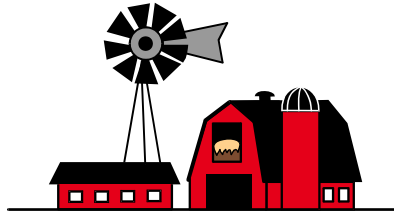


TOWNSHIP COOPERATIVE PLANNING ASSOCIATION

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-- TCPA --

Date: 10/29/2020

To: Rochester Township Planning Commission
Rochester Township Board
GMB, LLC – Gene Peters
GGG Engineering – Mark Welch

RE: Preliminary Plat Review, Section 30, Rochester Township

Public Hearing:

The Rochester Township Planning Commission will hold a public hearing at the Rochester Town Hall, 4111 11th Ave SW, Rochester, MN, on Tuesday, November 10, 2020 after 7:00 p.m. regarding:

Because of the Covid-19 health pandemic and the Governor's 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 some of the members of the Commission will be allowed to 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.

The hearing will be to consider a preliminary plat of approximately 79.66 acres located in parts of the SE ¼ of the NE ¼ and NE ¼ of the SE ¼ and the SE ¼ of the SE ¼ all in Section 30 T106N, R14W. The plat proposal includes thirty (30) lots and one (1) outlot as Millie Meadow Estates Second. The residential lot sizes range from 2.00 acres to 5.66 acres in size and will be served by four (4) shared well and individual septic systems. An existing British Petroleum High Pressure Petroleum Pipeline is incorporated into the plans. Variances to Rochester Township's open space requirement of 1.5% of the developed area being dedicated as open space and a cul-de-sac being greater than 1500 feet in length will also be considered.

Any recommendation by the Commission will be forwarded onto the Town Board for final consideration.

Location:

South of Millie Meadows Estates Subdivision. Proposed roads connecting to Millie Meadows Drive SW.

Applicant & Property Owner:

GMB, LLC – Gene Peters, 1320 Wicklow Lane SW, Rochester, MN 55902

Consulting Engineer:

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

Present Zoning:

The Olmsted County Board amended the Olmsted County Land Use Plan on June 2, 2020 changing the designation from Resource Protection to Potential Suburban and again on July 21, 2020 changing it from Potential Suburban to Suburban. Rochester Township changed the zoning designation from A-2 Agricultural Protection District to R-1 Low Density Residential District on August 13, 2020.

Reviewers List:

Olmsted County Planning	MN Department of Natural Resources
Olmsted County Public Works	Olmsted County Soil and Water
GGG - Septic Inspector	MN Pollution Control Agency
Olmsted County Health Department	Rochester Fire Department
MN Department of Transportation	Northern Natural Gas
Rochester Twp. Maintenance Department	Charter
Peoples Cooperative Services	

Enclosures:

1. Applicant’s Submittal Packet.
2. 1999 Mcintosh Memo

Background:

This is the second phase of this development. The first phase consisted of 30 lots on 79.02 acres with an average density of 2.63 acres per lot. The County standard is to have a running average density of 3.5 acres per lot within the “Suburban Subdivision Area” as specified in the Olmsted County Land Use Plan. The second phase of the development is 30 lots on 79.66 acres for an average density of 2.66 acres per lot. Overall density of the entire development is 2.64 acres.

The process of approving this plat is somewhat different than the Mayowood Estates Subdivision in that development of this parcel required a Land Use Plan Amendment. Initially the property was designated “Resource Protection” on the Olmsted County Land Use Plan Map. In 2016 the township went through an update to their land use plan changing this area from “Agricultural” to “Potential Residential Development” which was followed by the Town Board requesting that Olmsted County change its plan to reflect the Townships Plan. The County reviewed the request and determined that it would be considered in the next Land

Use Plan update, but in the meantime allowed the first phase of the Millie Meadows Development to move forward. As a part of the approval process, a general development plan needs to be presented and approved by Olmsted County. The County process was again followed in 2019 for the second phase of this development. Both of these phases included general development plans which were approved by Olmsted County. Those plans included the same density we are dealing with today. Since the 3.5 acres density rule is a part of the Olmsted County Land Use Plan and they approved the general development plans the 2.64 density was acceptable.

