

Rochester Township Planning & Zoning Commission

Commission Members: Brian Zmolek
Jamie Neisen
Collin Patterson
Brad Lewis (secretary)
Arthur Handelman (alt)

Minutes of the August 10, 2021 Planning & Zoning Commission Meeting

Commission members attending: Brian Zmolek, Jamie Neisen, Brad Lewis, Arthur Handelman and Collin Patterson

Guests: Mr. Clark , Mr. Barber(WSB) for Mayo Woodlands, Melissa Neisen, Chris Fritsch, Steven Connelly and Chris Fogerty

TCPA staff: Roger Ihrke

The meeting was called to order 7:05 PM. The minutes from July 14, 2021, were reviewed. Motion Brian Zmolek, to approve, second Jamie Neisen. Approved 4-0.

Discussion of P and Z membership: Collin Patterson was welcomed as new member.

Mr. Neisen discussed that membership on the commission going forward would be citizens of the township with board members (Mr. Neisen and Zmolek) serving as alternates. Mr. Neisen and Zmolek will continue to attend to provide Board input and historical perspective and provide communication between the Board and P and Z commission. Mr. Handelman was nominated as chair by Brad Lewis and will act as acting chair for this meeting pending approval by the Town Board.

Mayowood Estates phase 2 and 3 Preliminary Plat:

Mr. Ihrke reviewed the TCPA report on the application for preliminary plat covering approximately 65.9 acres divided into 22 single family lots as Mayowood estates Second and 53.5 acres divided into 20 lots. (TCPA report dated 7/28/20201) for Clark Development.

At the time of the report, there were several outstanding issues that had been completed by the time of the meeting including soil and septic review by the Township Septic Inspector and roadway designs and drainage report review by the town engineer.

The development agreement is still being prepared.

Olmsted County environmental review is still outstanding.

Two variances were requested. Lot 4 of Block 1 of phase 3 exceeds the 2.5 factor of depth to street frontage. Lot 6 of Block 4 of Phase 2 has frontage of 77.3 feet vs ordinance requirement of 80 feet. This could be addressed by lengthening the cul-de-sac several feet but the commission felt both variances were acceptable.

Mr. Clark has asked the commission that the preliminary plat be approved for a 5 year period vs ordinance requirement of one year. Applicant sites several extenuation and specific reasons for this including alterations in the housing market due to the pandemic, supply chain disruptions for construction materials having an impact on building and construction costs. After lengthy debate the commission felt uncomfortable with a 5 year approval but given specific, one time issues due to the pandemic felt a 2 year approval was reasonable and should allow market changes due to the pandemic to lessening.

Individual lot grading and siting plans will be requested as part of the building permitting process to be reviewed by the township engineer to prevent future significant siting/grading changes from the approved plat. The commission felt this should be considered for all future developments as a new ordinance.

Public Comment: Melissa Neisen questioned if approving the preliminary plat would result in township expenses for new road maintenance. Roads may be roughed in but will not require maintenance.

When does township assume ownership of the public roads? When 50% of houses in development are occupied.

Chris Fritsch asked about continued drainage problems his lot has experienced due to the culvert under MCR with water flowing toward his yard but no drainage away. Mr. Ihrke will discuss with Mark Cochran to find solution. Public comments closed.

MOTION:

Motion: Move to approve preliminary plat for phase 2 and 3 of Mayowood Estates for 2 years with requested variances. After lengthy debate, the commission felt uncomfortable with granting a 5 year approval but, given specific, one time issues due to the pandemic and the development of Phase One of Mayowood Estates has progressed without any violations and is in compliance with the Phase One requirements it was felt a 2 year approval was reasonable and should allow market change due to the pandemic to lessen.

Motion: Arthur Handelman, Second Brian Zmolek, approved 5-0

Meeting adjourned at 8:45 PM

Arthur Handelman
Commission Chairman

Date

Brad Lewis
Commission Secretary

Date

Rochester Township Planning & Zoning Commission

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

2024 JN

Minutes of the July 13, 2021 Planning & Zoning Commission Meeting

Commission members attending: Brian Zmolek, Mike Herman, Jamie Neisen and Arthur Handelman

Guests: Mr. Peters , Mr. Welsh for Millie Meadow Estates Second

TCPA staff: Roger Ihrke

The public meeting was called to order at 7:03 PM. The minutes from May 4, 2021, were reviewed and approved. Motion , Jamie Neisen second Brian Zmolek. Approved 4-0.

