



Planning & Zoning Commission Agenda
Rochester Boards & Commissions - Planning & Zoning Commission
June 14, 2023
6:00 p.m.

Attending and Viewing the Meeting

HYBRID Meeting: In-person at Council/Board Chambers of the Government Center, 151 4th Street SE, Rochester, MN, or via MS Teams.

[Click here to join the meeting](#)

Call in audio only number: 347-352-4853 Conference ID: 349 456 037#
A recording is made available after the meeting on the [City's website](#).

- 1. Open Public Comment Period**
- 2. Call to Order/Roll Call**
- 3. Order of Agenda**
- 4. Consent Agenda**

4.A. Minutes of May 24, 2023

Accepting the minutes and video of the May 24, 2023, Planning and Zoning meeting as the official record of the Planning and Zoning Commission.

5. Reports and Recommendations

5.A. Land Use Plan Amendment No. CD2023-002CPA by the City of Rochester

Recommending approval of Land Use Plan Amendment No. CD2023-002CPA, by the City, to amend the Land Use Map classification on a 120-acre site, located at the northeast corner of 55th St NW and 18th Ave NW, from Low-Density Residential to 20 acres of Medium-Density Residential and 25 acres of Commercial and Business Development.

6. Public Hearings

6.A. Zoning Map Amendment No. CD2023-005ZC by Rochester Civic Lot Development LLC

Forwarding a recommendation to Council approving Zoning Map Amendment No. CD2023-005ZC, by Rochester Civic Lot Development LLC, to amend the zoning map classification on a 1.79-acre site, located at 217 E Center St from R-4 (High Density Residential) to MXD-FR (Mixed Use Downtown - Fringe).

6.B. Growth Management Map Amendment CD2023-001GMMA by YH Dee LLC and Hanson Young LLC (Scenic Oak West)

Forwarding a recommendation to Council approving Growth Management Map Amendment CD2023-001GMMA by YH Dee LLC and Hanson Young LLC to re-designate approximately 47.43 acres from Urban Reserve Beyond 2050 to Near Term Urban Expansion.

6.C. Annexation of Land CD2023-001ANX by YH Dee LLC and Hanson Young LLC (Scenic Oaks West)

Forwarding a recommendation to Council approving Annexation of Land request No. CD2023-001ANX to annex approximately 47.43 acres of land located in Rochester Township.

6.D. Text Amendment No. CD2023-001TA by the City of Rochester

Forwarding a recommendation to Council to approve Text Amendment No. CD2023-001TA, Updates to the Unified Development Code.

7. Other Business

8. Adjournment



REQUEST FOR ACTION

Minutes of May 24, 2023

MEETING DATE:

June 14, 2023

ORIGINATING DEPT:

Community Development

AGENDA SECTION:

Consent Agenda

PRESENTER:

Chair

Action Requested:

Accepting the minutes and video of the May 24, 2023, Planning and Zoning meeting as the official record of the Planning and Zoning Commission.

Report Narrative:

The Minutes are the official record of the Planning and Zoning Commission.

Priorities & Foundational Principles:

Quality Services for Quality Living
Social Equity

Prepared By:

Janelle McGee

Attachments:

[Minutes - May 24, 2023](#)



**CITY OF ROCHESTER, MINNESOTA
Planning & Zoning Commission MINUTES**

Attending and Viewing the Meeting

- 1) [**Open Public Comment Period**](#)
- 2) [**Call to Order/Roll Call**](#)

Attendee Name	Status
Margaret R Brimijoin	Present
Ruchi Gupta	Present
Randy R Schubring	Present
Robert A Cline	Present
Alissa T Moe	Present
Aaron D Eberhart	Present
Joanne Crawford	Present
Jeremy C Andrist	Present
Jonathon P Krull	Absent

3) [**Order of Agenda**](#)

3) Order of Agenda

MOVER: Aaron D Eberhart
SECONDER: Ruchi Gupta
AYES: Margaret R Brimijoin, Ruchi Gupta, Randy R Schubring, Robert A Cline, Alissa T Moe, Aaron D Eberhart, Joanne Crawford, Jeremy C Andrist
ABSENT: Jonathon P Krull
RESULT: **APPROVED [UNANIMOUS]**

4) ***Consent Agenda***

4.A) Minutes of May 10, 2023

Official Act: Accepting the minutes and video of the May 10, 2023, Planning and Zoning meeting as the official record of the Planning and Zoning Commission.

[Cover Page](#) 

[Meeting Minutes May 10, 2023](#) 

4) Consent Agenda

MOVER: Jeremy C Andrist
SECONDER: Joanne Crawford
AYES: Margaret R Brimijoin, Ruchi Gupta, Randy R Schubring, Robert A Cline, Alissa T Moe, Aaron D Eberhart, Joanne Crawford, Jeremy C Andrist
ABSENT: Jonathon P Krull
RESULT: **APPROVED [UNANIMOUS]**


5) [Reports and Recommendations](#)

[Edward Caples presented the staff report.](#)
[Mark Welch, G -Cubed spoke to the item.](#)

5.A) Major Land Subdivision No. CD2023-003PLAT by Mayowood Lands, LLC, to be known as Preserve at Mayowood

Official Act: Approving Major Land Subdivision No. CD2023-003PLAT by Mayowood Lands, LLC, to be known as Preserve at Mayowood, for the subdivision of 89.15 acres into 129 residential lots and four outlots, located north of the intersection of Abigail Ln SW and Mayowood Rd SW.

[Cover Page](#) 

[Community Development Memo - CD2023-003PLAT Preserve at Mayowood](#) 


[Notification Map - CD2023-003PLAT Preserve at Mayowood](#) 

[Location Map - CD2023-003PLAT Preserve at Mayowood](#) 

[Major Land Subdivision Exhibit - CD2023-003PLAT Preserve at Mayowood](#) 

[Applicant Narrative - CD2023-003PLAT Preserve at Mayowood](#) 

[Review Comments - CD2023-003PLAT Preserve at Mayowood](#) 

[Major Land Subdivision Criteria - CD2023-003PLAT Preserve at Mayowood](#) 

5) Reports and Recommendations

Motion to recommend approval of the Major Land Subdivision with conditions excluding conditions 1b and 1c of the Major Land Subdivision based on the findings.

MOVER: Aaron D Eberhart
SECONDER: Alissa T Moe
AYES: Margaret R Brimijoin, Ruchi Gupta, Randy R Schubring, Robert A Cline, Alissa T Moe, Aaron D Eberhart, Joanne Crawford, Jeremy C Andrist
ABSENT: Jonathon P Krull
RESULT: **APPROVED [UNANIMOUS]**

6) [Public Hearings](#)

7) [Other Business](#)

[Desmond McGeough gave the Council recap.](#)

8) [Adjournment](#)

8) Adjournment

MOVER: Jeremy C Andrist
SECONDER: Aaron D Eberhart
AYES: Margaret R Brimijoin, Ruchi Gupta, Randy R Schubring, Robert A Cline, Alissa T Moe, Aaron D Eberhart, Joanne Crawford, Jeremy C Andrist
ABSENT: Jonathon P Krull
RESULT: **APPROVED [UNANIMOUS]**



REQUEST FOR ACTION

**Land Use Plan Amendment No. CD2023-002CPA by
the City of Rochester**

MEETING DATE:

June 14, 2023

ORIGINATING DEPT:

Community Development

AGENDA SECTION:

Reports and Recommendations

PRESENTER:

Ryan Yetzer

Action Requested:

Recommending approval of Land Use Plan Amendment No. CD2023-002CPA, by the City, to amend the Land Use Map classification on a 120-acre site, located at the northeast corner of 55th St NW and 18th Ave NW, from Low-Density Residential to 20 acres of Medium-Density Residential and 25 acres of Commercial and Business Development.

Report Narrative:

Continuation Narrative

This item was continued at the Planning Commission on May 10, 2023, to June 14, 2023, to discuss ways to find a balance between the Community Development recommendation and the request of the purchaser, Anthony Properties.

After meeting with Anthony Properties, the Community Development Team received a revised Plan, which requests 47 acres of Medium Density land and 30 acres of Mixed-Use / Commercial land - a decrease in 10 acres of land available for multifamily development.

Community Development recognizes the effort the Ownership Team put into the new analysis and appreciates the willingness to meet, listen to the City's policies and rules, and potentially incorporate permitted styles of development into its construction model. Unfortunately, the number of acres requested for Medium Density land and Mixed Use / Commercial land is still too high for the Community Development Team to support outside of a Primary Transit Network corridor.

May 10, 2023 Narrative

The City initiated a Land Use Map Amendment to change the Comprehensive Land Use Map designation on a 120-acre site from Low-Density Residential, to Medium-Density Residential and Commercial Land Use.

The Community Development Team recommends the addition of 20 acres of Medium Density Residential Land and 23.76 acres of Commercial Land to the City's Comprehensive Plan Land Use Map. The remaining land is recommended to maintain the Low-Density Residential Land Use classification. This is approximately 48 acres less Medium Density Residential Land than requested by the property owner.

On February 6, 2023, City Council voted 4-3 to direct the Community Development Team to analyze the

120-acre site for Medium Density Residential and Commercial Land Uses. During the review of the site, the Community Development Team analyzed the City's Comprehensive Plan, the 2020 Maxfield Housing Study, multi-family development projects since 2020, projects in the development "pipeline", and the existing vacant land inventory that would permit multi-family development (appropriately zoned land with access to city utilities and infrastructure). The result of the Community Development review is that the City is not lacking vacant land inventory to meet the City's 2023 multi-family/senior housing unit goal by 2030, as identified in the Maxfield Study. It is recommended that a large-scale amendment to the Land Use Map (68 acres) will negatively affect the City's Land Use and Transportation Framework by hindering opportunities to establish needed densities along the Primary Transit Network (PTN) corridors in a timely manner by drawing potential medium density residential development away from the PTN.

Community Development does support a small-scale Land Use Plan Amendment to add 20 acres of Medium Density Residential land inventory to the City. A small-scale amendment is not anticipated to have the same negative impacts on the City's Primary Transit Network corridors as a large-scale amendment. In addition, the site is near existing low-density and medium-density residential developments and has access to regional transportation facilities and city utilities. The subject amendment will also expand housing diversity in this part of the City, providing additional opportunities for senior and general occupancy multi-family housing.

Priorities & Foundational Principles:

Economic Vibrancy & Growth Management

Policy Considerations & DEI Impact:

This Land Use Plan Map Amendment achieves the Comprehensive Plan Core Principles of emphasizing fiscal sustainability and expanding housing diversity.

Prior Legislative Actions & Community Engagement:

May 10, 2023: Planning Commission Meeting - Public Hearing held, and item continued to June 14, 2023.

Prepared By:

Allison Sosa

Attachments:

[Continuation Memo - CD2023-002CPA](#)

[Memo Packet - May 10, 2023](#)

[Anthony Properties Continuation Letter - CD2023-002CPA](#)

ROCHESTER PLANNING COMMISSION

June 14, 2023

Prepared by:	Rochester Community Development
Request:	City Initiated Land Use Plan Amendment to review Medium Density Residential Land Use and Mixed Use Land Use inventory on a 120 acre site.
Location:	The site is located at the northeast corner of 55 th Street NW and 18 th Avenue NW.
Owners:	Danielson Family Farms
Applicant:	City of Rochester

SUMMARY AND BACKGROUND INFORMATION

On February 6, 2023, Council directed Community Development to analyze a 117-acre site that is currently guided for Low Density Residential development and provide a professional recommendation to potentially redesignate a portion of the land to Medium Density and Commercial/ Mixed Use development.

On May 10, 2023, the Planning Commission held a public hearing on the City Initiated Land Use Plan Amendment (LUPA). Community Development's analysis and recommendation included replacing 45 acres of existing Low Density land with a split of Medium Density land (20 acres) and Mixed Use / Commercial land (25 acres). The recommendation included keeping 72 areas available for Low Density development and future home ownership opportunities.

The purchaser of the site, Anthony Properties, requested to replace 87 acres of Low-Density land with 67 acres of Medium Density land, and 21 acres of Mixed Use / Commercial land, and keep 28 acres available for Low-Density development.

Following the public hearing, the Planning Commission voted to continue the item until June 14, 2023, for the Community Development Team and Ownership team to discuss ways to find a balance.

Following the Planning Commission meeting, the Community Development Team met with members of Anthony Properties and their consultants WSE Massey Engineering & Surveying. The teams discussed potential development styles permitted in Low Density areas, as well as ways to provide more multifamily development on less land.

Specific discussion items included:

- Ability to Create Missing Middle Housing within the existing Low Density designation

- Attached Dwellings (Townhomes) similar to the existing development across 18th Avenue NW (8-10 units / building),
- Duplex, Triplex, and Fourplex, multifamily development,
- Small lot (3000sf) single family development
- Ability to increase the number of units in future multifamily buildings on less land by utilizing the City's **affordable housing** incentive process. If future projects provide 20% of the units at 60% AMI, the zoning code permits:
 - Two additional stories in height (from 4 stories to 6 stories of residential development on the same footprint/acreage), and
 - A 20% increase in Floor Area Ratio / square footage of the building.

Following this discussion, the Ownership Team modified its multifamily land need from 68 acres, to 56 acres, to 47 acres (most recent plan is attached). While this is a reduction in 20 acres of Medium Density land, the revised plan adds 10 new acres of Mixed Use / Commercial land, for a net reduction in ten acres of land available for multifamily development (47 Medium Density acres + 30 Mixed Use / Commercial acres = 77 acres of potential multifamily development).

Community Development recognizes the effort the Ownership Team put into the new analysis and appreciates the willingness to meet, listen to the City's policies and rules, and potentially incorporate permitted styles of development into it's construction model. Unfortunately, the number of acres of requested for Medium Density land and Mixed Use / Commercial land is still too high for the Community Development Team to support outside of a Primary Transit Network corridor.

The recommendation to the Planning Commission on May 10, was not intended to be a starting point in a negotiation. It was intended as the largest amendment the City Team could professionally recommend based on the City's Comprehensive Plan and current inventory. Community Development's hope during ongoing discussions with Anthony Properties was that we could outline the style of development permitted by right in the Low Density areas, and offset the need for additional units with extra development entitlements (height and floor area) through a future affordable housing incentive. Unfortunately, Community Development and Anthony Properties are still over 30 acres apart and we were not able to find a balance that met both the City goals as outlined in the Comprehensive Plan, and the needs of the purchaser.

Community Development continues to recommend an amendment to the Land Use Plan for 20 acres of Medium Density land, and 25 acres of Mixed Use / Commercial land. This recommendation would permit 45 acres of future multi-family development, which is consistent with the other properties within the area and most importantly, the City's Comprehensive Plan.

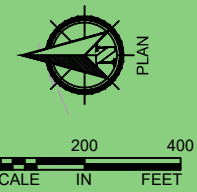
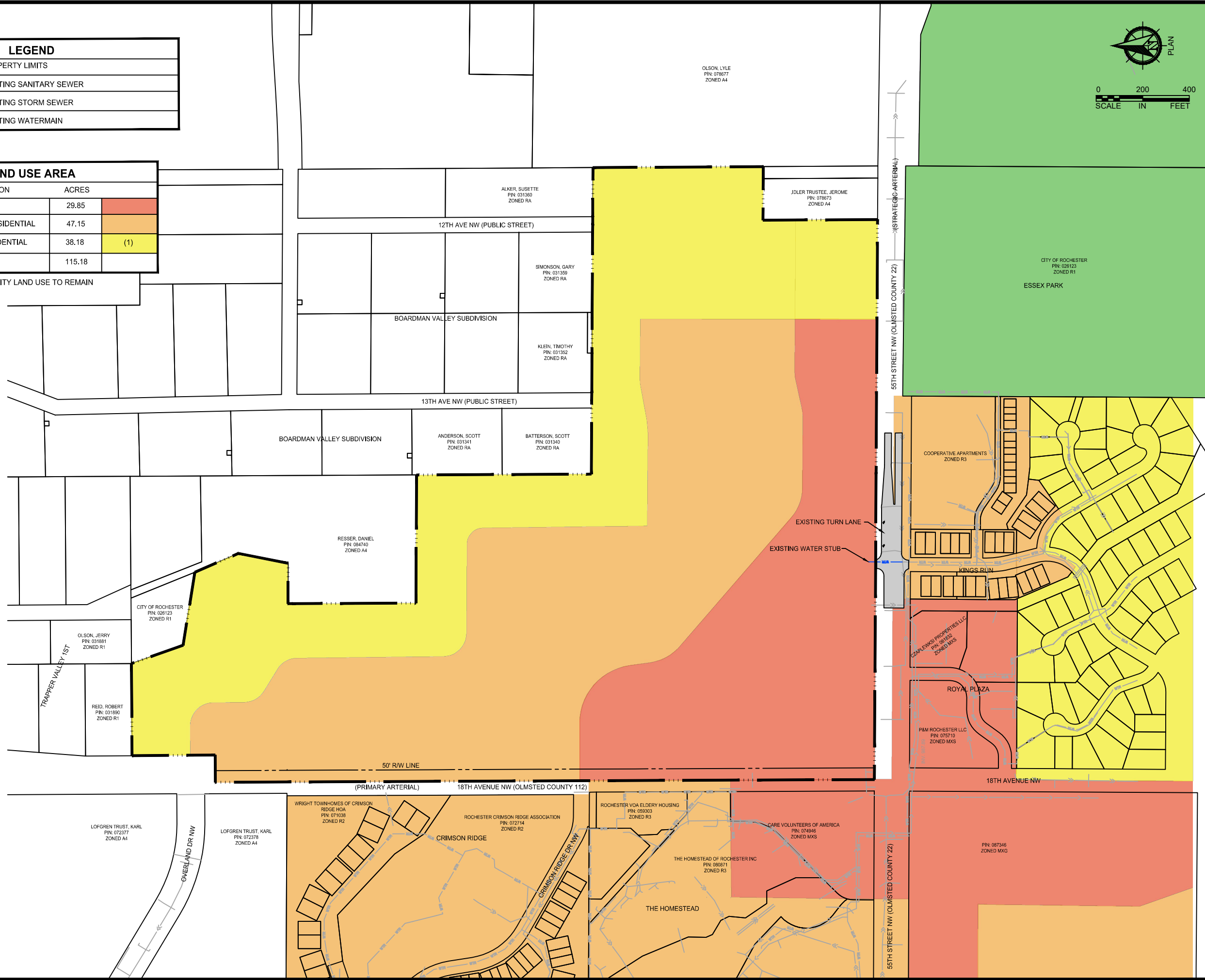
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6/2/2023 9:19:22 AM

LEGEND	
	DENOTES PROPERTY LIMITS
	DENOTES EXISTING SANITARY SEWER
	DENOTES EXISTING STORM SEWER
	DENOTES EXISTING WATERMAIN

LAND USE AREA	
CLASSIFICATION	ACRES
COMMERCIAL	29.85
MEDIUM DENSITY RESIDENTIAL	47.15
LOW DENSITY RESIDENTIAL	38.18 (1)
TOTAL	115.18

(1) EXISTING LOW DENSITY LAND USE TO REMAIN



WSE MASSEY
Engineering & Surveying

PH. NO. 507-634-4505
PLANS@WSE.ENGINEERING
www.wse.engineering

KASSON OFFICE
P.O. BOX 100
33 B E VETERANS
MEMORIAL HIGHWAY
KASSON, MN 55944

PLAINVIEW OFFICE
320 WEST BROADWAY
SUITE 3
PLAINVIEW, MN 55964

ROCHESTER OFFICE
1765 RESTORATION
DRIVE SW
ROCHESTER, MN 55902

REV.	DATE	DESCRIPTION
1	4.3.23	REVISED LAND USE AREAS
2	5.23.23	REVISED LAND USE AREAS
3	6.01.23	REVISED LAND USE AREAS

**LAND USE PLAN
DANIELSON FARM
OLMSTED COUNTY, MINNESOTA**

SCALE: 1"=200'
DATE: 2/20/2023
DRAWN BY: R.R.S.
JOB NUMBER: 120-224108
DWG. FILE: 120-224108_LUPA

ROCHESTER PLANNING COMMISSION

May 10, 2023

- Prepared by:** Rochester Community Development
- Request:** City Initiated Land Use Plan Amendment to review Medium Density Residential Land Use and Commercial Land Use on an 120-acre acre site.
- Ownership Request to amend 120 acres of the City's Land Use Map from *Low-Density Residential*, to 68 acres of *Medium Density Residential* and 24 acres of *Commercial and Business Land Use*.
- Location:** The subject site is located at the northeast corner of 55th Street NW and 18th Avenue NW (PIN #084739, 084738, 057185, 057182)
- Property Owners:** Danielson Family Farms
- Applicant:** City of Rochester

COMMISSION AND COUNCIL SUMMARY

Application Type: Land Use Map–Comprehensive Plan Amendment (CPA)

What is Considered: Under a City Initiated Land Use Plan Amendment (any Amendment over 10-acres in size) the Development Review Team reviews a site for conformance with the Comprehensive Plan.

The P2S Comprehensive Plan, Section 4, provides the applicable criteria to be considered by the Commission and Council when evaluating a land use amendment. Consideration shall be provided to issues such as whether a proposed change addresses an unanticipated shortages of a particular land use, Land Use and Transportation Integration strategies, utility and transit infrastructure costs of the potential change, urban development suitability of the property when considering natural features and constraints, and impact to the existing land supply under the current designation.

Site development considerations such as architecture, site layout, building orientation, site landscaping, open space, site parking, screening and the aesthetic character are not criteria considered in review of a Land Use Plan Amendment application.

Development Review Team Recommendation: Approval of 20 acres of *Medium Density Residential* Land Use and 23.76 acres of *Commercial* Land Use.

The Development Review Team supports amending the City's Land Use Map to add 20-acres of *Medium Density Residential* and 23.76-acres of *Commercial* Land Use to the City's existing inventory. It is recommended that the remaining 72 acres located within the review area maintain the *Low-Density Residential* Land Use.

	Community Development Recommendation	Ownership Request	Existing
Medium Density Residential	20 acres	68 acres	-
Commercial	24acres	24 acres	-
Low-Density Residential	72acres	28 acres	120 acres
Total	120 acres	120 acres	120 acres

The Community Development recommendation is based on the following:

Current Demand

The Amendment provides opportunity for 20 additional acres of senior housing, which is presently needed in the City. Adding more than twenty acres of Medium-Density Residential Land Use may negatively impact the City's investment in the Primary Transit Network, including LINK, and the 2022 City Initiated Land Use Plan Amendment that included 116 acres of Medium Density Residential Land Use to facilitate the 6G Mod Sewer Expansion Project.

Amendment size

A 44-acre change to the overall City land use composition for LDR classified property not a substantial change. Staff believes a change to 20 acres of property to MDR and 24 acres to CBD will not negatively affect the goals and objectives of the "Land Use & Transportation Framework" or be a detriment into implementing the City PTN corridors. Adding more than 20-acres of MDR is large enough to negatively impact the City's investment in the Primary Transit Network and the 6G Mod Sewer Expansion.

Location

Overall, the property is on the City fringe and without abutting future Primary Transit Network (PTN) access. While the site is far from the PTN and future high frequency transit, it is suitable for small scale *MDR* and *CDB* uses along the arterial corridors and will expand housing diversity of the area.

Comprehensive Plan Principals

Expensing Housing Diversity and Infill Development

COMMUNITY DEVELOPMENT ANALYSIS

Background

In November 2022, the property owner's land use consultant approached the Community Development Team to inquire about the feasibility of changing the designation on approximately 120-acres of land designated for *Low Density Residential* (LDR) to 67.86 gross acres of *Medium Density Residential* (MDR) and 23.76 gross acres of *Commercial and Business* (CBD). The remaining 28 acres of the site was proposed to maintain the *Low Density Residential* (LDR) land use classification. Since the proposed 120-acre Land Use Plan Amendment exceeded the 10-acre maximum size for an owner initiated Land Use Map Amendment application, it could not be considered until such time when the City initiates a Land Use Plan Amendment through periodic review of the Comprehensive Plan (5 Year Inventory Review).

On February 6, 2023, City Council voted 4-3 to direct the Development Review Team to analyze the site for *Medium Density Residential* and *Commercial* Land Uses on the 120 acre site, outside of the 5 Year Inventory Review.

Analysis

The Community Development Team supports reclassifying 20 gross acres to *MDR* land use and 23.76 gross acres of *Commercial* land use (43.76 total acres total). The remaining 72 acres is recommended to keep the existing *Low-Density Residential Land Use*. *It is important to note that this is less than the ownership team's request for 68 acres of MDR inventory.*

This recommendation is provided after reviewing and analyzing the following information:

- Developed/current multi-family projects in the pipeline occurring after the 2020 Maxfield Study
- Property owner market study analysis
- 2020 City of Rochester TOD Study
- Rochester's Comprehensive Plan
- Vacant *Medium Density Residential* (MDR) property within the City limits or within the "Near Term Urban Expansion" area that can be served with utilities
- Vacant MXT (Mixed Use – Transit Oriented) zoned properties that can be served with utilities.
- Vacant "Mixed Use" Comprehensive Land Use Designations.
- Comprehensive Plan Goals and Objectives.
- Land Use Plan Amendment Criteria.

Land Inventory Need

The City is not deficient in land zoned appropriately for Medium-Density Residential (Multifamily) development.

The Community Development Team recognizes current demand for the more multi-family units in the City as outlined in the 2020 Maxfield Study. The study projects the need for 10,521 additional multi-family units between 2020 and 2030. Since completion of this study, staff estimates approximately 4,647 units have been developed, are developing, or have been reviewed at a predevelopment meeting. For purposes of this report, the aforementioned units are identified as multi-family residential units in the development “pipeline”. Under the assumption that all anticipated units in the pipeline are developed by 2030, there is a projected need for an additional 5,874 multi-family units by 2030. While the 2020 Maxfield Study addresses the demand quantity for units, it does not examine the current availability of land that can accommodate that demand.

The first criteria for a land use plan amendment identifies that a proposed amendment will address an unanticipated shortage of land designated and available for a proposed type of land use as evidenced by a detailed and objective market analysis. In considering whether there is a current shortage of land, an inventory of available land to meet that demand must first be evaluated.

Existing available vacant land to meet that demand have the following characteristics: located within the Rochester Service Area, correct zoning district designation or comprehensive plan land use classification, located within the City or “Near Term Urban Expansion” Growth Management Map areas, and ability to be served by existing or planned public utilities and infrastructure. Upon accounting for existing land use inventory that can meet the demand, Community Development estimates there is approximately 208 available vacant acres ready to meet that demand, which could accommodate an estimated 4,765 units.

Upon accounting for units already in the pipeline (4,647 units), and available land to meet the future demand not current in the pipeline (4,765 units), there is a total of 9,412 units provided that would be accounted toward meeting the 2030 demand for multi-family residential units. Therefore, the City of Rochester Service Area would still require 1,109 units of the projected 2030 demand for multi-family development. This equates to a deficiency of 50.4 acres (at 22.0 dupa) of multi-family land use inventory. However, “Mixed Use” land use classifications in the Comprehensive Plan or Mixed Use Zoning Districts have not been included in the vacant land inventory. If these lands were considered, Community Development believes that the needed inventory (50.4 acres) can be provided by existing land zoned for multi-family development.

Land Use & Transportation Framework

The Comprehensive Plan promotes strategic implementation of the land use plan in ways that support of the goals of developing multi-family housing along the Primary Transit Network (PTN) and in mixed-use zoning districts. A 20 acre *Medium Density Residential* Development is not anticipated to negatively affect the PTN. Alternatively, a 68 acre addition of *Medium Density Residential* Land Use would compromise the City’s investment in the Primary Transit Network framework, as well as investment in the 6G Sewer Mod Sewer Project.

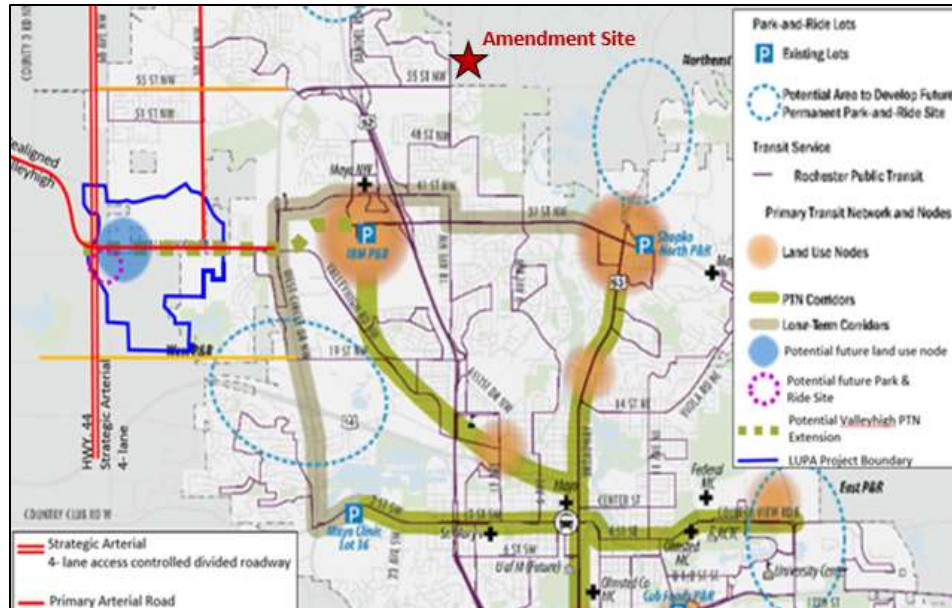
The Comprehensive Plan lays out a framework for integration of Land Use and Transportation. The framework includes establishing an increasing share of development towards the City core, enhance the sustainability of existing infrastructure investment by reducing the pace at which infrastructure systems need to be expanded, and make more efficient use of existing infrastructure. One of the critical implications of this strategic approach to future growth is to recognize the level of land use intensification needed to support the goal of higher frequency, higher quality transit service. For higher frequency transit service to succeed, a minimum level of housing or employment intensity along major transit corridors is needed to create the level of trips that can lead to increased ridership.

Success of this approach will depend on backbone of higher frequency, high quality transit service that will connect major destinations in the city to the central business district and to each other. This series of transit oriented corridors and activity centers will provide the opportunity to combine increased levels of residential population with employment sites and shopping options, supporting transit and enhanced pedestrian accessibility with a highly linked mix of both trip origins and destinations.

One of the cornerstones of the Comprehensive Plan framework is implementation of the Primary Transit Network, also known as "PTN". The pattern of land use and the network of transportation facilities and services are key elements influencing how the city will grow. The feasibility of the PTN is impacted by the intensity of development and mix of land uses in an area. To enable transit to serve a greater role in meeting the travel needs of people, the type and design of land use must create the conditions that will support transit service. The pattern and form of development along with the type of land use affects the ability to serve local travel demand by walking and biking.

Since the site is located over a mile from the 37th Street / 41st Street PTN corridor, staff finds the requested quantity of MDR land (68 acres) does not further Vision, Principles and Goals of the Land Use & Transportation Framework as outlined in the Comprehensive Plan, and could compromise strategies identified in the plan to implement the Primary Transit Network.

The Land Use Plan Amendment proposed by the owner (68 acres) could develop approximately 1,200 units at this location. The potential for 1,200 multi-family units outside of the PTN will hinder opportunities to establish needed densities along PTN corridors in a timely manner by drawing potential medium density residential development away from the PTN.



Primary Transit Network (PTN) with Valleyhigh Extension

Comprehensive Plan Key Priorities

1. Integrate Land Use and Transportation

The site is located on 55th Street NW, a median-divided 4-Lane Primary Arterial corridor connecting Broadway Avenue to Highway 52. The site is in close proximity a large City Park to the south and Overland Elementary School to the east. The proposed amendment to 44 acres of MDR and CBD has been carefully weighed to consider better use of the existing utility and roadway infrastructure in the area while not including too much density and intensity, which would negatively influence the implementation of the PTN.

2. Fiscal Responsibility

The subject site is on the fringe, however urban development also surrounds the site to the west and south and large lot “suburban development”, which is not expected to be brought into the City, is located immediately to the north. Regional transportation facilities, along with water and sewer infrastructure investment has already been made within the 55th Street NW corridor development. Some additional density and intensity will make better use of those existing public facilities, which will have a positive impact on the viability of the City’s infrastructure and is in line with the City’s goal of fiscal sustainability.

3. Expand Housing Diversity

The Comprehensive Plan calls for communities with walkable neighborhoods, a variety of housing options, and transportation choices. The proposed amendment will allow for the construction of multi-family buildings, which will increase the diversity of housing choices in the area. The remainder of the site would remain low-density residential and could be developed with single family lots, duplex, triplex, and quad developments that could create a mix of housing styles and densities on the 120-acre site.

The predominant land use of the area is currently single-family housing, though there is existing Medium Density Residential Development apartments to the south, along with townhouses and senior housing to the west. This amendment will provide a reasonably moderate sized addition to the multi-family residential housing opportunities in the area.

Other Considerations

Medium density residential is suitable where land is appropriate for residential use but a gradual transition from low density residential use to other higher intensity use is desired or appropriate, or where other site characteristics such as proximity to higher volume roadways make use of the site for lower density residential use undesirable. Characteristics desired of Medium Residential sites would include; convenient access to public transit, reasonable access to open space and schools; ability to be utilized as a buffering agent between differing levels of intensity. Medium Density Residential should be in close proximity (½ to 1 mile) to employment centers or high activity/amenity locations such as near parks, recreation areas major institutions and near neighborhood or community shopping facilities.

At the present time, there is no major employment, shopping, or civic activities in the vicinity. However, Essex Park is located on the south side of 55th Street, Overland Elementary is located 1,600 feet to the west and there is vacant mixed use zoning on the south side of 55th St NW between 18th Avenue and 25th Avenue for future commercial development and shopping opportunities.

COMMUNITY DEVELOPMENT REVIEW

Adjacent Land:	<u>North:</u>	Zoned R-1 (mixed single family- Olmsted County) and RA (Rural Residential – Olmsted County) and has large lot rural residential development The subject property is located in “Suburban Residential” Growth Management classification, which is not intended to be brought into the City of Rochester Service Area .
	<u>East:</u>	Zoned A-4 (Olmsted County). Subject area is currently undeveloped with no current agriculture apparent
	<u>South:</u>	Zoned MXS (Mixed Use Street), R-2 (low-density residential small lot) and R-3 (Medium Density Residential). Developed with apartments, townhomes and a mortuary.
	<u>West:</u>	Zoned MXS, R-2 and R-3. Developed with senior housing apartments, and an undeveloped mixed-use parcel.

Roadway & Access: It is anticipated that the property will be permitted to provide one direct access to 55th St NW on the south side. Access the property will be from the future extension of 37th Ave NW on the east side, Freedom Dr. NW on the west side or perhaps from both public streets. Specific access location will be reviewed at the site plan stage of development.

Public Infrastructure: Presently, public facilities (Public Roadways, Sanitary Sewer, Water, and Storm Water Management Facilities) exist to service the site. The property can be served with a gravity fed system into the Kings Run Sewer Subdistrict and will be reviewed in detail during the site design stage of development.

