup> Avenue NW – Suite 100 – Rochester, MN 55901

Current Zoning:  
R-1 Low Density Residential District

Enclosures:  
1. Applicant submission package  
2. Approved GDP  
3. Proposed GDP

Reviewers:	Olmsted County Planning	Olmsted County Assessor
	Olmsted County Health Department	Minnesota Department of Natural Resources
	Olmsted GIS	Minnesota Pollution Control
	Olmsted County Public Works	GGG Engineering
	Olmsted County Soil and Water	Peoples Cooperative Services
	Minnesota Energy Resources	Century Link
	Charter	Jaguar Communications
	Rochester Public Utilities	Township Engineer – Brandon Theobald, WHKS

Overview: Rochester Township works with Olmsted County to determine what types of developments are planned for which areas of the Town. The tools used to plan developments are known as land use plans. Both Olmsted County and Rochester Township have land use plans. We use these plans to guide where and what types of developments should be considered in which areas.

The Olmsted County Land Use Plan goes on to provide guidance on the density of the “Suburban Development” area. The goal of the County Plan is for density in the “Suburban Development” area to be at a rate of one dwelling per 3.5 acres. The Olmsted County Attorney has determined that the rate is an overall average of the entire County and does not apply to individual developments. This development is proposing a density one lot per 3.1 acres.

R-1 Low Density Residential District is the standard rural residential zoning district in Rochester Township. R-1 standards are lots which are over two acres in size and are served by individual sewage treatment systems and private or shared wells.

The 208.93-acres listed on the application is as follows:

- Adjacent to the north and northwest is Meadow Crossing Road SW; on the north side of Meadow Crossing Road is the Mayo Woodlands development which is zoned R-1SD; Low Density Residential Special District.

- Northeast of the proposed development is Mayowood Hills South 4<sup>th</sup> Subdivision which is zoned R-1.
- All lands south of Meadow Crossing Road, west of Bamber Valley Road SW, and north of 40<sup>th</sup> Street SW, and to the west side of Heritage Hills, are designated as Suburban Subdivision on the Olmsted County Land Use Plan Map. Properties south and east of the proposed development are zoned A-2 Agricultural Protection District;
- East and southeast is Bamber Valley Road SW (County Road 8); east of Bamber Valley Road SW are lands which are within the City of Rochester’s Urban Service Area according to the Olmsted County Land Use Plan Map and are either “Near Term Urban Expansion” or “Urban Reserve Area Beyond 2050.” This area is scheduled to be served by City sewer and water services. The area is currently zoned A-3 Agricultural District.
- The first phase of this development has already been platted. That phase included 24 single family residential lots with 5 shared wells and individual septic systems.

General Development Plan: Ordinance in regular type and staff review, where applicable, in *italics*.

1. **Purpose:** Rochester Township considers vital the orderly, integrated, compatible development of the limited land area within the Township. The Olmsted County General Land Use Plan and the Rochester Township Land Use Plan establishes general land use policy. The zoning ordinance establishes detailed policies, regulations, and standards for specific areas of the Township. General Development Plans are necessary to:
  - a. insure that the landowner and developer investigate(s) the broad effects development of property will have on the site and also on adjacent properties and the public infrastructure;
  - b. guide the future growth and development of those portions of the township identified for development in accordance with the land use plan;
  - c. protect the natural, social and economic character of the township by encouraging orderly development that assures appropriate timing and sequencing;
  - d. insure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed development(s);
  - e. prevent the pollution of water bodies and groundwater; assure the adequacy of drainage; and establish protection for and wise management of natural resources in the township;
  - f. provide for open spaces through the efficient design and layout of the land;
  - g. avoid and remedy the problems associated with improperly subdivided lands, including premature subdivision and scattered subdivision.
2. **A GDP is required:**
  - a. For any land use plan amendment, zone change, or subdivision of land requiring platting of land located within an Urban Service Area;
    - 1) A GDP shall not be required for any portion of an area for which a GDP has

previously been approved by the Town Board.

