

P1. NE-NE 3-107-14 - 74.03.11.030771
P4. NW-NE " - 74.03.12.046536
P1. SW-NE } 74.03.13.030767
P4. SE-NE }

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TCPA
4111 - 11TH AVENUE SW, RM 10
ROCHESTER, MN 55902

**CASCADE TOWNSHIP
ZONE CHANGE RESOLUTION NUMBER R-20-01**

Amendment to Section 1.16 of the Cascade Township Zoning Ordinance
Cascade Township Zoning Map

WHEREAS, an application for a General Development Plan (GDP) and Zone Change for 98.12 acres has been submitted by Eugene Reller. The property is currently zoned A-3 Agricultural District and the request is to rezone 6.01 acres to allow for commercial uses, and 92.11 acres to R-1 Low Density Residential District.

WHEREAS, the applicants are asking the Cascade Town Board of the County of Olmsted, State of Minnesota, for a zone change per Article IV of the Cascade Township Zoning Ordinance; and,

WHEREAS, the Zoning Administrator reviewed said request and submitted a report to the Cascade Township Planning Commission concerning the general development plan and zone change; and,

WHEREAS, a public hearing on the proposed zone change was duly noticed and held by the Cascade Township Planning Commission at the Cascade Township Hall, 2025 75th Street NE, Rochester, MN on Tuesday March 17, 2020 , at which time(s) all interested persons were again given the opportunity to be heard; and,

WHEREAS, the Cascade Township Planning Commission held a discussion and allowed public input on said matter, reviewed staff findings and recommended approval to the Town Board with the following conditions:

1. What the final road and access plans will be and how the County comments will be addressed including the access to the proposed commercial lot.
2. The variance between the ordinance and proposed plans on open space.

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3. The need to ensure the grading and storm water plans prevent any issues for residents of the Township
4. Further information on plans for the commercial lot in the proposal and its potential effect on the Township and its residences.

WHEREAS, the zone change request was placed on the Town Board agenda at their regular scheduled Town Board Meeting on May 11, 2020.

NOW, THEREFORE, BE IT RESOLVED AND HEREBY ORDAINED by the Cascade Town Board as follows:

The Board considered the conditions of approval from the Planning Commission and found the following:

1. The GDP has been updated moving the access to 18th Ave NW to the northern portion of the loop, thus providing roadway frontage onto the parcel being considered for commercial uses. Roadway access will be provided to the subdivisions to the south and the undeveloped land to the east.
2. A variance to the open space requirements of the Subdivision Ordinance will be filed with the preliminary plat.
3. The applicant will study the ponding of water in the southeastern corner of the property and provide a plan on handling the ponding of water in that area to make sure it is not pushed back upon the residents of the subdivision to the south.
4. The commercial area will be rezoned to the Trails of Cascade Special District limiting the types of commercial uses which would be allowed.

General Development Plan Ordinance standards in regular type, Findings of Fact in *italic*

- a. proposed land uses are in accordance with the Olmsted County General Land Use Plan, any Cascade Township Land Use Plan, and Cascade Township Zoning Map;

The land use is consistent with residential and commercial uses and would be considered consistent with the Olmsted County Land Use Plan. The area has been designated on the Olmsted County Land Use Plan Map as "Suburban Subdivision", which makes large lot rural subdivisions consistent with the Plan.

Thus, this criterion is met.

- b. the street pattern is appropriate to serve properties under consideration;

The proposal is for 37 single family lots and one commercial lot. The proposed roadway system consists of a circle drive with two cul-de-sacs going off to the north and one private access drive. Additionally – per County Public Works comments - they will be required to provide one access from the proposed roadway system to the proposed commercial lot. The plat has been updated so the commercial lot has Township roadway frontage.

The circle drive allows traffic to go either way out of the subdivision and this design provides each lot with frontage along a public roadway. Connectivity between neighboring subdivisions and undeveloped land is being provided.

Thus, this criterion is met.

- c. the proposal makes provision for planned capital improvements and streets based on the Olmsted County Capital Improvement Plan and Olmsted County Thoroughfare Plan;

Olmsted County Public Works has commented on the proposal and indicated that the Thoroughfare Plan calls for 73rd Street NW to be extended from the subdivisions to the east through this subdivision making a connection from West River Road to 18th Ave NW. When this has been completed the connection of Chippewa Drive NW to 18th Ave will be eliminated, and Chippewa Drive NW will end in a cul-de-sac at 18th Avenue NW. The roadway connection between this subdivision and Chippewa Drive NW will be required.

Thus, this criterion is met.

- d. the proposal makes adequate provision for surface water drainage, soil erosion control, water supply and sewage treatment, consistent with State statute and rule and County or Township ordinance;

The exhibit indicates two storm water treatment sites. A grading plan will have to be submitted and approved prior to construction of the road and or dwellings. Septic areas will need to be identified on each proposed lot. Shared wells are shown on the exhibit.

Along with the in-place ordinance requirements, this criterion is met.

- e. the lot, block and street layout is consistent with General Land Use Plan use, development and resource management policy, and subdivision design principles;

The lot, block and street layout is consistent with general development and resource management policy and subdivision design principals.