LAND USE PLAN AMEDMENT REVIEW

All Land Use Map amendments shall be evaluated for consistency with the following criteria (staff findings in **BOLD**)

1. The proposed amendment will address an unanticipated shortage of land designated and available for a proposed type of land use as evidenced by a detailed and objective market analysis commissioned by the City with costs covered by the applicant.
2. The proposed amendment is consistent with the goals and strategies of the Integrated “Land Use and Transportation Framework”
3. The impact of and cost to municipal or regional utility agencies and on existing road and transit infrastructure as a result of the proposed land use change have been considered.
4. An assessment of natural features on the proposed site has found that that site is suitable for urban development.
5. The proposed redesignation will not adversely affect the supply of land designated for the type of land use the area in question is currently planned for.
6. The fiscal impact of the proposed amendment is judged to have a positive net benefit to the community.
7. The proposed Land Use Map amendment is consistent with and help further Vision, Principles and Goals of the P2S 2040 Comprehensive Plan, and not compromise the direction of the plan to create an integrated land use and transportation vision or compromise the strategies identified in the plan to implement the Primary Transit Network. Characteristics of uses in the proposed land use plan category as described in Tables 2-6 through 2-10 are compatible with surrounding land use classifications;

and the locational characteristics and transportation features of the site are consistent with the locational and transportation factors described in Tables 2-6 through 2-10 for the proposed land use.

8. Where the proposed amendment involves the redesignation of land currently in a Non-Residential Area (Commercial & Business Development, Industrial Development, Small Employment Development) to a category of Residential Development or otherwise considered for Residential land uses, the following considerations should apply:
9. The proposed amendment is consistent with community goals and policies as expressed in other adopted plans of the city.

The Development Review Team recommends that all Land Use Plan findings are met to amend the Land Use Plan to add 20 acres of Medium Density Residential Development Land Use and 24 acres of Commercial Land Use.

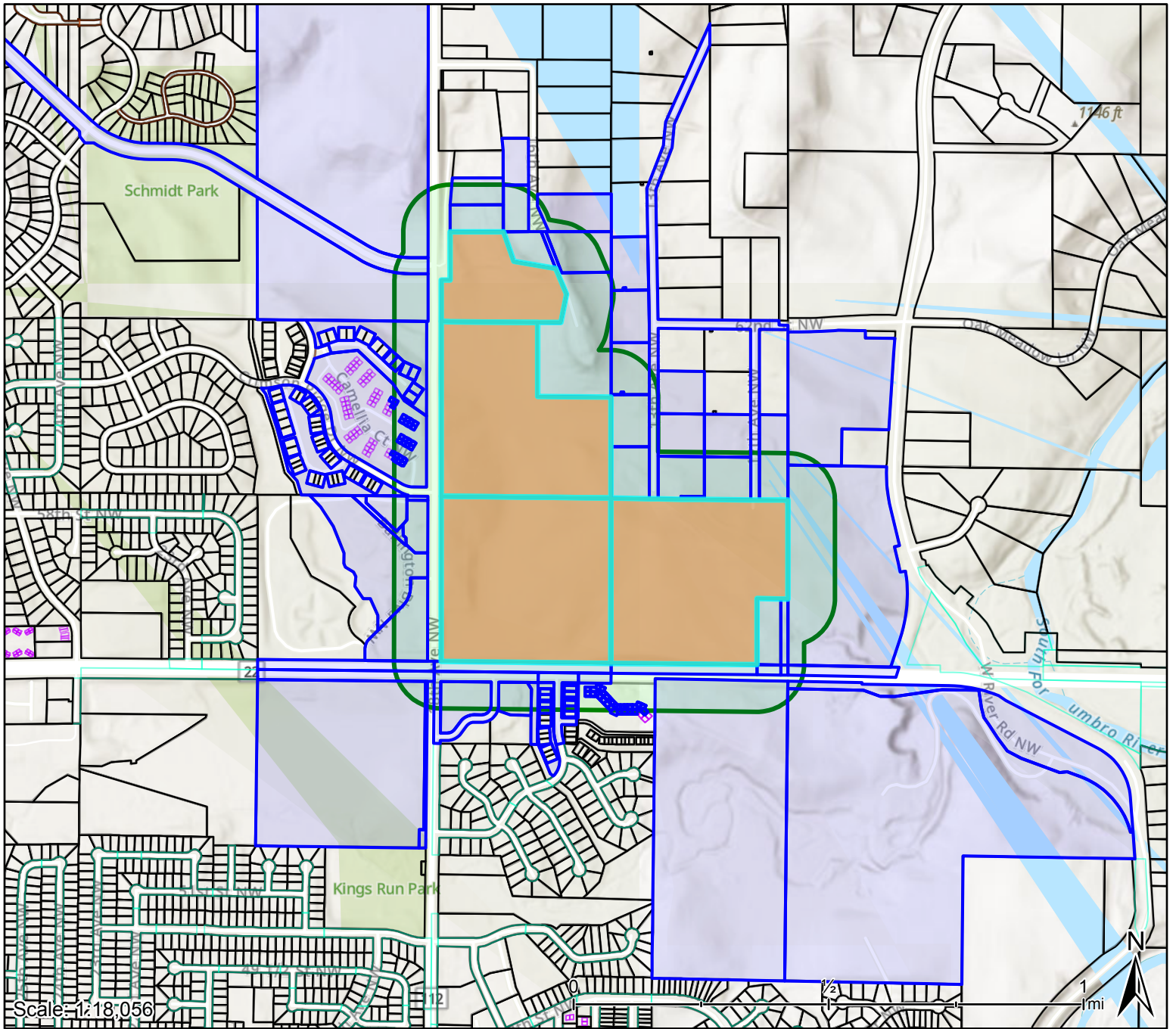
The Development Review Team finds that the Land Use Plan Amendment criteria cannot be met to add more than 20-acres of Medium Density Residential Land Use to the existing land use inventory. Specifically, adding more than 20-acres of *MDR* Land Use does not meet Criteria 1, 2, 5, 6, 7, and 9.

ATTACHMENTS

1. Notification map
2. Site vicinity map
3. Proposed Land Use Amendment Exhibit
4. Community Development Land Use Inventory Assessment
5. Property owner's amendment request exhibit
6. Property owner Market Analysis
7. Referral Agency Comments

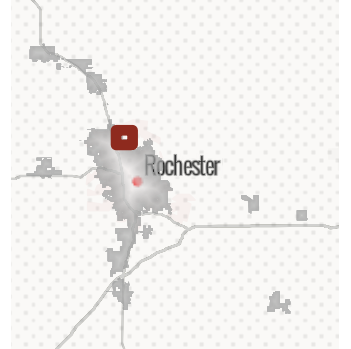
CD2023-002 City Initiated CPA - Ward 6

4/11/2023 Olmsted County Geographic Information Systems



350' Notification Map

084739
084738
057185
057182





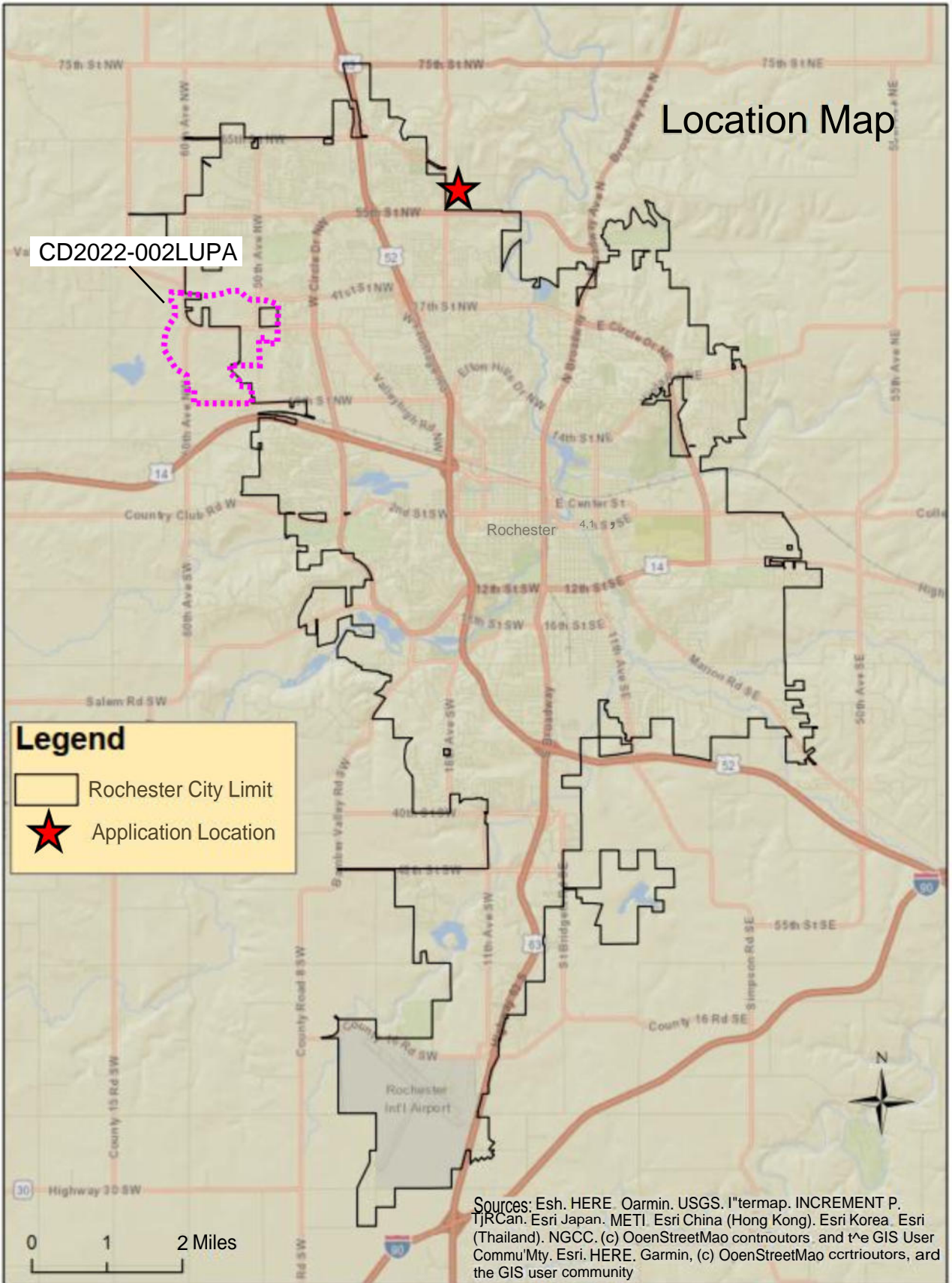
OLMSTED COUNTY
MINNESOTA

Location Map

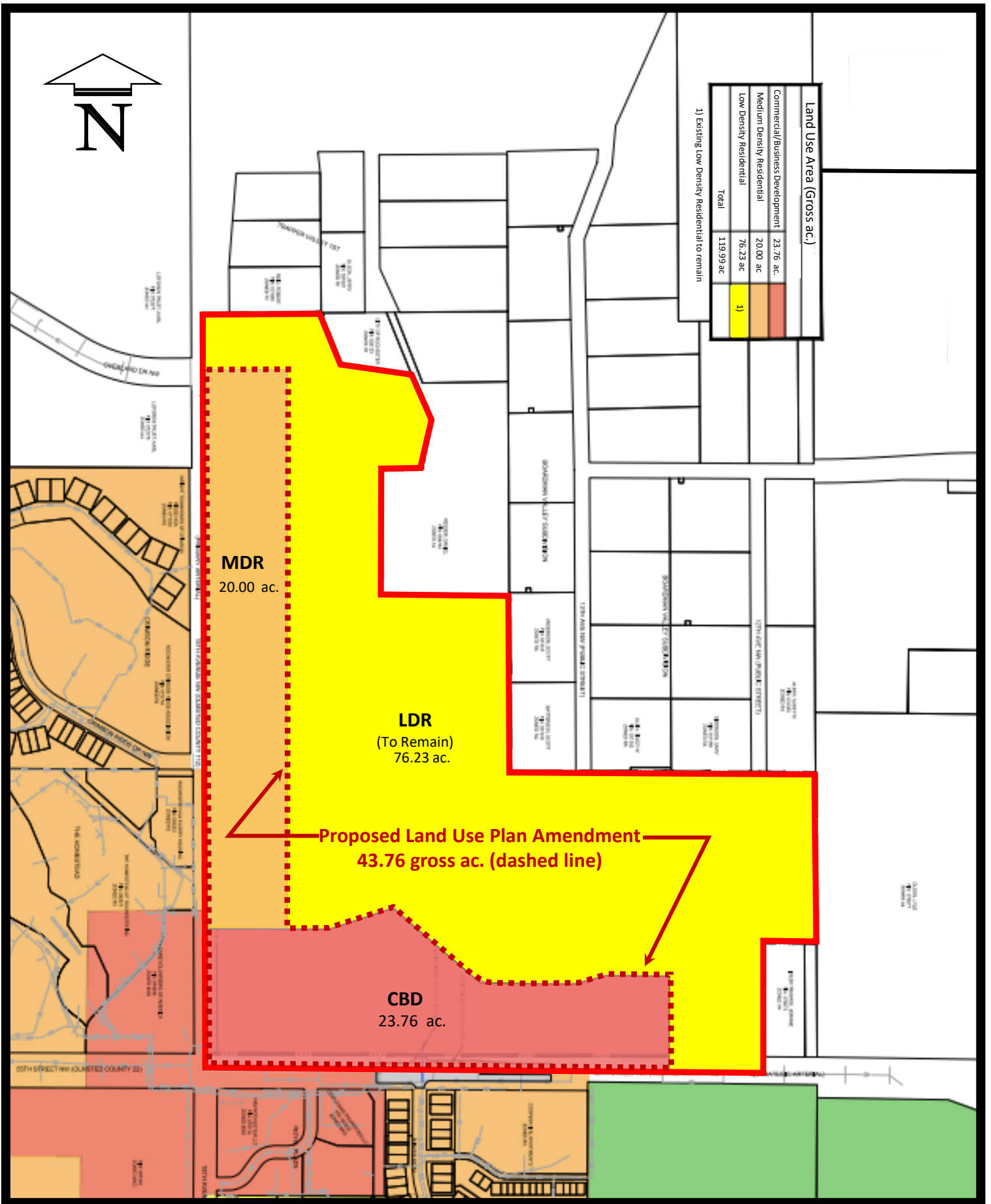
CD2022-002LUPA

Legend

-  Rochester City Limit
-  Application Location



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Esri, HERE, DeLorme, (c) OpenStreetMap contributors, and the GIS user community



Proposed Land Use Plan Amendment Exhibit
43.76 Gross ac.



COMMUNITY DEVELOPMENT MFR DEMAND & LAND USE INVENTORY ASSESSMENT

May 4, 2023

#CD2023-002CPA

City Initiated Land Use Plan Amendment – NEC 55th St. NW & 18th Ave NW



**Overall Multifamily Demand, 2020 – 2030 - City of Rochester Subdistrict
(2020 Olmsted County Maxfield Study)**

For-Sale Multi-family Demand, 1,805

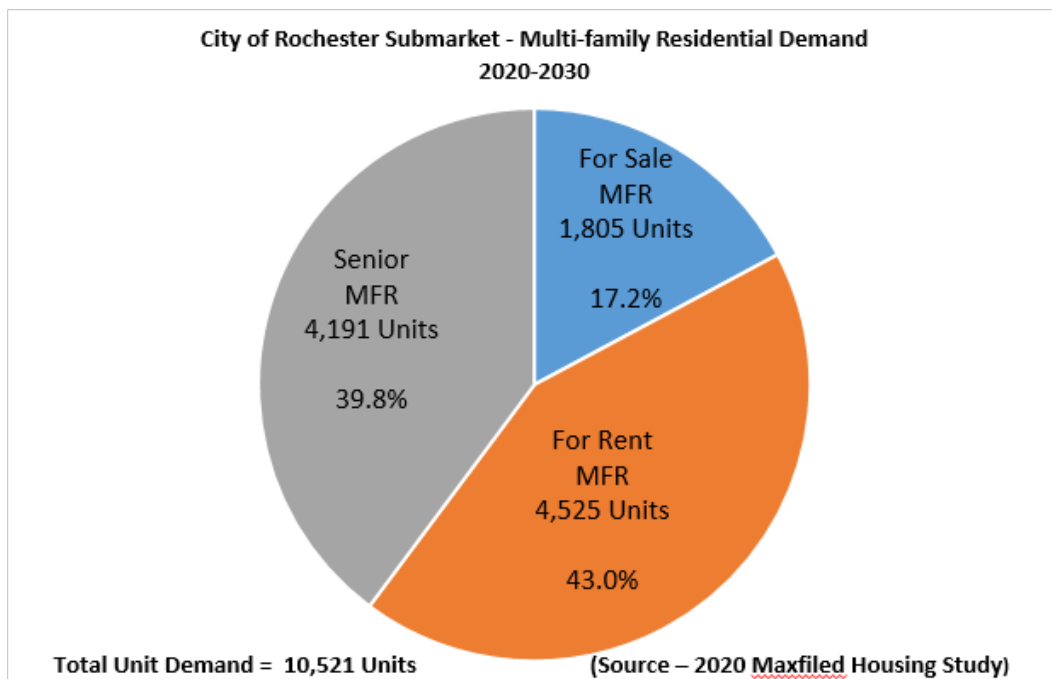
Rental Demand

Market Rate	2,715
Affordable	1,131
Subsidized	679
Total Rental:	<u>4,525</u>

Multi-Family Demand: 6,330 Units

Senior Housing Demand: 4,191 Units

Total Demand 2020-2030: - 10,521 Units (MFR Owner, MFR Rental + Senior)

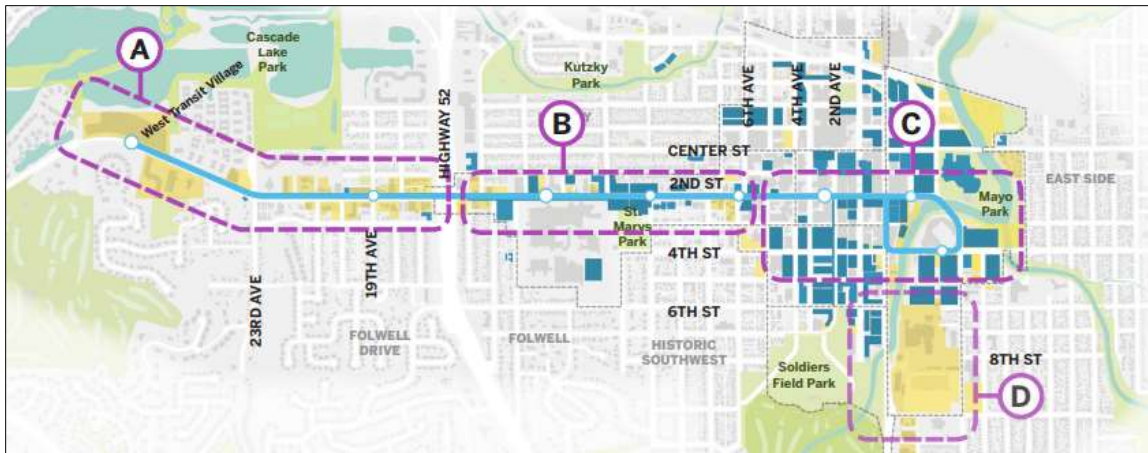


Transit-Oriented Development Planning Study 2020 (Link 2nd St. Corridor)

There is upper range demand for 3,250 market rate and 2,400 affordable multifamily units over the next 20 years to 2040 in the study area. (5,650 Total) This includes phase one of the Locally Preferred alternative from the Mayo West Lot to Downtown, and a later phase south of Downtown

Market Demand Range	
RESIDENTIAL	
STUDY AREA DEMAND	
UPPER RANGE DEMAND	5,000,000 SF 3,250 units (Market Rate) 2,400 units (Affordable)
LOWER RANGE DEMAND	4,500,000 SF
KNOWN DEVELOPMENT SITES	1,012,000 SF 794 rental units (Market Rate) 75 for-sale units (Market Rate) 255 units (Affordable)
REMAINING DEMAND TO BE ALLOCATED	4,073,000 SF 2,381 units (Market Rate) 2,145 units (Affordable)

Note: Projections address the area influenced by the Locally Preferred Alternative Phase One rapid transit route and a later phase extending south of Downtown.



Upper demand range MFR RENTAL 2nd St. Link (TOD Study) – 5,650 units by 2040 for mapped area identified above

**SUPPORTIVE MFR in “LINK” TOD since 2020 Maxfield Study
(2nd St. TOD Study Area)**

Early Planning (**not counted in pipeline units)	
Project	Units
West Transit Village	800
Waterfront Small Area Plan	3,100
Total	3,900

Completed, Developing or Approved Projects since 2020		
Project	Status	Units
Citywalk	CUP Approved	131
Enclave (YMCA Site)	SDP in Review	219
	Total	350

Recent Predevelopment Applications	
Status	Units
SDP Submittal imminent	305
Predevelopment Held	125
Predevelopment Held	144
Total	574

Tentative Pipeline Units LINK (2nd st TOD)	
Total Units	924

**SUPPORTIVE MFR -PTN Phase I - since 2020 Maxfield Study
(Broadway TOD Corridor)**

Completed, Developing or Approved Projects since 2020		
Project	Status	Units
Bryk	Complete	180
Bishop Site (Stencil)	Developing	112
Benaiah	Developing	75
	Total	367

Pipeline Units- Broadway Phase I PTN	
Total Units	367

**SUPPORTIVE MFR -PTN Phase II - since 2020 Maxfield Study
(16th St/Valleyhigh TOD Corridor)**

Completed, Developing or Approved Projects since 2020		
Project	Status	Units
Perkins Site (Stencil)	CUP Approved	90
	Total	90

Pipeline Units Broadway Phase II PTN	
Total Units	90

**PTN Phase III - since 2020 Maxfield Study
(41st St TOD Corridor)**

Phs III Completed, Developing or Approved Projects since 2020		
Project	Status	Units
41 st Ave Apartments	Developing	140
	Total	140

Pipeline Units Phs III PTN	
Total Units	140

**Future PTN - Valley High Extension - since 2020 Maxfield Study
(Recent City LUPA)**

FUTURE Valleyhigh PTN Recent Predevelopment Applications	
Status	Units
SDP Submittal imminent	200
Predevelopment Held	600
Predevelopment Held	245
Total	1,045

Pipeline Units FUTURE Valleyhigh PTN	
Total Units	1,045

NON TPN MFR Development since 2020 Maxfield Study

Completed, Developing or Approved Projects since 2020		
Project	Status	Units
Technology Park II	Constructed	141
VUE North (Hillside Crossing)	Approval Imminent	188
Maine Heights Phase II	Constructed	194
The Lodge	Developing	189
Northern Heights	Developing	66
Bakery Flats	Zone Change Approval	210
Flats on Felty	SDP Approval imminent	234
** Manor Hills	Apv Contested (not counted)	72
Harvest Square Tnhouses	Platted	30
Hawkridge South Tnhouses	GDP/Zone change approved	90
Total		1,342

Recent Predevelopment Applications	
Status	Units
Predevelopment Held	224
Predevelopment Held	276
Predevelopment Held	200
Submittal imminent	111
Predevelopment Held	48
Total	859

Tentative Pipeline Units - Non TPN Projects	
Total Units	2,071

"In Pipeline" Total		
Project	Units	Percent
LINK TPN (2 nd Street) TOD	924	
TPN Phase I	367	
TPN Phase II	90	
TPN Phase III	140	
TPN Valleyhigh Future	1,045	
TOTAL Pipeline TPN Units	2,566	55.2%
TOTAL Non TPN Units	2,081	44.8%
TOTAL UNITS IN PIPELINE	4,647	100%

2nd St Corridor Study VS All Others Demand					
Project	Units	%	Expected demand by 2040	Less units than 2040 expectation	% toward 2040 demand expectation
LINK (2 nd St) TOD	924	19.9 %	4,526	3,602	20.4%
Outside LINK	3,723	80.1%			
TOTAL IN PIPELINE	4,647	100%			

2020 Olmsted County Maxwell Housing Study - 2020 -2030 MFR Demand			
Project	Units	Units in Pipeline	Current % toward 2030 demand projection
For-Sale MFR Demand	1,805 Units	-	-
Rental MFR Demand	4,525 Units	-	-
Senior Housing Demand			
Total	10,521 Units	4,647 Units	44.2%

Considerations & Conclusions

Key Takeaways:

- 1) FOR THE CITY OVERALL Assuming all anticipated projects in pipeline develop, there is the current need for an additional **5,874 Units** by 2030.
- 2) There is 186 acres of vacant MDR property in current boundary or Near Term @ 22 dupa = 4,092 units can be addressed by existing MDR
- 3) There is 2.11 acres of vacant HDR property in current boundary or Near Term @ 80 dupa = 169 units can be addressed by existing HDR
- 4) There is 20.14 acres of vacant MXT zoned property @ 25 dupa = 504 units can be addressed by existing vacant MXT
- 5) Only vacant MX-T property has been considered (Other mixed use districts such as MXG.MXS, MSC, MXI can accommodate MFR)
- 6) Vacant, serviceable Mixed Use Transportation Oriented Center or Mixed Use T
- 7) Large projects on the horizon include West 2nd St TOD (West Lot), Downtown Zumbro and AMPI/KMART Redevelopment site. (these projects were not included as ac vacant acreage or unit calculations). This would constitute a total of 3,900 units that have not be considered in the pipeline that could potentially be developed, in part, by 2040

Vacant MDR: 186 ac @ 22 dupa = 4,092 units

Vacant HDR: 2.11 ac @ 80 dupa = 169 units

Vacant MX-T 20.14 ac @ 25 dupa = 504 units

Existing vacant land inventory can accommodate = 4,765 units

Deficient 1,109 units (5,874 additional units currently needed outside pipeline) or, at 22 dwelling units per acre, currently deficient 50.4 acres. Much which can be provided by vacant mixed use zoning designations and vacant Mixed Use Comprehensive Plan Land Use Classifications.

Vacant MDR parcels

PIN #	square feet	Notes
78542	43,787	N of the Gardens
53959	2,449,380	Senica Site
80596	158,426	N of Flats on Felty
76590	396,376	E of Flats on Felty
10308	272,148	
	6.40123E+11	6,553 infill
	6.40123E+11	6,553 infill
	7.43431E+11	226,430 W of Quarry Ridge
	7.42231E+11	26,824 infill
741521087346	458,704	Javon
741522057646	442,296	Javon
742012080493	166,923	Badger Hills
	7.42021E+11	256,875 Badger Hills
	7.41734E+11	324,803 E of Pines
742032073018	740,520	VOA future phases
742031069061	137,688	infill
742034066646	139,374	infill
742023082377	397,681	Lupa Property
742023082378	126,366	COR / Lupa property
752414035210	348,753	Lupa Property
752411082669	102,891	Lupa Property
	7.52411E+11	862,404 Lupa Property
	8,091,755	185.76 acres (No ROW)

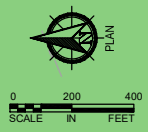
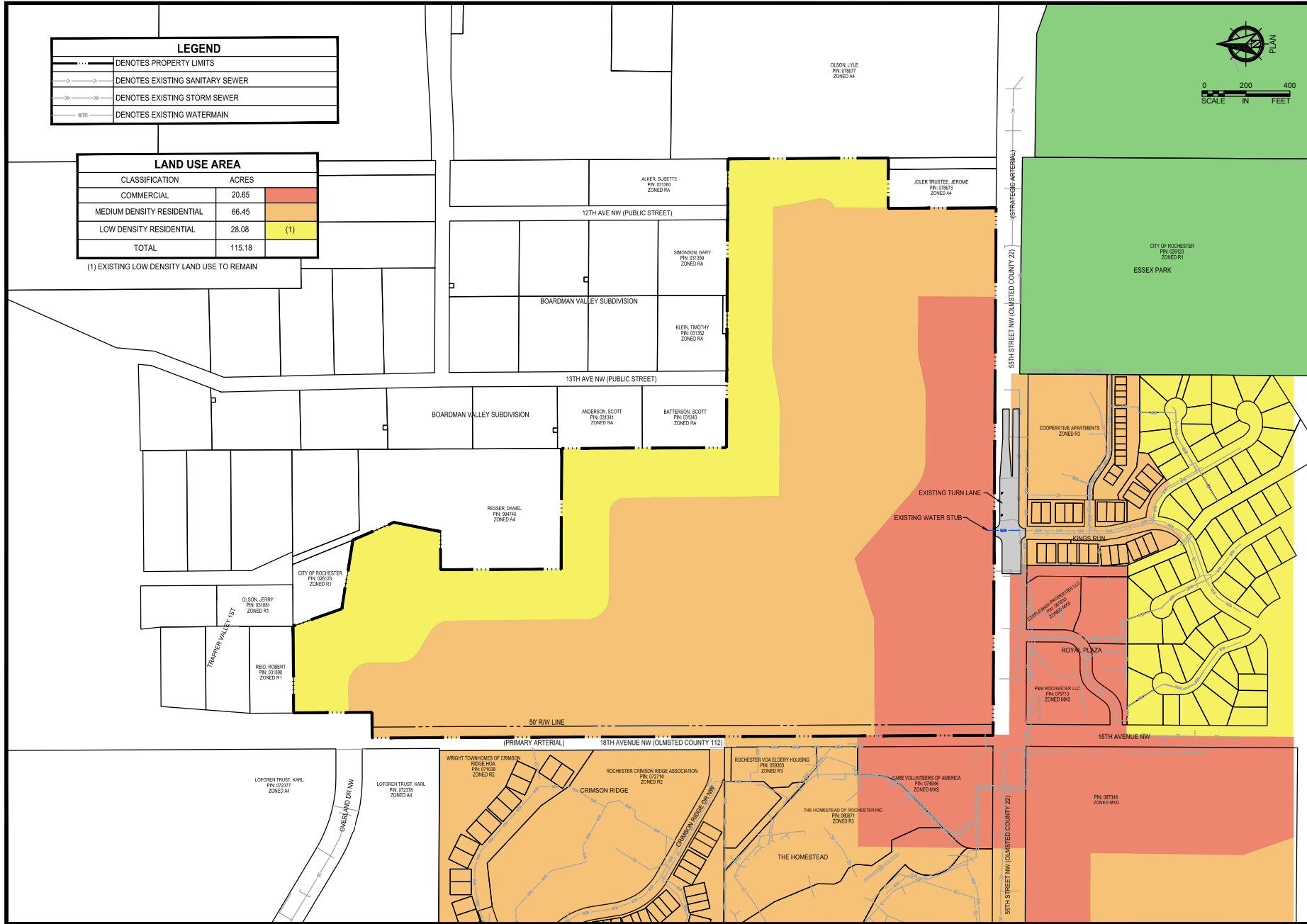
120-224108_LUPA.dwg

4/5/2023 8:04:22 AM

LEGEND	
	DENOTES PROPERTY LIMITS
	DENOTES EXISTING SANITARY SEWER
	DENOTES EXISTING STORM SEWER
	DENOTES EXISTING WATERMAIN

LAND USE AREA	
CLASSIFICATION	ACRES
COMMERCIAL	20.65
MEDIUM DENSITY RESIDENTIAL	66.45
LOW DENSITY RESIDENTIAL	28.08
TOTAL	115.18

(1) EXISTING LOW DENSITY LAND USE TO REMAIN



WSE+MASSEY
Engineering & Surveying

PH. NO. 507-634-4505
PLANS@WSE.ENGINEERING
www.wse.engineering

KASSON OFFICE
P.O. BOX 100
33 B E VETERANS
MEMORIAL HIGHWAY
KASSON, MN 55944

PLAINVIEW OFFICE
320 WEST BROADWAY
SUITE 3
PLAINVIEW, MN 55964

ROCHESTER OFFICE
1765 RESTORATION
DRIVE SW
ROCHESTER, MN 55902

EXHIBIT A		
REV.	DATE	DESCRIPTION
1	4-23	REVISED LAND USE AREAS

LAND USE PLAN
DANIELSON FARM
OLMSTED COUNTY, MINNESOTA

SCALE: 1"=200'
DATE: 2/20/2021
DRAWN BY: R.G.S.
JOB NUMBER: 188-24108
DWG. FILE: 120-224108_LUPA

February 20, 2023

City Council
City of Rochester
201 4th Street SE
Rochester, MN 55904

Dear City Council,

Anthony Properties is currently pursuing the annexation and rezoning of approx. 115 acres located at the northeast corner of 55th Street NW & 18th Avenue NW, also known as the “Danielson Farm”. AP has identified the Rochester market as an ideal place to integrate more housing stock, including market rate apartments, low-density housing, senior housing, and also commercial neighborhood support services.

Our analysis of the Rochester market and the demand for more housing is supported by 3rd party reports including the Maxfield Housing Study and CoStar Market Reports. We also rely on Claritas demographic software to analyze potential markets, and the Rochester demographic statistics are strong and show good continued projected growth for the next 5 years. According to the Maxfield Study which was completed in 2020 and accounting for other projects that have been completed or are under construction that were not included in the Maxfield Study, we have internally calculated that there is remaining demand for an additional 1,734 Market Rate Rentals and 1,334 Active Adult Market Rentals. That housing demand is also supported by our demographic software projecting Olmsted County adding 6,239 population in the next 5 years (growth rate of 3.76% compared to the national average of 2.14%). Although the economy is in a period of challenging macro-economic conditions, we believe the Rochester market is one in which we can still succeed. On a positive, Rochester has a significant share of employment in the healthcare industry, which is historically known to exhibit greater stability during recessionary periods. According to CoStar, the Rochester market for multi-family currently has a vacancy rate of 4.9%, well below the national rate of 6.5%, which signifies pent up demand for more multi-family housing in the market.

AP is a fully integrated real estate company organized to design, construct, and lease commercial and residential developments beloved by residents and the communities where they reside. AP’s strategy is as simple as it is unique, to build destinations from the ground up in order to own and operate them over the long term. Since its founding in the 1980s, AP has successfully developed over a hundred projects with this strategy, including multi-family apartments, residential master-planned communities, state-of-the-art multi-screen cinemas, and regional retail centers. By capitalizing each of our own projects, we prioritize the enduring success of our developments above all else, and we measure our performance as much by maintaining our trusted reputation as by generating sound investment returns. Since 2017, AP has constructed nearly 1,000 apartment units across the United States, with the greatest concentration in Midwestern towns similar to Rochester such as Cedar Rapids,

Davenport, and Sioux City, Iowa. We have never sold any of our apartment projects and our intention is to hold onto our developments for the long term.

Our confidence in the success of this project is derived from our experience in executing projects of a very similar nature time and time again. From Opportunity Zone Funds, to city lead public-private partnerships, to constructing these same facilities in other communities, we have done it all before. Development will be a joint venture between AP and Perry Reid Properties (“**PRP**”), AP’s long-time partner for multi-family development as well as the property manager for each of AP’s communities. To augment our team’s understanding of local requirements and facilitate the permitting process, we have partnered with WSE Massey Engineering & Surveying as our civil engineers for this project.

Again, we are grateful for the opportunity to respond, and we very much look forward to working with you and the City of Rochester, Minnesota to deliver a successful development that includes much needed housing for the continued growth of the community. Please do not hesitate to contact us with any questions.

