

Rochester Township Planning and Zoning Commission Meeting: 10/11/2021 Meeting called at 7PM.

Chair: Arthur Handelman Members Present: Colin Patterson, Brad Lewis, Laura Lauden, Brian Zmolek

Proponents: Mr. Tointen: WSB, Mr. Barber

Mr. Handelman opened the meeting with outline of purpose and role of the Commission.

Item One: Pavilion Estates

The application indicates a desire to subdivide the parcel into 10 lots served by a private road and individual sewage treatment systems and shared wells.

Staff Report: Mr. Ihrke outlined two items for consideration. Refer to TCPA report dated 10/1/2021 for full details of zone change request. Mr. Ihrke also outlined the 60 day rule. The initial 60 passed and was extended. The current 60 day limit for action will be on 11/18/2021. If no definitive action is taken by the Town Board, the proposal can proceed.

- 1) Mr. Ihrke summarized the request for zone change from A-3 to R-1. Olmsted County original land use plan had this property in future urban development. After consideration of topography including steep slopes, Olmsted county approved land use plan change to suburban development area in May. Staff reviewed the request and recommends approval of the zone change once required GDP is approved.
- 2) Mr. Ihrke reviewed the request and staff report of 10/1/2021 to approve a General Development Plan for the development of 10 single family large lots. In summary;
 1. The development would access Boulder Creek Lane via a 45 foot wide private road. The proposed road and cul-de-sac would meet private road requirements. A variance is needed for the length of the dead end road at about 1500 feet.
 2. The development would be served by 2 shared wells and 10 private septic systems.
 3. The proposal makes adequate provisions for surface water drainage using a series of ditches and culverts and individual rain gardens on each lot.
 4. A 50 foot wildlife corridor along the eastern property edge will be substituted for the open space requirement .
 5. Based on the EAW recommendations, tree removal will be minimized. Lawn size, rain gardens and plantings and cover removal for primary septic sites will become part of the development plan.

Conclusion: Several unanswered questions remain;

- A. Mail box location. Is wildlife corridor acceptable open space?
- B. Non-vehicular traffic
- C. HOA
- D. Storm water retention easments and rain garden sizes/planting types.
- E. Grading plan for entire development vs just roadway. Should individual lot grading plans be required. Should dwelling footprint and lawn sizes be limited?
- F. Is road length variance acceptable?

Applicant Presentaion: Mr. Tointen: GDP may change based on engineering findings. Tree cover clearing was reduced to 5.94 acres and hard surfaces were reduced to 1.94 acres.

Exhibit 1: Development map dated 10/7/2021 is consistent with suburban land use and Olmsted county land use plan.

Exhibit 2: Easment map for access road from Boulder Creek Lane to Pavillion Estates.

Exhibit 3: 2015 survey of lot lines approved by county surveyor.

Approximate length of private road is 1477 ft. with cul-de-sac. It was felt the longer road was better for public safety and emergency vehicle access vs a shorter private common road with 3 longer individual private driveways.

To meet the open space requirement would require additional tree clearing a grading and result in additional environmental disturbance vs a 50ft wildlife corridor.

CG

Public Comments:

Bret Osty: Outlined concerns about the value of preserving the heron rookery and minimize environmental disturbance. Feels the county was unaware of the rookery prior to changing the land use plan. Feels the land was undevelopable as urban sized lots do to topography challenges. Discussed the possibility the neighbors are pursuing of creating a Scientific and Natural Area (SNA).

Tim Perkin: Outlined the migratory bird act and appeal to the EAW filed with the MN court of appeals last week. Stated Mr. Carol Henderson believes there are 20-30 active nests in the area. County Executive Board is currently reviewing "unique resources" in the county and Mr. Perkin feels this would be one. Feels the Commision and Town Board should not act until the EAW appeal is heard.

Mr. Irhke response: Two township attorney agree the 60 day rule requires action. There is a long process in development and not completed until the final plat is approved. The developer would be at risk for any work done prior to a court hearing on the EAW appeal.

Viki Morris: Felt Olmsted county had no knowledge of the rookery when the land use plan was changed. Discussed the broad support in the township and community that saving the rookery has. Township has a unique opportunity to save a unique habitat. Discussed a national publication in the quaterly magazine AUDUBON about Mr. Henderson and the heron rookery.

Mark Orvidas: Commented on length of dead end road and when Boulder Creek Lane is added to the development road, the combined dead end road is nearly twice as long.

Pat Luetmer: Questioned if the 60 day rule is suspended in the case of an EAW appeal. Ask to table proposal until clear if 60 day rule is invalid when appeal is in process.

Mr. Irhke again outlined the process and timeline of development, emphasizing the many months the process takes and the township's attouneys opinion the 60 day rule reamins in effect.

Mr. Lewis asked if Save the Rookery group had approached the applicants about purchasing the land in question given the property rights of the owners. The response from Mr Perkin is that negotiations were confidential but implied there had been contact and discussions.

Public comments closed.

Board Member Discussion: Mr. Handelman discussed the township recommendations that developments have average lot size of 3.5 acres and this development fails to meet that recommendation. Other developments with lower averages have been approved such and Mayowood Estates but that development provided the benefit of a public road connecting MCR to County RD 8. Discussion highlighted that the commission should follow township and county recommendations and if the Town Board disagrees, the recommendations for average lot size in a development could be amended. After lengthy discussion Mr Handelman moved: To deny the GDP based on lot size not meeting recommended 3.5 acres. Second Brad Lewis. Motion approved 3-2.

Mr. Handelman moved to approve the zoning change from A-3 to R-1, seconded by Colin Patterson. Approved 5-0

Item Two: Mayo Woodlands Third Final Plat

Final Platt for Approval Submitted. Documents submitted for review.

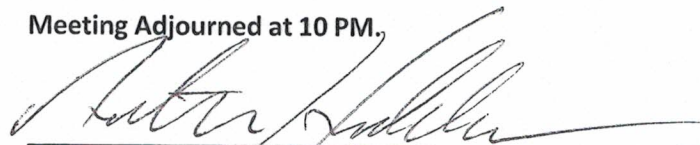
1. Signed Application and application fee of \$1,777.
2. Two (2) full-size copies of the final plat (3-page document).
3. Seven (7) reduced-size copies of the final plat (3-page document).
4. Legal Description in word.doc format.
5. One (1) letter size copy of the Open Space Easement (description on document)
6. One (1) letter size copy of the Pedestrians Facilities Easement (description on document)
7. Copy of the GIS and E911 forms. (The original forms and checks for \$351 and \$2,912 respectively are made payable to Olmsted County and delivered to County Planning)
8. One copy of the Draft Well Agreements (System A, B, and C)
9. Development Agreement (including maintenance agreement for stormwater facilities)—previously submitted under separate cover by Bill Tointon, WSE.

Applicant Presentaion. Mr. Barber presented the final plat and discussed the trail easement and trail plans. The trail would be located north of the power poles and average 8 ft wide. At Mayowoodland Road it would cross the road and continue south of the power poles to Wright RD. A private easement for a wildlife corridor between the west property border and the large lots was included as an exhibit.

Public Comments: none

Motion: Mr. Handelman moved to approve the final plat. Second- Mr. Lewis Approved 5-0

Meeting Adjourned at 10 PM.

A handwritten signature in blue ink, appearing to read 'Authur Handelman', written over a horizontal line.

Chair, Authur Handelman

A handwritten signature in blue ink, appearing to read 'Brad Lewis', written over a horizontal line.

Sec. Brad Lewis