Thus, this criterion is met.

- f. unique natural resource features and sensitive areas are protected through the open space provisions and appropriate lot layout;

No open space has been identified on the GDP. No space is provided at the entrance to the development for a subdivision sign. Although no sign is required, most subdivisions have them. If the developer decides a sign is needed, an easement for said sign would be warranted or open space provided at that location. Using the calculations provided in the chart within the ordinance 1.4 acres of open space is required. (93.51 acres multiplied by 1.5 percent equals 1.40 acres)

The applicant has indicated that a variance to the open space criteria will be sought during the preliminary platting process. If the variance is not approved, the applicant would need to move some of the lot lines in order to provide land for open space.

This criterion is met.

- g. development will occur in an orderly fashion;

A phasing plan has been provided and according to the plan development will occur from west to east. Since the access is located on the western boundary, the phasing makes sense.

Similar types of developments are located in this area.

Thus, this criterion would be met.

- h. connecting roads are adequate to handle projected traffic, or provision has been made to correct deficiencies.

Olmsted County Public Works has commented on the access and how the traffic flow will work into the future. Upgrades to the County Roadway System will be a requirement of the subdivision access approval.

Thus, this criterion is met

Motion by Michael Black, seconded by Gary Sieck to approve the GDP with clarifications. Motion carried with 5 yes votes and 0 no votes.

Zone Change Request:

Findings

Section 4.00 H Amendment Findings (ordinance is in regular text, staff finding in italics)

1. The proposal is consistent with the policies of the General Land Use Plan;

Fill in development within the Suburban Subdivision Area is preferred, rather than creating new areas throughout the Township. The Land Use Plan recommends residential development to occur in this area. The location of the lot in the northwest corner of this development being at the intersection of two major thoroughfares would seem appropriate for commercial development.

2. the amendment is in the public interest;

Suburban subdivisions are in this area now. Roadways and transportation systems for the area have already been developed.

3. the proposed development is timely based on surrounding land uses, proximity to development and the availability and adequacy of infrastructure;

Most of the area is suburban in nature now.

4. the proposal permits land uses within the proposed district that are appropriate on the property and compatible with adjacent uses and the neighborhood.

Adjoining properties to the south and north are zoned residential and developed as large lot subdivisions. No intensive agricultural uses are located within the area.

5. the proposal does not result in spot zoning;

Adjacent areas have already been developed into residential lots.

6. The proposal is consistent with a GDP for the area, if one exists.

A GDP has been provided.

Conclusion:

Motion: The following legally described property is hereby changed from A-3 Agricultural District to R-1 Low Density Residential District:

The Northeast Quarter of the Northeast Quarter of Section 3, Township 107 North, Range 14 West, Olmsted County, Minnesota, less the following:

Commencing at the northeast corner of said Northeast Quarter; thence West along the north line of said Northeast Quarter, 420.00 feet for a point of beginning; thence continue westerly along said north line 460.00 feet; thence southerly 465.00 feet; thence easterly 460.00 feet; thence northerly 465.00 feet to the point of beginning.

ALSO

The Northwest Quarter of the Northeast Quarter of Section 3, Township 107 North, Range 14 West, Olmsted County, Minnesota, less the following:

Commencing at the northwest corner of said Northeast Quarter; thence East along the north line of said Northeast Quarter, 470.00 feet for a point of beginning; thence southerly 465.00 feet; thence easterly 420.00 feet; thence northerly 465.00 feet to a point on the north line of said Northeast Quarter; thence West along the north line, 420.00 feet to the point of beginning.

ALSO

That part of the South Half of the Northeast Quarter of Section 3, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southeast corner of said South Half of the Northeast Quarter; thence North along the east line of said South Half of the Northeast Quarter, 750.00 feet for a point of beginning; thence continue North along said east line to the northeast corner of said South Half of the Northeast Quarter; thence West along the north line of said South Half of the Northeast Quarter to the northwest corner of said South Half of the Northeast Quarter, said point being the centerline of County Road 112; thence southerly along said centerline to a point 2606.49 feet west of the point of beginning; thence East, 2606.49 feet to the point of beginning.

ALSO, EXCEPT

That part of the Northwest Quarter of the Northeast Quarter of Section 3, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Beginning at the northwest corner of said Northeast Quarter; thence North 89 degrees 55 minutes 13 seconds East, assumed bearing, along the north line of said Northeast Quarter, 470.00 feet; thence South 00 degrees 04 minutes 47 seconds East, 465.00 feet; thence South 74 degrees 50 minutes 56 seconds West, 384.49 feet; thence South 00 degrees 02 minutes 53 seconds West, 143.40 feet; thence North 89 degrees 57 minutes 07 seconds West, 100.00 feet to the west line of said Northeast Quarter; thence North 00 degrees 02 minutes 53 seconds East, along said west line, 708.15 feet to the point of beginning.

Containing in all, 92.11 acres, more or less.