Sincerely,

Justin Todd
Assistant Vice President of Development
ANTHONY PROPERTIES
12770 Coit Road, Suite 970
Dallas, TX 75251



507.634.4505 ■ WSE.ENGINEERING

Memorandum

To: Allison Sosa, Planning Supervisor
 Desmond McGeough, Principal Planner

From: Bill Tointon *BT*
 Ryan Schoenfelder *RS*

Date: April 4, 2023

Re: Danielson Land Use by Anthony Properties

This memorandum and attached supplemental data is being submitted to assist in the evaluation of the requested amendment to the Comprehensive Plan 2040 relative to processing land use amendment for the Danielson Property based on the discussion from last week’s virtual meeting.

As discussed last week the land use plan we prepared for Anthony Properties contains three distinct land uses: (1) Commercial; (2) Medium Density; and (3) low density. The land use amendment is required to achieve a mixed use project consistent with the business model for Anthony Properties.

Anthony Properties has expended a significant amount of time analyzing the Rochester housing market in a post Maxfield 2020 Market Study report. I have enclosed the analysis prepared by Anthony Properties including demographic analysis.

The proposed land use plan prepared by WSE Massey Engineering on behalf of Anthony Properties identifies the three categories of land use based on a gross area computation. We believe it is important to quantify the net developable acreage of each identified land use. The net developable acreage is the area that can be used to construct the particular land use ie multifamily in the medium density land use and so forth. Below is a tabulation of the calculated gross area of each land use and the net developable after deductions for the development constraints such as slopes greater than 18%; dedicated recreational space; jurisdictional wetland areas; storm water treatment facilities; and future dedicated public road right of ways:

Table 1: Land Use Net Developable Acreage Tabulation

Land Use	Gross area (Ac.)	Slopes>18%(Ac.)	SWMF (Ac.) ⁽¹⁾	Roadway(Ac.)	Ex. ROW (Ac.) ⁽²⁾	Net area (Ac.)
Commercial	20.65	2.84	4.31	2.00	0.63	10.87
Medium Density	66.45	4.30	1.07	8.02	2.66	50.40
Low Density	28.08	5.20	0.00	2.77	0.00	20.11
Total	115.18	12.34	5.45	12.79	3.29	81.31

- (1) Future Stormwater Management Facilities
- (2) Existing 18th Ave (Olmsted County Road 112) road right of way

320 West Broadway, Ste. 3
 Plainview, MN 55964
 507-634-4505

1765 Restoration Road SW
 Rochester, MN 55902
 507-634-4505

33 B Veterans Memorial Highway E, PO 100
 Kasson, MN 55944
 507-634-4505

It should be noted that each Developer has a business model for financially sustaining a project. In this case Anthony Properties is proposing a mixed use product for the medium density land use consisting of market rate multifamily, Senior Housing, and a mix of hybrid products they have constructed in other parts of the United States. Their financial business model is based on a density factor of 20-22 units per developable acreage.

In summary there are several reasons to support the requested land use plan as being submitted at this time. They are:

1. The land use categories provide a wide range of mixed residential and commercial uses on a single site.
2. A request for medium density meets the projected demand for multifamily, senior housing, and workforce housing over the next seven (7) to ten (10) years.
3. The project location is along a major transit corridor of 55th Street NW which recently underwent a major construction upgrade to accommodate significant increases in traffic.
4. The proposed development is in an area of other built out medium density and commercial uses, so the requested land uses are consistent with other land uses and zoning of the area.
5. Public Sanitary Sewer and Watermain have or can be made available to serve the project. There is sufficient sanitary sewer capacity to serve the full build-out of the project site.
6. The project is within the Urban Service area with about 75% of the gross area under near term expansion.
7. There is a significant increase in the tax base to the City and County from post development.

Exhibit A is attached that illustrates the location of the various proposed land uses on a gross area basis. Table 1 lists the requested gross and net developable areas of each land use. On behalf of our client, Anthony Properties, we are requesting approval of the amendment to the Comprehensive Plan to support these land uses.

Rochester, MN
 Maxfield Housing Study - July 2020

Housing Demand Analysis between 2020 and 2030

Market Rate Rental	2999 units
Affordable Rental	1274 units
Subsidized Rental	762 units
For-Sale Single-Family	5628 units
For-Sale Multi-Family	2071 units
Active Adult Ownership	859 units
Active Adult Market Rental	1461 units
Active Adult Affordable	1063 units
Active Adult Subsidized	40 units
Independent Living	772 units
Assisted Living	738 units
Memory Care	477 units

Planned and Proposed Housing Projects (page 266)

Market Rate Rental	715 units
Affordable Rental	474 units
Senior Housing (Cooperative)	110 units
For-Sale Single-Family	122 units
For-Sale Townhomes (MF)	71 units

Remaining Demand per Housing Study

Market Rate Rental	2284 units
Affordable Rental	800 units
For-Sale Single-Family	5506 units
For-Sale Townhomes (MF)	2000 units
Active Adult Ownership	749 units

Additional Projects not included in Maxfield Study

Forte (55+ Active Rental)	127 units	built in 2022	
The Lodge (MF market rental)	237 units	est completed April 2023	
Dodger 56	56 units	est completed April 2023	
41st St Apartments	140 units	est completed May 2023	
The Park	52 units	est completed July 2023	
Tech Park 2	140 units	est completed Aug 2023	105 35 *75% of units are affordable
SoRoc on Maine - Phase II	30 units	est completed March 2024	*164 units already included in Maxfield Housing Study
Pines (Phase 4) ?	190 units	estimate - yet to be announced	
Bella Grove (Phase 2) ?	76 units	estimate - yet to be announced	

***REMAINING DEMAND**

Market Rate Rental	1734 units
Affordable Rental	695 units
Subsidized Rental	762 units
For-Sale Single-Family	5506 units
For-Sale Multi-Family	2000 units
Active Adult Ownership	749 units
Active Adult Market Rental	1334 units
Active Adult Affordable	1063 units
Active Adult Subsidized	40 units
Independent Living	772 units
Assisted Living	738 units
Memory Care	477 units

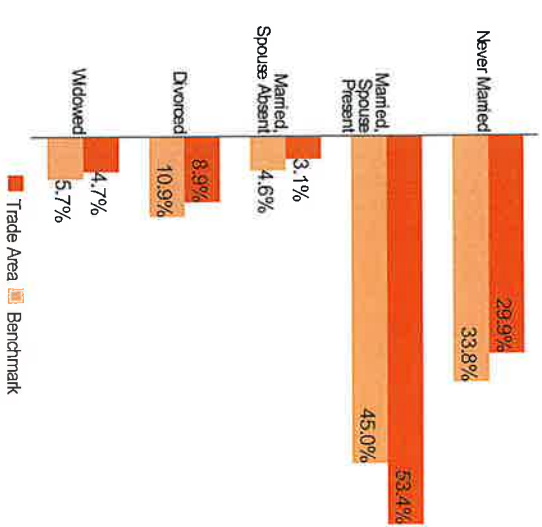
Pop-Facts® Demographics | Population & Race



Trade Area: Olmsted County, MN

POPULATION	ETHNICITY	HISPANIC ORIGIN*	HOME LANGUAGE*
165,766	6.1% Index:95	64.9% Index:107	85.4% Index:109
HOUSEHOLDS	Hispanic/Latino	Mexican	Only English
66,539			

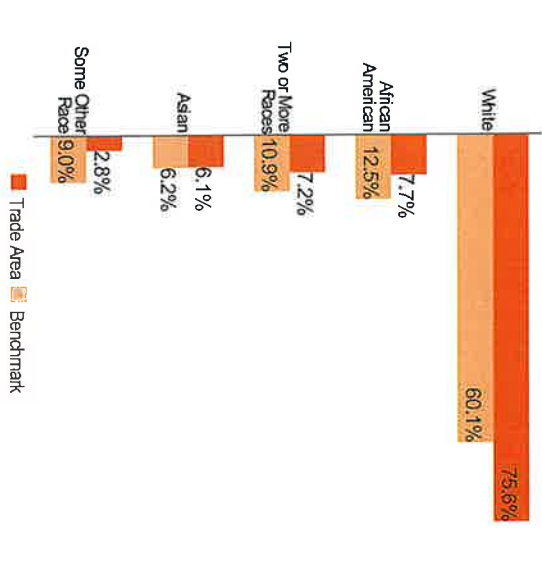
MARITAL STATUS



POPULATION BY AGE

Age	Count	%	Index
0 - 4	10,883	6.6	113
5 - 9	10,969	6.6	111
10 - 14	11,172	6.7	109
15 - 17	6,630	4.0	104
18 - 20	5,983	3.6	89
21 - 24	7,797	4.7	91
25 - 34	22,548	13.6	101
35 - 44	23,013	13.9	108
45 - 54	18,552	11.2	93
55 - 64	19,757	11.9	94
65 - 74	16,061	9.7	91
75 - 84	8,463	5.1	98
85+	3,938	2.4	115

POPULATION BY RACE**



Benchmark: USA

*Top variable chosen from percent composition ranking
 **Top 5 variables chosen from percent composition ranking

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 (<https://claritas.easpolight.com/Spotlight/About/3/2023>)

Index Colors:	<80	80 - 110	110+
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Pop-Facts® Demographics | Housing & Household



Trade Area: Olmsted County, MN

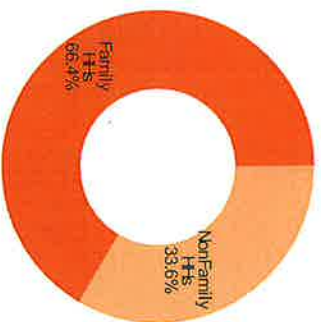
Population: 165,766 | Households: 66,539

MEDIAN AGE OF HOUSEHOLDER

51

Index:95

HOUSEHOLD TYPE



HOUSING TENURE



72.2%

Index: 112



27.8%

Index:78

AGE OF HOUSING**



9 - 18 years old

% Comp:19.0 Index:138

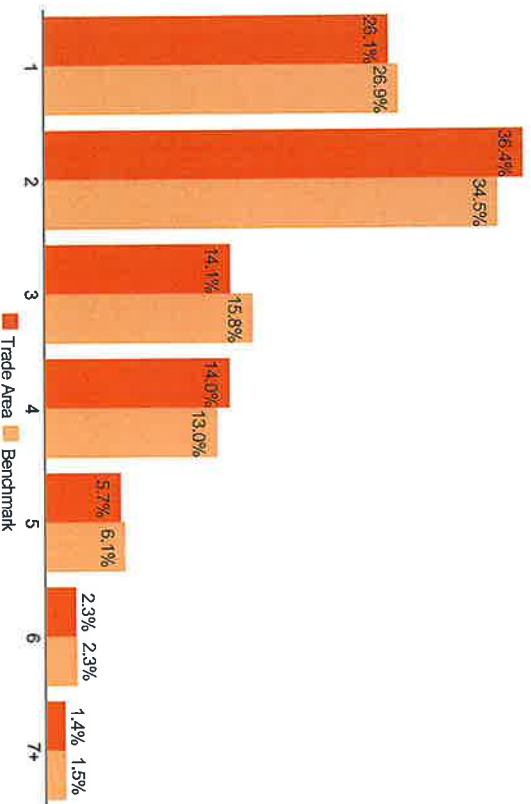
PRESENCE OF CHILDREN*



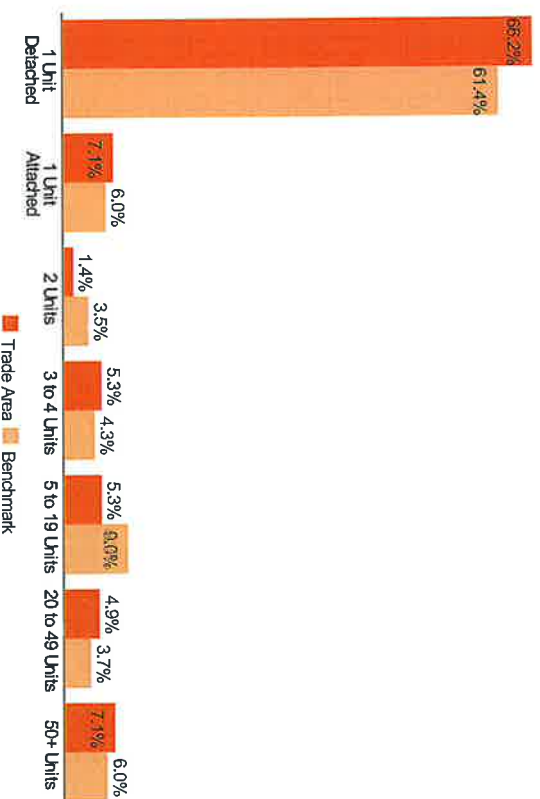
33.4%

Index: 99

HOUSEHOLD SIZE



HOUSING UNITS IN STRUCTURE



Benchmark: USA

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(<https://claritas.easpolight.com/Spotlight/About/3/2023>)



*Uses the variable "Households with people under age 18"
 **Chosen from percent composition ranking

Pop-Facts® Demographics | Affluence & Education



Trade Area: Olmsted County, MN

Population: 165,766 | Households: 66,539

EDUCATIONAL ATTAINMENT: TOP 2*



25.0%

Index: 124

Bachelor's Degree



20.5%

Index: 76

High School Graduate



1.6%

Index: 57

Bachelor's degree or higher



96.3%

Index: 106

At or above poverty

EDUCATION: HISPANIC/LATINO

POVERTY STATUS

HOUSEHOLD INCOME



Median Household Income

\$93,220

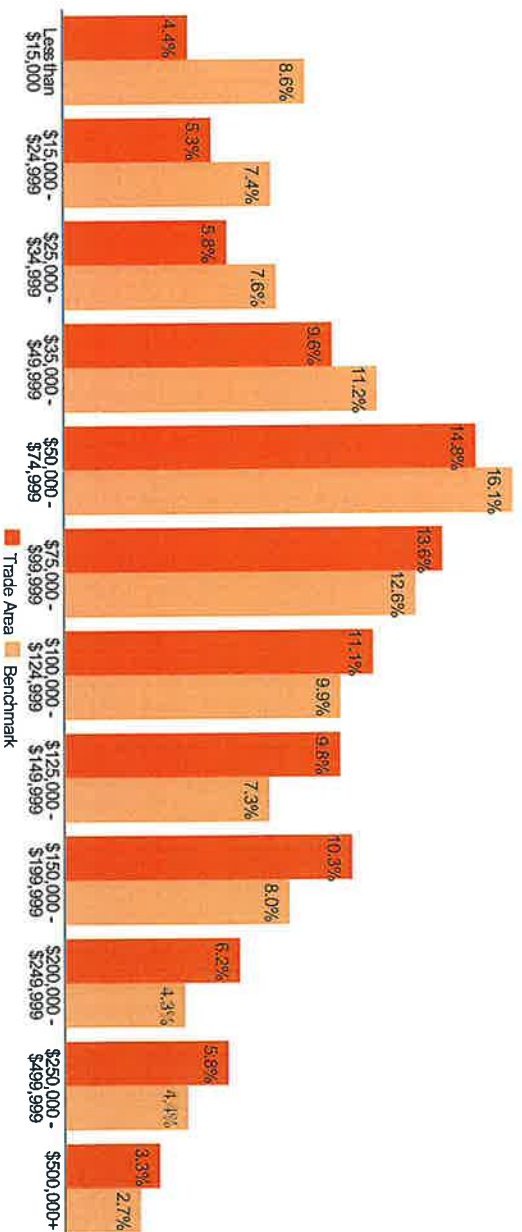
Index: 127

Average Household Income

\$125,105

Index: 119

HOUSEHOLD INCOME DISTRIBUTION



Benchmark: USA

*Ranked by percent composition

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Pop-Facts® Demographics | Employment & Occupation



Trade Area: Olmsted County, MN

Population: 165,766 | Households: 66,539

OCCUPATIONAL CLASS*



68.4%

Index:113

White Collar

UNEMPLOYMENT RATE



2.1%

Index:45

Percent of civilian labor force unemployed

METHOD OF TRAVEL TO WORK: TOP 2*



71.2%

Index:94

Travel to work by **Driving Alone**

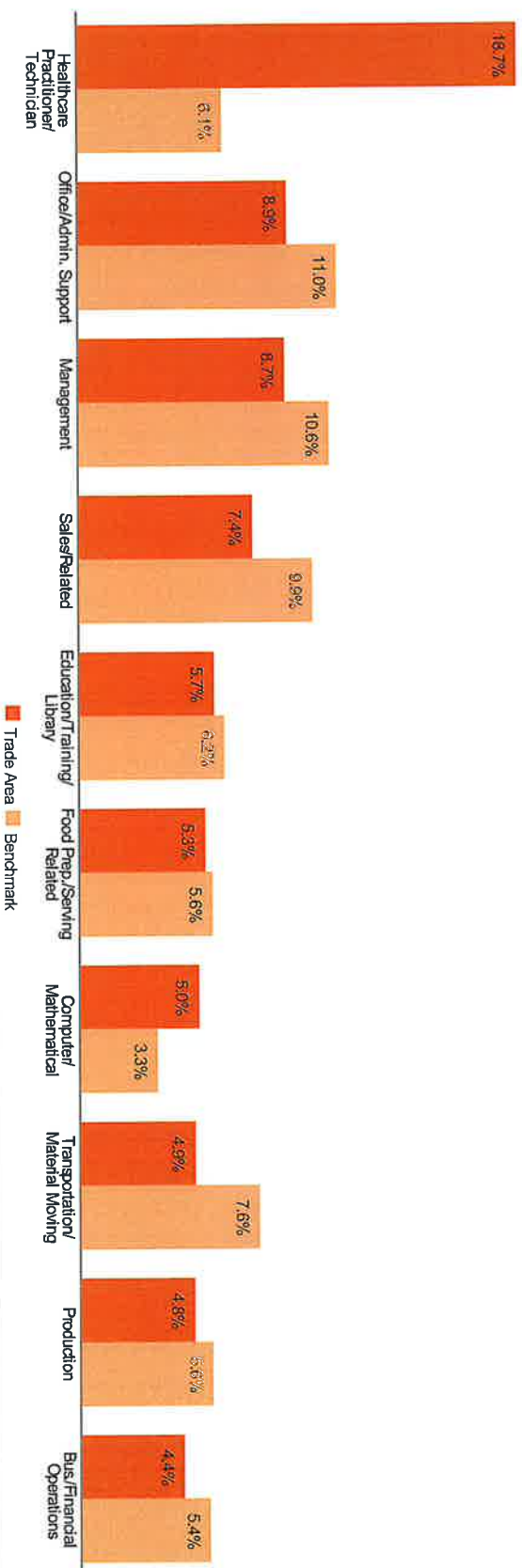


12.4%

Index:140

Travel to work by **Carpooling**

OCCUPATION: TOP 10*



Benchmark: USA

*Chosen from percent composition ranking

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<https://claritas.easpollight.com/Spotlight/About/3/2023>

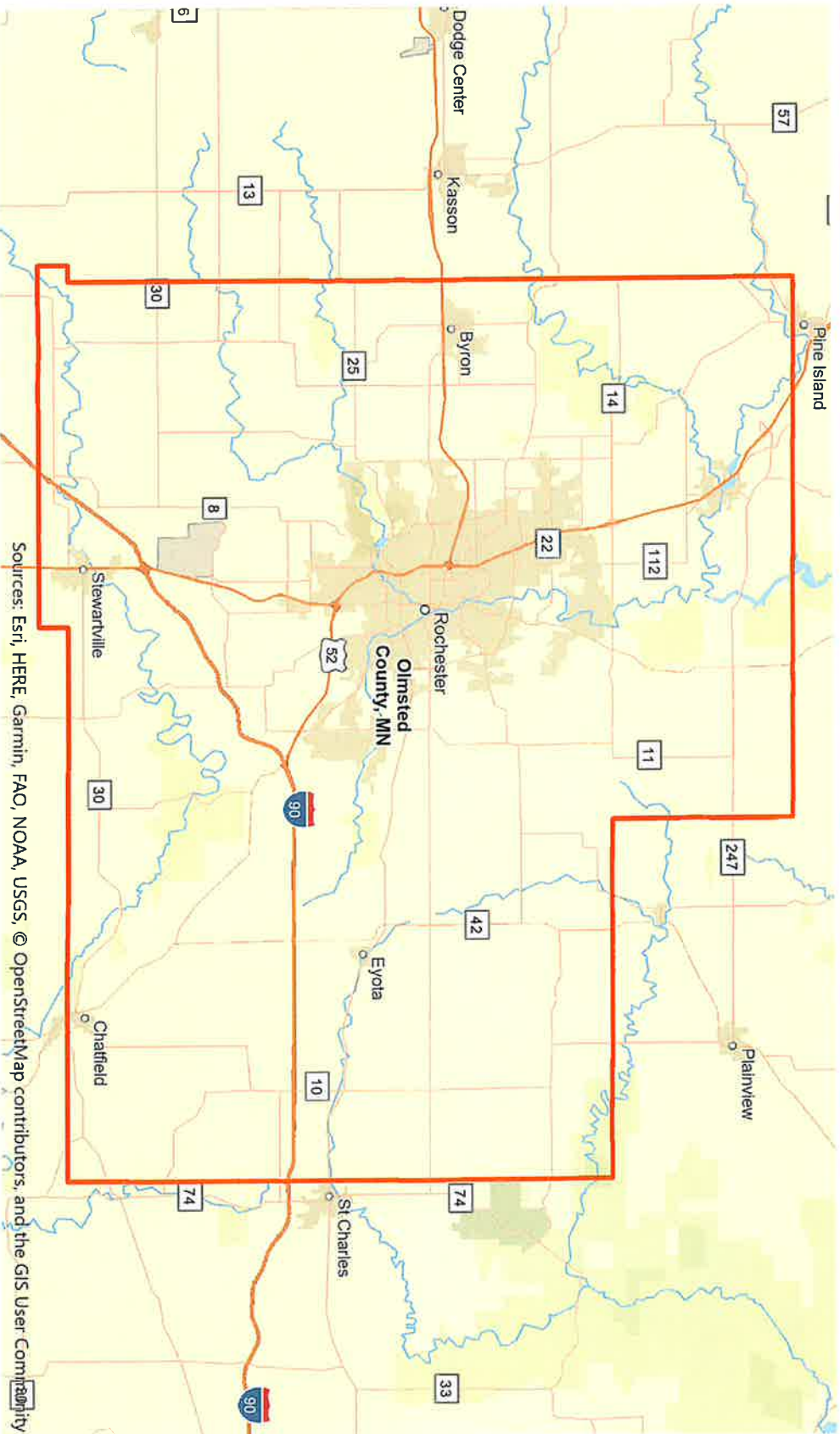


Pop-Facts® Demographics | Map



Trade Area: Olmsted County, MN

Population: 165,766 | Households: 66,539



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

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Trade Area: Olmsted County, MN



POPULATION

The population in this area is estimated to change from **162,847** to **165,766**, resulting in a growth of **1.8%** between 2020 and the current year. Over the next five years, the population is projected to grow by **3.8%**.

The population in the base area is estimated to change from **331,449,281** to **334,500,069**, resulting in a growth of **0.9%** between 2020 and the current year. Over the next five years, the population is projected to grow by **2.1%**.

The current year median age for this area is **37.9**, while the average age is **39.3**. Five years from now, the median age is projected to be **39.0**.

The current year median age for the base area is **39.2**, while the average age is **40.2**. Five years from now, the median age is projected to be **40.3**.

Of this area's current year estimated population:

75.6% are White Alone, **7.7%** are Black or African American Alone, **0.5%** are American Indian and Alaska Nat. Alone, **6.1%** are Asian Alone, **0.1%** are Nat. Hawaiian and Other Pacific Isl. Alone, **2.8%** are Some Other Race, and **7.2%** are Two or More Races.

Of the base area's current year estimated population:

60.1% are White Alone, **12.5%** are Black or African American Alone, **1.2%** are American Indian and Alaska Nat. Alone, **6.2%** are Asian Alone, **0.2%** are Nat. Hawaiian and Other Pacific Isl. Alone, **9.0%** are Some Other Race, and **10.9%** are Two or More Races.

This area's current estimated Hispanic or Latino population is **6.1%** while the base area's current estimated Hispanic or Latino population is **19.9%**.



HOUSEHOLD

The number of households in this area is estimated to change from **65,242** to **66,539**, resulting in an increase of **2.0%** between 2020 and the current year. Over the next five years, the number of households is projected to increase by **4.0%**.

The number of households in the base area is estimated to change from **126,817,580** to **128,298,155**, resulting in an increase of **1.2%** between 2020 and the current year. Over the next five years, the number of households is projected to increase by **2.4%**.

Benchmark: USA

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Trade Area: Olmsted County, MN



EDUCATION

Currently, it is estimated that **12.8%** of the population age 25 and over in this area had earned a Master's Degree, **5.5%** had earned a Professional School Degree, **3.3%** had earned a Doctorate Degree and **25.0%** had earned a Bachelor's Degree.

In comparison, for the base area, it is estimated that for the population over age 25, **9.1%** had earned a Master's Degree, **2.2%** had earned a Professional School Degree, **1.5%** had earned a Doctorate Degree and **20.2%** had earned a Bachelor's Degree.



INCOME

The average household income is estimated to be **\$125,105** for the current year, while the average household income for the base area is estimated to be **\$104,972** for the same time frame.

The average household income in this area is projected to change over the next five years, from **\$125,105** to **\$148,086**.

The average household income in the base area is projected to change over the next five years, from **\$104,972** to **\$118,758**.



HOUSING

Most of the dwellings in this area (**72.2%**) are estimated to be **Owner-Occupied** for the current year. For the base area the majority of the housing units are **Owner-Occupied** (**64.4%**).

The majority of dwellings in this area (**66.2%**) are estimated to be structures of **1 Unit Detached** for the current year. The majority of the dwellings in the base area (**61.4%**) are estimated to be structure of **1 Unit Detached** for the same year.

The majority of housing units in this area (**19.0%**) are estimated to have been **Built 2000 to 2009** for the current year.

The majority of housing units in the base area (**14.6%**) are estimated to have been **Built 1970 to 1979** for the current year.

Benchmark USA

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Trade Area: Olmsted County, MN



LABOR

For this area, **Olmsted County, MN, 97.9%** of the labor force is estimated to be employed for the current year.

The employment status of the population age 16 and over is as follows:

0.0% are in the Armed Forces, **69.6%** are employed civilians, **1.5%** are unemployed civilians, and **28.9%** are not in the labor force.

The occupational classification for this area are as follows:

15.4% hold blue collar occupations, **68.4%** hold white collar occupations, and **16.2%** are occupied as service & farmworkers.

For the civilian employed population age 16 and over in this area, it is estimated that they are employed in the following occupational categories:

1.8% are in Architecture and Engineering, **1.8%** are in Arts, Entertainment and Sports, **4.4%** are in Business and Financial Operations, **5.0%** are in Computers and Mathematics, **5.7%** are in Education, Training and Libraries, **18.7%** are in Healthcare Practitioners and Technicians, **3.8%** are in Healthcare Support, **3.1%** are in Life, Physical and Social Sciences, **8.7%** are in Management, **8.9%** are in Office and Administrative Support.

2.4% are in Community and Social Services, **5.3%** are in Food Preparation and Serving, **0.5%** are in Legal Services, **0.8%** are in Protective Services, **7.4%** are in Sales and Related Services, **2.7%** are in Personal Care Services.

3.2% are in Building and Grounds Maintenance, **3.4%** are in Construction and Extraction, **0.4%** are in Farming, Fishing and Forestry, **2.3%** are in Maintenance and Repair, **4.8%** are in Production, **4.9%** are in Transportation and Moving.

For the base area, **USA, 95.3%** of the labor force is estimated to be employed for the current year.

The employment status of the population age 16 and over is as follows:

0.4% are in the Armed Forces, **60.1%** are employed civilians, **3.0%** are unemployed civilians, and **36.5%** are not in the labor force.

The occupational classification for the base area are as follows:

21.3% hold blue collar occupations, **60.5%** hold white collar occupations, and **18.2%** are occupied as service & farmworkers.

For the civilian employed population age 16 and over in the base area, it is estimated that they are employed in the following occupational categories:

2.0% are in Architecture and Engineering, **2.0%** are in Arts, Entertainment and Sports, **5.4%** are in Business and Financial Operations, **3.3%** are in Computers and Mathematics, **6.2%** are in Education, Training and Libraries, **6.1%** are in Healthcare Practitioners and Technicians, **3.3%** are in Healthcare Support, **1.0%** are in Life, Physical and Social Sciences, **10.6%** are in Management, **11.0%** are in Office and Administrative Support.

1.8% are in Community and Social Services, **5.6%** are in Food Preparation and Serving, **1.1%** are in Legal Services, **2.2%** are in Protective Services, **9.9%** are in Sales and Related Services, **2.7%** are in Personal Care Services.

3.7% are in Building and Grounds Maintenance, **5.1%** are in Construction and Extraction, **0.6%** are in Farming, Fishing and Forestry, **3.1%** are in Maintenance and Repair, **5.6%** are in Production, **7.6%** are in Transportation and Moving.

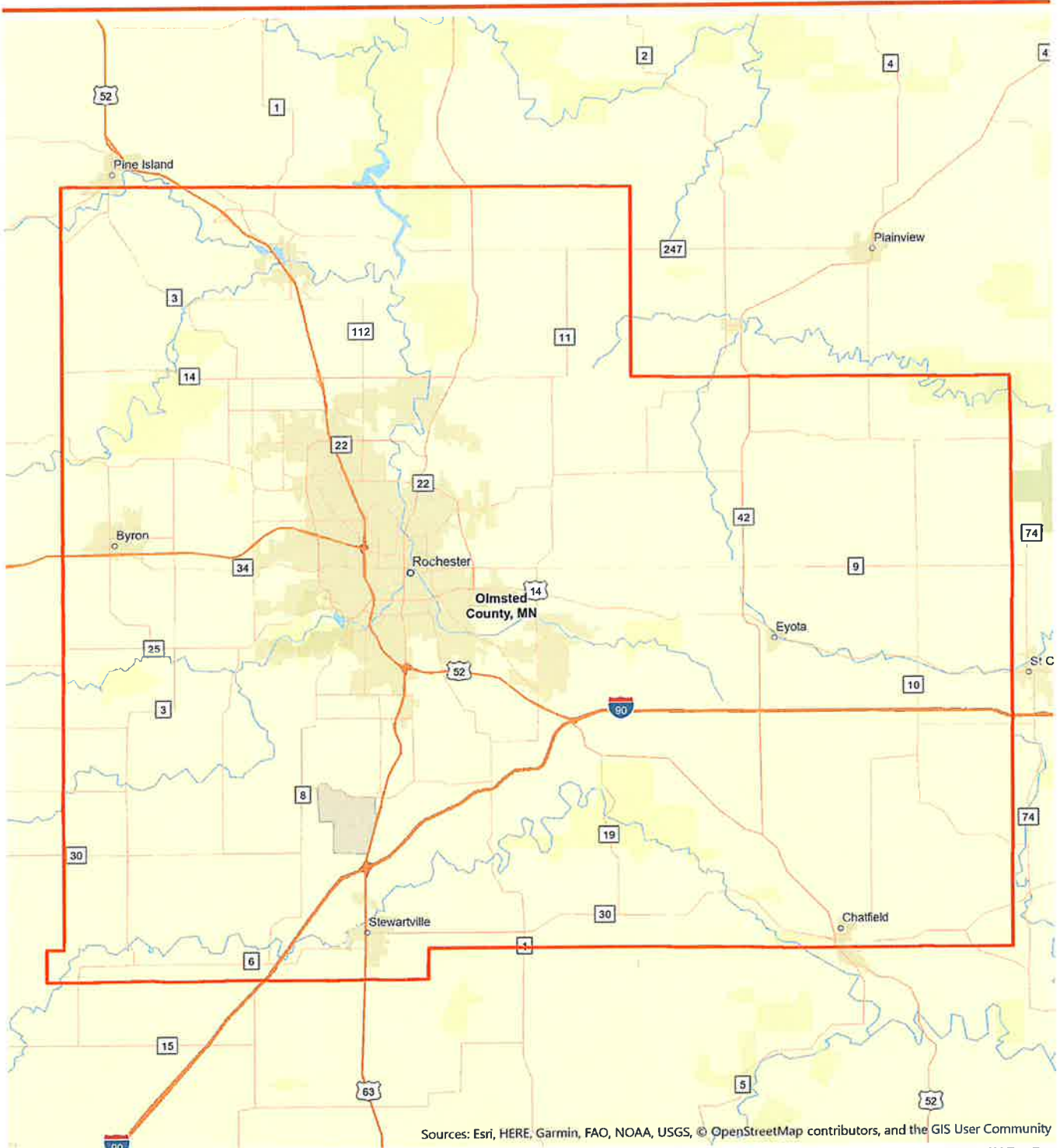
Benchmark: USA

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Pop-Facts® Executive Summary | Map



Trade Area: Olmsted County, MN



Benchmark: USA

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Pop-Facts® Demographic Snapshot | Summary



Trade Area: Olmsted County, MN

Population	
2010 Census	144,256
2020 Census	162,847
2023 Estimate	165,766
2028 Projection	172,005
Population Growth	
Percent Change: 2010 to 2020	12.89
Percent Change: 2020 to 2023	1.79
Percent Change: 2023 to 2028	3.76
Households	
2010 Census	57,078
2020 Census	65,242
2023 Estimate	66,539
2028 Projection	69,201
Household Growth	
Percent Change: 2010 to 2020	14.30
Percent Change: 2020 to 2023	1.99
Percent Change: 2023 to 2028	4.00
Family Households	
2010 Census	37,693
2023 Estimate	44,184
2028 Projection	45,917
Family Household Growth	
Percent Change: 2010 to 2023	17.22
Percent Change: 2023 to 2028	3.92

Benchmark: USA

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Pop-Facts® Demographic Snapshot | Population & Race



Trade Area: Olmsted County, MN

Total Population: 165,766 | Total Households: 66,539

	Count	%
2023 Est. Population by Single-Classification Race		
White Alone	125,381	75.64
Black/African American Alone	12,820	7.73
American Indian/Alaskan Native Alone	831	0.50
Asian Alone	10,093	6.09
Native Hawaiian/Pacific Islander Alone	117	0.07
Some Other Race Alone	4,561	2.75
Two or More Races	11,963	7.22
2023 Est. Population by Hispanic or Latino Origin		
Not Hispanic or Latino	155,635	93.89
Hispanic or Latino	10,131	6.11
Mexican Origin	6,580	64.95
Puerto Rican Origin	709	7.00
Cuban Origin	365	3.60
All Other Hispanic or Latino	2,477	24.45
2023 Est. Pop by Race, Asian Alone, by Category		
Chinese, except Taiwanese	1,682	16.66
Filipino	448	4.44
Japanese	245	2.43
Asian Indian	1,502	14.88
Korean	532	5.27
Vietnamese	1,504	14.90
Cambodian	1,059	10.49
Hmong	442	4.38
Laotian	781	7.74
Thai	189	1.87
All Other Asian Races Including 2+ Category	1,709	16.93
2023 Est. Population by Ancestry		
Arab	251	0.15
Czech	1,763	1.06
Danish	1,465	0.88
Dutch	2,248	1.36
English	8,404	5.07
French (Excluding Basque)	2,482	1.50
French Canadian	633	0.38
German	38,853	23.44
Greek	238	0.14
Hungarian	249	0.15
Irish	13,722	8.28
Italian	1,968	1.19
Lithuanian	202	0.12
Norwegian	17,305	10.44
Polish	4,081	2.46
Portuguese	18	0.01
Russian	471	0.28
Scotch-Irish	523	0.32
Scottish	1,712	1.03
Slovak	128	0.08
Sub-Saharan African	5,274	3.18
Swedish	4,359	2.63
Swiss	684	0.41
Ukrainian	267	0.16
United States or American	3,368	2.03
Welsh	626	0.38
West Indian (Excluding Hispanic groups)	100	0.06
Other ancestries	30,929	18.66
Ancestries Unclassified	23,443	14.14
2023 Est. Pop Age 5+ by Language Spoken At Home		
Speak Only English at Home	132,337	85.44
Speak Asian/Pacific Isl. Lang. at Home	6,574	4.24
Speak Indo-European Language at Home	4,200	2.71
Speak Spanish at Home	4,883	3.15
Speak Other Language at Home	6,889	4.45
2023 Est. Hisp. or Latino Pop by Single-Class. Race		
White Alone	2,210	21.81
Black/African American Alone	170	1.68
American Indian/Alaskan Native Alone	257	2.54
Asian Alone	97	0.96
Native Hawaiian/Pacific Islander Alone	18	0.18
Some Other Race Alone	3,843	37.93
Two or More Races	3,536	34.90

