

Rochester Township Planning & Zoning Commission

Commission Chairman: Mike Herman
Commission Members: Brian Zmolek
Jamie Neisen
Norm Olson
Brad Lewis (secretary)
Arthur Handelman (alt)

Minutes of the February 9, 2021 Planning & Zoning Commission Meeting

Commission members attending: Brian Zmolek, Mike Herman, Jamie Neisen, Norm Olson, Brad Lewis and Arthur Handelman

Guests: Mr. Connolly and Mr. Tointon for Pavilion Estates

TCPA staff: Roger Ihrke and David Meir

The meeting by teleconference was called to order at 7:00PM.

The Minutes from January 12, 2021, were reviewed and approved. Motion Herman, 2nd Zmolek. Carried 5-0.

The hearing to consider a preliminary plat for Mayo Woodlands Third was continued by agreement to March 9th to allow time to gather additional necessary reports and to allow the Developer and interested parties to discuss the planned plat and alternative options.

Pavilion Estates:

A Public Hearing was held to consider an application a Zone change and General Development plan for Pavilion Estates. —Specifically, to consider rezoning 28.97 acres from A-3 Agricultural District to R-1 Low-Density Residential District by Steve Connelly. The rezoning application includes a general development plan to subdivide the parcel into 10 lots served by a private road and individual sewage treatment systems and a shared well,

Presentation and Discussion: Mr. Ihrke spoke and provided an outline of the proposed development based on the TCPA report dated 02/01/2021. Specific challenges addressed but left unresolved were the lack of proposed open space, the average lot acreage proposed was 2.9 acres for 10 lots. If only 8 lots were created, the average would meet the nominal 3.5 acre threshold. It was acknowledged by the developer that storm water easements were needed but were not fully developed. A specific plan to have a road water runoff be channeled to the west of the road was discussed.

Mr. Ihrke pointed out that the land under discussion is current designated as potential suburban development by Olmsted County. A proposal has been submitted to Olmsted County request a change from potential to suburban in the Land Use Plan. This is expected to be reviewed and acted upon by the County Planning Commission in March and the County Board in April. Only After which, can the Rochester Town board act on the GDP and zoning questions.

Extensive discussion was held about current and future area development. Similar developments exist to the south and east.

Mr. Ihrke highlighted that because of the terrain it would be extremely difficult to meet the public roadway standards for width and grade. Even the proposed private road would require variances for lot frontage on 3 lots.

While open space was not addressed and does not need to be spelled out until the preliminary plat, Mr. Ihrke suggested that the development could consider a wildlife corridor on the east side of the development. The northern most 300 feet is protected from development for various ecological reason and that northern area would be Heron friendly. There is a specific bluff land set back that would be applicable to the property.

Mr. Bill Tointon of WSB spoke on behalf of the developer. Mr. Tointon's remarks were consistent with the written submission of the applicant. He also addressed some of the points raised in the TCPA report.

Further discussion among commission members, the applicant and TCPA:

There was much general discussion about the road and grading and it was explained that plat did not take in any planned grading and that would come in a later stage of the process.

Concerns were raised about drainage. Mr. Jeff Broberg explained various methods of mitigation, stated that a water retention pond would not be needed and the density of vegetation and distance from actual development to the Cascade Creek precluded any concern about possible polluting run-off.

Discussion was held regarding future area road plans and that planned urban service development for the City of Rochester in this area might impact decisions by the County and Township authorities.

Specific discussion was held regarding the challenging topography and the challenges of siting homes. The developer is willing to show potential building envelopes on the preliminary plat for each lot, but the actual grading plan for the individual home sites will be the responsibility of the buyers/builder/architect and submitted separately to TCPA for approval. In the event an owner desired a different location to site a home, permission could be sought from the TCPA along with a submission of an updated grading plan.

Extensive discussion was held at various points in the evening about the potential for this development to land lock other properties and in particular a lot owned by Patrick Adamson. Different opinions were voiced as to how a property was deeded or how it was identified by tax ID and how that could impact required access from the currently proposed development as is normally required by ordinance.