2) A GDP may be waived by the Town Board based on the factions of subsection 2 (b) (1-6).

b. In the review and approval of a proposed zoning district amendment in the Suburban Subdivision Development Area the Commission and the Town Board shall first determine whether a general land use plan [*sic*] (general development plan) shall be required based on the following factors.

- 1) consistency with the land use plan policies;
- 2) size of the subject property and parcels adjacent thereto;
- 3) the potential for street, surface water runoff and drainage systems, and open space connections from the subject property to adjacent property, developed and undeveloped;
- 4) the amount of undeveloped land in the vicinity and amount that borders the subject property; whether proposed development is infill development;
- 5) onsite and adjacent property site characteristic including floodplain, shoreland, public waters, bluff lands, and public streets and street pattern;
- 6) adjacency to the Urban Service Area;
- 7) sufficiency of public facilities, and services serving the proposed development area, and appropriate timing of and location of development.

c. The Town board shall have the authority to initiate a GDP for a parcel or area located within the Urban Service Area or the Suburban Development Area as designated on the Olmsted County General Land Use Plan Map.

3. **A GDP shall be acted on separately** by the Town Board and Commission in accordance with procedures of Section 4.00 - Amendments. A GDP and zoning map amendment may be reviewed at the same time in the hearing process. The action taken must be by separate motion of the Commission and Town Board.

4. **A General Development Plan shall include:**

a. all current parcels proposed for subdivision and development and under rezoning;

*Provided.*

b. all other parcels abutting the property proposed for rezoning or within one-half mile of the boundaries of the property proposed for rezoning located with the urban service area, urban reserve area or suburban development area as delineated on the land use plan;

*Adjoining and abutting parcels are shown and extends out over the one-half mile.*

c. all adjacent lands under the same ownership as the owner or applicant proposing the rezoning;

*The GDP indicates Clark Development LLC owning Olmsted County Property Records Parcel Number 64.17.43.080828 consisting of approximately 62.5 acres and currently zoned Mayo Woodlands Special District. Additionally, Clark Development LLC owns OCPRPN 64.21.12.083018 consisting of approximately 102 acres and OCPRPN 64.16.43.041852 consisting of approximately 44.9 acres all of which are currently zoned A-3 Agricultural District within Rochester Township but are located in the Urban Service area of the Olmsted County Land Use Plan. This indicates that future development of this area would be on city services such as city sewer and water.*

- d. all parcels needed to provide access to public roads.

*If approved as proposed all parcels will have public access.*

**5. The following physical and planning factors should be addressed in a General Development Plan:**

- a. existing and proposed land uses, densities, and general lot sizes and location;

*Provided are property size, current zoning, proposed density, lot sizes, and connection to township and county roads. The proposed GDP shows one (future proposed) connection to the adjacent property to the west, one connection to Meadow Crossing Road SW and one connection to Bamber Valley Road SW (County Road 8). The GDP also identifies future roadway layouts and lot configurations. Because of the R-1 standards we know that each lot will need to be at least two acres in size and the plan indicates the overall density and number of lots.*

- b. transportation and other infrastructure systems internal to the planning area including the street pattern and connections to the external street network and shared water supply and sewage treatment systems;

***Transportation and other infrastructure systems***

*Before considering this planning factor, it should be noted that based on the submitted GDP this factor has been met.*

*The applicant and his engineer have developed an approved connection onto Bamber Valley Road SW. A Traffic Impact Report as required by Section 10.48 of the Rochester Township Zoning Ordinance has been completed at the developer's expense by Short Elliot Hendrickson Inc. and accepted by the Rochester Township Board. The report indicates the need for a right turn lane off Bamber Valley Road SW into the development. Additionally, the developer is proposing to construct a by-pass lane at the same intersection for additional traffic safety.*

*The Traffic Impact Report states that, although Meadow Crossing Road is listed as a local collector in some County transportation documents, it does not meet the standard as a local collector. The traffic study goes on to say that even after full build of this development and the rest of the lots within Mayo Woodland Special District, the current roadway system will function at a "good operating level."*