Benchmark: USA

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Pop-Facts® Demographic Snapshot | Population & Race



Trade Area: Olmsted County, MN

Total Population: 165,766 | Total Households: 66,539

	Count	%
2023 Est. Population by Sex		
Male	80,893	48.80
Female	84,873	51.20
2023 Est. Population by Age		
Age 0 - 4	10,883	6.57
Age 5 - 9	10,969	6.62
Age 10 - 14	11,172	6.74
Age 15 - 17	6,630	4.00
Age 18 - 20	5,983	3.61
Age 21 - 24	7,797	4.70
Age 25 - 34	22,548	13.60
Age 35 - 44	23,013	13.88
Age 45 - 54	18,552	11.19
Age 55 - 64	19,757	11.92
Age 65 - 74	16,061	9.69
Age 75 - 84	8,463	5.11
Age 85 and over	3,938	2.38
Age 16 and over	130,575	78.77
Age 18 and over	126,112	76.08
Age 21 and over	120,129	72.47
Age 65 and over	28,462	17.17
Median Age	-	37.94
Average Age	-	39.30
2023 Est. Pop Age 15+ by Marital Status		
Total, Never Married	39,667	23.88
Male, Never Married	20,529	15.46
Female, Never Married	19,138	14.42
Married, Spouse Present	70,906	53.42
Married, Spouse Absent	4,060	3.06
Widowed	6,283	4.73
Male, Widowed	1,368	1.03
Female, Widowed	4,915	3.70
Divorced	11,826	8.91
Male, Divorced	5,178	3.90
Female, Divorced	6,648	5.01
2023 Est. Male Population by Age		
Male: Age 0 - 4	5,559	6.87
Male: Age 5 - 9	5,569	6.88
Male: Age 10 - 14	5,679	7.02
Male: Age 15 - 17	3,363	4.16
Male: Age 18 - 20	3,058	3.78
Male: Age 21 - 24	3,870	4.78
Male: Age 25 - 34	10,907	13.48
Male: Age 35 - 44	11,504	14.22
Male: Age 45 - 54	9,240	11.42
Male: Age 55 - 64	9,547	11.80
Male: Age 65 - 74	7,461	9.22
Male: Age 75 - 84	3,625	4.48
Male: Age 85 and over	1,511	1.87
Median Age, Male	-	37.10
Average Age, Male	-	38.30
2023 Est. Female Population by Age		
Female: Age 0 - 4	5,324	6.27
Female: Age 5 - 9	5,400	6.36
Female: Age 10 - 14	5,493	6.47
Female: Age 15 - 17	3,267	3.85
Female: Age 18 - 20	2,925	3.45
Female: Age 21 - 24	3,927	4.63
Female: Age 25 - 34	11,641	13.72
Female: Age 35 - 44	11,509	13.56
Female: Age 45 - 54	9,312	10.97
Female: Age 55 - 64	10,210	12.03
Female: Age 65 - 74	8,600	10.13
Female: Age 75 - 84	4,838	5.70
Female: Age 85 and over	2,427	2.86
Median Age, Female	-	38.77
Average Age, Female	-	40.20

Benchmark: USA

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Pop-Facts® Demographic Snapshot | Housing & Households



Trade Area: Olmsted County, MN

Total Population: 165,766 | Total Households: 66,539

	Count	%
2023 Est. Households by Household Type		
Family Households	44,184	66.40
NonFamily Households	22,355	33.60
2023 Est. Group Quarters Population		
2023 Est. Group Quarters Population	3,339	2.01
2023 HHs By Ethnicity, Hispanic/Latino		
2023 HHs By Ethnicity, Hispanic/Latino	2,955	4.44
2023 Est. Family HH Type by Presence of Own Child.		
Married Couple Family, own children	15,868	35.91
Married Couple Family, no own children	20,143	45.59
Male Householder, own children	1,393	3.15
Male Householder, no own children	976	2.21
Female Householder, own children	3,867	8.75
Female Householder, no own children	1,937	4.38
2023 Est. Households by Household Size		
1-Person Household	17,374	26.11
2-Person Household	24,230	36.41
3-Person Household	9,371	14.08
4-Person Household	9,313	14.00
5-Person Household	3,801	5.71
6-Person Household	1,505	2.26
7-or-more-person	945	1.42
2023 Est. Average Household Size	--	2.44
2023 Est. Households by Number of Vehicles		
No Vehicles	4,492	6.75
1 Vehicle	20,857	31.34
2 Vehicles	27,411	41.20
3 Vehicles	9,797	14.72
4 Vehicles	2,922	4.39
5 or more Vehicles	1,060	1.59
2023 Est. Average Number of Vehicles	--	1.90
2023 Est. Occupied Housing Units by Tenure		
Housing Units, Owner-Occupied	48,024	72.17
Housing Units, Renter-Occupied	18,515	27.83
2023 Owner Occ. HUs: Avg. Length of Residence		
2023 Owner Occ. HUs: Avg. Length of Residence	--	15.20
2023 Renter Occ. HUs: Avg. Length of Residence		
2023 Renter Occ. HUs: Avg. Length of Residence	--	5.60
2023 Est. Owner-Occupied Housing Units by Value		
Value Less Than \$20,000	855	1.78
Value \$20,000 - \$39,999	572	1.19
Value \$40,000 - \$59,999	242	0.50
Value \$60,000 - \$79,999	142	0.30
Value \$80,000 - \$99,999	336	0.70
Value \$100,000 - \$149,999	2,287	4.76
Value \$150,000 - \$199,999	5,068	10.55
Value \$200,000 - \$299,999	15,540	32.36
Value \$300,000 - \$399,999	8,342	17.37
Value \$400,000 - \$499,999	5,933	12.35
Value \$500,000 - \$749,999	5,736	11.94
Value \$750,000 - \$999,999	1,807	3.76
Value \$1,000,000 - \$1,499,999	685	1.43
Value \$1,500,000 - \$1,999,999	250	0.52
Value \$2,000,000 or more	229	0.48
2023 Est. Median All Owner-Occupied Housing Value	--	292,541.28

Benchmark: USA

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Trade Area: Olmsted County, MN

Total Population: 165,766 | Total Households: 66,539

	Count	%
2023 Est. Housing Units by Units in Structure		
1 Unit Attached	4,988	7.06
1 Unit Detached	46,784	66.25
2 Units	956	1.35
3 to 4 Units	3,741	5.30
5 to 19 Units	3,721	5.27
20 to 49 Units	3,470	4.91
50 or More Units	4,999	7.08
Mobile Home or Trailer	1,930	2.73
Boat, RV, Van, etc.	33	0.05
2023 Est. Housing Units by Year Structure Built		
Built 2014 or Later	6,245	8.84
Built 2010 to 2013	2,544	3.60
Built 2000 to 2009	13,398	18.97
Built 1990 to 1999	10,267	14.54
Built 1980 to 1989	9,037	12.80
Built 1970 to 1979	8,876	12.57
Built 1960 to 1969	6,678	9.46
Built 1950 to 1959	5,573	7.89
Built 1940 to 1949	2,168	3.07
Built 1939 or Earlier	5,836	8.26
2023 Housing Units by Year Structure Built		
	--	1,986.94
2023 Est. Median Year Structure Built		
2023 Est. Households by Presence of People Under 18		
2023 Est. Households by Presence of People Under 18	22,248	33.44
Households with 1 or More People under Age 18		
Married Couple Family	16,334	73.42
Other Family, Male Householder	1,526	6.86
Other Family, Female Householder	4,189	18.83
NonFamily Household, Male Householder	149	0.67
NonFamily Household, Female Householder	50	0.23
2023 Est. Households with No People under Age 18		
Households with No People under Age 18	44,291	66.56
Households with No People under Age 18		
Married Couple Family	19,696	44.47
Other Family, Male Householder	838	1.89
Other Family, Female Householder	1,605	3.62
NonFamily, Male Householder	9,473	21.39
NonFamily, Female Householder	12,679	28.63

Benchmark: USA

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Trade Area: Olmsted County, MN

Total Population: 165,766 | Total Households: 66,539

	Count	%
2023 Est. Pop Age 25+ by Edu. Attainment		
Less than 9th Grade	3,343	2.98
Some High School, No Diploma	2,535	2.26
High School Graduate (or GED)	22,990	20.47
Some College, No Degree	17,949	15.98
Associate's Degree	13,219	11.77
Bachelor's Degree	28,085	25.00
Master's Degree	14,332	12.76
Professional Degree	6,149	5.47
Doctorate Degree	3,730	3.32
2023 Est. Pop Age 25+ by Edu. Attain., Hisp./Lat.		
Less than High School Diploma	907	17.91
High School Graduate	764	15.09
Some College or Associate's Degree	1,554	30.69
Bachelor's Degree or Higher	1,838	36.30
2023 Est. Households by HH Income		
Income < \$15,000	2,949	4.43
Income \$15,000 - \$24,999	3,502	5.26
Income \$25,000 - \$34,999	3,873	5.82
Income \$35,000 - \$49,999	6,380	9.59
Income \$50,000 - \$74,999	9,844	14.79
Income \$75,000 - \$99,999	9,033	13.57
Income \$100,000 - \$124,999	7,353	11.05
Income \$125,000 - \$149,999	6,543	9.83
Income \$150,000 - \$199,999	6,827	10.26
Income \$200,000 - \$249,999	4,143	6.23
Income \$250,000 - \$499,999	3,866	5.81
Income \$500,000+	2,226	3.35
2023 Est. Average Household Income	-	125,105.00
2023 Est. Median Household Income	-	93,220.06
2023 Median HH Inc. by Single-Class, Race or Eth.		
White Alone	-	97,587.09
Black or African American Alone	-	44,777.57
American Indian and Alaskan Native Alone	-	92,263.46
Asian Alone	-	103,469.24
Native Hawaiian and Other Pacific Islander Alone	-	64,870.43
Some Other Race Alone	-	81,927.80
Two or More Races	-	87,190.61
Hispanic or Latino	-	72,915.53
Not Hispanic or Latino	-	94,436.78
2023 Est. Families by Poverty Status		
2023 Families at or Above Poverty	42,566	96.34
2023 Families at or Above Poverty with children	19,103	43.23
2023 Families Below Poverty	1,618	3.66
2023 Families Below Poverty, with kids	1,331	3.01

Benchmark: USA

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Pop-Facts® Demographic Snapshot | Employment & Occupation



Trade Area: Olmsted County, MN

Total Population: 165,766 | Total Households: 66,539

	Count	%
2023 Est. Employed Civilian Population 16+ by Occupation Classification		
White Collar	62,188	68.41
Blue Collar	13,991	15.39
Service and Farming	14,725	16.20
2023 Est. Workers Age 16+ by Travel Time to Work		
Less than 15 Minutes	34,518	41.59
15 - 29 Minutes	36,725	44.25
30 - 44 Minutes	6,868	8.30
45 - 59 Minutes	1,762	2.12
60 or more Minutes	3,109	3.75
2023 Est. Avg Travel Time to Work in Minutes	-	20.00
2023 Est. Workers Age 16+ by Transp. to Work		
2023 Est. Workers Age 16+ by Transp. to Work	89,444	100.00
Drove Alone	63,713	71.23
Carpooled	11,078	12.38
Public Transport	3,907	4.37
Walked	3,251	3.63
Bicycle	692	0.77
Other Means	1,049	1.17
Worked at Home	5,754	6.43
2023 Est. Civ. Employed Pop 16+ by Class of Worker		
2023 Est. Civ. Employed Pop 16+ by Class of Worker	90,904	100.00
For-Profit Private Workers	46,261	50.89
Non-Profit Private Workers	30,229	33.25
Local Government Workers	5,470	6.02
State Government Workers	2,016	2.22
Federal Government Workers	1,085	1.19
Self-Employed Workers	5,657	6.22
Unpaid Family Workers	186	0.20
2023 Est. Civ. Employed Pop 16+ by Occupation		
Architecture/Engineering	1,641	1.80
Arts/Design/Entertainment/Sports/Media	1,669	1.84
Building/Grounds Cleaning/Maintenance	2,917	3.21
Business/Financial Operations	3,966	4.36
Community/Social Services	2,151	2.37
Computer/Mathematical	4,583	5.04
Construction/Extraction	3,082	3.39
Education/Training/Library	5,197	5.72
Farming/Fishing/Forestry	345	0.38
Food Preparation/Serving Related	4,832	5.32
Healthcare Practitioner/Technician	17,007	18.71
Healthcare Support	3,440	3.78
Installation/Maintenance/Repair	2,105	2.32
Legal	454	0.50
Life/Physical/Social Science	2,824	3.11
Management	7,949	8.74
Office/Administrative Support	8,051	8.86
Production	4,384	4.82
Protective Services	742	0.82
Sales/Related	6,696	7.37
Personal Care/Service	2,449	2.69
Transportation/Material Moving	4,420	4.86
2023 Est. Pop Age 16+ by Employment Status		
In Armed Forces	27	0.02
Civilian - Employed	90,840	69.57
Civilian - Unemployed	1,977	1.51
Not in Labor Force	37,731	28.90

Benchmark: USA

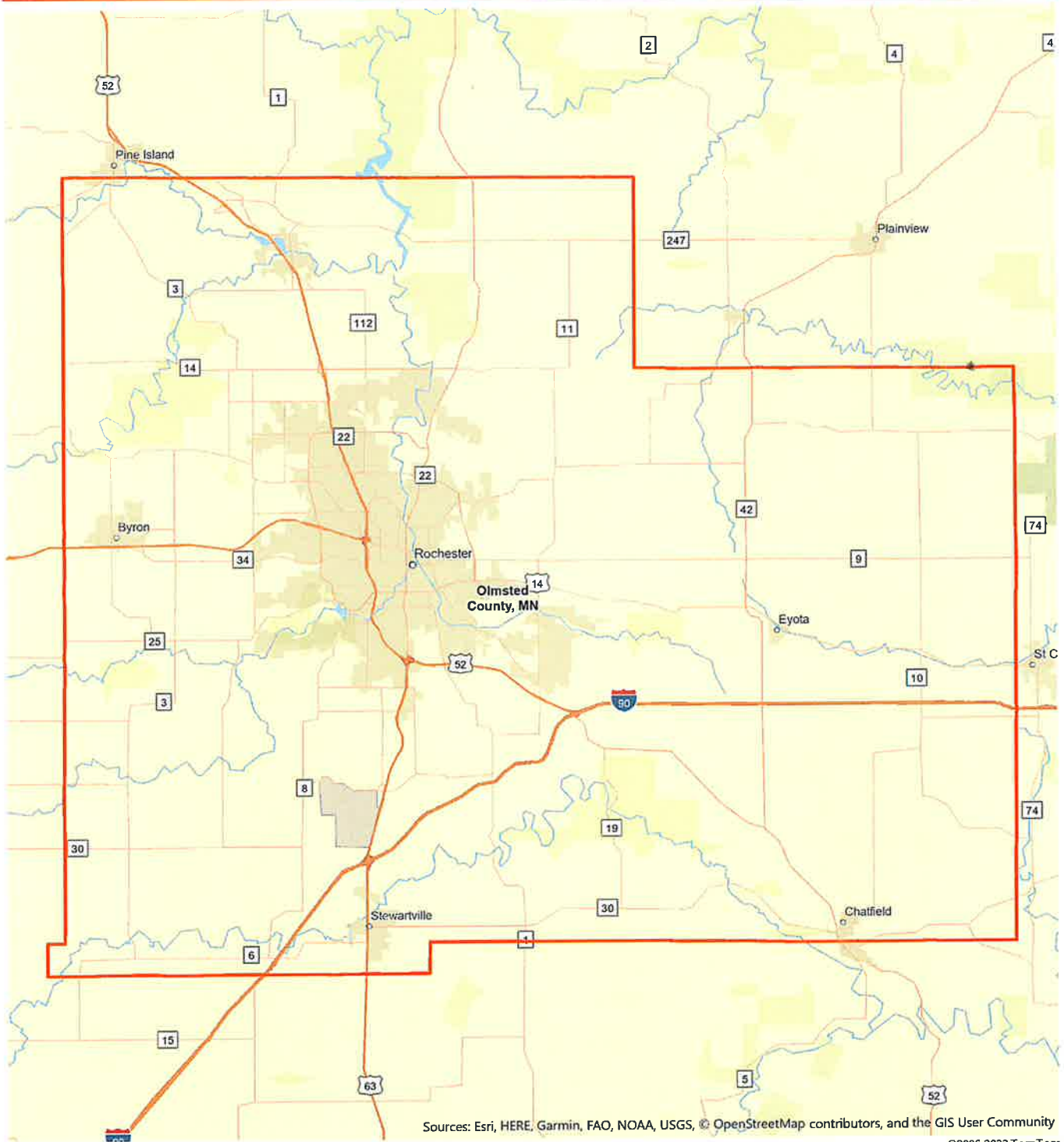
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Pop-Facts® Demographic Snapshot | Map



Trade Area: Olmsted County, MN

Total Population: 165,766 | Total Households: 66,539



Benchmark: USA

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Report Details

Name: Executive Dashboard
Date / Time: 2/22/2023 11:59:56 AM
Workspace Vintage: 2023

Trade Area

Name	Level	Geographies
Olmsted County, MN	County	Olmsted County, MN

Benchmark

Name	Level	Geographies
USA	Entire US	United States

DataSource

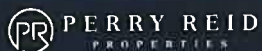
Product	Provider	Copyright
Claritas Pop-Facts® Premier 2023	Claritas	©Claritas, LLC 2023 (https://claritas.easpotlight.com/Spotlight/About)
SPOTLIGHT Pop-Facts® Premier 2023, including 2000 and 2010 US Census, 2023 estimates and 2028 projections	Claritas	© 2023 Claritas, LLC. All Rights Reserved. Pop-Facts is a registered trademark of Claritas, LLC. (https://claritas.easpotlight.com/Spotlight/About)



Multi-Family Market Report

Rochester - MN

PREPARED BY



Todd Justin



MULTI-FAMILY MARKET REPORT

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Overview

Rochester Multi-Family

12 Mo. Delivered Units	12 Mo. Absorption Units	Vacancy Rate	12 Mo. Asking Rent Growth
0	(65)	4.9%	2.8%

Apartment rents in the Rochester market were rising at a 2.8% annual rate during the first quarter of 2023, and have posted an average annual gain of 3.5% over the past three years. There are 820 units currently underway, representing the largest under construction pipeline in over three years. Over the past three years, 620 units have delivered, or a cumulative inventory

expansion of 6.7%. Vacancies in the metro were somewhat below the 10-year average as of 2023Q1, but moved up slightly over the past four quarters.

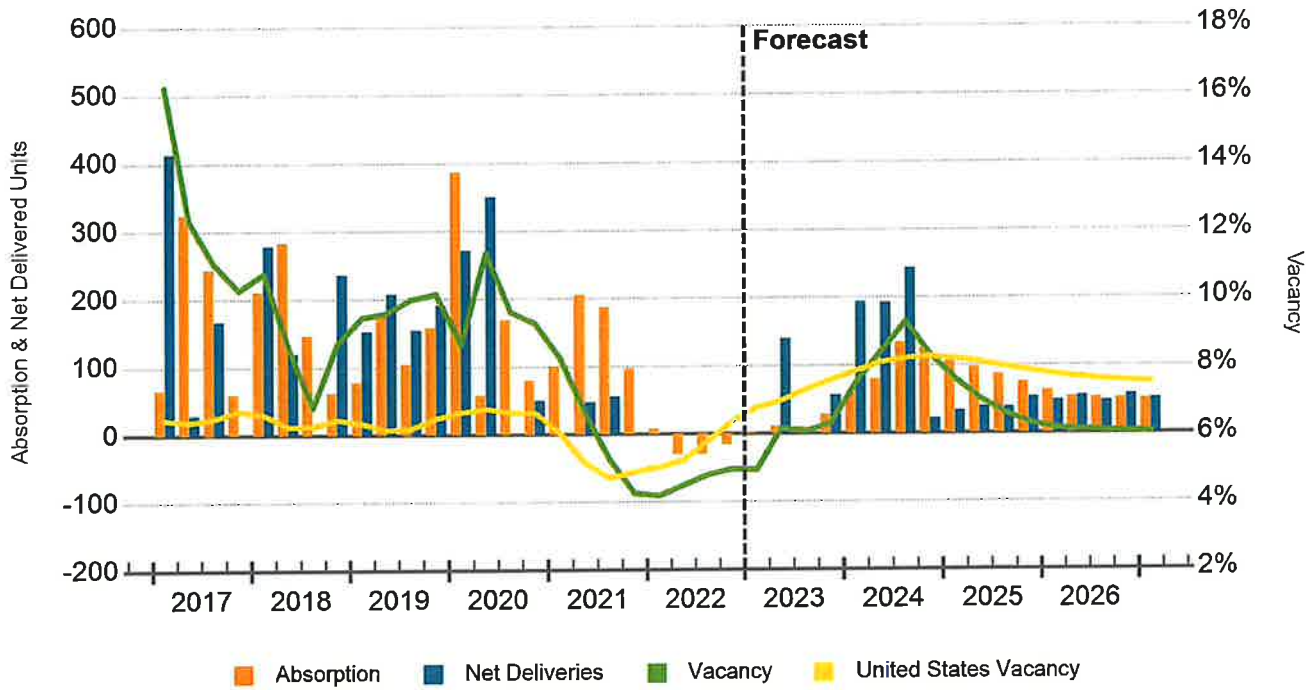
Employment in the metro was recently increasing at solid clip of 2.9% year-over-year, or a gain of about 3,500 jobs.

KEY INDICATORS

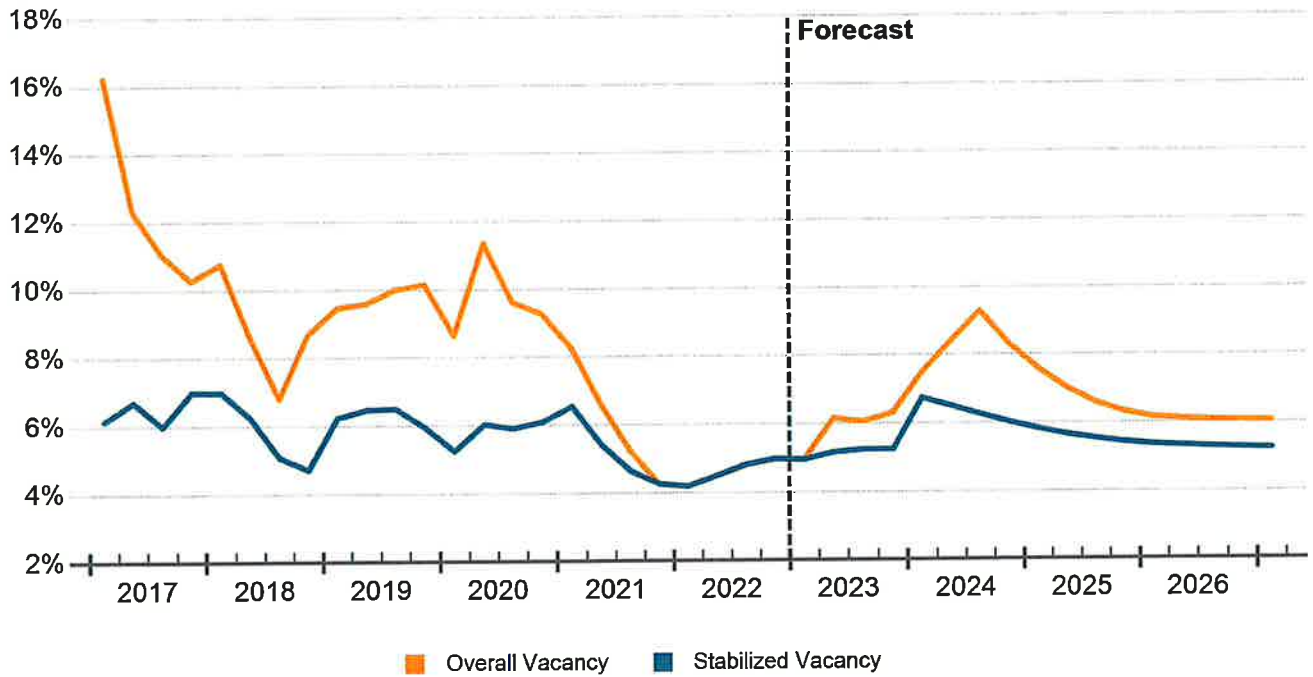
Current Quarter	Units	Vacancy Rate	Asking Rent	Effective Rent	Absorption Units	Delivered Units	Under Constr Units
4 & 5 Star	4,291	4.7%	\$1,632	\$1,621	8	0	192
3 Star	3,956	4.3%	\$1,304	\$1,298	1	0	627
1 & 2 Star	1,632	6.9%	\$980	\$974	1	0	0
Market	9,879	4.9%	\$1,428	\$1,419	10	0	819

Annual Trends	12 Month	Historical Average	Forecast Average	Peak	When	Trough	When
Vacancy Change (YOY)	0.7%	7.1%	6.7%	16.2%	2017 Q1	4.2%	2022 Q1
Absorption Units	(65)	244	222	838	2018 Q1	(72)	2022 Q4
Delivered Units	0	252	270	1,235	2017 Q1	0	2022 Q4
Demolished Units	0	2	2	54	2015 Q3	0	2022 Q4
Asking Rent Growth (YOY)	2.8%	1.5%	1.9%	8.1%	2022 Q2	-2.4%	2009 Q4
Effective Rent Growth (YOY)	2.6%	1.5%	1.9%	8.9%	2022 Q2	-3.3%	2017 Q3
Sales Volume	\$221M	\$55.6M	N/A	\$403.8M	2022 Q2	\$0	2012 Q3

