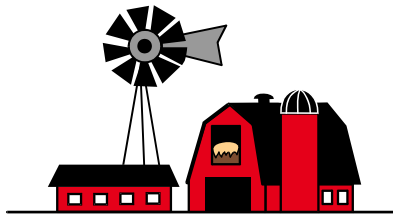


TOWNSHIP COOPERATIVE PLANNING ASSOCIATION

4111 11th Avenue SW Room 10
Rochester, MN 55902

PH: (507) 529-0774
FX: (507) 281-6821



Roger Ihrke, Administrator
David H. Meir, Administrator

roger@tcpamn.org
david@tcpamn.org

TCPA

Date: 6/22/2020

To: Rochester Township Planning Commission
Rochester Township Board
Mark Welch, GGG, Inc.

RE: Millie Meadows Estates Second - proposed subdivision

Meeting: On Wednesday, July 8th, 2020 after 7:00 pm the Rochester Planning Commission will hold a public hearing at the Rochester Town Hall, 4111 11th Ave SW, Rochester, MN regarding . . .

Because of the Covid-19 health pandemic and the Governor's most recent orders, it has been determined that attendance at the regular meeting with social distancing would be allowed. Face coverings are required. Additionally, for those who do not feel comfortable in such an environment, both the public and any Commission members who so choose, may participate by phone.

Members of the public may monitor the meeting by calling this phone number: **(551) 240-6019**. During the hearing there shall be a mechanism in place for the public to comment or ask questions. The chair shall announce the topic for which comments will be accepted and when the period for comments will start. The chair will also provide instructions on how to be recognized to speak and when the comment period has ended.

The total meeting packet will be posted on the website at - tcpamn.org – under Staff Reports and then clicking on the subject. Reports and comments will be posted on the web as they become available.

Request: . . . an application for a General Development Plan (GDP) and Zone change from A-2 Agricultural Protection District to R-1 Low Density Residential District for approximately 77.43 acres. The property is in Section 30, south of the Millie Meadow Estates Subdivision. Olmsted County Parcel # 64.50.41.084330 and contains parts of the SE ¼ of the NE ¼; all of the NE ¼ of the SE ¼ and parts of the SE ¼ and SW ¼ of the SE ¼ all in Section 30, T106N; R14W, Olmsted County, MN

Thirty single family residential lots are indicated on the GDP and the proposed name of the subdivision is Millie Meadow Estates Second Addition. The lots will be served by individual septic systems and private shared wells. The Planning Commission will make recommendations to the Town Board on the submitted applications.

Additional Information:

This property is currently being considered by Olmsted County for a land use plan amendment to change the land use designation from "Potential Suburban" to "Suburban". Although the public hearing for rezoning the property is being scheduled, actual approval by the Town Board cannot happen until the

land use plan amendment has been approved by Olmsted County. If the amendment is not approved, the zone change, and general development plan will not be presented to the Town Board for consideration.

Owner/Applicant:

GMB,LLC. 2314 Scenic Park Place SW, Rochester, MN 55902

Consulting Engineer:

Mark Welch, GGG, Inc., 14070 Hwy 52 SE, Chatfield, MN 55923

Enclosures:

1. Applicant submission package
2. Plat/Location Map
3. Aerial Photo Map
4. Zoning Map
5. Land Use Plan Map
6. Soils CER Map
7. Soil Type Map
8. Flood Soils Map
9. Elevations Map

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

Ordinance: Article III Procedures For Submission of Plats

Section 3.0 Preplat Investigation

B. A General Development Plan (GDP) is required prior to:

2. Any land use plan amendment, zone change, or subdivision of land that would be platted.

General Development Plan Approval:

On July 11, 2017, the Rochester Township Planning Commission conducted a public hearing to consider a recommendation to the Town Board for approval of a general development plan which became known as Millie Meadow Estates. The Commission made the following recommendation:

Planning Commission Comments

The Rochester Township Planning Commission moved the plan forward with a positive recommendation with the following conditions with 4 yes votes and 0 no votes:

- The applicant provide a plan for the Town Board to review showing how the Jacobson property could be developed with a safe access off 55Ave SW.