Additionally, I have included a 1999 memo to the Olmsted County Planning Commission from Robert McIntosh, Olmsted County Attorney's Office, dealing with the density question. In the memo he points out that a land use plan is not an ordinance but a guide. The zoning and subdivision ordinances provide the rules. The Rochester Township Zoning Ordinance regulates the minimum lot size within the R-1 Low Density Residential District to 2 acres. Thus, this development meets those standards.

Preliminary Plat Requirements – Staff review in italics

ARTICLE IV - SPECIFICATIONS FOR PLANS AND PLATS

Section 4.0. PRELIMINARY PLAT. The preliminary plat shall be drawn on suitable tracing paper or other material of suitable quality with black waterproof ink or pencil at a scale not greater than one hundred (100) feet equals one (1) inch. Legible reproductions of said drawing may be submitted to the Planning Advisory Commission for purposes of receiving conditional approval.

Section 4.2. GENERAL INFORMATION. The information to be included on the preliminary plats is as follows:

Preliminary Plat Requirements:

- Date, scale, north point.

Yes

- Proposed subdivision name and all intended street names.

The names listed are: Pagenhart Lane SW, Maggie May Lane SW, and Millie Meadow Drive SW. Pagenhart Lane SW and Maggie May Lane SW are both cul-de-sacs, and Millie Meadow Drive SW is the access road provided from the first phase of this subdivision. There are several shared driveways and one private road within this subdivision. The Subdivision Ordinance requires a private road to be named. The applicant must work with the Olmsted County GIS Division to determine if the roadway names are consistent with the County regulations and what the private roadways will be named. This will need to be done prior to accepting a final plat.

- Name and address of the owner of record, the sub-divider and surveyor or the engineer preparing plat.

Yes

- Location of the plat by quarter, quarter section, section, town and range.

Yes

- Topographic map of the area showing two foot contours and delineating areas with the following changes in slope: minimum contours of two feet as follows: seven (7) percent or less; eight (8) to fifteen (15) percent; sixteen (16) to twenty-five (25) percent; greater than twenty-five percent.

Yes, illustrated by different colors.

- Location and names of adjacent subdivisions and the owners of adjoining parcels of un-subdivided land.

Yes

- Zoning classification of land to be subdivided and all adjacent lands.

Yes

- Location, widths and names of all existing platted or dedicated streets, easements, railroad and utility right-of-way, parks, water courses, drainage ditches, permanent building and structures and such other data as may be required by the Commission within the area to be subdivided and within three-hundred (300) feet of the exterior boundaries of the area being subdivided.

Yes, but does not include out to the 300 feet beyond the boundaries.

- Water elevations of adjoining lakes, rivers, and streams at date of the survey and their approximate high and low water elevations. All elevations shall refer to the established United States Coast and Geodetic Survey and/or United States Geodetic Survey Datum.

N/A

- Location and boundaries of all floodplain, floodway, and wetland areas. Location and edge boundaries of any sinkholes must be clearly indicated. (Ref. Article VII).

The plat indicates that wetlands exist, but Steve Lawler who does wetland evaluations has since determined no wetlands are present.

- The layout and width of all proposed new streets and the right-of-way, private roads, storm drainage and easements, whether public or private, for public and private utilities.

The proposed streets meet the width standard of the ordinance. The connecting roadways to the east are not proposed to be platted as streets but as access easements. Lot 30 and lots 23 and 24 will have access easements which are wide enough to include utility easements as a part of the lots. The future use of the area as a roadway will be defined in deed restrictions. The Township Attorney has requested to review the deed restriction language and make a recommendation to the Town. As of today, we have not seen that language.

A private road is proposed to serve lots 15, 16, 17, 18 and 19. That roadway is proposed to be established by easement through lots 14, 15, 16, 18, 19 and 20.