And

The following legally described property is hereby rezoned from A-3 Agricultural District to Trails of Cascade Special District to allow for a limited number of commercial uses as spelled out within the district language:

That part of the Northwest Quarter of the Northeast Quarter of Section 3, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Beginning at the northwest corner of said Northeast Quarter; thence North 89 degrees 55 minutes 13 seconds East, assumed bearing, along the north line of said Northeast Quarter, 470.00 feet; thence South 00 degrees 04 minutes 47 seconds East, 465.00 feet; thence South 74 degrees SO minutes 56 seconds West, 384.49 feet; thence South 00 degrees 02 minutes 53 seconds West, 143.40 feet; thence North 89 degrees 57 minutes 07 seconds West, 100.00 feet to the west line of said Northeast Quarter; thence North 00 degrees 02 minutes 53 seconds East, along said west line, 708.15 feet to the point of beginning.

Containing 6.01 acres, more or less.

TRAILS OF CASCADE COMMERCIAL SPECIAL DISTRICT (TCC-SD)

The purpose of this district is to provide within the Trails of Cascade Subdivision commercial uses within the Suburban Subdivision Area as defined by the Olmsted County Land Use Plan and Map. This District this is limited to one lot at the intersection of 18th Avenue NW and US Highway 63. The district should allow low impact commercial uses.

The following provisions shall be the zoning regulations applicable to this zoning overlay district (TCC-SD) as approved by the Cascade Township Board in accordance with the Township Board Resolution R-20-01 dated May 11, 2020. The terms and provisions of this Special District shall remain in effect until such time it is amended by the Cascade Township Board.

A. Property Description:

The area included in the Special District contains one lot consisting of Approximately 5 (five) acres and is legally described as:

That part of the Northwest Quarter of the Northeast Quarter of Section 3, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Beginning at the northwest corner of said Northeast Quarter; thence North 89 degrees 55 minutes 13 seconds East, assumed bearing, along the north line of said Northeast Quarter, 470.00 feet; thence South 00 degrees 04 minutes 47 seconds East, 465.00 feet; thence

South 74 degrees 50 minutes 56 seconds West, 384.49 feet; thence South 00 degrees 02 minutes 53 seconds West, 143.40 feet; thence

North 89 degrees 57 minutes 07 seconds West, 100.00 feet to the west line of said Northeast Quarter; thence North 00 degrees 02 minutes 53 seconds East, along said west line, 708.15 feet to the point of beginning.

Containing 6.01 acres, more or less.

B. Land Use/Zoning Regulations:

1. **Land Use:** The property within the Special District is designated as "Suburban Subdivision" on the Olmsted County Land Use Plan Map. Commercial uses shall be limited to low impact commercial uses which would support residential uses.

2. **Zoning Regulations:** The Olmsted County Zoning Ordinance, Section 7.00 R.S.D. Rural Service Center District allows for similar low impact commercial uses which support residential development. Additionally, Section 7.00 R.S.D Rural Service Center District of the Cascade Township Zoning Ordinance allows for similar uses. Trails of Cascade Commercial Special District shall allow the following uses:

C. **Permitted Uses:** One single family detached dwelling along with accessory structures and uses customarily incidental to a residential use.

D. **Conditional Uses:** Church, feed and seed stores, lawn and garden supply stores, nurseries and landscaping companies, government buildings, and wineries with production facilities on site.

E. General District Regulations:

1. **Height Regulations:** No building or structure shall exceed thirty-five (35) feet in height.

2. **Front Yard Regulations:**

a) A minimum front yard depth of not less than forty-five (45) feet shall be provided.

3. **Side Yard Regulations:**


a) A minimum side street yard width of not less than forty-five (45) feet shall be provided.

- b) A minimum interior yard width of not less than twenty-five (25) feet shall be provided
- 4. **Rear Yard Regulations:**
 - a) A minimum rear yard depth of not less than twenty-five (25) feet shall be provided.
- 5. **Lot Area Regulations:**
 - a) Each lot or parcel shall have an area of not less than five (5) acres, except when additional lot area may be required by the Olmsted County Health Department to meet Board of Health Regulations.
- 6. **Lot Width Regulations:**
 - a) Each lot shall have a minimum width of two hundred (200) feet at the front building line.
- 7. **Lot Coverage Regulations:**
 - a) Not more than fifty (50) percent of the lot shall be occupied by buildings, structures or impervious surface.
- 8. **Off-Street Parking Regulations:** (See Section 10.04)
- 9. **Stormwater Management:** Runoff from any impervious surfaces shall be controlled so that there is no net increase in the amount or rate of runoff from the site. Additional impervious surfacing may require stormwater retention.
- 10. **Access Points:** No additional access points shall be allowed unless approved by the appropriate road authority.

Motion by Gary Sieck, seconded by Dean Hegrenes with Staff findings and Planning Commission recommendations. Motion carried with 5 yes votes and 0 no votes.

Section 1.16 of the Cascade Township Zoning Ordinance and the Cascade Township Zoning Maps are hereby amended, designated as written above.

Passed and adopted by the Cascade Township Board this 11th day of May 2020.



R. Arlen Heathman, Chair

Attest:



Sara Rudquist, Clerk



Distribution:

County Planning
County Assessor
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Zoning Administrator
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Property Owner

Drafted and Return to:

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