

Date: July 29, 2020

Re: REQUEST FOR VARIANCE FOR OPEN SPACE REQUIREMENT FOR “THE TRAILS OF CASCADE” DEVELOPMENT PER ARTICLE IX “DEDICATIONS AND RESERVATIONS” SECTION 9.0 AND 9.1 OF THE SUBDIVISION OF CASCADE TOWNSHIP.

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### **Introduction**

The owner/applicant of The Trails of Cascade is requesting a variance to provide dedicated open space in the proposed subdivision. A narrative and response to the criteria for granting a variance are as follows:

The Cascade Township Subdivision Ordinance under Article IX, Section 9.0 states that “Where deemed appropriate by the Township Board, additional open space suitably located and of adequate size for parks, trails, playgrounds or other recreational activities for local or neighborhood use, shall be provided for in the proposed subdivision.”

Article IX Section 9.1 OPEN SPACE establishes the requirements of the type, size, and location standards for open space.

Section 9.0 clearly states that the requirement to provide for open space is a discretionary decision by the Town Board based on the language “Where it is deemed appropriate...”.

### **Background**

The Trails of Cascade is a proposed, low-density large-lot residential development consisting of 37 lots on 94 acres. The minimum lot size is two acres and the average density is 1 Lot to 2.36 acres.

There is no dedicated open space planned for this development because historically low-density large-lot subdivisions do not need or utilize dedicated open spaces. The minimum lot size required provides sufficient area for a variety of active and passive recreational uses on the lot versus the need to travel to a dedicated open space elsewhere within the development.

Several townships in Olmsted County have eliminated the requirement for dedicated open space for conventional subdivisions, unless it is a development adjacent to an environmental corridor or waterway where access is desired for recreational purposes or for a cluster-style development.

An example of this is the recently approved Majestic Meadows subdivision in Cascade Township lying adjacent to the Zumbro River Corridor, where it was determined that providing open space to extend the environmental corridor along the Zumbro River was desirable to maintain continuity of the trail system for recreational purposes.

During the hearings at the Township Planning Commission for Majestic Meadows, it was referenced by the chair of the Commission that Ohio State University recently presented a study relative to the benefits and desire by the residents of low-density large-lot developments. The results of the Ohio State study show that the residents of low-density

large-lot rural type developments do not find value in the creation of dedicated open space and it was not deemed a benefit by the residents.

The following responses are made to support granting a variance to the requirement for dedicated open space in The Trails of Cascade by the Rochester Town Board:

**Response to Criteria Section 9.0 Variance Section A of Cascade Zoning Ordinance**

1. The Olmsted County Land Use Plan does not contain a requirement for dedicated open space for conventionally planned residential subdivisions that are low-density large-lot developments. This makes the requested variance consistent with the Comprehensive Plan.
2. The Subdivision Ordinance for Rochester Township, Article IX, Section 9.0 provides for discretionary decisions (“Where deemed appropriate..”) by the Town Board in determining if a development will be required to provide dedicated open space. The variance is in harmony with the intent of the ordinance and does not provide an additional benefit to the residents.
3. The subdivision as proposed meets or exceeds the standard requirements of the township ordinance without the provision for a separate dedicated open space. The property can be developed in a reasonable manner without the dedicated open space.
4. The development of The Trails of Cascade as a low-density large-lot residential subdivision allows each homeowner to determine recreational usage on individual lots, as opposed to establishing a separate dedicated open space for families.

Normally, dedicated open space is established on an outlot that is owned by a Homeowners Association. They are not consistently well maintained by the Association and therefore become unsightly, are infrequently used can become a public nuisance, and potentially become a tax forfeiture parcel of land. Outlots are taxed by the County.

5. The variance request to eliminate the provision for dedicated open space does not alter the essential character of the development as a low-density large-lot project. Several other low-density large-lot developments in the area do not have dedicated open space.