A shared driveway is proposed to serve lots 3 and 4.

Drainage and utilities easements are shown but not defined. The ordinance requires definitions on the final plat but does not for the preliminary plat. Utility/drainage easements are provided along the public roadways and enough width is included along the proposed connections to the east for them to be included. They are also included along the private road and on one side of the shared driveway. Water line easements are provided behind the drainage and utility easements.

The storm water treatment has not been submitted to the Township Engineer for review as of the date of this report.

The plan also indicates that all streets are public which is not true. This should be corrected.

An existing British Petroleum High Pressure Petroleum Pipeline located within an easement is incorporated into the plans. The applicant is proposing to cross the pipeline with a private drive. This crossing must be approved by the pipeline company and proof of that approval shall be provided to the Township.

- Length and bearing of the exterior boundaries of the land being subdivided.

Yes

- Approximate dimensions of all lots.

Lot 1 does not have the lot dimension of the area that extends across the red dotted line. Although it is not required. The size of all lots is also shown.

- Approximate radii of all curves and lengths of all tangents.

Yes

- Location and area of all property to be dedicated for public use or reserved by deed covenant for use by all property owners in the development with a statement of conditions of such dedication or reservation.

The Town Board recently considered an alternative to the open space for this development. An exhibit was proved by the developer for amenities which would be located on "Outlot A" (just north of lot 6). Staff would request that if this is approved as part of the preliminary plat the Commission recommend and Board define what is going to be required. I would suggest including both a tot playground and the park shelter along with the joint mailbox area.

- Location of well site and distribution system to point of service connection if a community water supply is being proposed.

Yes. Four shared wells are proposed. Lots 1, 2, 3, 4, 5, 6, 27, 28, 29 and 30 (10 lots total) – one well; Lots 7, 8, 20, 21, 22, 23, 24, 25 and 26 (9 total) – one well; Lots 9, 10, 11, 12, 13 and 14 (6 total) – one well; Lots 15, 16, 17, 18 and 19 (5 total).

- Location of proposed septic support or field areas including the location of percolation test sites and boring holes per current Cascade Township Septic Rules and the Cascade Township Zoning Ordinance.

This documentation has been provided in a separate report and submitted to the Township Septic Inspector. If the Commission recommends approval of the Preliminary Plat, it should be contingent upon approval by the Township Septic Inspector. The Septic Inspector will evaluate the soils and determine if the support areas listed will be adequate for a primary and secondary site on each lot. Those sites are indicated on the plat by the rectangular shaped boxes marked with “P” for primary and “S” for secondary.

- Drainage design, storm-water management including storm-water ponds both temporary and permanent, and erosion control including, ditch checks, silt fencing and seeding types.

Construction plans, and drainage reports have been reviewed and approved by the Township Engineer.

A grading permit has been applied for and the applicant is working on the required bonding. Because of the time of year and wanting to get some of the work complete yet this fall the applicant has started construction. The Town Engineer approved allowing the construction to begin once he had approved the grading plans. I should have the bond within the next couple of days. When this happens prior to the plat being approved, the applicant takes on any responsibility for work that is done and not approved. If the Commission or the Board decide changes need to be made, any and all work that has been done which is not approved is at the cost of the developer. Engineer’s estimates were provided today and if approved by the Township Engineer then bonding will follow.

- Roadway designs including cross-sections and finished grade and ditch slopes. Reports shall include present grades and contours and finished grades and contours.

The applicant has provided the roadway plans to the Township; they have been reviewed by the Town Engineer.

Staff along with the Town Road Maintenance Supervisor Mark Cochran highly recommend that in this development the Commission and Board recommend that the driveway approaches be installed to the edge of the road right-of-way when the roadways are constructed. The township has problems with developers and builders who pour cement out to the roadway which, as frost comes, moves the cement up creating a hazard for the snowplow drivers. The developer has been told to leave three feet of crushed rock between the end of the driveway and the roadway and that the township will place bituminous in that area. Placing the driveways in at the time the roadway is done will alleviate this problem. Additionally, this will allow for the proper placement of drainage features in the road ditches and prevent developers and builders from reshaping those ditches as a part of the home construction. I would also recommend that since house placement has been provided as a part of the plat that grading for those houses be included in the plan. If someone wants something other than what has been approved, they will need to submit a new grading plan for that lot. The plat should also include finished roadway elevations and house pad elevations so that drainage can be assessed and lots shaped when the construction equipment is on site.