*The Town Board is in charge of the roadway system in the Town so the Planning Commission should consider any recommendations to the Board which might improve the traffic patterns in this area. It has been a long-standing concern of the Township that Meadow Crossing Road SW serves over 150 homes but that those residents do not have a secondary way out of the area. This proposal, while possibly not ideal, does resolve that issue to some extent. When considering the first phase of this development the Township designated the connecting road within this development as a "Modified Local Collector" which included design standards well above that of a "local road".*

*Meadow Crossing Road SW meets some of the standards as a local collector such as the 100-foot right-of-way (local collector requirement is 80 foot right-of-way), controlled access (only one residential driveway at the bottom of the hill accessing the road) and a solid base.*

*Its downfall as a local collector seems to be the traveling width of 36 feet. Adding additional width to this roadway, according to Brandon Theobald of WHKS, Inc., may not have an acceptable cost benefit ratio. Brandon went on to suggest adding curb to one side of the roadway, then a separation of six feet of boulevard and then a six foot walking/bicycle trail, from Wright Road SW/Headland Court SW to Bamber Valley Road SW. This would remove the pedestrian and bicycle traffic from the steepest part of Meadow Crossing Road.*

*If a trail, as described in the above paragraph, were to move forward, discussion should be held between the Town, City of Rochester and Olmsted County Public works about making a connection to the City trail system by building a trail along Bamber Valley Road SW, north to Bamber Valley Elementary School.*

*The Traffic Impact Report was silent on pedestrian and bicycle traffic. The current Township ordinances do not require such amenities and haven't because past Rochester Township Boards have determined that they did not want the costs of maintaining them.*

*Roadway improvements outside the proposed development area may or may not be something the developer is willing to pay for. Therefore, at least for this phase of the development, upgrades to Meadow Crossing Road outside of the right-of-way area adjacent to this parcel, would seem unlikely.*

*The developer has agreed to provide a six-foot bicycle lane by adding additional pavement on the roadway in portions of the development. This provides a public traffic lane which could easily be plowed and maintained with the township's current equipment. This type of lane is good for bicycles but does not function well for walkers or joggers since it places them right next to the vehicle traffic lane.*

*Part of the original approval of the Mayo Woodlands plat was that, when a certain number of homes had been built in the area, a right-turn-lane was to be added at the Meadow Crossing Road SW/Bamber Valley Road SW intersection. In the future, should the owner/applicant propose to complete and develop the Mayo Woodlands plat, the Commission should then consider recommending to the Board that a condition of approval of that proposal include the construction of that right-turn-lane. This, of course, would be something that Olmsted County Public Works – as road authority - would need to approve.*

*The developer has agreed to condition lot sales to require construction traffic to use the southern access off Bamber Valley Road SW.*

*Additional roadway considerations could be the expansion of the proposed connection roads, in the second and any future phases of the development, to "Modified Local Collector" status. This would require additional roadway dedication of land (80 feet versus 66 feet); controlled access - meaning no lots could have a driveway out onto this road - and a 36-foot traveling surface (this could be 24-feet of pavement and 6 foot crushed rock shoulders or any combination of pavement and crushed rock totaling 36-feet).*

*The current development agreement covers the lots that are currently platted. An amendment to that agreement will address any proposed phases prior to platting.*

#### ***Water supply and sewage treatment system***

*The applicant is proposing shared wells and individual sewage treatment systems. During the preliminary platting process more information as to the location of the septic sites and wells would be provided. Normally a GDP only indicates the types of systems they are proposing to use.*

- c. the surface water drainage systems;

*Shown are two treatment areas for stormwater; one located in the northwestern corner and the other along the southern border of the general development plan. During the platting process more detailed stormwater management will be submitted for review.*

- d. the open space system that may include natural resource lands (unique habitat, outdoor recreation space, wooded areas, significant visual resource areas), and sensitive lands (shorelands, wetlands, flood plain, steep slopes, sinkhole concentrations and other features dependent on the site);

*The Township Subdivision Ordinance requires open space. The board approved the 48-lot GDP allowing the developer to use additional traveling surface on the roadway as a substitute for open space land throughout the development.*

- e. the schedule for development of infrastructure.