ABSORPTION, NET DELIVERIES & VACANCY

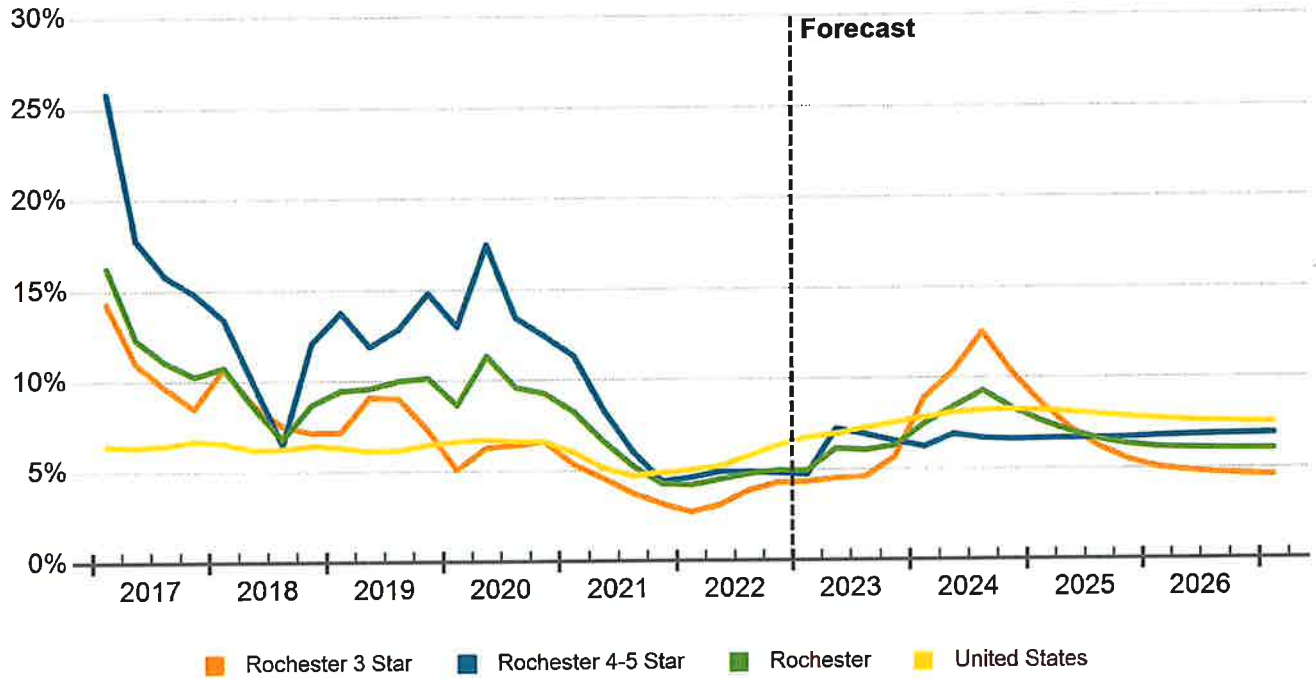


OVERALL & STABILIZED VACANCY

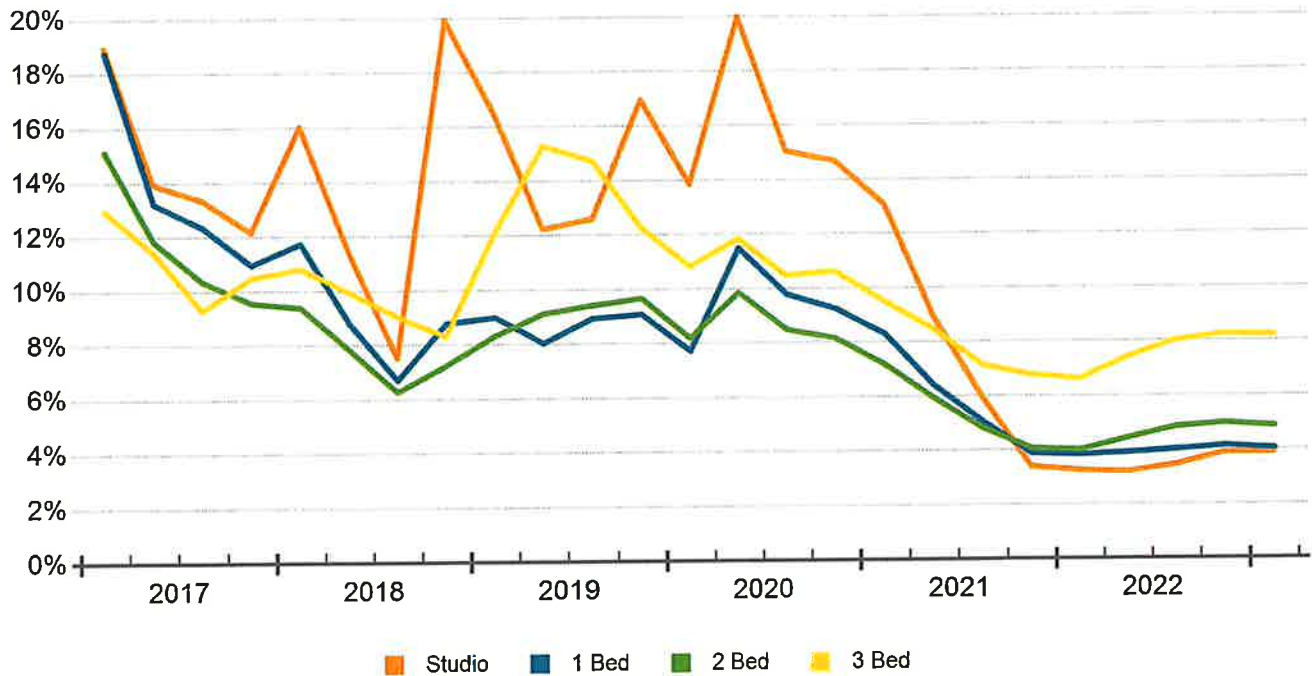


Vacancy

VACANCY RATE

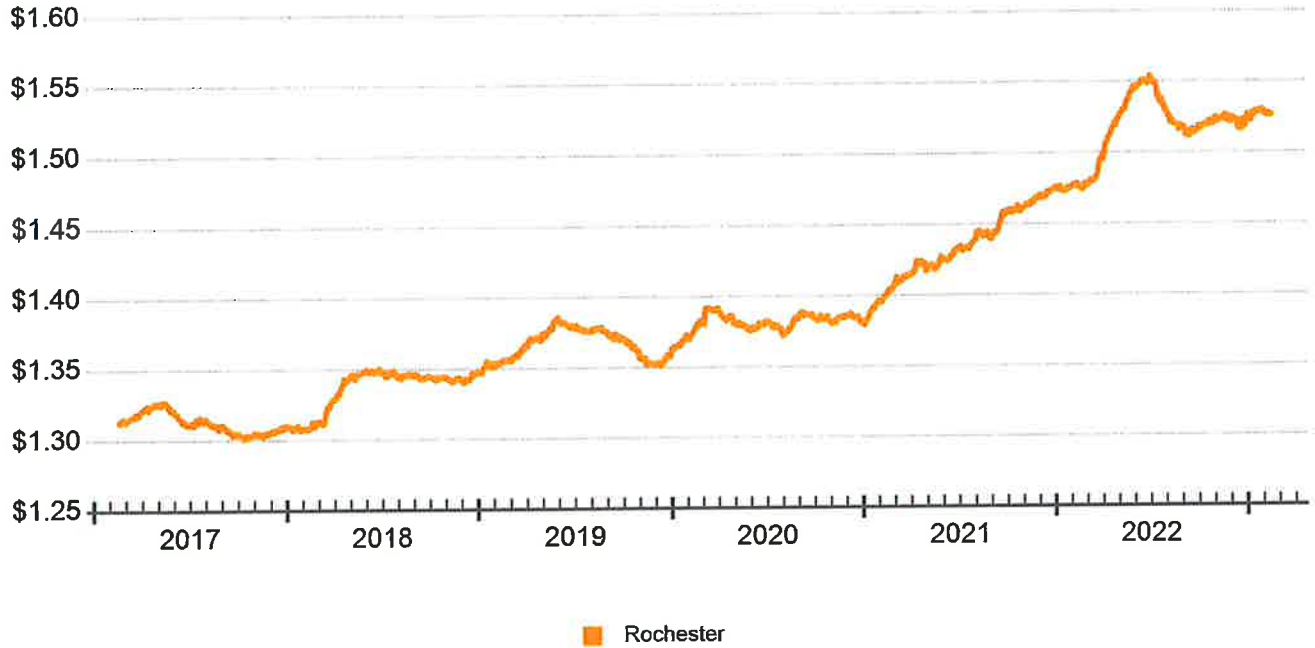


VACANCY BY BEDROOM

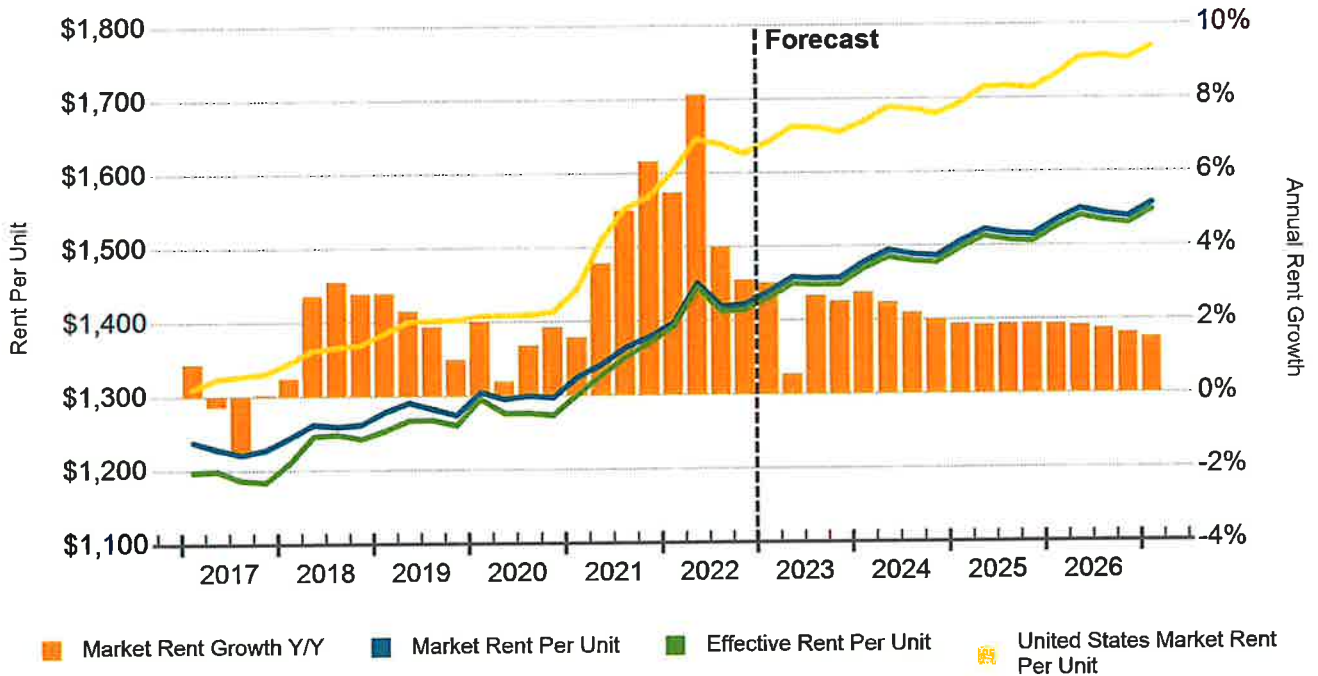


Rent

DAILY ASKING RENT PER SF



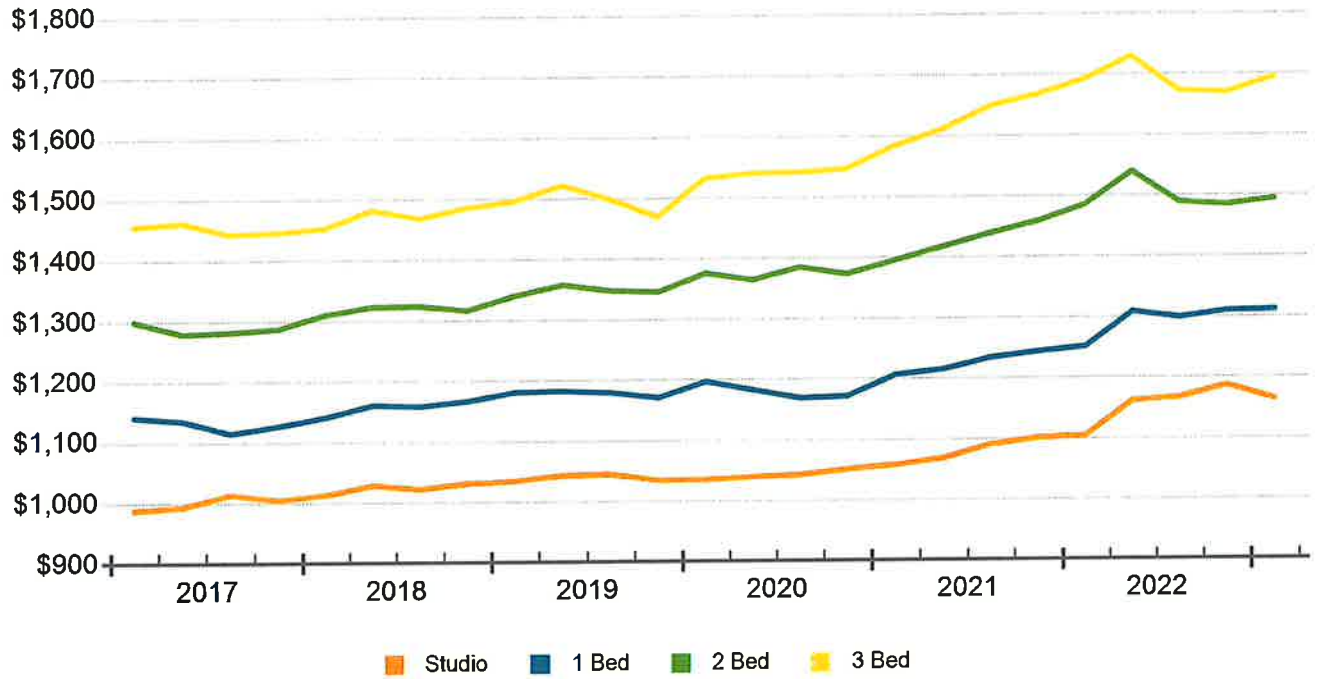
MARKET RENT PER UNIT & RENT GROWTH



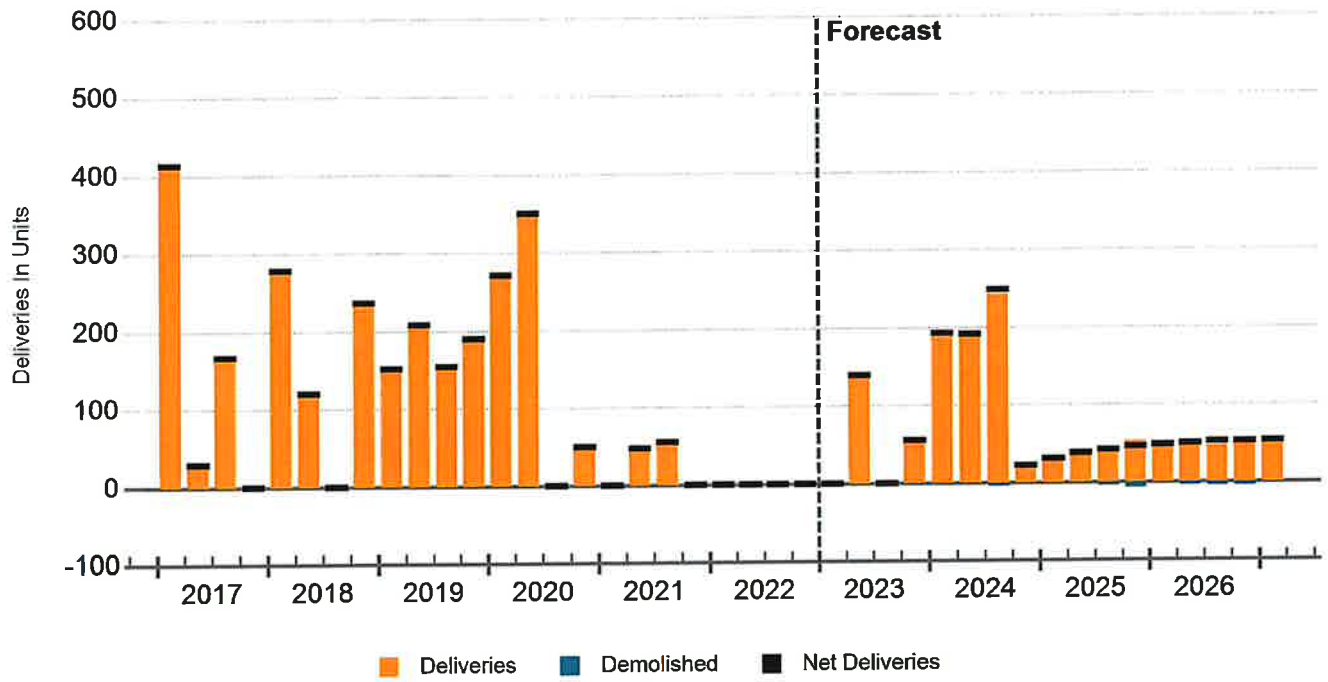
Rent

Rochester Multi-Family

MARKET RENT PER UNIT BY BEDROOM



DELIVERIES & DEMOLITIONS

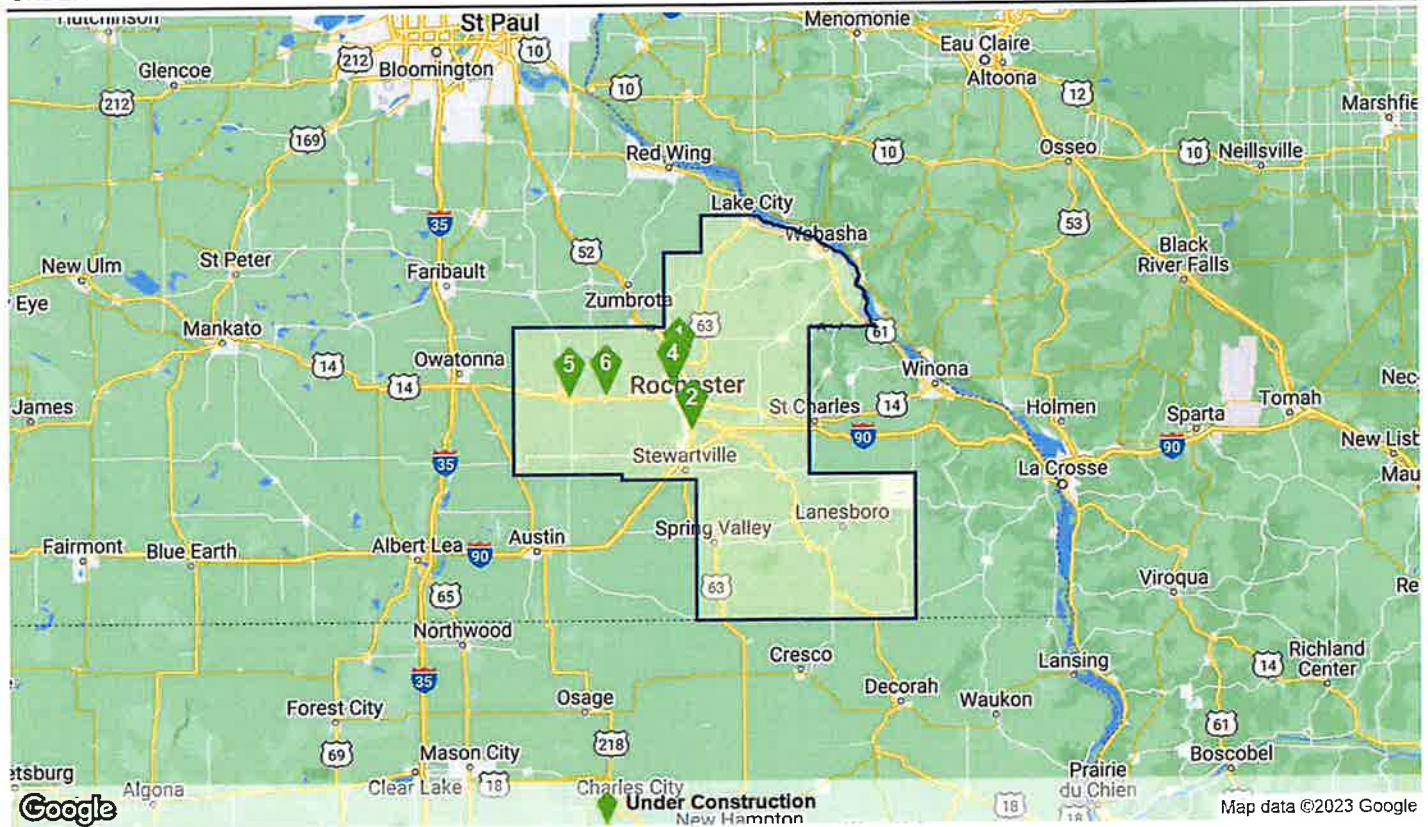


Under Construction Properties

Rochester Multi-Family

Properties	Units	Percent of Inventory	Avg. No. Units
6	819	8.3%	137

UNDER CONSTRUCTION PROPERTIES



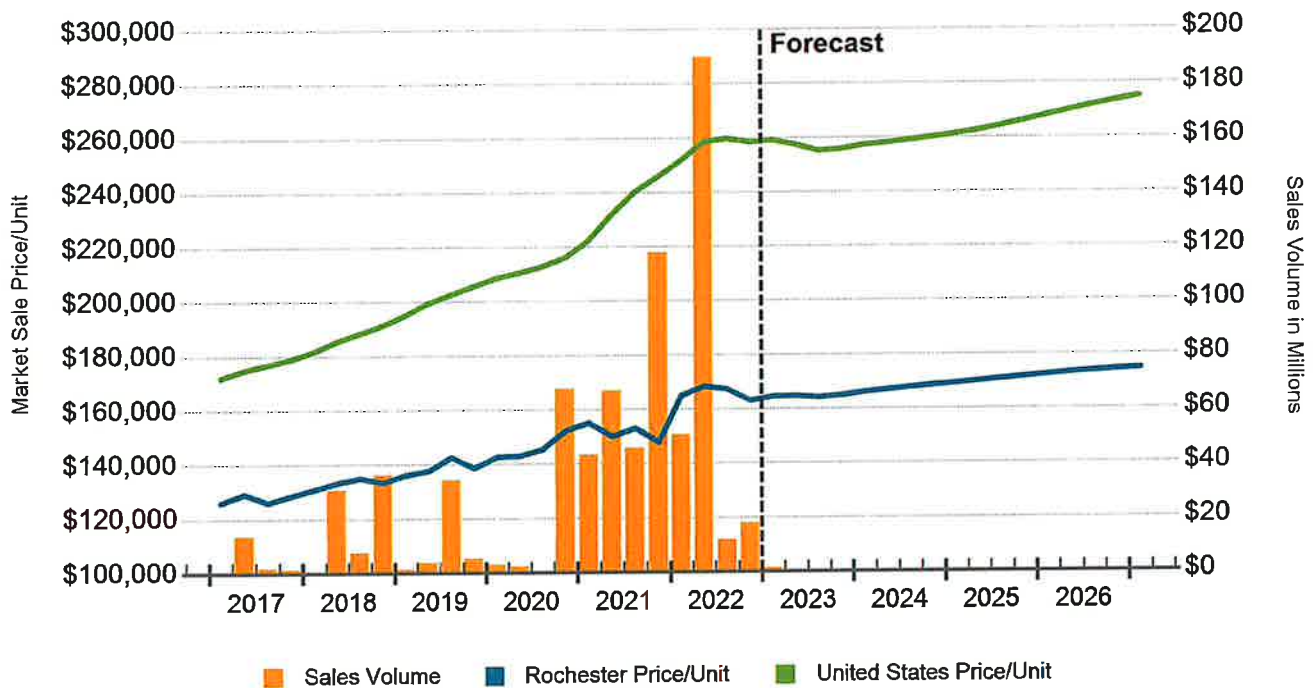
UNDER CONSTRUCTION

Property Name/Address	Rating	Units	Stories	Start	Complete	Developer/Owner
1 The Lodge at Overland 6980 Bandel Rd NW	★★★★☆	237	3	Aug 2022	Apr 2023	Redhawk Multifamily Trilogy Real Estate Group
2 SoRoc on Maine - Phase II 4850 Maine Ave SE	★★★★☆	194	3	Oct 2022	Mar 2024	Centerspace Harvest Holdings Llc
3 41st St Apartments 3345 41st St NW	★★★★☆	140	4	Jul 2022	May 2023	- -
4 Tech Park 2 2712 Commerce Dr NW	★★★★☆	140	2	Aug 2022	Aug 2023	- -
5 Dodger 56 104 1st St NW	★★★★☆	56	3	Apr 2022	Apr 2023	- Jack Walston
6 The Park 800 3rd St SW	★★★★☆	52	3	May 2022	Jul 2023	- -

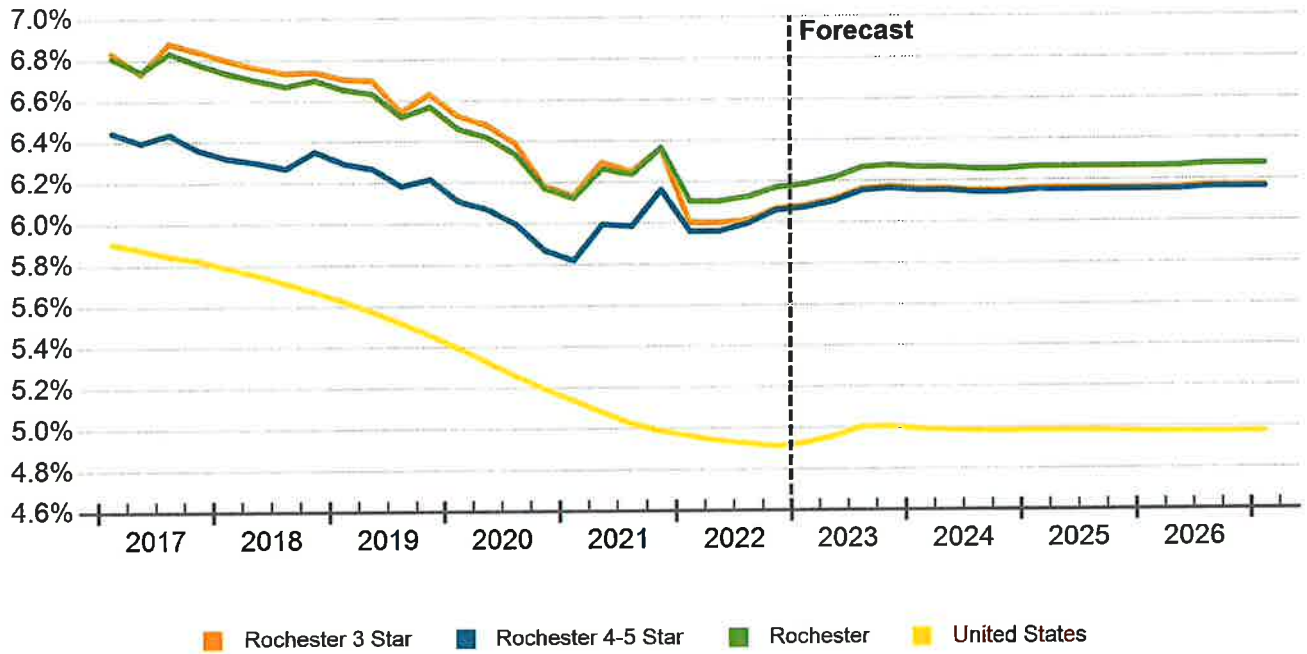
Rochester is a midsized apartment market where transaction activity checked in at 13 market-rate deals in the past 12 months, which was below average for its peer set. That was more of the same for the market, with deal flow keeping pace with what was typical over the previous five years. Annual sales volume has averaged \$140 million over the past five years, and the 12-month high in investment volume hit \$404 million over that stretch. In the past 12 months specifically, \$243 million worth of multifamily assets sold. A sale for a Class A community in the metro majorly influenced that sales volume in the past year.

Market pricing, derived from the estimated price movement of all market-rate properties in the region, sat around \$160,000/unit during the first quarter of 2023. That figure hasn't changed much in the past year, and the price is a significant discount compared with the overall multifamily average for the United States. The market cap rate has ticked up in the past 12 months, and the cap rate is structurally higher here than those across the country. While the cap rate has increased from this time last year, it remains below the five-year average for Rochester.

SALES VOLUME & MARKET SALE PRICE PER UNIT



MARKET CAP RATE

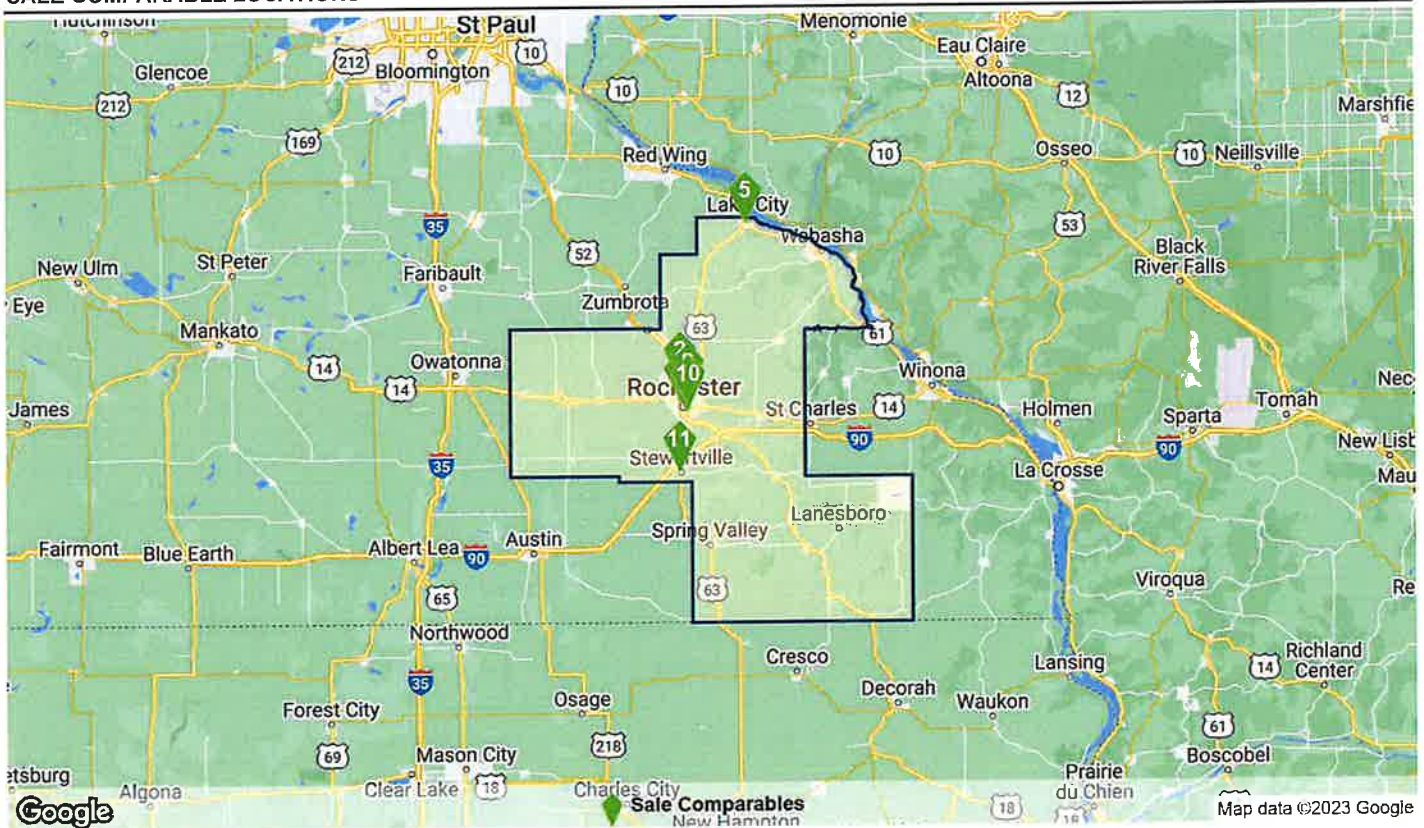


Sales Past 12 Months

Rochester Multi-Family

Sale Comparables	Avg. Price/Unit (thous.)	Average Price (mil.)	Average Vacancy at Sale
11	\$347	\$20.1	5.4%

SALE COMPARABLE LOCATIONS



SALE COMPARABLES SUMMARY STATISTICS

Sales Attributes	Low	Average	Median	High
Sale Price	\$411,382	\$20,068,190	\$1,550,000	\$187,600,000
Price/Unit	\$43,812	\$347,091	\$121,768	\$536,000
Cap Rate	5.5%	6.1%	6.3%	6.5%
Vacancy Rate At Sale	0%	5.4%	5.6%	8.3%
Time Since Sale in Months	1.1	5.9	5.4	10.5
Property Attributes	Low	Average	Median	High
Property Size in Units	5	57	18	350
Number of Floors	1	3	2	13
Average Unit SF	351	819	773	1,490
Year Built	1870	1954	1962	2020
Star Rating	★★★★★	★★★★★ 2.5	★★★★★	★★★★★



Sales Past 12 Months

Rochester Multi-Family

RECENT SIGNIFICANT SALES

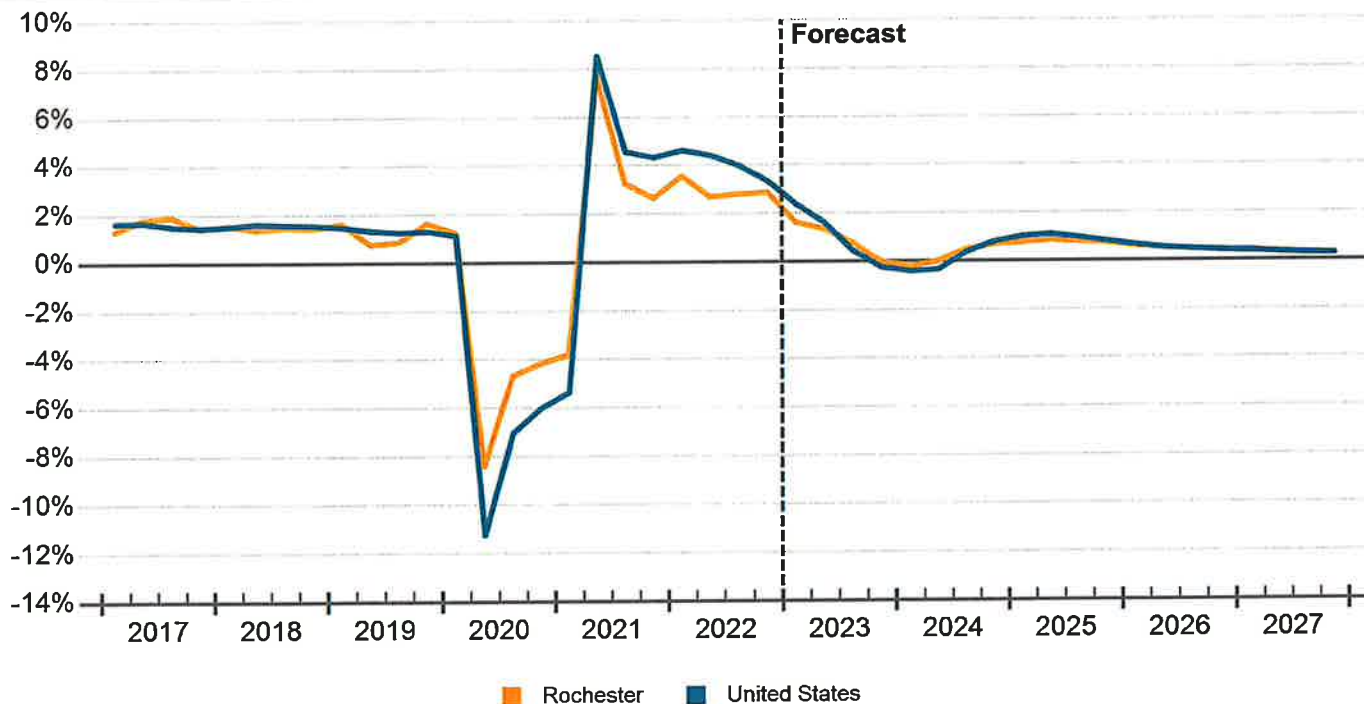
Property Name/Address	Property Information				Sale Information				
	Rating	Yr Built	Units	Vacancy	Sale Date	Price	Price/Unit	Price/SF	
1 The Berkman 217 14th Ave SW	★★★★☆	2020	350	5.7%	4/5/2022	\$187,600,000	\$536,000	\$469	
2 Rochester Heights 1515 41st St NW	★★★☆☆	1975	147	6.1%	12/15/2022	\$17,900,000	\$121,768	\$115	
3 Residences of Old City Hall 224 1st Ave SW	★★★★☆	1930	22	4.6%	9/14/2022	\$5,150,000	\$234,090	\$157	
4 512 3rd Ave SW	★★★☆☆	1962	14	7.1%	7/15/2022	\$2,150,000	\$153,571	\$248	
5 1003-1013 W Dwelle St	★★★☆☆	1970	24	0%	9/30/2022	\$1,700,000	\$70,833	\$135	
6 200 18th St SW	★★★☆☆	1959	12	8.3%	9/14/2022	\$1,550,000	\$129,166	\$125	
7 Regency Apartments 513 2nd St NW	★★★★☆	1963	20	5.0%	1/17/2023	\$1,420,095	\$71,004	\$109	
8 1541-1545 2nd Ave NE	★★★☆☆	1958	16	6.3%	4/28/2022	\$1,330,000	\$83,125	\$108	
9 105 Main St S	★★★★☆	1870	18	5.6%	9/9/2022	\$788,618	\$43,812	\$69	
10 305 10th St SE	★★★☆☆	1928	5	0%	6/2/2022	\$750,000	\$150,000	\$140	
11 102 2nd Ave	★★★★☆	1964	8	0%	9/9/2022	\$411,382	\$51,422	\$69	

ROCHESTER EMPLOYMENT BY INDUSTRY IN THOUSANDS

Industry	CURRENT JOBS		CURRENT GROWTH		10 YR HISTORICAL		5 YR FORECAST	
	Jobs	LQ	Market	US	Market	US	Market	US
Manufacturing	10	0.9	2.11%	2.94%	-1.35%	0.78%	0.51%	-0.03%
Trade, Transportation and Utilities	18	0.7	3.00%	1.51%	-0.01%	1.18%	-0.03%	0.08%
Retail Trade	12	1.0	3.35%	0.58%	0.16%	0.55%	0.08%	0.08%
Financial Activities	3	0.4	-2.93%	1.55%	0.01%	1.40%	-0.09%	0.09%
Government	13	0.7	1.30%	1.24%	0.57%	0.24%	0.87%	0.55%
Natural Resources, Mining and Construction	5	0.8	-0.37%	3.16%	3.55%	2.46%	0.18%	0.23%
Education and Health Services	55	2.7	2.15%	3.63%	1.88%	1.72%	0.35%	0.55%
Professional and Business Services	7	0.4	1.05%	2.88%	1.64%	2.10%	-0.52%	0.35%
Information	1	0.5	2.71%	5.12%	-3.46%	1.35%	-0.34%	0.21%
Leisure and Hospitality	11	0.8	4.88%	5.85%	1.24%	1.37%	1.45%	1.07%
Other Services	4	0.8	3.00%	2.92%	0.15%	0.58%	0.26%	0.34%
Total Employment	127	1.0	2.16%	2.78%	1.00%	1.29%	0.39%	0.38%

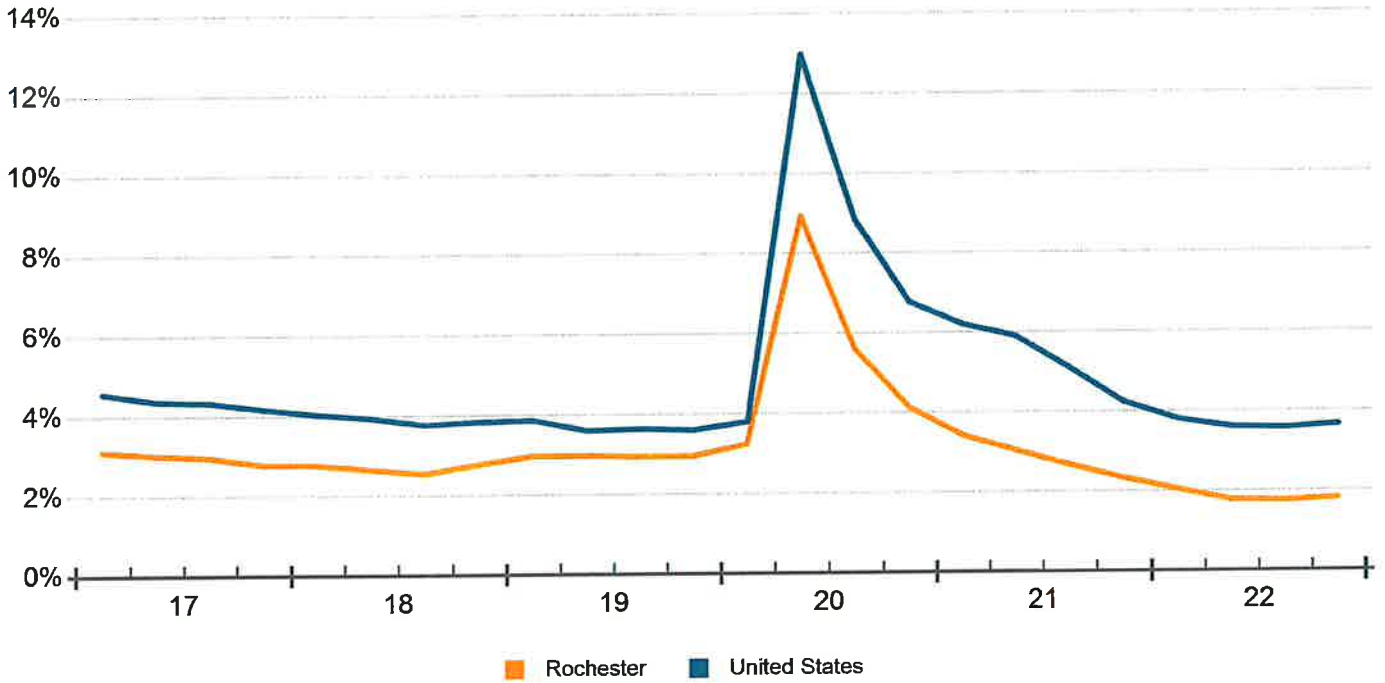
Source: Oxford Economics
LQ = Location Quotient

JOB GROWTH (YOY)

