TOWNSHIP COOPERATIVE PLANNING ASSOCIATION

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Date: 4/27/2023

To: Rochester Township Planning & Zoning Commission

RE: Conditional Use Permit Request – Joe Powers – Historical District Reuse – Section 8 Rochester Township

Application:

The Rochester Township Planning Commission will hold a meeting at the Rochester Town Hall, 4111 11th Ave SW, Rochester, MN on Tuesday, May 9, 2023, after 7:00 PM regarding:

Request:

An application for a conditional use permit to allow for the conversion of the house located at 3730 Mayowood Road SW to corporate offices. The home is a part of the Mayowood Historic District and is sometimes known as the Biermann House. The applicant has indicated a desire to convert the dwelling into corporate offices for 4 to 10 employees.

Partial Legal Description:

Parcel #: 640844041674. Part of the SE ¼ of the SE ¼ in Section 8 of Rochester Township, Olmsted County, Minnesota. Parcel is approximately 1.31 acres in size.

Owner/Applicant:

Mayowood Old House LLC, Joe Powers, 2112 2nd Street SW, Suite 100, Rochester, MN 55902

Present Zoning:

A-3 Agricultural District

Enclosures:

1. Applicant's submittal
2. Amendment to Rochester Township Zoning Ordinance.

Reviewers:

- Olmsted County Planning
- WHKS Engineering
- Rochester/Olmsted GIS
- Olmsted County Public Works
- Olmsted County Soil and Water
- Minnesota Energy Resources
- Rochester Fire Department
- Olmsted County Assessor
- Minnesota Department of Natural Resources
- Minnesota Pollution Control
- GGG Engineering
- Peoples Cooperative Services
- Century Link
- Rochester Public Utilities

Rochester Township Zoning Ordinance

Section 2.02 Definitions:

Historic District: Areas designated by the Minnesota Historical Society or National Park Service as an area of historical significance.

Low Impact Commercial Use: Offices, medical office/clinics, total use square footage limited to 2,000 square feet.

Secretary of the Interior's Standards: (for Treatment of Historic Properties) is a series of concepts published by the National Park Service about maintaining, repairing, and replacing historic material, as well as designing new additions or making alterations to historic properties and includes approaches for Preservation, Rehabilitation, Restoration and Reconstruction.

Section 5.00 **A-1 Agricultural Protection District:**

B. Conditional/Interim Uses: (See Section 4.02, Conditional/Interim Uses)

20. Low impact commercial uses as part of an existing structure or structures within a Historic District. Uses other than low impact commercial uses or additional structures within the district must be considered via an alternative zoning method. Use must comply with the following in addition to Section 4.02.

    a. No more than 10 employees
    b. Hours of operation are limited to 6 am to 9 pm.
    c. Section 10.04 Parking Requirements apply.
    d. Reuse must meet the requirement for historic preservation by the State of Minnesota and the National Park Service including the Secretary of Interior's Standards as defined in Section 2.02 Definitions of this Ordinance.

Section 5.04 **A-3 Agricultural District:**

B. Conditional/Interim Uses: (See Section 4.02, Conditional/Interim Uses)

1. Uses permitted in Section 5.00 (B) Conditional/Interim Uses, A-1 Agricultural District, except Section 5.00 (B) 9 and 15.
2. Any new animal feedlot exceeding one hundred (100) animal units or existing animal feedlots that increase in size to exceed three hundred (300) animal units, as regulated in Section 10.26.

Background:

The applicant initially indicated a desire to convert the current dwelling to a corporate office building with the number of employees at the site limited to 5 or less. Since the original application in October of 2022, the applicant expressed a desire to increase the number of employees to a maximum of 10 and extend the working hours to 9pm. A text amendment to the Rochester Zoning Ordinance was approved in November 2022 allowing a maximum of 10 employees and extending working hours to 9pm via a conditional use permit for the Historic District.

The applicant's original submittal included a new access point from Mayowood Road SW thus eliminating the use of the driveway which is shared with the Mayowood Mansion. However, this additional access was not permitted by Olmsted County Public Works and a new layout was submitted on April 10, 2023. The new layout includes 6 parking spaces. During previous public

hearings on this topic, it was decided that the number of employees for this business would be restricted to the number of parking spaces available, which the applicant agreed to.