- Driveways shown on GDP for four parcels east of development but west of 55th Ave SW
- The applicant meets with County engineer and discuss letter dated July 10, 2017
- Applicant meet with Jacobson's on driveway and the conflict the right turn lane may have with their driveway

The Town Board considered the Planning Commission recommendations at their next meeting and adopted the following:

Town Board Meeting

- Updated GDP was provided by applicant per the Planning Commission request. Board accepted updated GDP with access for development off 55th Ave SW for the Jacobson property.
- Board recommended that the future development of the Hoffman property and that portion of the Elliott property north of the drainage way, use a combined access off 55th Ave SW.
- Peterson property did not provide enough area for future development to make a change in the access.
- One access off 55th Ave SW would be allowed for any future development of the 28.71-acre parcel.
- One access would be allowed off 50 St. SW for Lot 33 along with an access easement to that portion of Lot 34 south of the stream.
- One access would be allowed for Lots 31 and 32 off 50th St SW.
- An EAW would be required for the entire site to be developed.
- The applicant must follow the County Engineers recommendations as listed in the July 10, 2017 letter or work with the County Engineer on changing those recommendations.
- The Town Board required the property to be developed with two accesses.

The Rochester Town Board recommended approval of the updated GDP with the conditions as listed above and the findings as outlined in the staff report and the application. Recommendation was approved with 3 yes votes and 1 abstention.

Background:

Rochester Township went through the process of amending the Rochester Township Land Use Plan and adopted that amendment on October 13, 2016. The amendment included expanding the areas of suburban development within the township. Additionally, the Township requested, that Olmsted County incorporate the changes in the Township's Land Use Plan, into the County Plan, and if the incorporation were delayed that the County allow the 220 acres known as the Christopherson farm, in Section 30, to move forward on its own merits.

The County Land Use Plan approval process for suburban development consists of two steps. The first step requires the township to request moving a property from the "Resource Protection" designation to "Potential Suburban" designation. The second step requires the property owner to request changing the designation from "Potential Suburban" to "Suburban Subdivision." The two-step process was completed for the north eighty (80)

acres of the Christopherson farm when the Olmsted County Board approved the land use plan amendment on September 19, 2017.

The applicant is proposing to develop approximately 79.01 acres of land on the south side of 40th Street SW and east of 55th Ave SW. The request includes rezoning the property from A-2 Agricultural Protection District to R-1 Low Density Residential District. As explained above the area is now located within the “Suburban Subdivision” area of the Olmsted County Land Use Plan and within the “Approved Residential Development” area of the Rochester Township Land Use Plan.

As a part of the land use plan amendment process and the zone change process a General Development Plan is required. Although only eighty acres – of the 220 total acres - was added to the Suburban Subdivision area of the County Land Use Plan Map, the Township Zoning Ordinance states that if the adjoining property is under the same ownership a General Development Plan is required for the entire property. Rochester Township considered the General Development Plan and approved it prior to it moving forward through the County process.

The developer has submitted an Environmental Assessment Worksheet (EAW) for review. The Worksheet has been published in the Environmental Quality Board Monitor and sent out for reviews. An ad has been placed in the Rochester Post Bulletin advertising the review is available for public comment. Comments shall be received until October 31, 2017. The township made a negative declaration determining that no further environmental review was necessary on November 9, 2017.

Comments after County review of GDP and approved changes by the Town Board (taken from previous report)

General Development Plan:

During the County process, changes were required to the general development plan. The Township will need to review and approve those changes. Many of those changes were reviewed by the Township during the previous hearings but not incorporated into the approved plan. The County has required those changes be made. Additionally, those changes have created some issues with the Township Subdivision Ordinance dealing with open space. The Rochester Township Subdivision Ordinance:

Section 9.1 Open Space “All developments exceeding twenty (20) acres, shall provide a minimum of 1.5 percent of the gross development area in a single contiguous area with permanent dedication for common open space. This space shall not include development of septic set aside area. The open space shall be covered by a homeowners association agreement. One-third of the open space must be of a buildable quality. Open spaces exceeding 2 acres may be non-contiguous. Open space shall reflect the site specific natural characteristics.”

The development provides two lots which may be considered open space; one consisting of 0.63 acres and the other 1.48 acres for a total of 2.11 acres. Both of these lots are located in the northern-most portion of the property. Considering the area being requested for development – 79.01 acres – approximately 1.19 acres (1.5% of 79.01) would be required for open space. Thus on pure numbers the proposal does meet the open space criterion.