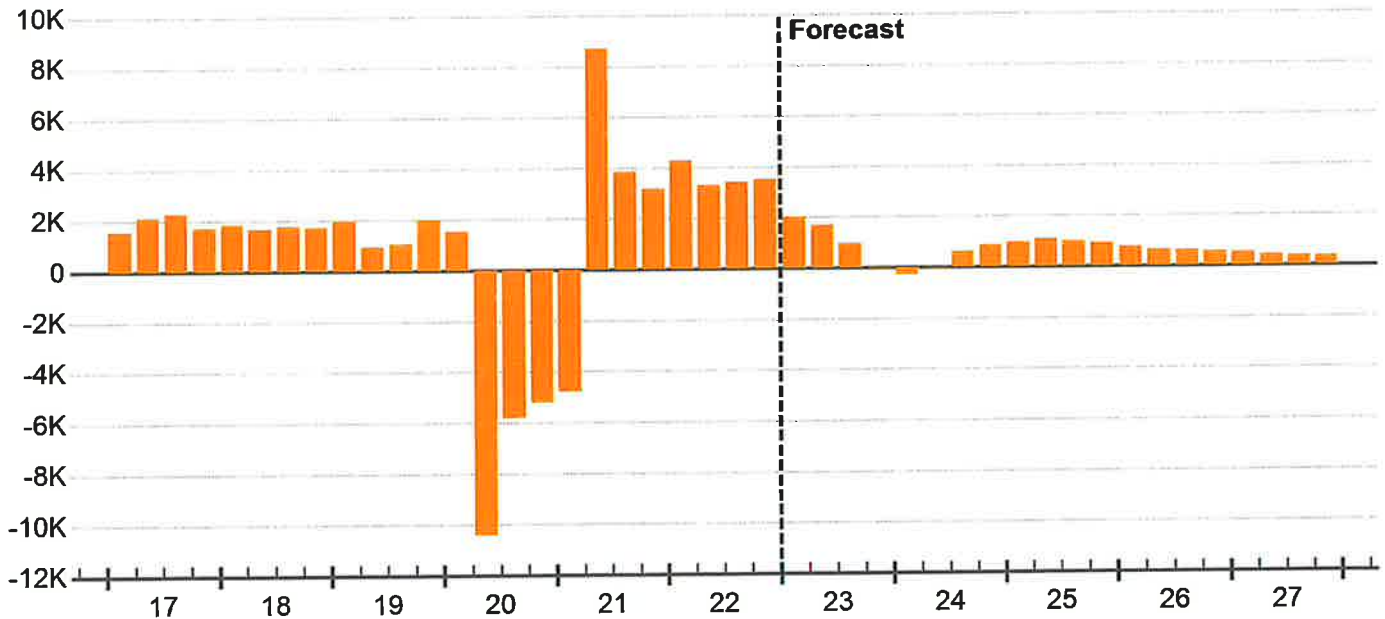


Source: Oxford Economics

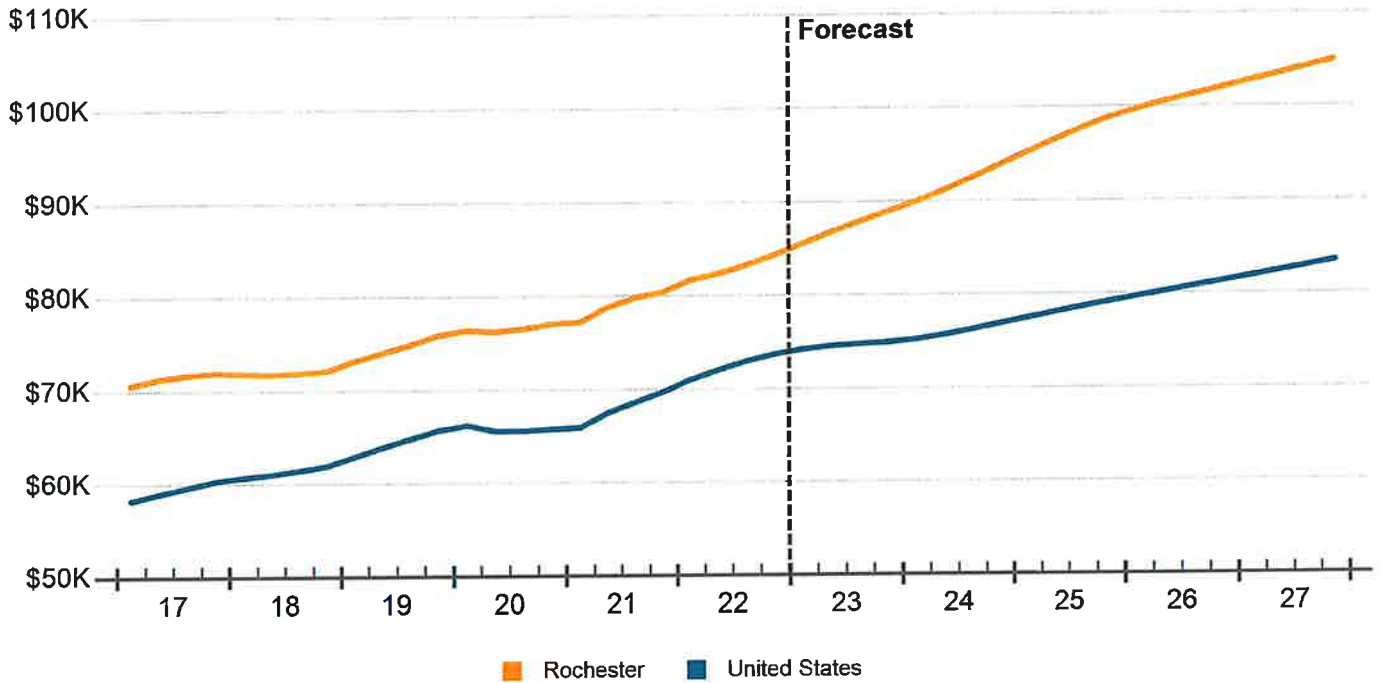
UNEMPLOYMENT RATE (%)



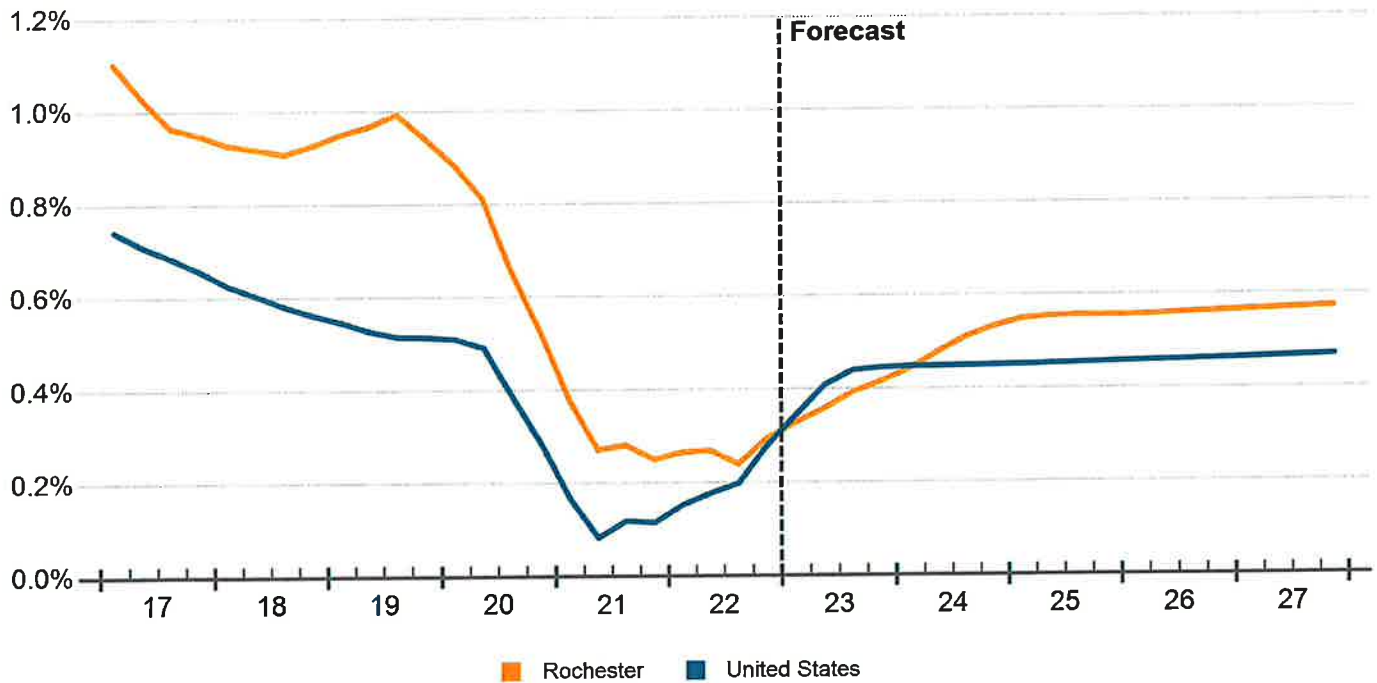
NET EMPLOYMENT CHANGE (YOY)



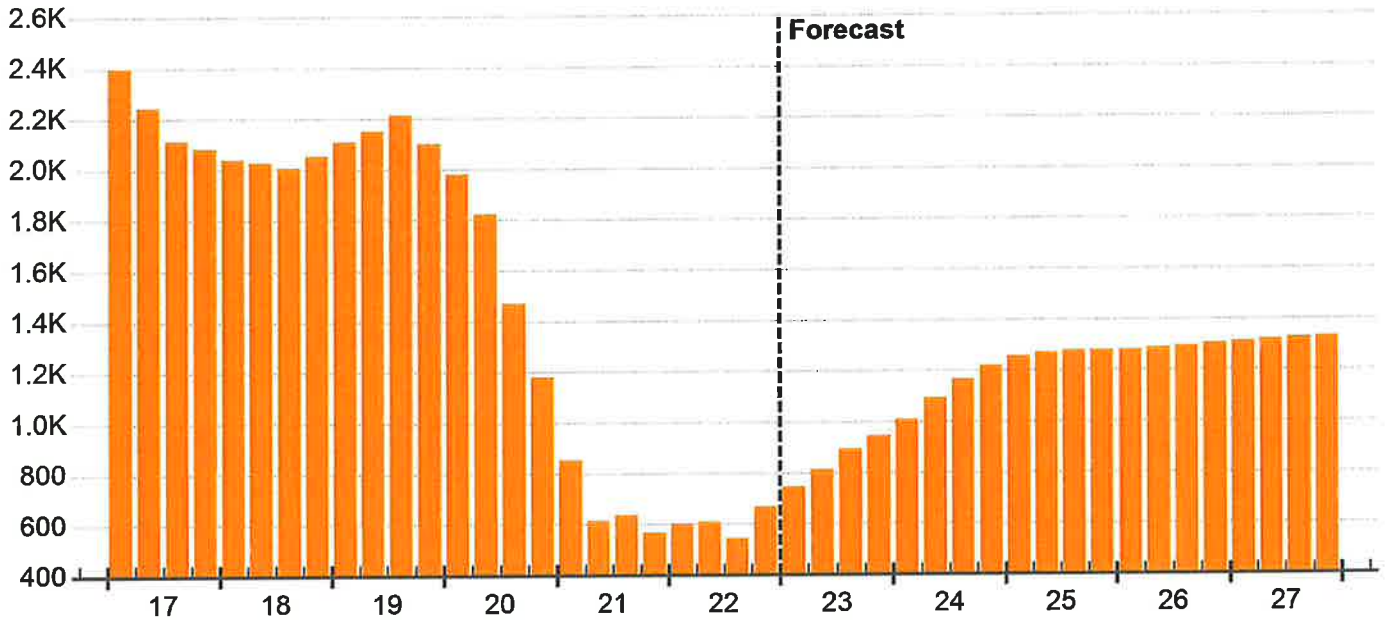
MEDIAN HOUSEHOLD INCOME



POPULATION GROWTH (YOY %)



NET POPULATION CHANGE (YOY)

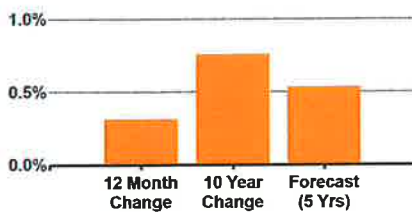


DEMOGRAPHIC TRENDS

Demographic Category	Current Level		12 Month Change		10 Year Change		5 Year Forecast	
	Metro	US	Metro	US	Metro	US	Metro	US
Population	228,052	333,139,188	0.3%	0.3%	0.8%	0.5%	0.5%	0.5%
Households	92,208	129,251,133	0.9%	0.9%	1.3%	0.8%	0.7%	0.6%
Median Household Income	\$85,023	\$73,992	4.8%	5.0%	3.4%	3.7%	4.4%	2.5%
Labor Force	127,567	165,015,125	0.1%	1.1%	0.7%	0.6%	0.7%	0.4%
Unemployment	1.8%	3.7%	-0.4%	-0.3%	-0.3%	-0.4%	-	-

Source: Oxford Economics

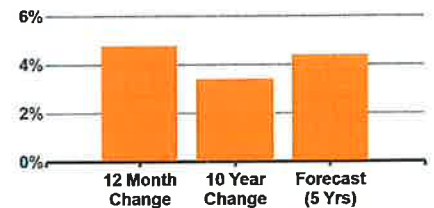
POPULATION GROWTH



LABOR FORCE GROWTH



INCOME GROWTH



Source: Oxford Economics

OVERALL SUPPLY & DEMAND

Year	Inventory			Absorption		
	Units	Growth	% Growth	Units	% of Inv	Construction Ratio
2027	11,296	211	1.9%	197	1.7%	1.1
2026	11,085	201	1.8%	217	2.0%	0.9
2025	10,884	158	1.5%	362	3.3%	0.4
2024	10,726	653	6.5%	396	3.7%	1.6
2023	10,073	194	2.0%	47	0.5%	4.1
YTD	9,879	0	0%	10	0.1%	0
2022	9,879	0	0%	(72)	-0.7%	0
2021	9,879	102	1.0%	592	6.0%	0.2
2020	9,777	671	7.4%	692	7.1%	1.0
2019	9,106	704	8.4%	518	5.7%	1.4
2018	8,402	634	8.2%	704	8.4%	0.9
2017	7,768	609	8.5%	693	8.9%	0.9
2016	7,159	866	13.8%	424	5.9%	2.0
2015	6,293	505	8.7%	338	5.4%	1.5
2014	5,788	21	0.4%	68	1.2%	0.3
2013	5,767	82	1.4%	27	0.5%	3.0
2012	5,685	10	0.2%	23	0.4%	0.4
2011	5,675	24	0.4%	66	1.2%	0.4

4 & 5 STAR SUPPLY & DEMAND

Year	Inventory			Absorption		
	Units	Growth	% Growth	Units	% of Inv	Construction Ratio
2027	5,096	214	4.4%	198	3.9%	1.1
2026	4,882	205	4.4%	182	3.7%	1.1
2025	4,677	161	3.6%	145	3.1%	1.1
2024	4,516	85	1.9%	78	1.7%	1.1
2023	4,431	140	3.3%	57	1.3%	2.5
YTD	4,291	0	0%	8	0.2%	0
2022	4,291	0	0%	(21)	-0.5%	0
2021	4,291	55	1.3%	395	9.2%	0.1
2020	4,236	621	17.2%	632	14.9%	1.0
2019	3,615	496	15.9%	345	9.5%	1.4
2018	3,119	448	16.8%	469	15.0%	1.0
2017	2,671	225	9.2%	424	15.9%	0.5
2016	2,446	866	54.8%	471	19.3%	1.8
2015	1,580	397	33.6%	256	16.2%	1.6
2014	1,183	39	3.4%	68	5.7%	0.6
2013	1,144	62	5.7%	30	2.6%	2.1
2012	1,082	0	0%	10	0.9%	0
2011	1,082	0	0%	10	0.9%	0

3 STAR SUPPLY & DEMAND

Year	Inventory			Absorption		
	Units	Growth	% Growth	Units	% of Inv	Construction Ratio
2027	4,583	0	0%	3	0.1%	0
2026	4,583	0	0%	39	0.9%	0
2025	4,583	0	0%	221	4.8%	0
2024	4,583	571	14.2%	325	7.1%	1.8
2023	4,012	56	1.4%	(2)	0%	-
YTD	3,956	0	0%	1	0%	0
2022	3,956	0	0%	(44)	-1.1%	0
2021	3,956	47	1.2%	183	4.6%	0.3
2020	3,909	50	1.3%	75	1.9%	0.7
2019	3,859	208	5.7%	187	4.8%	1.1
2018	3,651	186	5.4%	220	6.0%	0.8
2017	3,465	384	12.5%	280	8.1%	1.4
2016	3,081	0	0%	(26)	-0.8%	0
2015	3,081	108	3.6%	87	2.8%	1.2
2014	2,973	12	0.4%	28	0.9%	0.4
2013	2,961	0	0%	(19)	-0.6%	0
2012	2,961	10	0.3%	0	0%	-
2011	2,951	24	0.8%	44	1.5%	0.5

1 & 2 STAR SUPPLY & DEMAND

Year	Inventory			Absorption		
	Units	Growth	% Growth	Units	% of Inv	Construction Ratio
2027	1,617	(3)	-0.2%	(4)	-0.2%	0.8
2026	1,620	(4)	-0.2%	(4)	-0.2%	1.0
2025	1,624	(3)	-0.2%	(4)	-0.2%	0.8
2024	1,627	(3)	-0.2%	(7)	-0.4%	0.4
2023	1,630	(2)	-0.1%	(8)	-0.5%	0.3
YTD	1,632	0	0%	1	0.1%	0
2022	1,632	0	0%	(7)	-0.4%	0
2021	1,632	0	0%	14	0.9%	0
2020	1,632	0	0%	(15)	-0.9%	0
2019	1,632	0	0%	(14)	-0.9%	0
2018	1,632	0	0%	15	0.9%	0
2017	1,632	0	0%	(11)	-0.7%	0
2016	1,632	0	0%	(21)	-1.3%	0
2015	1,632	0	0%	(5)	-0.3%	0
2014	1,632	(30)	-1.8%	(28)	-1.7%	1.1
2013	1,662	20	1.2%	16	1.0%	1.3
2012	1,642	0	0%	13	0.8%	0
2011	1,642	0	0%	12	0.7%	0

OVERALL VACANCY & RENT

Year	Vacancy			Market Rent				Effective Rents	
	Units	Percent	Ppts Chg	Per Unit	Per SF	% Growth	Ppts Chg	Units	Per SF
2027	687	6.1%	0	\$1,556	\$1.67	1.1%	(0.5)	\$1,547	\$1.66
2026	671	6.1%	(0.3)	\$1,539	\$1.65	1.6%	(0.3)	\$1,530	\$1.64
2025	687	6.3%	(2.0)	\$1,514	\$1.62	1.9%	(0.1)	\$1,505	\$1.61
2024	893	8.3%	2.0	\$1,486	\$1.59	2.0%	(0.5)	\$1,478	\$1.58
2023	636	6.3%	1.3	\$1,457	\$1.56	2.5%	(0.6)	\$1,449	\$1.55
YTD	482	4.9%	(0.1)	\$1,428	\$1.53	2.8%	(0.3)	\$1,419	\$1.52
2022	490	5.0%	0.7	\$1,422	\$1.52	3.1%	(3.2)	\$1,414	\$1.51
2021	420	4.3%	(5.0)	\$1,379	\$1.47	6.3%	4.5	\$1,371	\$1.46
2020	907	9.3%	(0.9)	\$1,297	\$1.38	1.8%	0.9	\$1,273	\$1.36
2019	924	10.2%	1.5	\$1,274	\$1.36	1.0%	(1.8)	\$1,260	\$1.34
2018	730	8.7%	(1.6)	\$1,262	\$1.35	2.8%	2.7	\$1,242	\$1.33
2017	798	10.3%	(2.0)	\$1,228	\$1.31	0%	(0.5)	\$1,184	\$1.26
2016	881	12.3%	5.3	\$1,227	\$1.31	0.5%	(2.4)	\$1,199	\$1.28
2015	439	7.0%	2.3	\$1,221	\$1.30	2.9%	1.3	\$1,206	\$1.29
2014	272	4.7%	(0.8)	\$1,186	\$1.27	1.7%	0.5	\$1,176	\$1.26
2013	319	5.5%	0.9	\$1,167	\$1.25	1.2%	(0.3)	\$1,127	\$1.20
2012	261	4.6%	(0.2)	\$1,153	\$1.23	1.5%	0.6	\$1,147	\$1.22
2011	274	4.8%	(0.7)	\$1,136	\$1.21	0.9%	-	\$1,129	\$1.20

4 & 5 STAR VACANCY & RENT

Year	Vacancy			Market Rent				Effective Rents	
	Units	Percent	Ppts Chg	Per Unit	Per SF	% Growth	Ppts Chg	Units	Per SF
2027	353	6.9%	0.1	\$1,781	\$1.91	1.1%	(0.5)	\$1,770	\$1.90
2026	335	6.9%	0.2	\$1,762	\$1.89	1.5%	(0.3)	\$1,751	\$1.88
2025	313	6.7%	0.1	\$1,736	\$1.86	1.9%	(0.3)	\$1,724	\$1.85
2024	298	6.6%	0.1	\$1,704	\$1.83	2.1%	(0.5)	\$1,693	\$1.81
2023	290	6.5%	1.7	\$1,668	\$1.79	2.6%	0.8	\$1,657	\$1.78
YTD	200	4.7%	(0.2)	\$1,632	\$1.75	2.3%	0.5	\$1,621	\$1.74
2022	207	4.8%	0.4	\$1,625	\$1.74	1.9%	(5.4)	\$1,615	\$1.73
2021	189	4.4%	(8.0)	\$1,596	\$1.71	7.3%	6.2	\$1,584	\$1.70
2020	527	12.4%	(2.4)	\$1,488	\$1.59	1.0%	(0.7)	\$1,452	\$1.56
2019	536	14.8%	2.8	\$1,472	\$1.58	1.7%	(0.8)	\$1,447	\$1.55
2018	376	12.1%	(2.8)	\$1,447	\$1.55	2.6%	3.3	\$1,421	\$1.52
2017	396	14.8%	(9.4)	\$1,411	\$1.51	-0.8%	(0.2)	\$1,353	\$1.45
2016	593	24.2%	11.8	\$1,422	\$1.52	-0.6%	(3.2)	\$1,379	\$1.48
2015	196	12.4%	7.7	\$1,430	\$1.53	2.6%	1.0	\$1,409	\$1.51
2014	56	4.7%	(2.7)	\$1,393	\$1.49	1.6%	0.8	\$1,387	\$1.49
2013	85	7.4%	2.5	\$1,371	\$1.47	0.8%	(0.7)	\$1,311	\$1.40
2012	53	4.9%	(0.9)	\$1,361	\$1.46	1.4%	0.4	\$1,354	\$1.45
2011	63	5.8%	(0.9)	\$1,341	\$1.44	1.0%	-	\$1,332	\$1.43

3 STAR VACANCY & RENT

Year	Vacancy			Market Rent				Effective Rents	
	Units	Percent	Ppts Chg	Per Unit	Per SF	% Growth	Ppts Chg	Units	Per SF
2027	211	4.6%	(0.1)	\$1,420	\$1.47	1.3%	(0.5)	\$1,414	\$1.46
2026	214	4.7%	(0.8)	\$1,402	\$1.45	1.7%	(0.2)	\$1,396	\$1.44
2025	252	5.5%	(4.8)	\$1,378	\$1.42	1.9%	0.1	\$1,372	\$1.42
2024	473	10.3%	4.7	\$1,352	\$1.40	1.8%	(0.6)	\$1,346	\$1.39
2023	227	5.7%	1.4	\$1,328	\$1.37	2.4%	(2.7)	\$1,322	\$1.37
YTD	169	4.3%	0	\$1,304	\$1.34	3.6%	(1.5)	\$1,298	\$1.34
2022	170	4.3%	1.1	\$1,297	\$1.34	5.1%	0.1	\$1,293	\$1.33
2021	125	3.2%	(3.5)	\$1,234	\$1.27	5.0%	2.2	\$1,229	\$1.27
2020	259	6.6%	(0.7)	\$1,174	\$1.21	2.8%	3.1	\$1,159	\$1.19
2019	282	7.3%	0.1	\$1,142	\$1.17	-0.3%	(3.8)	\$1,140	\$1.17
2018	262	7.2%	(1.3)	\$1,145	\$1.18	3.5%	2.6	\$1,131	\$1.16
2017	295	8.5%	2.3	\$1,107	\$1.14	0.9%	(1.1)	\$1,070	\$1.10
2016	192	6.2%	0.8	\$1,097	\$1.13	2.0%	(1.1)	\$1,079	\$1.11
2015	167	5.4%	0.5	\$1,075	\$1.11	3.1%	1.9	\$1,064	\$1.09
2014	146	4.9%	(0.6)	\$1,043	\$1.07	1.2%	(0.7)	\$1,028	\$1.06
2013	162	5.5%	0.6	\$1,031	\$1.06	1.9%	0.2	\$1,006	\$1.03
2012	143	4.8%	0.3	\$1,012	\$1.04	1.7%	0.8	\$1,006	\$1.03
2011	133	4.5%	(0.7)	\$995	\$1.02	0.9%	-	\$990	\$1.02

1 & 2 STAR VACANCY & RENT

Year	Vacancy			Market Rent				Effective Rents	
	Units	Percent	Ppts Chg	Per Unit	Per SF	% Growth	Ppts Chg	Units	Per SF
2027	123	7.6%	0.1	\$1,061	\$1.36	1.0%	(0.5)	\$1,055	\$1.35
2026	122	7.5%	0	\$1,050	\$1.35	1.5%	(0.3)	\$1,044	\$1.34
2025	122	7.5%	0.1	\$1,035	\$1.33	1.8%	(0.1)	\$1,029	\$1.32
2024	121	7.5%	0.2	\$1,017	\$1.31	1.9%	(0.1)	\$1,011	\$1.30
2023	119	7.3%	0.3	\$998	\$1.28	2.0%	0.7	\$992	\$1.28
YTD	113	6.9%	0	\$980	\$1.21	1.5%	0.2	\$974	\$1.20
2022	113	6.9%	0.4	\$979	\$1.21	1.3%	(4.8)	\$973	\$1.20
2021	107	6.5%	(0.9)	\$966	\$1.19	6.1%	3.6	\$961	\$1.19
2020	121	7.4%	0.9	\$910	\$1.12	2.5%	0.4	\$903	\$1.11
2019	106	6.5%	0.9	\$888	\$1.09	2.1%	2.0	\$880	\$1.08
2018	92	5.6%	(0.9)	\$870	\$1.07	0.1%	(1.3)	\$865	\$1.06
2017	107	6.6%	0.7	\$869	\$1.07	1.4%	0.2	\$861	\$1.06
2016	96	5.9%	1.3	\$857	\$1.05	1.1%	(3.3)	\$852	\$1.05
2015	75	4.6%	0.3	\$848	\$1.04	4.4%	(0.9)	\$843	\$1.04
2014	70	4.3%	(0.1)	\$812	\$1	5.3%	4.4	\$807	\$0.99
2013	72	4.4%	0.4	\$771	\$0.94	0.8%	(0.3)	\$766	\$0.94
2012	66	4.0%	(0.8)	\$765	\$0.94	1.1%	0.5	\$761	\$0.93
2011	78	4.8%	(0.8)	\$757	\$0.93	0.6%	-	\$752	\$0.92

OVERALL SALES

Year	Completed Transactions (1)						Market Pricing Trends (2)		
	Deals	Volume	Turnover	Avg Price	Avg Price/Unit	Avg Cap Rate	Price/Unit	Price Index	Cap Rate
2027	-	-	-	-	-	-	\$175,612	218	6.3%
2026	-	-	-	-	-	-	\$174,158	216	6.3%
2025	-	-	-	-	-	-	\$171,582	213	6.3%
2024	-	-	-	-	-	-	\$168,557	209	6.3%
2023	-	-	-	-	-	-	\$164,838	204	6.3%
YTD	1	\$1.4M	0.2%	\$1,420,095	\$71,005	-	\$164,389	204	6.2%
2022	14	\$270M	9.0%	\$19,288,036	\$304,091	6.1%	\$163,132	202	6.2%
2021	26	\$273.7M	18.5%	\$10,949,697	\$151,574	5.4%	\$147,788	183	6.4%
2020	12	\$72.7M	5.6%	\$6,606,455	\$134,327	6.5%	\$152,217	189	6.2%
2019	13	\$44.3M	4.6%	\$4,025,682	\$113,837	7.6%	\$138,560	172	6.6%
2018	18	\$74.4M	10.1%	\$4,962,918	\$90,675	6.9%	\$133,429	166	6.7%
2017	8	\$16.6M	7.1%	\$2,762,000	\$31,092	6.8%	\$128,570	159	6.8%
2016	6	\$18.1M	5.8%	\$3,010,879	\$43,742	7.0%	\$124,359	154	6.8%
2015	3	\$56.5M	4.8%	\$18,848,745	\$186,621	-	\$130,362	162	6.7%
2014	1	\$225K	0.1%	\$225,000	\$37,500	9.0%	\$118,613	147	6.9%
2013	5	\$1.8M	1.0%	\$356,000	\$30,169	9.0%	\$110,661	137	7.1%
2012	1	\$475K	0.2%	\$475,000	\$43,182	8.0%	\$110,055	137	7.0%

(1) Completed transaction data is based on actual arms-length sales transactions and levels are dependent on the mix of what happened to sell in the period.

(2) Market price trends data is based on the estimated price movement of all properties in the market, informed by actual transactions that have occurred.

4 & 5 STAR SALES

Year	Completed Transactions (1)						Market Pricing Trends (2)		
	Deals	Volume	Turnover	Avg Price	Avg Price/Unit	Avg Cap Rate	Price/Unit	Price Index	Cap Rate
2027	-	-	-	-	-	-	\$204,665	218	6.2%
2026	-	-	-	-	-	-	\$203,197	217	6.2%
2025	-	-	-	-	-	-	\$200,405	214	6.2%
2024	-	-	-	-	-	-	\$196,965	210	6.1%
2023	-	-	-	-	-	-	\$192,465	205	6.2%
YTD	-	-	-	-	-	-	\$191,885	205	6.1%
2022	2	\$198.1M	9.4%	\$99,050,000	\$492,786	-	\$190,370	203	6.1%
2021	4	\$128.6M	13.7%	\$32,147,357	\$217,948	5.3%	\$178,577	191	6.2%
2020	2	\$50.8M	7.1%	\$25,375,000	\$168,605	6.8%	\$185,285	198	5.9%
2019	1	\$30.5M	5.8%	\$30,500,000	\$145,933	5.4%	\$170,537	182	6.2%
2018	-	-	-	-	-	-	\$163,719	175	6.4%
2017	-	-	-	-	-	-	\$159,371	170	6.4%
2016	-	-	-	-	-	-	\$151,606	162	6.5%
2015	1	\$56M	17.5%	\$56,000,000	\$202,899	-	\$151,973	162	6.4%
2014	-	-	-	-	-	-	\$142,413	152	6.5%
2013	-	-	-	-	-	-	\$132,468	141	6.8%
2012	-	-	-	-	-	-	\$131,489	140	6.7%

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3 STAR SALES

Year	Completed Transactions (1)						Market Pricing Trends (2)		
	Deals	Volume	Turnover	Avg Price	Avg Price/Unit	Avg Cap Rate	Price/Unit	Price Index	Cap Rate
2027	-	-	-	-	-	-	\$168,188	217	6.2%
2026	-	-	-	-	-	-	\$166,616	215	6.2%
2025	-	-	-	-	-	-	\$163,986	212	6.2%
2024	-	-	-	-	-	-	\$161,054	208	6.2%
2023	-	-	-	-	-	-	\$157,682	204	6.2%
YTD	1	\$1.4M	0.5%	\$1,420,095	\$71,005	-	\$157,326	203	6.1%
2022	5	\$46.2M	6.6%	\$9,245,000	\$176,431	5.5%	\$156,081	202	6.1%
2021	14	\$126.8M	26.5%	\$9,057,928	\$120,772	6.0%	\$136,353	176	6.4%
2020	2	\$16.8M	4.5%	\$8,423,000	\$96,263	6.2%	\$141,106	182	6.2%
2019	2	\$0	0.7%	-	-	-	\$126,306	163	6.6%
2018	3	\$61.6M	17.2%	\$20,531,700	\$98,081	6.6%	\$121,458	157	6.7%
2017	2	\$11M	12.5%	\$5,475,000	\$25,289	7.6%	\$116,457	150	6.8%
2016	4	\$15.7M	12.3%	\$3,922,569	\$41,509	7.0%	\$114,957	149	6.9%
2015	-	-	-	-	-	-	\$127,207	164	6.5%
2014	-	-	-	-	-	-	\$110,761	143	6.8%
2013	1	\$760K	0.8%	\$760,000	\$33,043	-	\$103,801	134	7.1%
2012	-	-	-	-	-	-	\$103,455	134	7.0%

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 (2) Market price trends data is based on the estimated price movement of all properties in the market, informed by actual transactions that have occurred.

1 & 2 STAR SALES

Year	Completed Transactions (1)						Market Pricing Trends (2)		
	Deals	Volume	Turnover	Avg Price	Avg Price/Unit	Avg Cap Rate	Price/Unit	Price Index	Cap Rate
2027	-	-	-	-	-	-	\$116,658	218	6.9%
2026	-	-	-	-	-	-	\$115,570	216	6.9%
2025	-	-	-	-	-	-	\$113,737	212	6.9%
2024	-	-	-	-	-	-	\$111,596	208	6.9%
2023	-	-	-	-	-	-	\$109,046	203	6.9%
YTD	-	-	-	-	-	-	\$108,692	203	6.8%
2022	7	\$25.7M	13.7%	\$3,672,500	\$114,766	6.4%	\$108,110	202	6.8%
2021	8	\$18.3M	11.6%	\$2,620,286	\$110,494	4.9%	\$95,323	178	6.9%
2020	8	\$5.1M	4.4%	\$725,000	\$78,077	6.6%	\$92,582	173	7.0%
2019	10	\$13.8M	11.0%	\$1,378,250	\$76,569	8.3%	\$85,134	159	7.4%
2018	15	\$12.8M	13.7%	\$1,070,722	\$66,573	7.1%	\$83,844	156	7.5%
2017	6	\$5.6M	7.5%	\$1,405,500	\$56,220	6.0%	\$77,981	145	7.8%
2016	2	\$2.4M	2.1%	\$1,187,500	\$67,857	-	\$75,916	142	7.8%
2015	2	\$546.2K	1.7%	\$273,118	\$20,231	-	\$79,859	149	7.8%
2014	1	\$225K	0.4%	\$225,000	\$37,500	9.0%	\$75,287	140	8.0%
2013	4	\$1M	2.2%	\$255,000	\$28,333	9.0%	\$70,021	131	8.2%
2012	1	\$475K	0.7%	\$475,000	\$43,182	8.0%	\$69,711	130	8.2%

(1) Completed transaction data is based on actual arms-length sales transactions and levels are dependent on the mix of what happened to sell in the period.
 (2) Market price trends data is based on the estimated price movement of all properties in the market, informed by actual transactions that have occurred.