Final Plat for Millie Meadow Estates Second: Roger Ihrke presented the staff report summarizing that all previous issues have been resolved and necessary documents submitted. The commission members asked a few questions related to the first and second subdivisions in terms of communication and sharing with the public areas and about grading. All MMI will be invited to participate in the HOA.

There were no public comments for the hearing.

The following motion was made:

MOTION:

Motion: Recommend approval of the Millie Meadows Estates Second Final Plat.

Motion: Brian Zmolek, second Arthur Handelman, approved 4-0

The chair thanked the developer for doing a thorough job and for excellent cooperation with TCPA.


New Business: - Committee Membership

Norm Olson has resigned his position (July 12, 2021). The Commission thanks Norm for his years of excellent service. Mike Herman has resigned from the Commission (is moving out of Rochester), effective after these minutes are drafted July 13, 2021.

The chair thanked everyone for the cooperative work over the last two decades, especially the efforts of TCPA to make the work of the Planning and Zoning Commission most effective.

Next Scheduled Meeting is August 10, 2021

Meeting adjourned at 7:35 PM

 8/12/2021
Jamie Neisen Date
Acting Chairman

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 May 04, 2021 Planning & Zoning Commission Meeting

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

Guests: Mr. Clark , Mr. Tointon(WSE) and Mr. Barber(WSB) for Mayo Woodlands

TCPA staff: Roger Ihrke

The meeting with limited attendance and by teleconference was called to order at 7:00 PM. The minutes from April 13, 2021, were reviewed and approved. Motion Mike Herman, second Jamie Neisen. Approved 5-0.

Update on Pavilion Estates: Roger Ihrke: Olmsted County Board must approve land use plan change. If not approved the development will not advance and an EAW is moot. This decision will be later this month. If the County agrees to change the land use plan, the Rochester Township Board is responsible to determine if an EAW is required. Recently, the developer and current land owner agreed to voluntarily obtain an EAW for this project. Mr. Ihrke outlined the EAW process and how responses to any points raised by the EAW are handled. Time deadlines for the process as it proceeds after EAW were outlined. The Board's ultimate goal is to determine if the EAW provides enough information for the project to proceed with or without additional conditions or if an EIS is needed. Mr. Ihrke supplied a resolution for the Rochester Township Board to consider for the EAW (see attachment 1).

Mr. Tointon stated that an independent 3rd party will review the completed EAW before it is provided to the Board.

Mayo Woodlands Third and Fourth (MW 3 and 4) Preliminary Plat – Meeting Continuation from April 13th.

The discussion and review of progress on a number of open items listed in the TCPA report and in the April 13th minutes was held.

Presentation and Discussion: TCPA report-Mr. Ihrke: 1. The sinkhole survey was completed and there are no issues in Mayo Woodlands (MW) 3 or 4.

2. Septic/MCPA requirements.: Mr. Clark discussed with members of the MCPA. If Mr. Clark divests from MW 4 property prior to construction, no state permit would be required. Mr. Clark clarified that he would transfer/divest ownership of MW4 (meets and bounds) until the MW3 subdivision is mature enough that operation/ownership of the septic system for MW3 has been transferred to another owner/entity after which

Mr. Clark could regain ownership of MW 4 and could proceed with developing that parcel, following the approved platting.

3. The trail in the ROW north of MCR was discussed. It is still considered feasible along the north slope of the ditch but more discussion with the township engineer is required. A temporary construction easement between Mayo Woodlands RD and Wright RD might be needed to complete that segment. Staff and the commission both feel strongly that Mr. Clark and the Board should continue to work toward trail development and come to an agreement on funding/cost sharing.

4. WSB and Mr. Clark will submit an updated Developers Agreement including details of the pedestrian trail.

5. GGG has approved the septic report with minor changes.

6. Olmsted County environmental review will need to be completed before consideration of final plat by the Board.

7. TCPA has wetland report and application to the SWCD office for a no net loss declaration. This awaits formal approval by Olmsted County.

8. The township engineer has reviewed and approved the resubmitted preliminary plat. Before construction begins, revised construction plans and stormwater plan will need to be submitted with the grading permit application.