*Applicant proposes to do the development in two phases as indicated on the plan.*

#### **6. In the review of a General Development Plan, the Commission and the Town Board shall make findings indicating that:**

- a. proposed land uses are in accordance with the Olmsted County General Land Use Plan, any Rochester Township Land Use Plan, and Rochester Township Zoning Map;

*The land use is consistent with residential uses and would be considered consistent with the Olmsted County and Rochester Township Land Use Plans.*

*Thus, this criterion is met.*

- b. the street pattern is appropriate to serve properties under consideration;

*The proposal is for 66 single family lots on a proposed roadway system that consists of two circular drives and three cul-de-sacs along with the connecting road between Meadow Crossing Drive SW and Bamber Valley Road SW.*

*The circular drives allow traffic to go either way out of the subdivision and this design provides each lot with frontage along a public roadway. There has been no indication that any of the lots would require driveway easements.*

*The plan shows 13,423 feet of new public roadway indicating an average road frontage of 203 feet per lot. The local streets are designed with of 66 foot rights-of-way and the cul-de-sacs with 120 foot rights-of-way, both of which meet the Township Standards for a subdivision. Additional easements have been provided in the first phase of the development to allow for the additional widths of the road and water drainage systems.*

*Thus, this criterion is met.*

- c. the proposal makes provision for planned capital improvements and streets based on the Olmsted County Capital Improvement Plan and Olmsted County Thoroughfare Plan;

*Olmsted County Public Works has reviewed the proposal and has issued an access permit for the roadway connection onto Bamber Valley Road SW. The proposal includes public roadway improvements of both a right turn lane and bypass lane at said intersection.*

*Thus, this criterion is met.*

- d. the proposal makes adequate provision for surface water drainage, soil erosion control, water supply and sewage treatment, consistent with State statute and rule and County or Township ordinance;

*The exhibit indicates two storm water treatment sites. A grading plan will have to be submitted and approved prior to construction of the road and or dwellings. Septic areas will need to be identified on each proposed lot. The applicant has stated that shared wells will be used.*

*Along with the in place ordinance requirements, this criterion is met.*

- e. the lot, block and street layout is consistent with General Land Use Plan use, development and resource management policy, and subdivision design principles;

*The lot, block and street layout is consistent with the general development and resource management policy and subdivision design principals as indicated in criterion "b." above. A connection to the undeveloped property to the west has been provided.*

*Thus, this criterion is met.*

- f. unique natural resource features and sensitive areas are protected through the open space provisions and appropriate lot layout;

*No open space has been identified on the GDP. The lots layout is consistent with the ordinance and provides all lots with access to a public roadway. Additional traveling surfaces have been provided within the development instead of dedicated open space.*

*This criterion is met*

- g. development will occur in an orderly fashion;

*A phasing plan has been provided and according to the plan, development will occur from south to north along the connecting roadway first and then move west during the second phase of the development. Since the access is located going south to north on the eastern portion of the property, the phasing makes sense.*

*Similar types of developments are in this area.*

*Thus, this criterion would be met.*

- h. connecting roads are adequate to handle projected traffic, or provision has been made to correct deficiencies.

*Olmsted County Public Works has commented on the access and how the traffic flow will work into the future. Upgrades to the County Roadway System will be a requirement of the subdivision access approval.*

*The Township Board has accepted a traffic impact report which states that the roadway system at complete buildout will operate at a "good operating level".*

*Thus, this criterion is met.*

#### **General Development Plan Conclusion:**

Rochester Township defers land use decisions to Olmsted County and their Land Use Plan. The Olmsted County Land Use Plan Map shows this area as being within the Suburban Subdivision Area of the Plan, thus large lot development is appropriate with no Land Use Plan Amendment. A general development plan has been created and submitted by the applicant.

Findings shall be based on the General Development Plan meeting the criteria as listed above. Staff has reviewed this request in accordance with the applicable standards and provisions as included in this

report. Based upon staff review and analysis above, staff recommends that the Planning Commission discuss the criteria and determine if moving the plan forward would be appropriate with or without recommending changes. The findings listed above would support approval.

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