The additional 137.12 acres proposed in the general development plan shows no additional open space, but requires 2.06 acres for an overall development total of 3.25 acres. Therefore, the general development plan on a whole, is short 1.14 acres of open space.

Another consideration is that the developer proposes to use a portion of the open space for stormwater treatment and later in the development proposes using even more of it to develop a cul-de-sac.

It was understood during the previous approval of the general development plan that a variance to the Subdivision ordinance for the length of the cul-de-sac would be required. The new proposal has not changed that.

Access for future development of the Jacobson property in the NW ¼ of the NE ¼ of Section 30 was required by Olmsted County. This was considered but not required by the Township.

Additionally, the County Public Works Department has recommended (See Memo to County Board) that 55th Avenue SW not be paved so as to discourage traffic from going that way. The justification is that the 40th Street SW/55th Avenue SW intersection does not have good site lines.

An alternative, would be to abandon 55th Ave SW, from just north of its intersection with (proposed) Millie Road SW, and then north, to the point where it intersects with 40th Street SW (County Road #117). Although this would force traffic through the development on (proposed) Millie Road SW, it would solve the site line issues which may not ever be able to be corrected at the 40th Street SW and 55th Avenue SW intersection.

GPD Conclusion:

The GDP has been approved by the township, the applicant is asking to make changes to it, thus a hearing is required. Those changes include:

1. Removal of open space.
2. No building of the access roads to the parcel to the west just as was done for the access in the Millie Meadow Estates Subdivision, with no constructed access road, only an easement was dedicated to the Jacobson property.
3. Reconfiguration of the large parcel in the SW corner of the property.

During the plating process, variance issues will need to be addressed which may include the length of a roadway ending in a cul-de-sac, open space, lot width to depth ratio and etc.

Staff Analysis Zone Change:

Findings:

Section 4.00 H Amendment Findings (ordinance is in regular text, staff finding in italics)

1. The proposal is consistent with the policies of the General Land Use Plan;

The area is located within the "Potential Suburban" area of the Olmsted County Land Use Plan and within the "Approved Residential Development" area of the Rochester Township Land Use Plan. Currently an application is being considered by Olmsted County to have the designation changed on

the County Plan from “Potential Suburban” to “Suburban”. Any consideration of rezoning the property should be contingent upon County approval of this request.

Once approved, rezoning would be consistent with both plans.

2. The amendment is in the public interest;

Other suburban subdivisions are located within the area. The Heritage Hills First and Second subdivisions are on the north side of 40th Street SW. Additional Millie Meadow Estates Subdivision is located directly to the north. Access to this property will be through that subdivision. The parcel contained in the rezoning request is partly wooded and from the age of the trees, has not been row cropped for some time if ever.

Olmsted County Public Works has reviewed the traffic and roadway connection issues and has determined that the roadway with upgrades could handle the additional traffic from the development. Continued development in an area where suburban subdivisions already exist, to provide for that type of lifestyle choice, would seem to be in the public interest.

3. The proposed development is timely based on surrounding land uses, proximity to development and the availability and adequacy of infrastructure;

Suburban subdivision development continues to be in demand so continued growth near other suburban subdivisions would seem timely. No additional public roadway infrastructure improvements will be required for this development other than that within the development.

4. The proposal permits land uses within the proposed district that are appropriate on the property and compatible with adjacent uses and the neighborhood.

Adjoining properties to the north are zoned residential. No intensive agricultural uses are located within the area. Some of the area, which is proposed to be subdivided into residential lots, has been recently row cropped. However, because of the proximity to work centers development would seem to be a higher use for the property.

5. The proposal does not result in spot zoning;

Adjoining lands to the north and northwest are currently zoned R-1 Low Density Residential District. Since adjoining lands are zoned the same it would not be considered spot zoning.

6. The proposal is consistent with a GDP for the area, if one exists.

The proposal is consistent with the approved general development plan.

Staff Recommendation:

Approval a General Development Plan is required as a part of the rezoning process. Changes have been indicated to staff which need to be addressed during this process to provide the developer direction prior to bring forward a preliminary plat.

This rezoning does not include lots 31, 32, 33 and 34 shown on the plan.

Staff has reviewed this request in accordance with the applicable standards and provisions as included in this report. Based upon staff review and analysis included above, staff withholds recommendation until the open issues have been addressed.