DELIVERIES & UNDER CONSTRUCTION

Year	Inventory			Deliveries		Net Deliveries		Under Construction	
	Bldgs	Units	Vacancy	Bldgs	Units	Bldgs	Units	Bldgs	Units
2027	-	11,298	6.1%	-	215	-	212	-	-
2026	-	11,086	6.1%	-	206	-	202	-	-
2025	-	10,884	6.3%	-	163	-	157	-	-
2024	-	10,727	8.3%	-	651	-	654	-	-
2023	-	10,073	6.3%	-	196	-	194	-	-
YTD	174	9,879	4.9%	0	0	0	0	6	819
2022	174	9,879	5.0%	0	0	0	0	6	819
2021	174	9,879	4.3%	2	102	2	102	0	0
2020	172	9,777	9.3%	4	671	4	671	2	102
2019	168	9,106	10.2%	5	704	5	704	3	621
2018	163	8,402	8.7%	5	634	5	634	8	1,325
2017	158	7,768	10.3%	5	609	5	609	6	865
2016	153	7,159	12.3%	6	866	6	866	8	1,007
2015	147	6,293	7.0%	5	529	4	505	7	1,074
2014	143	5,788	4.7%	2	51	1	21	6	558
2013	142	5,767	5.5%	2	82	2	82	2	51
2012	140	5,685	4.6%	1	10	1	10	2	82
2011	139	5,675	4.8%	1	24	1	24	2	30

Opinion

OUR VIEW

Can a solution to housing shortage be close at hand?

The supply of easily affordable housing in Rochester and the surrounding area has been a problem since ... well, probably since George Head arrived as the city's first settler in 1854.

OK, so that's a stretch — today is April Fools' Day, after all — but there still is a point to be made that having enough homes priced to buy on workforce wages is a longstanding local problem, dating back at least several decades. Many efforts to close that gap have made some progress, but not done anywhere near enough to declare the problem licked.

Now, though, some real muscle is lining up behind this issue. A \$4 million Mayo Clinic donation helped establish the Coalition for Rochester Area Housing, an initiative managed by the Rochester Area Foundation and overseen by a committee that includes elected officials and representatives of Mayo, Destination Medical Center and the foundation.

Two of those committee members, Shaun Palmer of the Rochester City Council and Sheila Kiscaden of the Olmsted County Board, met with our board this week to talk about their desire to bring the housing challenge into greater public focus. Homeownership is particularly important. People who own homes are more attached to their communities, and owning a home, versus renting, builds personal wealth that further benefits the wider community.

Barriers to ownership need to be addressed, and some of what needs to happen, they said, already has been done. Much more work remains. Before getting to all of that, let's have a look at the situation:

- Rochester is falling well short of an estimated 450 new houses per year that are needed to keep pace with demand. In recent years, the total has been only about 200.

- Homeownership in Rochester is becoming less affordable by comparison with other Minnesota cities. Not many years ago, the average price of a home in this area lagged the Twin Cities market by about 40%. Today that difference is down to about 10%.

- Prominent developers of affordable housing, Joel Bigelow and Bob DeWitz, have died and no one has come forward to replace them with that special focus. In fact, the overall number of active developers in the city has fallen to only about seven, from about twice as many in the early 2000s.

- Two critical consumer segments

are severely underserved. The homeownership rate among BIPOC (Black, indigenous and people of color) households is just 22%, compared to a 72% rate for white households.

Meanwhile, dedicated and attractive senior housing is woefully short of meeting the needs of older buyers who might be ready for a move. That prevents a great many already-existing affordable homes from recirculating in the housing market.

Money suggests a solution to some of the problems, and besides Mayo's seed money there may be more to come, including up to \$50 million from a potential renewal of Rochester's half-cent sales tax, and ongoing collections from Olmsted County's property tax dedicated to the Housing and Redevelopment Authority.

Financial risk is an issue to developers. In their eyes, Palmer and Kiscaden said, the buyer demand and profit they can expect from high-dollar homes is well-established. Building homes for \$250,000 or less? Not so much. That's why financial incentives, in the form of tax-increment financing, tax abatements, and up-front relief on the cost of extending sewer, water and roads all could help, Palmer and Kiscaden said.

Red tape is another barrier to be addressed, and some steps have already been made, according to Palmer, including reducing minimum lot sizes and relaxing limits on lot density.

Buyers themselves, in some cases, are not picking up on what opportunities do exist. In the case of the ownership gap between white and non-white homeowners, education may be a solution. And that's not just for the potential buyers, but for lenders, too.

There's more to be done, to address challenges including a workforce shortage for homebuilders, a limited availability of mass transportation, to hold down the cost of utilities and more — “so many little pieces to this,” as Kiscaden said. It's worth mentioning here that having more affordable houses to buy would also likely have a downward effect on rent prices. The high cost of apartments is a housing challenge, too.

These problems aren't unique to our area, but the above-average pace of economic growth here raises the stakes for solving it. We think it's good that two elected officials are acting to pull the spotlight to this issue. We'll watch with interest as their work proceeds, with high hopes that — given the scope of the investments — the gains are real and substantial.

Agency Review Comments

Application No: CD2023-002CPA

4/24/2023 **Building Plan Review**

4/24/2023 **County GIS/E911**

There are no comments at this time from the E911 Addressing Division Staff.

4/27/2023 **County Long Range Planning**

4/28/2023 **County Public Works**

4/27/2023 **Fire Review**

4/26/2023 **LGU**

There are no known hydric soils or Decorah Edge soils mapped on the site. Between Overland Drive and Crimson Ridge Dr NW there is a wetland on the West side of 18th Ave NW. There is a culvert discharge onto the parcel in question and this area should be reviewed for possible wetlands.

5/1/2023 **Park and Rec Review**

There are no comments from this agency at this time.

4/28/2023 **Public Works Review**

There are no comments from this agency at this time.

4/25/2023 **RPU Electric Review**

There are no comments from this agency at this time.

4/24/2023 **RPU Water Review**

There are no comments from this agency at this time.

ROCHESTER AREA

CHAMBER OF COMMERCE

May 4, 2023

Rochester Planning and Zoning Commission Members
 City Hall
 201 4th St. SE
 Rochester, MN 55904

RE: City Initiated Comprehensive Land Use Plan Amendment
 NE Corner - Intersection of 55th Street NW and 18th Avenue NW
 Danielson Farm: Approx. 115 acres
 Proposed Developer: Anthony Properties

Dear Planning and Zoning Commission Members:

We are aware that real estate developer Anthony Properties is looking to develop approximately 115 acres, the Danielson Farm, located in northwest Rochester. We understand Anthony Properties approached the City Council to change in the Land Use Plan Amendment to the Comprehensive Plan 2018 that limits an applicant to 10 acres. We understand the first phase of Anthony Properties project on the Danielson Farm features:

50 net acres of Medium – Density Residential (“MDR”) land use; and,
 10 net acres of Commercial land use.

In response, the City initiated a Comprehensive Land Use Plan Amendment. Recently, the Community Development Staff responded to support the following:

20 gross acres of MDR land use; and,
 21 gross acres of Commercial land use

Increase Housing Supply by an Experienced Developer

As noted by the attached profile, Anthony Properties is an *experienced real estate developer* from Dallas, Texas with success in residential communities and mixed-use developments. Before pursuing the Danielson Farm, Anthony Properties completed a thorough market analysis and analyzed the 2020 Maxfield Study. Their review reflected the significant shortage of housing stock in Rochester with the shortage resulting in Rochester housing being more expensive than it would be if more housing units were available. Anthony Properties plans to make a significant investment to increase the housing supply but to do so needs the above 50/10 net acreage in the Land Use Plan Amendment. We believe that the Anthony Properties development can make a material improvement to the housing supply to address the demand for more multi-family units. Given their national success and their financial sustainability, they have the wherewithal to develop a diverse range of mixed uses on a single site with the advantage of master planning a 115-acre site.

Transportation/Roadways and Integrated Land Use

The Danielson Farm is located at the northeast corner of the intersection of 55th St. NW and 18th Ave. NW with 55th Street NW classified as a Strategic Arterial Roadway running along its entire southern boundary and 18th Avenue NW classified as a Primary Arterial Roadway adjoining the entire western boundary of the Danielson Farm. The Anthony Properties development is precisely the type of economic impact City and County planners were envisioning when proceeding with the \$33 million dollar expansion of 55th Street NW connecting the corridor from Highway 52 East to the northern end of Broadway Avenue. The residents of the Anthony Properties development would make use of the *new signalization on 55th Street NW* and the river crossing utilizing the county’s largest bridge. Moreover, the Danielson Farm development is directly across from the successful senior living Homestead

ROCHESTER AREA

CHAMBER OF COMMERCE

Village community. The Anthony Properties development can also integrate adjoining land use and infrastructure build-out for the recently constructed Overland elementary school located just west of the Danielson Farm.

Utilities Available

There is sufficient sanitary sewer capacity and watermain to serve the build-out of the Danielson Farm.

Tax Base Increase

The Anthony Properties development would provide a significant increase in the tax base to the City and County to help further fund the growth of our community. Currently, the Danielson Farm generates approximately \$6,500 in annual real estate taxes to the County. The project annual tax revenues for all phases of the Anthony Project are estimated to be in excess of **\$2.6 million annually**.

Good Project for the Community

As noted above, we have a genuine shortage of housing. This project will increase the housing supply to stabilize market rates by providing more affordable opportunities. Jobs will be created. New sales tax and larger real estate taxes will be generated. More than ever before, the taxable value of the 115 acres of the Danielson Farm will increase.

The Chamber of Commerce promotes businesses success to support a thriving community. **We support** Anthony Properties' development given their success and financial sustainability to develop diverse and collaborative real estate land uses as a way to increase the housing stock in Rochester.

Please support.

Given the well documented shortage of housing supply and the significant demand for housing in this dynamic growth community, **we encourage you to support the Anthony Properties Land Use Amendment of:**

- 50 net acres to MDR;
- 10 net acres of Commercial

Thank you for your consideration.

Sincerely,



Ryan Parsons, President
Rochester Area Chamber of Commerce

c: Anthony Properties



May 2, 2023

Rochester Planning and Zoning Commission Members
 City Hall
 201 Fourth Street SE
 Rochester, MN 55904

RE: City Initiating Comprehensive Land Use Plan Amendment for the Northeast Corner
 of the Intersection of 55th Street NW and 18th Avenue NW
 Danielson Farm – Approximately 115 Acres
 Proposed Anthony Properties Development

Dear Planning and Zoning Commission Members:

RAEDI endorses the proposed Land Use Plan Amendment for the first phase of the proposed Anthony Properties development on the Danielson Farm. We understand the first phase of Anthony Properties' project on the Danielson Farm features:

50 net acres of Medium – Density Residential (“MDR”) land use; and,
 10 net acres of Commercial land use

In response, the city initiated a Comprehensive Land Use Plan Amendment. Recently, the Community Development staff responded to support the following:

20 gross acres of MDR land use; and,
 21 gross acres of Commercial land use

The Community Development staff recommendation is not economically feasible given the initial approximate \$15 million Anthony Properties will incur to acquire the land, site preparation, and first phase build-out.

Anthony Properties

Recently, RAEDI leaders met the principals of Anthony Properties from Dallas, Texas. As noted by the attached profile, Anthony Properties is a privately held real estate development investment firm that has had success for over 35 years identifying emerging real estate markets while promoting the value of its acquisitions through careful land use planning and demographic analysis. It is this depth of development and financial resources that will enable it to sustain this long-term 115-acre development. Anthony Properties has examined the 2020 Maxfield Study, completed their own demographic study, and immediately recognized Rochester's significant lack of housing supply (see the April 1, 2023, Post Bulletin Opinion), which will be exacerbated by Rochester's high growth projections.

Favorable Economic Impact

Anthony Properties' projections for the Danielson Farm are impressive. They recognize the substantial up-front development expenditures for the site acquisition and placement of utilities and roads which, through Phase I, could exceed \$15 million. Given the significant investment, they anticipate a need to have a long-term perspective with several phases in the Rochester market that could require a build-out of over seven years.

The 2023 real estate taxes due and payable on the 115-acre Danielson Farm total approximately \$6,500. A complete build-out of the project with medium density development is estimated to result in annual tax revenues of \$2.6 million. City charges are estimated to be \$1.7 million.

Good Project for the Community

This project will help alleviate the genuine shortage of housing by increasing the housing supply which will stabilize market rates to provide more affordable opportunities. The current Anthony Properties' proposal designates 25-30% of its total medium density housing as senior housing, which is much needed in Rochester. Jobs will be created. Annual real estate tax revenues will accelerate, as noted above, and sales taxes will also increase.

Transportation-Roadway/Site Location

The subject property adjoins significant recent roadway infrastructure improvement. The newly constructed 18th Avenue Northwest, classified as a Primary Arterial Roadway, runs north to south along the entire western boundary of the property, and with the impressive four-lane \$33 million 55th Street Northwest extension classified as a Strategic Arterial Roadway running east to west adjoining the entire southern boundary of the Danielson Farm. As the attached Post Bulletin article reveals, this 55th Street NW extension:

- Includes the largest bridge in Olmsted County;
- Extends and links Highway 52 to the northern end of Broadway Avenue at County State Highway 33;
- Realigns East River Road to West River Road; and,
- Features signalized intersections.

The proposed Anthony Properties' commercial and residential development is precisely the economic impact that county and city regional planners intended to promote when appropriating the \$33 million for the 55th Street Northwest expansion.

Utilities are available. There is sufficient sanitary sewer capacity, and the public water main has been stubbed to the Danielson Farm.

RAEDI SUPPORT

RAEDI's mission is to support economic, community, and workforce development to grow and diversify the greater Rochester area economy. The Anthony Properties' project serves this mission by

increasing the housing stock for a growing economic workforce in the community and also offers senior housing to meet the needs of older buyers. RAEDI believes placing limits on acres for Medium Density Residential (MDR) is counter-intuitive to supporting the growth and attraction of a developer seeking to diversify the real estate stock in our community. Moreover, Anthony Properties has the financial wherewithal to purchase the 115 acres and develop it to reach its maximum long-term potential to benefit the community. In doing so, Anthony Properties will make investments in our community while generating an increased tax base to support the city's growth.

We urge you to support the proposed 50 net acres of MDR property and 10 net acres of commercial property to the Comprehensive Land Use Plan Amendment to enable Anthony Properties to proceed with this favorable development.

Thank you for your consideration.

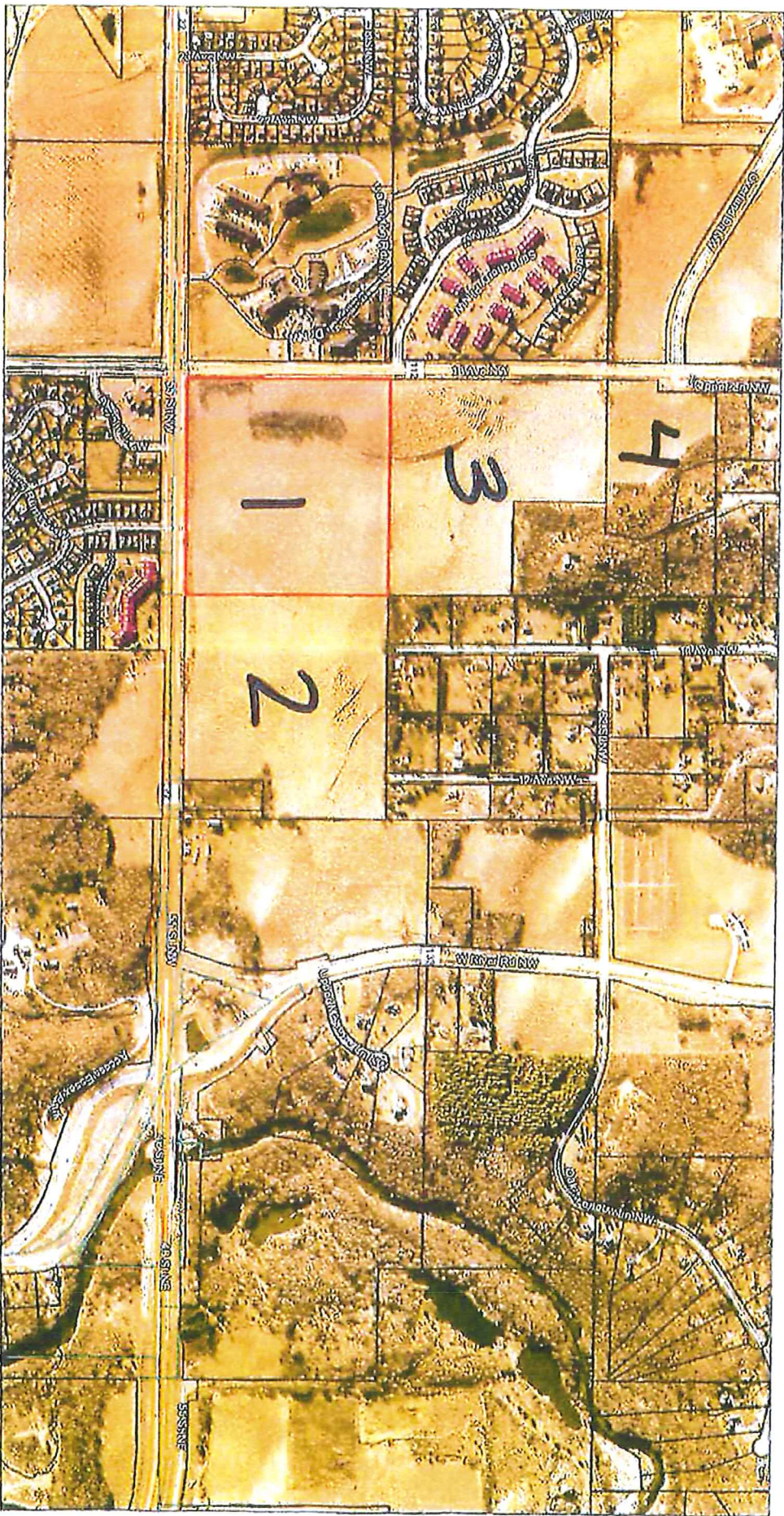
Sincerely,



John Wade
President

cc: Anthony Properties

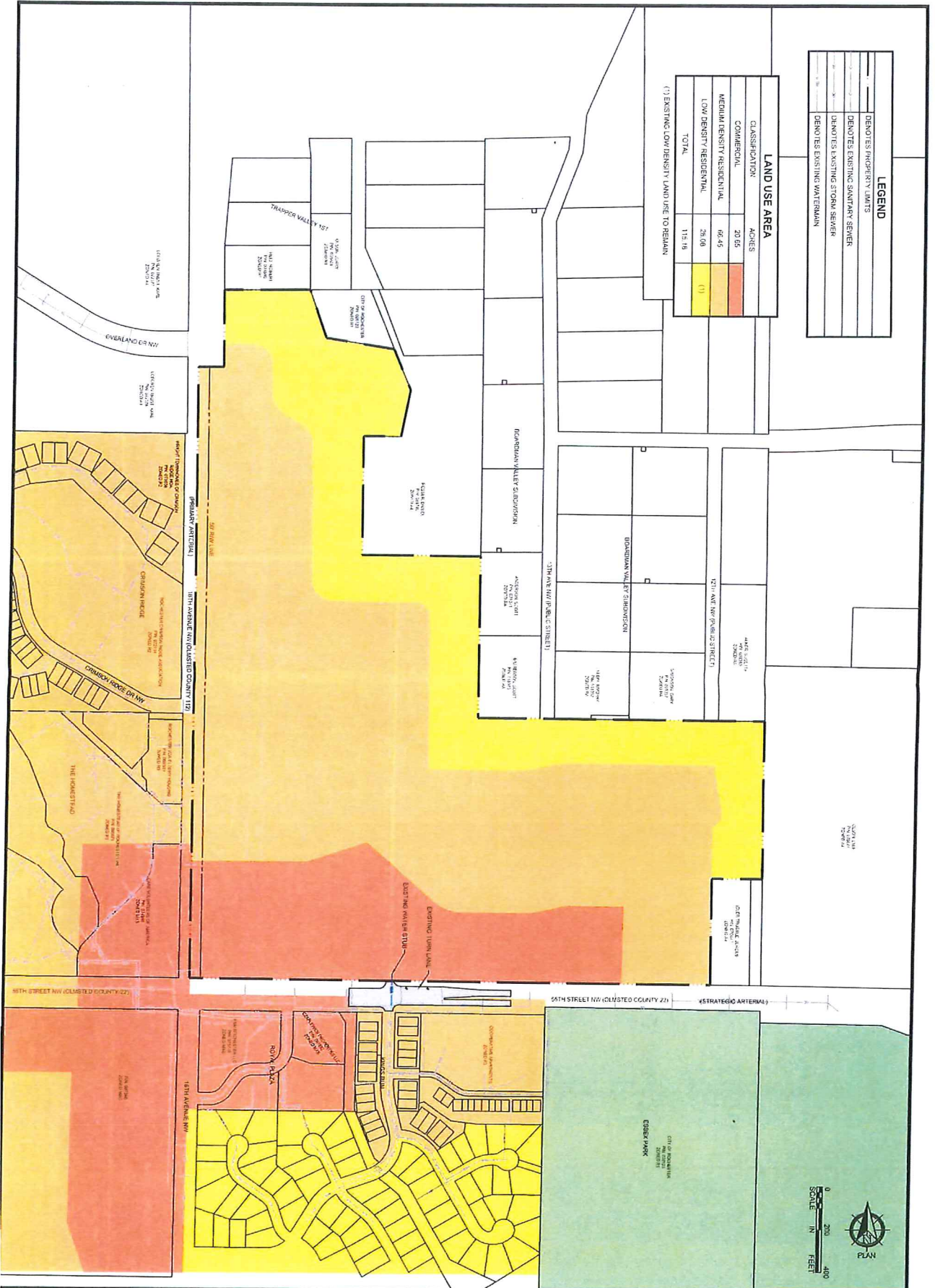
741043057185



March 16, 2023

Olmsted County, MN GIS Division and Olmsted County, MN Property Resources and Licensing, Olmsted County GIS, Olmsted County, MN GIS Division

Olmsted County, MN Assessment and Tax Office



LEGEND

- DENOTES PROPERTY LIMITS
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING WATERMAIN

LAND USE AREA

CLASSIFICATION	ACRES
COMMERCIAL	20.55
MEDIUM DENSITY RESIDENTIAL	66.45
LOW DENSITY RESIDENTIAL	26.06
TOTAL	113.06

(1) EXISTING LOW DENSITY LAND USE TO BE MAINTAINED



LAND USE PLAN
DANIELSON FARM
OLMSTED COUNTY, MINNESOTA

REV.	DATE	DESCRIPTION
1	4.22.23	REVISED LAND USE AREAS

SCALE: AS SHOWN
DATE: 4/5/23
DRAWN BY: [Name]
CHECKED BY: [Name]
APP. FILE: [Name]

WSE+MASSEY
Engineering & Surveying
PH: NO. 507.634.4438
WWW.WSE+MASSEY.COM
KASSON OFFICE
338 E. VETERANS
PO BOX 100
KASSON, MN 55944
PLAINVIEW OFFICE
320 WEST BROADWAY
PLAINVIEW, MN 55964
ROCHESTER OFFICE
1755 RESTORATION
DRIVE SW
ROCHESTER, MN 55902

Opinion

OUR VIEW

Can a solution to housing shortage be close at hand?

The supply of easily affordable housing in Rochester and the surrounding area has been a problem since ... well, probably since George Head arrived as the city's first settler in 1854.

OK, so that's a stretch - today is April Fools' Day, after all - but there still is a point to be made that having enough homes priced to buy on workforce wages is a longstanding local problem, dating back at least several decades. Many efforts to close that gap have made some progress, but not done anywhere near enough to declare the problem licked.

Now, though, some real muscle is lining up behind this issue. A \$4 million Mayo Clinic donation helped establish the Coalition for Rochester Area Housing, an initiative managed by the Rochester Area Foundation and overseen by a committee that includes elected officials and representatives of Mayo, Destination Medical Center and the foundation.

Two of those committee members, Shaun Palmer of the Rochester City Council and Sheila Kiscaden of the Olmsted County Board, met with our board this week to talk about their desire to bring the housing challenge into greater public focus. Homeownership is particularly important. People who own homes are more attached to their communities, and owning a home, versus renting, builds personal wealth that further benefits the wider community.

Barriers to ownership need to be addressed, and some of what needs to happen, they said, already has been done. Much more work remains. Before getting to all of that, let's have a look at the situation:

- Rochester is falling well short of an estimated 450 new houses per year that are needed to keep pace with demand. In recent years, the total has been only about 200.

- Homeownership in Rochester is becoming less affordable by comparison with other Minnesota cities. Not many years ago, the average price of a home in this area lagged the Twin Cities market by about 40%. Today that difference is down to about 10%.

- Prominent developers of affordable housing, Joel Bigelow and Bob DeWitz, have died and no one has come forward to replace them with that special focus. In fact, the overall number of active developers in the city has fallen to only about seven, from about twice as many in the early 2000s.

- Two critical consumer segments

are severely underserved. The homeownership rate among BIPOC (Black, indigenous and people of color) households is just 22%, compared to a 72% rate for white households. Meanwhile, dedicated and attractive senior housing is woefully short of meeting the needs of older buyers who might be ready for a move. That prevents a great many already-existing affordable homes from recirculating in the housing market.

Money suggests a solution to some of the problems, and besides Mayo's seed money there may be more to come, including up to \$50 million from a potential renewal of Rochester's half-cent sales tax, and ongoing collections from Olmsted County's property tax dedicated to the Housing and Redevelopment Authority.

Financial risk is an issue to developers. In their eyes, Palmer and Kiscaden said, the buyer demand and profit they can expect from high-dollar homes is well-established. Building homes for \$250,000 or less? Not so much. That's why financial incentives, in the form of tax-increment financing, tax abatements, and up-front relief on the cost of extending sewer, water and roads all could help, Palmer and Kiscaden said.

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There's more to be done, to address challenges including a workforce shortage for homebuilders, a limited availability of mass transportation, to hold down the cost of utilities and more - "so many little pieces to this," as Kiscaden said. It's worth mentioning here that having more affordable houses to buy would also likely have a downward effect on rent prices. The high cost of apartments is a housing challenge, too.

These problems aren't unique to our area, but the above-average pace of economic growth here raises the stakes for solving it. We think it's good that two elected officials are acting to pull the spotlight to this issue. We'll watch with interest as their work proceeds, with high hopes that - given the scope of the investments - the gains are real and substantial.



Home | About Us | Our Services | Our Locations | News & Events | Contact Us



WELCOME TO ANTHONY PROPERTIES

Anthony Properties, headquartered in Dallas, Texas, is a privately held real estate development and investment firm founded in 1987 by [Jay Anthony](#). Our diverse portfolio includes residential communities, mixed-use developments, retail centers, multiplex cinemas and acreage held for investment.

Our primary objective is to identify attractive acquisition opportunities in emerging real estate markets and to promote the value of our acquisitions by determining the highest and best use of that property. We bring to our projects many years of experience in entitlement, land planning, demographic analysis and marketing to ensure that the each property reaches it maximum long-term potential.

This site is designed to introduce you to our company, to highlight some of our projects and to help you to become better acquainted with our business, our team and the values that matter to us.

CONTACT US

1219 East 15th Street, Suite 100
Dallas, Texas 75202

972-991-4484

info@anthonyproperties.com

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ANTHONY PROPERTIES SUMMARY

Anthony Properties (AP) is a fully-integrated real estate company organized to design, construct and lease commercial and residential developments thoughtfully designed to meet the needs of residents and the communities in which they live. AP's strategy is as simple as it is unique: to build properties from the ground up with the goal of owning and operating them for the long term. Since its founding in 1985, AP has successfully developed more than 100 projects, including multi-family apartments, residential master-planned communities, state-of-the-art cinema complexes and regional retail centers. At AP, we prioritize above all else the enduring success of our projects as well as maintaining the trusted reputation we have earned over the decades.

Since 2017, AP has constructed nearly 1000 apartment units across the U.S., with the greatest concentration in midwestern towns similar to Rochester, including Cedar Rapids, Davenport and Sioux City, Iowa. We take pride in retaining ownership in all our multi-family projects and look forward to their continued success.

SELECT PREVIOUS DEVELOPMENTS:

The Railyard at Rimrock

- Grand Junction, Colorado
- Completed February 2022
- Cost of \$31,700,000
- 196 total units in 7 buildings



Summit Ridge

- Sioux City, Iowa
- Completed December 2020
- Cost of \$11,900,000
- 73 total units in 1 building
- Underground parking



ANTHONY PROPERTIES SUMMARY

Enclave at Dry Creek

- Cedar Rapids, Iowa
- Completed June 2020
- Cost of \$23,100,000
- 178 total units in 6 buildings



Reserve at City's Edge

- Davenport, Iowa
- Completed February 2021
- Cost of \$25,500,000
- 196 total units in 7 buildings



HEALTH

7 things to know about 55th Street extension



Construction of the new 55th Street Northwest bridge in Rochester.

By Andrew Setterholm, asetterholm@postbulletin.com

October 01, 2016 at 9:20 AM

↪ Share

\$33 million: The cost for construction of the 55th Street Northwest extension, which includes a bridge, extending 55th Street from Essex Park to Broadway Avenue North and realignments of East River Road and West River Road.

Bridge: When complete, the 55th Street bridge over the Zumbro River's South Fork will be the largest in Olmsted County. It will be more than 450 feet long — not the longest in the county, but

considering its width, certainly the largest. It will be installed in three segments of about 160 feet each.

Clearing and conservation: Construction work started with clearing and grubbing just more than 48 acres of land. Project engineers were careful to avoid an oak savanna near Essex Park, and Olmsted County worked with the Department of Natural Resources and Army Corps of Engineers to have a minimal effect on the river.

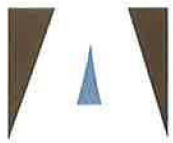
Regional connectivity: The extension of 55th Street will provide the only river crossing between 37th Street and 75th Street, providing a new, major connection from east to west. The road also will connect Highway 52 with County State Aid Highway 33 at the northern end of Broadway Avenue.

New alignments: The project will add new alignments of West River Road and East River Road and provide signalized intersections at West River Road and the connection to County State Aid Highway 133.

Economic effect: Significant residential and commercial development is expected to follow construction of the 55th Street connection. The project could spur new development in both northeast and northwest Rochester.

Scope of work: The project bid package included more than 685,900 cubic yards of common excavation (\$1.4 million); 64,000 cubic yards of rock excavation (\$1.3 million); 117,000 square yards of concrete pavement (\$4.2 million); more than 3,000 cubic yards of structural concrete (\$1.6 million); and 5,750 linear feet of concrete beams (\$1.7 million).

 Share



ANTHONY PROPERTIES

REAL ESTATE DEVELOPMENT AND INVESTMENT

June 8, 2023

Mr. Randy Schubring, Chair
and Commission Members

City of Rochester Planning Commission

Sent Electrically to Commission Members

Re: City initiated Land Use Amendment allow more Medium Density Residential (MDR) Land Use than allowed by 2018 Comprehensive Plan and Commercial land use on 115-acre Danielson Property in Section 10 Cascade Township, Olmsted County.

Land Use Plan Amendment No. CD2023-002CPA

Dear Mr. Schubring and Commission Members:

On May 10, 2023, the Planning Commission conducted a public hearing and passed a motion relative to the referenced Land Use Amendment to table action on this item to June 14, 2023, to allow time for Community Development and Anthony Properties to meet and confer on obtaining a mutually agreeable compromise for the quantity of land use for Medium Density Residential (MDR) and Commercial.

Community Development and Anthony Properties conducted two virtual meetings to discuss a potential compromise. The virtual meetings were held on May 17th and 23rd of 2023. Anthony Properties compromised by reducing the requested quantity of Medium Density Residential four times since March 30, 2023. However, Community Development has not compromised and in fact they have gone the other direction by **reducing** their original MDR proposal from 30 to 20 acres.

As of today, Anthony Properties is offering an additional, final land use compromise:

Medium Density Residential	=	47 gross acreage	=	39 net acres
Commercial	=	30 gross acreage	=	19 net acres

*This combined MDR/Commercial acreage is to be limited to 1,000 residential units

Please refer to **Exhibit A** attached to this letter which is a chart of the various dates and acreages proposed by both parties.

It is important to note that Anthony Properties' request for land use is listed in **Gross Acres, not Developable Acres**. Properties in the City of Rochester are not 100% developable. On an average basis, only 70-72% of a gross parcel is actually developable. Attached to this letter is **Exhibit B** which is a chart that provides calculations for gross and net developable acreage based on the site constraints that limit development on the Danielson parcel.

A. Key Factors to support the land use amendment as proposed by Anthony Properties are as follows:

1. **Demonstrated need:** Both the Maxfield Study of 2020 and the 2023 studies provided by Anthony Properties confirm a significant need for Medium Density Residential (MDR) to the year 2030 (**Refer to Exhibit C**). Furthermore, it is important to point out that the Maxfield Study of 2020 does not include the significant housing demand and impact of the recent \$1 billion+ expansion announcement by Mayo.
2. **Affordability:** Providing an adequate supply of MDR will make housing more affordable. Furthermore, MDR constructed in a suburban setting tends to be less expensive, particularly on a price per square foot basis, than high rise urban apartments. (See attached **Exhibit D** for current rental rates)
3. **Infill: The Danielson Property is an infill area** as lands to the west, north-northeast, and south are developed and the land in the southwest quadrant of the intersection is approved for a mixed-use development.
4. **Infrastructure:** The public utilities are available to serve the proposed project and the perimeter transportation system has been recently upgraded to accommodate the development of this project. **No public monies are required to develop this property or provide service to the site or make transportation improvements.**
5. **Suburban Living:** The proposed **project provides consumers with a choice of where they live** by creating a green opportunity outside the urban core of the city. Not everyone desires to live in downtown Rochester, particularly with the employment hubs in North Rochester.
6. **City Charges/Tax Base:** The proposed MDR project will reimburse the city for the investment they have made in infrastructure improvements in the area in the amount of \$1,700,000 through city changes. The future *annual estimated taxes* (county assessor) for the MDR portion of the project are *\$2.6 Million per year*.

B. Public Benefits: Public Benefits include the following:

1. Meets the shortage of housing supply, including senior housing.
2. Assists in leveling the cost of rents by increasing the supply of housing.
3. Creates new jobs.
4. Invests approximately \$170 Million for the MDR housing units.
5. Utilizes existing public safety and other City services funded through the tax base increase of \$2.6 million per year. (It is more efficient and cost effective to provide services to a more compact development)
6. Supports the newly constructed Overland Elementary school (located on Overland Drive which has residual capacity for more students); Fire station #4 (1.3 miles to the south); the police station (located 2 miles from site); and the recently upgraded 55th St NW corridor.

In response to concerns expressed by Community Development, Anthony Properties has compromised their request for Medium Density Residential land use on several occasions.

C. Current request by Anthony Properties is as follows:

Medium Density Residential	=	47 gross acres	=	39 developable acres
Commercial	=	30 gross acres	=	19 developable acres

***This combined MDR/Commercial acreage is to be limited to 1,000 residential units**

- D. Exhibit E are examples of projects where Anthony Properties has developed which integrate residential use with commercial use. The success of residential use is supported by commercial use.**
- E. Anthony Properties (AP) is a well-established, respected company formed in 1987. AP has recently developed several similar, very successful multi-family communities in Iowa and Colorado. The proposed Rochester project represents a very significant long-term investment in Rochester (more than \$200 million over 10-15 years.) See Exhibit G Letters of Recommendation from Wells Fargo Bank and Bremer Bank.**
- F. Summary:**
- a. Anthony Properties' request for the Medium Density and Commercial land use is reasonable given the pent-up demand.**
 - b. It is an Infill project with no public expenditure for infrastructure.**
 - c. Provides an alternative and more affordable living style than the Urban Core development.**
 - d. The project is expected to be constructed over a 10-15 year time period that will not compete with the City proposed LINK facility on 2nd Street SW**
 - e. Provides Medium Density Residential uses in excess of the amount allowed by the outdated 2018 Comprehensive Plan**

The Planning Commission has the ability to recommend approval of land use greater than that recommended by Community Development, and we request you do so.