The public hearing was open for comment.

A letter and verbal arguments from attorney Pederson of Dunlap & Seeger opinioned that the grant of an easement access to the private road could resolve the problem. Making it a public road would also satisfy their needs. Mr. Pederson suggested that if deemed "landlocked" the adjoining Adamson lot owner could require the Township to grant carriage way access which could prove difficult. The developer suggested that access to Mr. Adamson's adjacent parcel could best be achieved through his own property, reaching Count Rd. 104.

The letter from Leal Segura and Tim Parkin was discussed and Mr. Parkin also provided some history about the uncertainty surrounding the western property line of the subject property. More specifically that it might be off as much as 9 feet.

Neighbors to the west expressed concern given how close the road might be to western edge of the property and also the issue of water runoff.

It again was noted that wildlife might be impacted, specifically Heron and Bald Eagles. Mr. Ihrke felt it unlikely to affect any nesting Herons given the required bluff set back and 300 feet of undevelopable land aside Cascade river. Mr. Ihrke noted that eagles tend to nest high and back from the water's edge but was unable to say whether there might be a negative impact on the eagles. Board member Handelman specifically asked that either the developer or the TCPA address the potential impact on the eagles requested steps be taken to make sure the development would not impact the eagles. It was specifically suggested that the U.S. Fish and Wildlife service be consulted to determine if the Bald and Golden Eagle Protection Act was applicable.

With no further public statements, the public hearing was closed.

The Commission members reviewed and discussed the information presented.

The following issues were identified:

1. Response to questions raised in the TCPA staff report, particularly where conditions were deemed as not met, as well as additional information be provided on items listed A-E in the GDP conclusions section. Recognizing that some of these will not be detailed until a preliminary plat, at least something conceptual can be provided for each.
2. The application to change County Land Use to Suburban Development should be reviewed and granted by Olmsted County, prior to further deliberation by the Rochester Town Board. It is possible that the GDP could be impacted by County Board action and thus it makes most sense for the Rochester Town Board to review and act upon this application after County approval. In particular, the potential impact of an Urban Service designation near or adjacent to the proposed development could impact decisions about land use and road access.
3. Access to adjacent and potentially land-locked properties needs to be resolved. The property owners and/or representatives should work together to determine the most appropriate solution that falls within regulatory and governing body guidance and provide the summary resolution in an upcoming meeting.
4. Property lines appear to be uncertain as reported by the developer and by adjacent land owners to the West. The discrepancies in survey results should be reconciled and documented. Any impact on the scope and content of the GDP should be explained.
5. It was noted that there may be nesting Bald Eagles within the developable area of the project. It was recommended that information be gathered from US Fish and Wildlife service related to the protection of Bald Eagles in a construction zone. Mr. Ihrke provided a web link to this affect and results of an investigation should be summarized as part of the application.

The following motion was made:

To table any action on the GDP and zoning change until clarification or additional information was obtained on the above listed issues:

Motion by Mike Herman, 2nd Brian Zmolek. Approve 5-0.

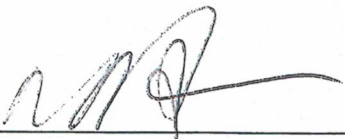
Mayo Woodlands 3rd

A public hearing was continued to the March meeting

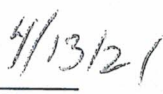
Review and update of Subdivision Ordinance: The Commission has been asked by the Town Board to review and update the Subdivision Ordinance, last updated in 2003 and to now be consistent with recently updated Olmsted County guidance. Brad Lewis will lead the commission work on this topic.

Next Meeting will be 3/9/2021

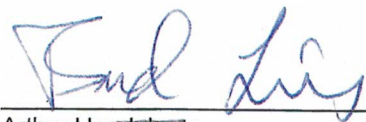
Meeting adjourned about 8:50 PM



Mike Herman
Commission Chairman



Date



Arthur Handelman
Alt Commission Secretary

Date