9. Agreement on signage funding should be included in the updated Developers Agreement.

Further discussion: MR. Neisen asked for clarification on MW 4 out lot C. Mr. Handelman asked for clarification that MW 4 preliminary plat will not change and was assured it will not.

Timing of bypass lanes on County RD 8 was outlined. Northbound bypass lane at MCR would be completed when construction on MW 3 begins. Northbound bypass lane on Mayowood Estates Drive would be complete when that road is paved.

The following motion was made:

MOTION:

Motion: Recommend approval of both Mayo Woodlands 3 and 4 preliminary plats with the following conditions:

1. Ownership requirements to satisfy MCPA are met to satisfy state septic rules.
2. The Town Board and Mr. Clark work together to provide a pedestrian trail in the right of way between Wright RD and Glenwood RD.
3. Updated Developers agreement to address issues outlined in the TCPA reports, the pedestrian trail and signage.
4. Requirement for northbound bypass lanes at MCR and Mayowood Estates Drive on County RD 8 will be completed when construction begins on Mayo Woodland 3 and when Mayowood Estate Drive is paved respectively.

Motion: Mike Herman, second Brian Zmolek, approved 5-0

Next Scheduled Meeting is June 8, 2021

Meeting adjourned at 7:50 PM


Mike Herman
Commission Chairman

7/14/21
Date

Brad Lewis
Commission Secretary

Date

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 April 13, 2021 Planning & Zoning Commission Meeting

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

**Guests: Mr. Clark , Mr. Tointon(WSE) and Mr. Barber(WSB) for Mayo Woodlands
Mr. Gene Peters and Mr. Mark Welch (G3) for Millie Meadows**

TCPA staff: Roger Ihrke and David Meir

The meeting with limited attendance and by teleconference was called to order at 7:05 PM. The Minutes from February 9, 2021, were reviewed and approved. Motion Mr. Neisen, Second Mr. Olson. Carried 5-0.

Pavilion Estates development has been "Removed" from the agenda, pending further work by Olmsted County and Rochester Township.

Millie Meadows Second

A Public Hearing, continued from the February meeting was held to consider an updated preliminary plat for Millie Meadows Second.

Presentation and Discussion: Mr. Ihrke. Outstanding issues were outlined: The number and length of private roads and issues in other developments with ongoing maintenance. Gas pipeline agreement has been completed. Grading and building site plans for each lot will be completed as required by owner per agreement. Open space proposed to be dedicated to township in current plan. Mr. Ihrke suggests ownership be changed to the HOA for this development as the township does not own any of this type of property elsewhere.

Further discussion: Questions: Mr. Neisen inquired about Olmsted county private road standards and if they are comparable to the township. The county does not have private road standards. This led to Rochester Township creating standards in 2003. These private road standards should now be reviewed after 20 years of experience. Mr. Ihrke recommends that the easement be increased from the current 33 feet to allow better culvert/ditch maintenance. The number of houses required for a private road could also be decreased by one.

Mr. Welch discussed plans for the private roads with islands. The developer will pave the private drives prior to lot sale as part of overall development. He answered questions about lot sizes and variances related to the gas pipeline easement.

The public hearing was open for comment. .No public comments

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

The Commission members reviewed the information presented.

The following motion was made:

MOTION:

Motion (Variances): to approve the variances as summarized in the G-Cubed letter of April 3; Mr. Herman, Second Mr Neisen. Carried 5-0

Motion: Recommend that the Town Board approve the updated preliminary plat for Millie Meadows Second with the condition that the ownership of the open space remain with the Millie Meadows HOA: Mr. Herman, Second Mr. Zmolek. Carried 5-0

Mayo Woodlands Third and Fourth

A Public Hearing was held to consider the preliminary plat for Mayo Woodlands Third and Fourth. As outlined in the cover letter and staff report, this is an updated plan based on meetings with the Mayo Woodlands HOA and further work by the developer.

Presentation and Discussion: TCPA report-Mr. Ihrke: The Mayo Woodlands HOA, Mr. Ihrke and Mr. Clark met to discuss development plans for Mayo Woodlands Third and Fourth. The HOA asked the developer to plat both phases so the HOA would be informed about the entire project and how that would impact current residents. There was consensus about the plans which included: larger lots SW of Glenwood Rd. Open space reduced because of larger lots. One lot was removed from Mayo Woodlands 4th. A berm will be constructed between the development and Meadow Crossing RD. A 50 foot open space easement will be created along the west border of Mayo Woodlands 3rd.