- A soil analysis delineating types per the Soils Survey of Olmsted County, Minnesota and obtainable from the United States Department of Agriculture, Soil Conservation Service.

Soil types are required to be shown on the plat by ordinance. In some instances we have accepted them on a separate plat document but that has not been provided either.

- An engineering feasibility report for the installation and operation of community type sewage disposal system and water distribution system where such facilities are to be incorporated in the final plat.

No community septic system is being proposed but four separate community water systems are being proposed. The Township septic inspector will review the septic information and determine if the proposed areas have met the State and Township requirements for individual septic system treatment areas. The County will review the well information and provide a report to the Olmsted County Planning Commission. The applicant should provide the Township, through TCPA, proof of Environmental Commission action prior to approval of the final plat by the Town Board or approval should be contingent upon said action.

VariANCES

In order to approve this plan as presented the following variances are required. A variance application has not been received but is required prior to consideration of the variance or the plat.

1. *Roadway dead ending in a cul-de-sac exceeding 1500 feet. This variance was discussed during the EAW and the general development plan. The applicant argues that this variance is not necessary since provisions are within the plat to provide access to the properties to the east and that would then reduce the length of the dead ended roadway. They go on to argue that those roadways may never be established, especially since they have proposed them as easements. If the north connection gets put in and not the southern connection the variance would still be required. To be on the safe side I recommend this variance be heard and granted.*
2. *Fourteen (14) of the 30 lots will require one or more variances*
 - *Lot 1, 10 width to depth ratio (depth exceeds 2.5 times the width)*
 - *Lot 3, 4, 5, 11, 12, 15, 19, 22 and 30 width to depth ratio, less than 120 feet at the building line (30 feet back from the roadway is the building line) and access along a public road on a cul-de-sac is required to be 80 feet. Lot 30 could be considered meeting the standard if this roadway is built to private road standards.*
 - *Lots 16, 17 and 18 would meet the standard if you apply the public road standard to a private road. This issue is that this does not meet the private road standard of a 33-foot easement with 18 feet of paved surface and two-foot shoulders for a total of 22 feet in width.*

Conclusion

The preliminary plat itself is incomplete as indicated above. Although this plat reflects the approved general development plan staff is troubled with the number of variances to the ordinance standards that are required to approve the plat. Consideration should be given to the lot layout to see if the number of flag lots could be reduced. Extending the cul-de-sacs should be considered to reduce the number of variances. The road serving lots 15-19 should be turned into a private road and then some of those lots could come off the variance list.

An amendment to the current development agreement or a separate agreement will be required.

The applicant has not provided any of the proposed covenants for the subdivision, well agreements, driveway agreement or deed restrictions for review. These supporting documents should be reviewed prior to preliminary plat approval. Additionally, it should be defined as to what will be required within the outlot so that it can be incorporated into the development agreement. Staff also suggests that the grading of the lots and the installation of the driveways be required.

Because of the finite amount of land within the Township and the costs of providing services, the Board has encouraged the developers to create as many lots as possible along within a development which makes for less paved roadways and a higher density of housing as long as they met the ordinance standards.

A review of the proposed application according to the Standards listed has been completed by Staff. Staff withholds its recommendation until the additional items, as stated within this report have been submitted. If the Commission does not feel that it has enough information or that the information is incomplete Staff recommends that the public hearing should be continued until their next meeting allowing for additional information to be submitted.

Variance approval of all the listed variance would need to be approved prior to plat approval.

If approved, approval should be contingent upon approval of the Township Septic Inspector, Township Engineer, and the Olmsted County Environmental Commission.