The structure itself is made up of small rooms with no closets and steep narrow stairways. The conversion is an effort to find a re-use for this historical building.

Finding of Facts & Conclusions:

Section 4.02 - CONDITIONAL USE:
The purpose of a conditional use permit is to permit a use that would not be appropriate generally but may be allowed with appropriate restrictions upon a finding that 1) certain conditions as detailed in the zoning ordinance exist, and 2) the use or development conforms to the Comprehensive Plan, and 3) is compatible with the existing area.

A conditional use is allowed only after a petition for a permit has been approved by the Planning Commission, except when there is an appeal to the Commission decision; then, only after the approval of the Township Board.

A. Criteria for Considering a Conditional Use Application: In granting a conditional use, the Rochester Planning Commission shall consider the effect of the proposed use on the Comprehensive Plan and upon the health, safety and general welfare of occupants of surrounding lands. Among other things, the Commission shall consider the following:

(Staff comments and findings are in italics.)

1. The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of such property;

The township added additional language to the zoning ordinance to allow for low impact use such as an office building in order to allow for the reuse of structures located within a historical district. The intent is to allow the owner to continue to use the historic structure yet maintain its character. Limiting the hours of operation and number of employees should provide assurance that the use will have very limited impact on neighboring properties.

Considering the above, the proposal meets this criterion.

2. The proposed use will not impede the normal and orderly development and improvements of the surrounding property;

The property is located in a historical district. This use is intended to allow the owner to save the structure while allowing for its continued use. Because of the room sizes and the lack of closets it no longer fits as a residential dwelling. The idea of the historical district is to preserve the character of the area as it was during a pervious period in history. Orderly development of the area should not be something we would consider, but this should not hinder orderly development of properties outside of the historical district.

Considering the above, the proposal meets this criterion.

3. Adequate utilities, parking, drainage and other necessary facilities will be provided;

Yes, the application as submitted includes adequate parking and drainage facilities to support the use.

Considering the above, the proposal meets this criterion.

4. Adequate ingress and egress will be provided to minimize traffic congestion in the public streets;

Access will be provided from the shared driveway connected to Mayowood Road SW. It should not impact the roadways any more than a single-family dwelling.

Considering the above, the proposal meets this criterion.

5. The traffic generated by the proposed use can be safely accommodated on existing or planned street systems; and the existing public roads providing access to the site will not need to be upgraded or improved by the Township or County in order to handle the additional traffic generated by the use.

Access has been approved by the Olmsted County Public Works Department. The traffic generated will be about the same as for a single-family residence accessing the township roadway system.

Considering the above, this criterion is met.

6. Adequate measures have been taken or proposed to prevent or control offensive odor, fumes, dust, noise, vibration, or lighting which would otherwise disturb the use of neighboring property.

The use will be similar to a single-family residence.

Considering the above, this criterion is met.

7. The special criteria or requirements indicated in Article X, General Regulations, are complied with;

Parking requirements have been addressed. The number of employees has been restricted to the number of available parking spaces. The current site plan provides 6 total parking spaces therefore allowing up to 6 employees.

Considering the above, this criterion is met.

8. The water and sanitary systems are or would be adequate to prevent disease, contamination, and unsanitary conditions.

The building is connected to a shared well and a shared individual sewage treatment system. Prior to occupancy a septic compliance check and well water analysis will need to be completed.

Considering the above, this criterion is met.

Items 9 through 20 are applicable “When deciding on conditional uses to the Floodway, Flood Fringe, (FFA and FFB) and the Flood Plain Districts, the following additional factors should also be considered.”

The property is not located within any of the above districts.

Proposed Conditions:

1. No more than 10 people working the at site.
2. Hours of operation 6 am to 9 pm.
3. Five parking stalls must be provided.
4. No outside storage of materials is allowed.
5. Applicant/Owner must maintain a trash hauling service contract.
6. Renovation work done on site must comply with the Secretary of Interior’s Standards as defined in Section 2.02.
7. Septic compliance check and well water analysis shall be completed prior to o occupancy.

Conclusion: Staff has reviewed this request in accordance with the applicable standards and provisions, as included in this report. Based upon review and analysis included above, Staff recommends approval of this application for a Conditional Use Permit.