The MCPA recently contacted Mr. Clark and because the combined project of platting 3rd and 4th together, the overall septic volume will exceed 10,000 gallons/day. In the MCPA's opinion, this will now require a MN State permit and a licensed septic technician to monitor the system. This adds a great deal of time, expense and complexity to the permitting process and remains an outstanding issue to be resolved. Several options exist to address this new issue and Mr. Clark will communicate with the MCPA to resolve this issue.

Chris Barber (WSB): Road names were approved. Zoning classification was corrected. A sinkhole survey will be performed in the coming weeks and is an outstanding issue. Private roads will be dedicated to the public. Open space will be dedicated to the HOA.

Further discussion: The berm was discussed and will extend from Mayo Woodlands Drive to Glenwood road and in the open space between the lots and MCR.

TCPA recommended the developer build a 10 ft (average) gravel pedestrian trail between the road and the berm. If feasible, this could extend from Wright RD to Glenwood road. This would enable pedestrian/bike traffic to extend from all developments that use MCR to be separated from road traffic and connect to the Glenwood RD and its wider shoulder. This was strongly supported by the Commission but additional information will be needed from the Township engineer on siting, feasibility and ultimately the Township will maintain this passage. This remains an outstanding issue.

The public hearing was open for comment.

Mr. Herman summarized multiple comments from the prior meeting pertaining to lot sizes and road/pedestrian/traffic safety concerns much of which will be resolved by the new plats and the potential pedestrian trail.

Elizabeth and David Bradley: Concerns about number of septic systems, environmental impact and need for an EAW or EIS. An EAW was done at the time of the original GDP in 2000 and found no environmental concerns. Olmsted county and MCPA oversee septic system regulations.

Dr. Neisen: What is the timing of the Co RD 8 bypass lane? Several paving and road projects, including the bypass lane, will be done in conjunction when all are ready, probably by early summer.

Shane Grivna, president of the Mayo Woodlands HOA, spoke to the cooperative work the HOA and the developer have done to improve the plats and the plans and was supportive of the process moving forward.

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

The Commission members reviewed the information presented. Several outstanding issues remain, many of which are underway to being completed and are summarized in detail in the TCPA report:

1. Sinkhole survey and potential mitigation. WSB will address in the coming weeks.
2. MCPA septic requirements. Mr. Clark will address with the MCPA in the next weeks
3. Feasibility and siting of pedestrian trail north of MCR. Township engineer, Township, developer and TCPA will address.
4. Developers agreement. WSB and Mr. Clark will submit and updated agreement to address bonding and other items specified in the TCPA report. The agreement could also include details of the pedestrian trail being suggested.
5. Review by township septic inspector
6. Olmsted County environmental review
7. Wetlands report
8. review and response of the township engineer on drainage, related easements and roadway designs.
9. agreement on funding and installment of signage.

The following motion was made:


MOTION:

Motion (Variances): Three variances were listed related to widths and depths. Motion to approve all three. Mr. Herman, second Mr. Olson. Carried 5-0


Motion: Continue Commission meeting until 7PM 5/4/2021 to allow outstanding issues listed above and in the TCPA report to be evaluated and resolved. Mr. Herman, second Mr. Neisen. Carried 5-0

Next Meeting will be May 4, 2021

Meeting adjourned at 9:03 PM

 5/4/2021

Mike Herman Date
Commission Chairman

 5/4/2021

Brad Lewis Date
Commission Secretary

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

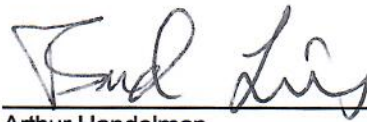
Review and update of Subdivision Ordinance: The Commission has been asked by the Town Board to review and update the Subdivision Ordinance, last updated in 2003 and to now be consistent with recently updated Olmsted County guidance. Brad Lewis will lead the commission work on this topic.

Next Meeting will be 3/9/2021

Meeting adjourned about 8:50 PM

 4/13/21

Mike Herman Date
Commission Chairman

 _____
Arthur Handelman Date
Alt Commission Secretary