We have heard from Rochester's major employer and studied the community housing shortage which all points to the continued growth in Rochester and their message is "we will need more housing for our employees."

We respectfully request approval, as set forth in the Motion attached as Exhibit H, of our current amended request for Medium Density Land Use of 47 gross acres (39 net developable acres), 30 gross acres of Commercial (approximately 19 net developable acres), and the combined MDR/Commercial acreage is to be limited to 1,000 residential units. (Exhibit F illustrates the location of the land uses per the latest compromised offer by Anthony Properties)

Sincerely,



Justin Todd

Anthony Properties

EXHIBIT A

WSE MASSEY ENGINEERING & SURVEYING, LTD
1765 Restoration Road SW Rochester MN 55902



507.634.4505 ■ WSE.ENGINEERING

Danielson Farm Land Use Amendment

Summary of Timeline Re: Land Use Amendment Request

June 2, 2023

The following chart recaps the discussions between Anthony Properties and Community Development to present land use amendment alternatives:

Date	Anthony Properties	Community Development
Prior to March 30 th	72+Acres MDR 14+Acres Commercial	
March 30, 2023	72+Acres MDR 14+Acres Commercial	30 Acres MDR 20 Acres Commercial
April 04, 2023	66 Acres MDR 21 Acres Commercial	30 Acres MDR 20 Acres Commercial
April 18, 2023	66 Acres MDR 21 Acres Commercial	20 Acres MDR 21 Acres Commercial
May 05, 2023	66 Acres MDR 21 Acres Commercial	20 Acres MDR 24 Acres Commercial
May 10, 2023	62 Acres MDR 21 Acres Commercial	20 Acres MDR 24 Acres Commercial
May 23, 2023	56 Acres MDR 24 Acres Commercial	20 Acres MDR 24 Acres Commercial

320 West Broadway, Ste. 3
Plainview, MN 55964
507-634-4505

1765 Restoration Road SW
Rochester, MN 55902
507-634-4505

33 B Veterans Memorial Highway E, PO 100
Kasson, MN 55944
507-634-4505

May 23, 2023	56 Acres MDR	20 Acres MDR
(Revised)	21 Acres Commercial	24 Acres Commercial
June 2, 2023	47 Acres MDR	20 Acres MDR
	30 Acres Commercial	24 Acres Commercial

The acreage noted in the chart is **GROSS ACRES**. The current request is **39 ACRES NET MDR AND 19 ACRES NET COMMERCIAL**.

It should be noted that Anthony Properties did not counter the amount of MDR and Commercial Land Use stated in the April 18th Email from Community Development and the May 5, 2023 Staff Report issued by Community Development as the amount of Medium Density was reduced from the original supported acreage by Community Development as stated on March 30, 2023.

EXHIBIT B

Danielson Farm Land Use Calculations

3/30/23 LUP

Land Use	Gross area (Ac.)	Slopes>18%(Ac.)	SWMF (Ac.) ⁽¹⁾	Roadway(Ac.)	Ex. ROW (Ac.) ⁽²⁾	Net Developable area (Ac.)
Commercial	14.04	1.91	0.00	2.00	0.63	10.13
Medium Density	72.35	5.23	5.45	8.02	2.66	53.65
Low Density	25.50	5.20	0.00	2.77	0.00	17.53
Total	115.18	12.34	5.45	12.79	3.29	81.31

⁽¹⁾ Future Stormwater Management Facilities

⁽²⁾ Existing 18th Ave (Olmsted County Road 112) road right of way

4/4/2023 LUP

Land Use	Gross area (Ac.)	Slopes>18%(Ac.)	SWMF (Ac.) ⁽¹⁾	Roadway(Ac.)	Ex. ROW (Ac.) ⁽²⁾	Net Developable area (Ac.)
Commercial	20.65	2.84	4.31	2.00	0.63	10.87
Medium Density	66.45	4.30	1.07	8.02	2.66	50.40
Low Density	28.08	5.20	0.00	2.77	0.00	20.11
Total	115.18	12.34	5.45	12.79	3.29	81.31

5/23/2023 LUP

Land Use	Gross area (Ac.)	Slopes>18%(Ac.)	SWMF (Ac.) ⁽¹⁾	Roadway(Ac.)	Ex. ROW (Ac.) ⁽²⁾	Net Developable area (Ac.)
Commercial	20.49	2.84	4.31	2.00	0.63	10.71
Medium Density	56.51	0.00	0.00	8.02	2.66	45.83
Low Density	38.18	5.20	1.07	2.77	0.00	29.14
Total	115.18	8.04	5.38	12.79	3.29	85.68

6/2/2023 LUP

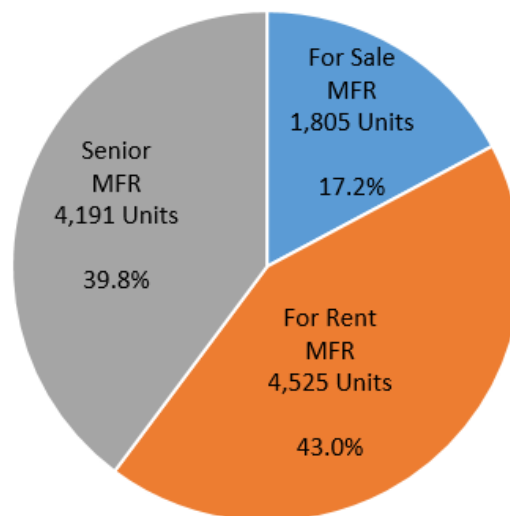
Land Use	Gross area (Ac.)	Slopes>18%(Ac.)	SWMF (Ac.) ⁽¹⁾	Roadway(Ac.)	Ex. ROW (Ac.) ⁽²⁾	Net Developable area (Ac.)
Commercial	29.85	2.84	4.31	2.62	0.63	19.45
Medium Density	47.15	0.00	0.00	5.70	2.66	38.79
Low Density	38.18	5.20	1.07	4.47	0.00	27.44
Total	115.18	8.04	5.38	12.79	3.29	85.68

EXHIBIT C

Excerpt from Land Use Amendment CD2023-001CPA
Community Development making the case for why
more Medium Density Residential (MDR) is needed in
the City of Rochester:

The applicant's narrative addresses an unanticipated shortage of MDR designated property, citing the 2020 Comprehensive Housing Needs Analysis for Olmsted County, prepared by Maxfiled Research & Consulting. The report addresses the need for both multifamily rental housing and senior housing, with the need for approximately 4,191 of senior multi-family units in the City of Rochester Submarket. Recent development in the city has provided market rate and affordable units, but there has not been any Senior Housing (55+ or 65+) proposed in the last few years creating pent-up demand. The following graph provides a summary of multi-housing needs for Rochester Submarket as identified by the study. There is a combined need of 8,716 multifamily rental units and 1,805 for-purchase multi-family units, totaling the need for 10,521 units by 2030.

City of Rochester Submarket - Multi-family Residential Demand
2020-2030



Total Unit Demand = 10,521 Units

(Source – 2020 Maxfiled Housing Study)

EXHIBIT D

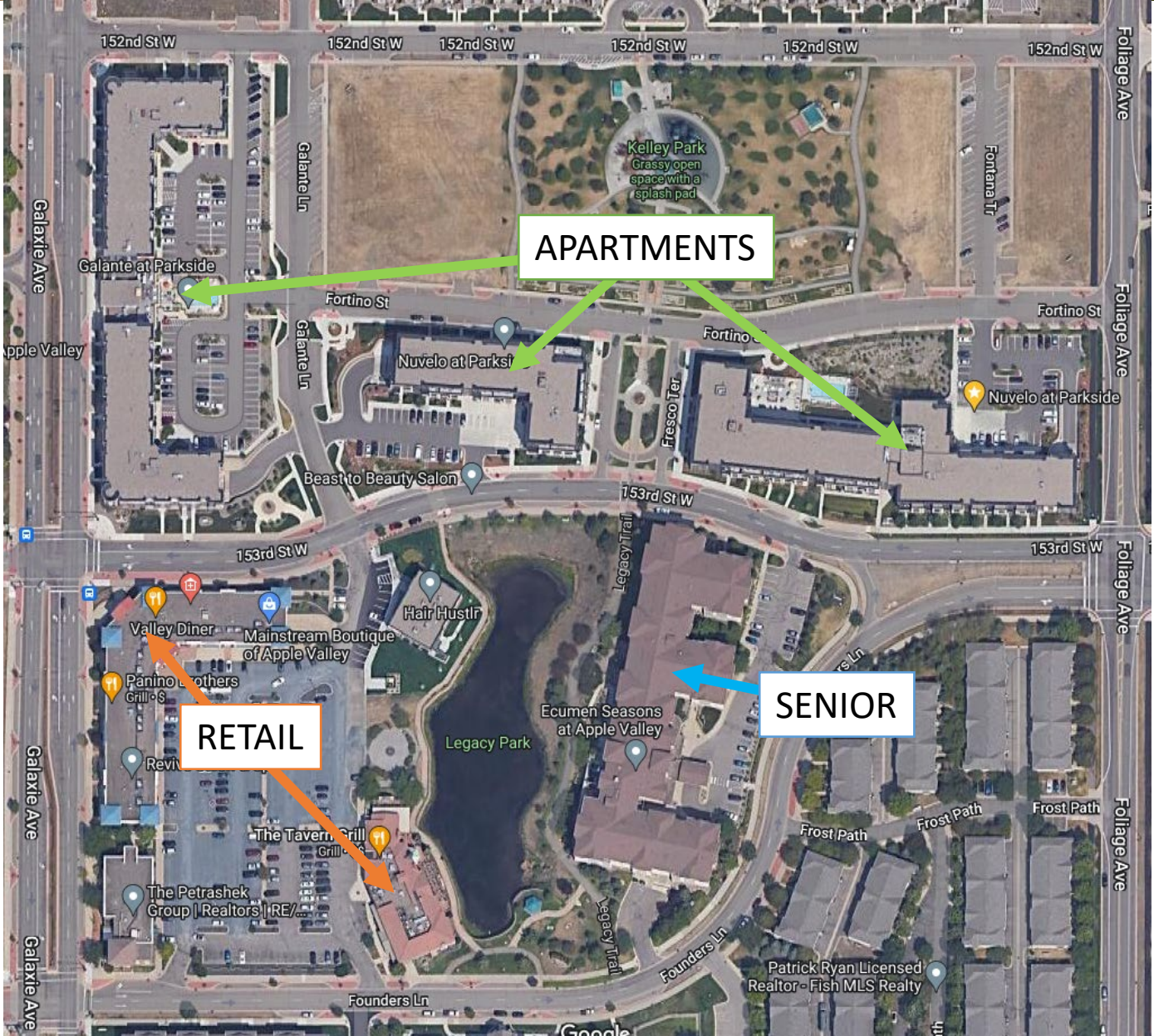
Rochester Area Apartment Rates - Urban vs. Suburban

<u>Location Name</u>	<u>Lowest Rent</u>	<u>Highest Rent</u>	<u>Distance to Downtown</u>
The Hue	\$1,195	\$1,745	0.15
The Maven	\$1,576	\$5,000	0.22
Flats on 4th	\$1,375	\$3,200	0.28
501 on First	\$1,150	\$3,000	0.29
Metropolitan Market Place	\$1,425	\$2,500	0.30
Riverwalk	\$1,595	\$4,345	0.35
Residence at Discovery Square	\$1,350	\$1,700	0.37
Lofts at Mayo Park	\$1,550	\$3,800	0.38
The Berkman	\$1,750	\$8,593	1.05
Avani Living	\$1,171	\$2,278	1.16
Uptown Apartment Homes	\$1,475	\$1,965	1.30
URBAN AVERAGE	\$1,419	\$3,466	
Red44	\$1,470	\$3,805	1.53
Eastwood Ridge	\$1,255	\$2,455	2.36
Preserve on Maine	\$1,899	\$2,969	4.13
Forte Living	\$934	\$2,478	4.41
Boulders	\$1,499	\$2,399	4.44
The Pines	\$1,265	\$2,750	4.66
SoRoc on Maine	\$1,430	\$2,900	4.90
The Lodge at Overland	\$1,460	\$3,605	5.39
Kascade Place	\$1,320	\$1,620	5.45
SUBURBAN AVERAGE	\$1,392	\$2,776	

Rent Rate Source: Apartments.com

Map Source: Google Maps (Search: Apartments & Townhomes)

Apple Valley, Minnesota Parkside – Galaxie Ave & 153rd St



Sioux City, Iowa Summit / Sunnybrook Village



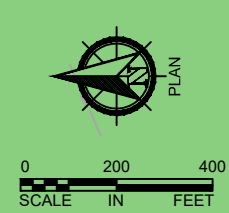
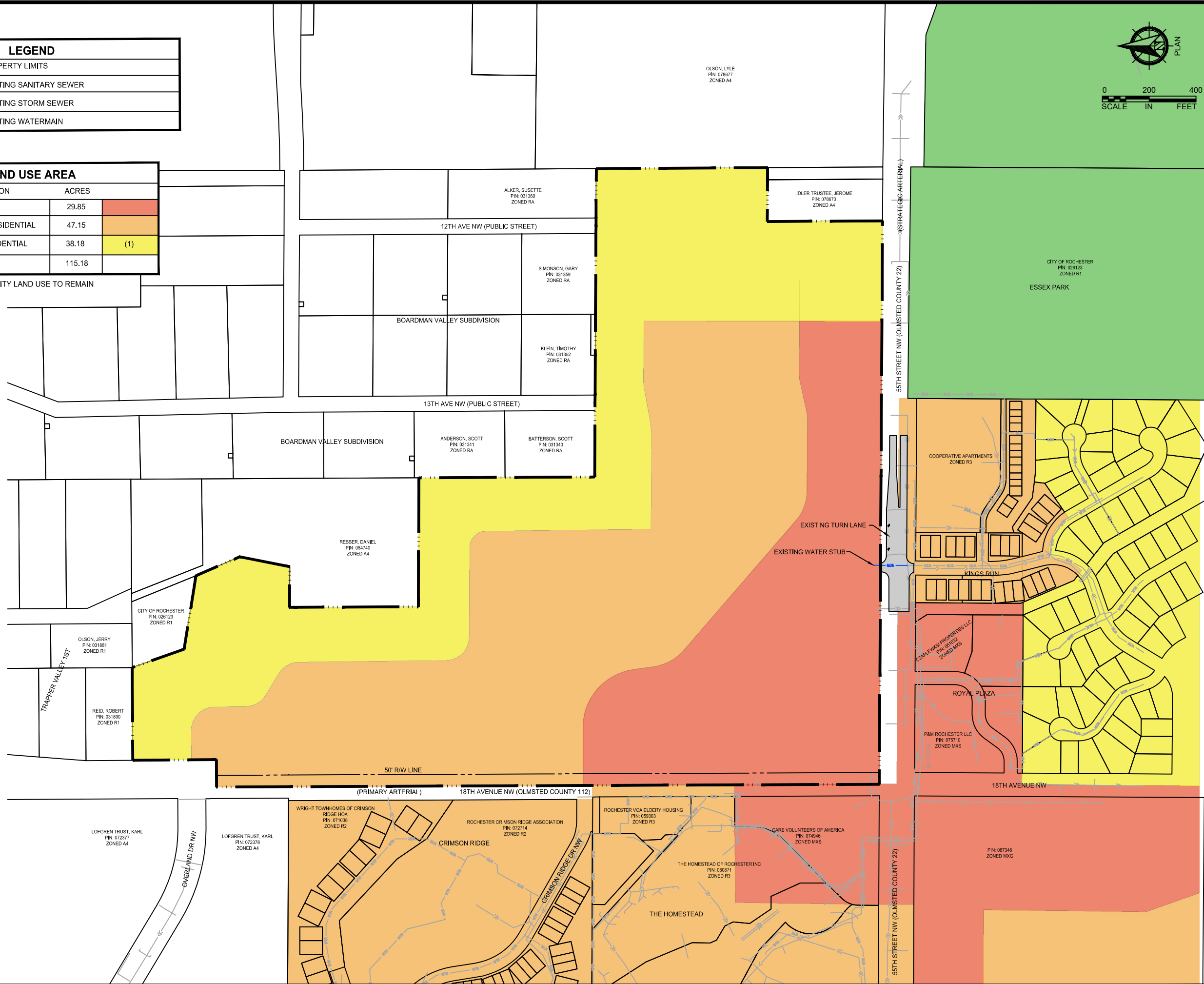
120-224108_LUPA.dwg

6/2/2023 9:19:22 AM

LEGEND	
	DENOTES PROPERTY LIMITS
	DENOTES EXISTING SANITARY SEWER
	DENOTES EXISTING STORM SEWER
	DENOTES EXISTING WATERMAIN

LAND USE AREA	
CLASSIFICATION	ACRES
COMMERCIAL	29.85
MEDIUM DENSITY RESIDENTIAL	47.15
LOW DENSITY RESIDENTIAL	38.18 (1)
TOTAL	115.18

(1) EXISTING LOW DENSITY LAND USE TO REMAIN



WSE & MASSEY
Engineering & Surveying

PH. NO. 507-634-4505
PLANS@WSE.ENGINEERING
www.wse.engineering

KASSON OFFICE
P.O. BOX 100
33 B E VETERANS
MEMORIAL HIGHWAY
KASSON, MN 55944

PLAINVIEW OFFICE
320 WEST BROADWAY
SUITE 3
PLAINVIEW, MN 55964

ROCHESTER OFFICE
1765 RESTORATION
DRIVE SW
ROCHESTER, MN 55902

EXHIBIT F

REV.	DATE	DESCRIPTION
1	4.3.23	REVISED LAND USE AREAS
2	5.23.23	REVISED LAND USE AREAS
3	6.01.23	REVISED LAND USE AREAS

LAND USE PLAN
DANIELSON FARM
OLMSTED COUNTY, MINNESOTA

SCALE: 1"=200'
DATE: 2/20/2023
DRAWN BY: R.R.S.
JOB NUMBER: 120-224108
DWG. FILE: 120-224108_LUPA



380 Saint Peter St., Ste 500
Saint Paul, MN 55102

bremer.com

April 19, 2023

City of Rochester
To whom it may concern:

Re: Letter of Recommendation for Anthony Properties

Anthony Properties has been a bank client & borrower at Bremer Bank for nearly 20 years. We have financed multiple commercial real estate projects for Jay Anthony totaling over \$40 million, including ground up construction. Jay & his team at Anthony Properties have been very professional, timely & a pleasure to work with. They have complied with all terms & conditions of our contracts and have no defaults, late payments or overdrafts in the history of the accounts.

Should you have any other questions or concerns, please reach out to me at my phone number below.

Bremer Bank N.A.

A handwritten signature in black ink, appearing to read "Andrew Sybilrud". The signature is stylized and fluid, with a long, sweeping flourish extending from the end.

Andrew Sybilrud
Vice President
Commercial Banking
(651) 726-6021
atsybilrud@bremer.com

WELLS
FARGO

The Private Bank

Scott D. Thompson
Managing Director Private
Wealth Advisor NMLSR ID
530427

1445 Ross Avenue, Suite 4400
MAC T9216-441
Dallas, TX 75202
214.721.8302 Office
214.435.9541 Cell
214.721.8334 Fax
scott.d.thompson@wellsfargo.com

May 18, 2023

To whom it may concern,

Wells Fargo Private Bank has enjoyed a strong relationship with Anthony Properties (AP) and its principals for the past three decades, the past 12 years by me personally.

The AP team has consistently demonstrated disciplined financial management, sharp insight into market dynamics and a remarkable ability to discern attractive long-term investment opportunities. Armed with significant resources, AP has the experience and expertise to tackle complex large-scale projects from conception through completion. Most important, they maintain the highest standards of integrity and treat clients, colleagues and staff with courtesy and respect. Anthony Properties' sterling reputation within the Bank and the community.

Please feel free to contact me directly should you have any questions.

Sincerely,

Scott D. Thompson

EXHIBIT H

**ROCHESTER, MN
PLANNING & ZONING COMMISSION**

Land Use Plan Amendment
No. CD2023-002CPA

June 14, 2023

MOTION TO APPROVE to amend the Land Use Map classification on a portion of the approximate 115-acre site, located at the northeast corner of 55th Street NW and 18th Avenue NW, from Low-Density Residential to:

47 Gross Acres of Medium-Density Residential

And

30 Gross Acres of Commercial

With the combined MDR/Commercial acreage to be limited to 1,000 residential units

Second by:



REQUEST FOR ACTION

**Zoning Map Amendment No. CD2023-005ZC by
Rochester Civic Lot Development LLC**

MEETING DATE:

June 14, 2023

ORIGINATING DEPT:

Community Development

AGENDA SECTION:

Public Hearings

PRESENTER:

Elliot Mohler

Action Requested:

Forwarding a recommendation to Council approving Zoning Map Amendment No. CD2023-005ZC, by Rochester Civic Lot Development LLC, to amend the zoning map classification on a 1.79-acre site, located at 217 E Center St from R-4 (High Density Residential) to MXD-FR (Mixed Use Downtown - Fringe).

Report Narrative:

The applicant is proposing a zone change of an approximately 1.79-acre site from R-4 (High Density Residential) to MXD-FR (Mixed Use Downtown - Fringe).

The site located at 217 E Center St is associated with a Request for Proposals (RFP) that the City issued on September 24, 2021. Council awarded the project to Sherman Associates on March 21, 2022. The applicant plans to develop a high-density residential development and has a Site Development Plan under review. A zone change from R-4 to MXD-FR would allow for the proposed project to be taller and have no required setbacks from property lines.

The site is located no more than two blocks from the proposed 2nd St/1st Ave LINK stop. The 2020 New Rapid Transit for a Growing, Equitable Rochester study found that an additional 5000 units are needed along the future LINK bus rapid transit system to meet market demand within the downtown area. If approved, this zone change would benefit the future LINK transit system along 2nd St.

Priorities & Foundational Principles:

Economic Vibrancy & Growth Management

Policy Considerations & DEI Impact:

This Zoning Amendment achieves the Comprehensive Plan Core Principles of expanding housing diversity, integrating transit and land use, emphasizing fiscal sustainability, and enhancing the integrity of existing neighborhoods.

Fiscal & Resource Impact:

All development costs will be the responsibility of the developer and will be outlined in a development agreement and/or City-Owner contract.

Alternative Action(s):

No alternative actions are suggested at this time.

Prepared By:

Elliot Mohler

Attachments:

[Staff Report - CD2023-005ZC Civic Center North Lot](#)

[Notification Map - CD2023-005ZC Civic Center North Lot](#)

[Site Location Map - CD2023-005ZC Civic Center North Lot](#)

[Massing Exhibit - CD2023-005ZC Civic Center North Lot](#)

[UDC Use Regulations Table - CD2023-005ZC Civic Center North Lot](#)

[Applicant Narrative - CD2023-005ZC Civic Center North Lot](#)

[Referral Comments - CD2023-005ZC Civic Center North Lot](#)

ROCHESTER PLANNING COMMISSION

June 14, 2023

- Prepared by:** Rochester Community Development
- Request:** Zoning Map Amendment CD2023-005ZC by Rochester Civic Lot Development LCC to change the zoning district designation of an approximate 1.79-acre site from R-4 High Density Residential to MX-D Fringe Mixed Use Downtown Fringe.
- Location:** The subject property is located at 217 E Center St.
- Owners:** City of Rochester
- Consultant:** Bob Loken / ESG Architecture & Design

COMMISSION AND COUNCIL SUMMARY

Application Type: Zoning Map Amendment

What is Considered: During the Zoning Map Amendment review, the Planning and Zoning Commission and City Council evaluate whether the criteria established in Section 60.500.040E.4 are satisfied. These criteria cover areas such as consistency with the Comprehensive Plan and compatibility with surrounding development and future development.

Site development issues such as architecture, site layout, building orientation, site landscaping, open space, site parking, screening and the aesthetic character of the development are not criteria for consideration of a Zoning Map Amendment application.

The Development Review Team supports the approval of CD2023-005ZC as the proposed zoning district will be consistent with the underlying land use. The High-Density Residential Land Use is characterized by areas typically located near the fringe of the Downtown Development Core with multi-family residential designed with a strong vertical orientation (multi-story).

Approval Body: Rochester City Council

Development Review Team Recommendation: Approval

SUMMARY AND BACKGROUND INFORMATION

The subject property is 1.79 acres in size and is located at 217 E Center St. The request is to rezone the property from R-4 High Density Residential to MX-D Mixed Use Downtown Fringe. The property is currently being used as a surface parking lot.

This site is associated with a Request for Proposals (RFP) that the City of Rochester had issued on September 24, 2021. Sherman Associates was awarded the project by City Council on March 21, 2022 and plans to develop a high-density residential

development which will include approximately 84 affordable units at 60% AMI out of a total 246 units. Changing the zoning district from R-4 to MX-D Fringe would allow for a proposed project to be taller and reduces required setbacks to zero. This project is located west of the Zumbro River and is adjacent to other MX-D districts. The new zoning district and subsequently any proposed project would assist in furthering the LINK bus rapid transit plan. This site is approximately two blocks away from the proposed 2nd St / 1st Ave LINK stops. The *New Rapid Transit for a Growing, Equitable Rochester* study, finished in 2020, found that the LINK corridor will require an additional 5000 units within the next seven years to support the development and use of the bus rapid transit system.

Any allowed use in the MX-D Fringe district would be allowed if this request is approved. The applicant currently has a Site Development Plan application (CD2023-016SDP) under review. The proposed project includes a 14-story tower with market-rate apartments and a five-story, low-rise building with affordable units.

Table 300.01-1 Allowed Uses Table is included as an attachment to give examples of allowed uses in the R-4 and MX-D districts. R-4 is denoted in orange and MX-D is denoted in red.

“S” = Staff Approval

“P” = Planning Commission Approval

“C” = City Council Approval

“*” = Reference to Additional Regulations

COMMUNITY DEVELOPMENT REVIEW

Land Use Plan:	The site is guided for high density residential.
Adjacent Land:	<p><u>North:</u> The properties to the north are zoned R-4.</p> <p><u>East:</u> The properties to the east are zoned R-4.</p> <p><u>South:</u> The properties to the south are zoned MX-D Business.</p> <p><u>West:</u> The properties to the west are zoned MX-D Business.</p>
Public Infrastructure:	Public facilities (roadways, sanitary sewer, water, and storm water management facilities) exist or are planned soon to service the subject properties.

SITE SUMMARY AND DISTRICT COMPARISON

Current Zoning (R-4 High Density Residential)

In general, the R-4 district is intended to maintain and promote multifamily residential dwellings of the highest intensity along with certain supportive commercial and Non-Residential and civic uses of similar intensity.

Proposed (MX-D Fringe)

The MX-D district is intended to provide for the highest intensity of commercial, residential, and institutional development within the City, resulting in a mixture of uses that optimize public facilities and contribute to a vibrant downtown area. The MX-D Fringe subdistrict is intended for uses that are necessary or tend to support and enhance the activities within the Central Business subdistrict.

This Zone Change furthers the following priorities set forth by the Comprehensive Plan:

Expand Housing Diversity

The site is proposed to be for a high-density residential development to include affordable housing within the downtown area of the city, near many amenities and employment opportunities.

Integrate Land Use and Transportation

The proposed site is approximately two blocks from the 2nd St / 1st Ave LINK bus rapid transit line stop. A future resident of the site could walk to the LINK stop and be able to traverse 2nd St westbound through downtown and to St. Mary's Campus.

Emphasize Fiscal Sustainability

The 2020 *New Rapid Transit for a Growing, Equitable Rochester* study found that an additional 5000 units are needed along the future LINK bus rapid transit system to meet market demand within the downtown area.

Enhance the Integrity of Existing Neighborhoods

This site would be considered infill development. Including additional housing, especially affordable units, will enhance the surrounding downtown area. There will also be a potential for first floor retail that would service those living on site and nearby.

ZONE CHANGE MAP AMENDMENT REVIEW

Under the provisions of Section 60.500.40E of the Unified Development Code, the Planning Commission shall recommend for approval and the Council shall approve an application requesting an amendment to the zoning map if the amendment satisfies the following criteria (staff suggested findings are in **bold**):

60.500.040E.4 Criteria for Rezoning Approval

1. The amendment must satisfy all of the following criteria:
 - a. The permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

The permitted uses allowed in the proposed MX-D Mixed Use Downtown Fringe are appropriate for the subject property and are compatible with the surrounding land uses and downtown area.

- b. The proposed amendment does not involve spot zoning.

Per the League of Minnesota Cities, spot zoning is characterized by the rezoning of a small parcel of land that:

- **Has no supporting rational basis that relates to promoting public welfare; or**
- **Establishes a use classification inconsistent with surrounding uses and creates an island of nonconforming use within a larger zoned district; or**
- **Dramatically reduces the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property.**

Based on the above definition, this zone change cannot be classified as spot zoning.

2. In addition to the requirements in Section 60.500.040E.4.a.1, the amendment must satisfy at least one of the following criteria:
 - a. The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
 - b. The area was originally zoned erroneously due to a technical or administrative error;
 - c. While both the present and proposed zoning districts are consistent with the Comprehensive Plan, the proposed district better aligns with the policies and goals of the Comprehensive Plan or other adopted City plans or policies, as determined by City Council;

The MX-D Fringe district better aligns with the nearby land uses of the downtown area. A potential future project within the MX-D would further the policies and goals of the Comprehensive Plan, specifically by adding housing diversity and enhancing the integrity of the existing neighborhood.

The MXD-FR zoning district provides additional development potential for the site in the form of additional height and zero lot line development (no setback requirements). This site is no more than two blocks away from a future LINK stop and the LINK study identifies the need for an additional 5,000 rental units along the LINK corridor by 2030.

- d. The area has changed or is changing to such a degree that it is in the public interest to rezone to encourage development or redevelopment of the area consistent with the policies and goals of the Comprehensive Plan; or
- e. The area includes lands identified as Decorah Edge and the amendment would provide for beneficial development that maintains typical urban density while preserving habitat and protecting processes that maintain groundwater and quantity.
- f. The area includes lands identified on adopted City plans as an important natural or historic resource, and the amendment would provide for beneficial development that would protect those resources.

STAFF RECOMMENDATION

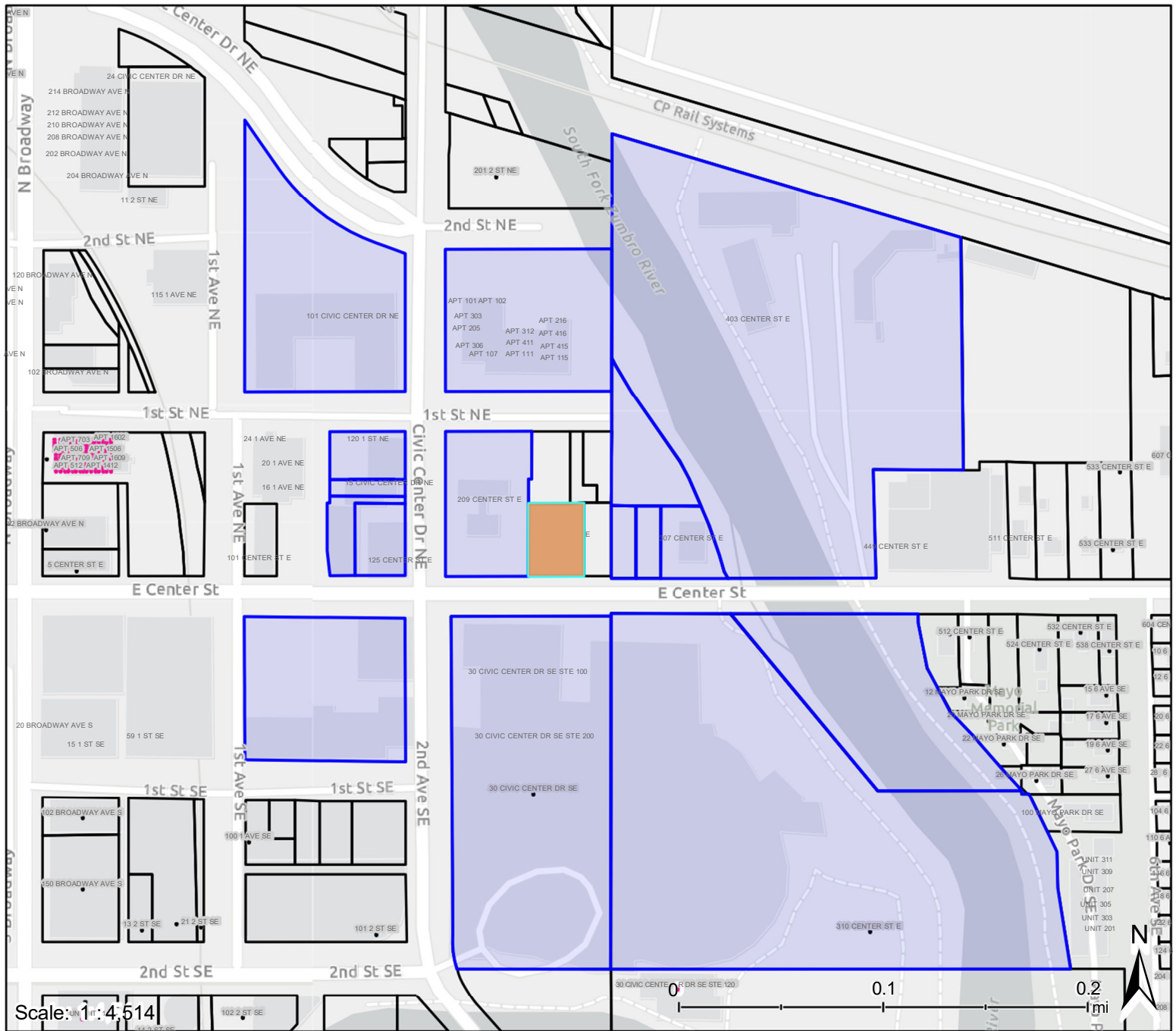
This request was reviewed in accordance with the provisions of Section 60.500.40E.4 for Zone Change Map Amendment. The Development Review Team recommends **approval** of the zone change, as outlined in the Commission & Council Summary above.

ATTACHMENTS

1. Notification Map
2. Site Location Map
3. Zone Change Map Amendment and Massing Exhibit
4. UDC Use Regulations Table
5. Applicant Narrative
6. Referral Comments

Rochester Civic Center North Lot CD2023-005ZC

3/29/2023 Olmsted County Geographic Information Systems

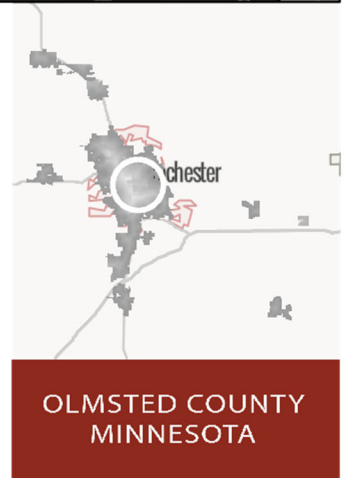


Legend

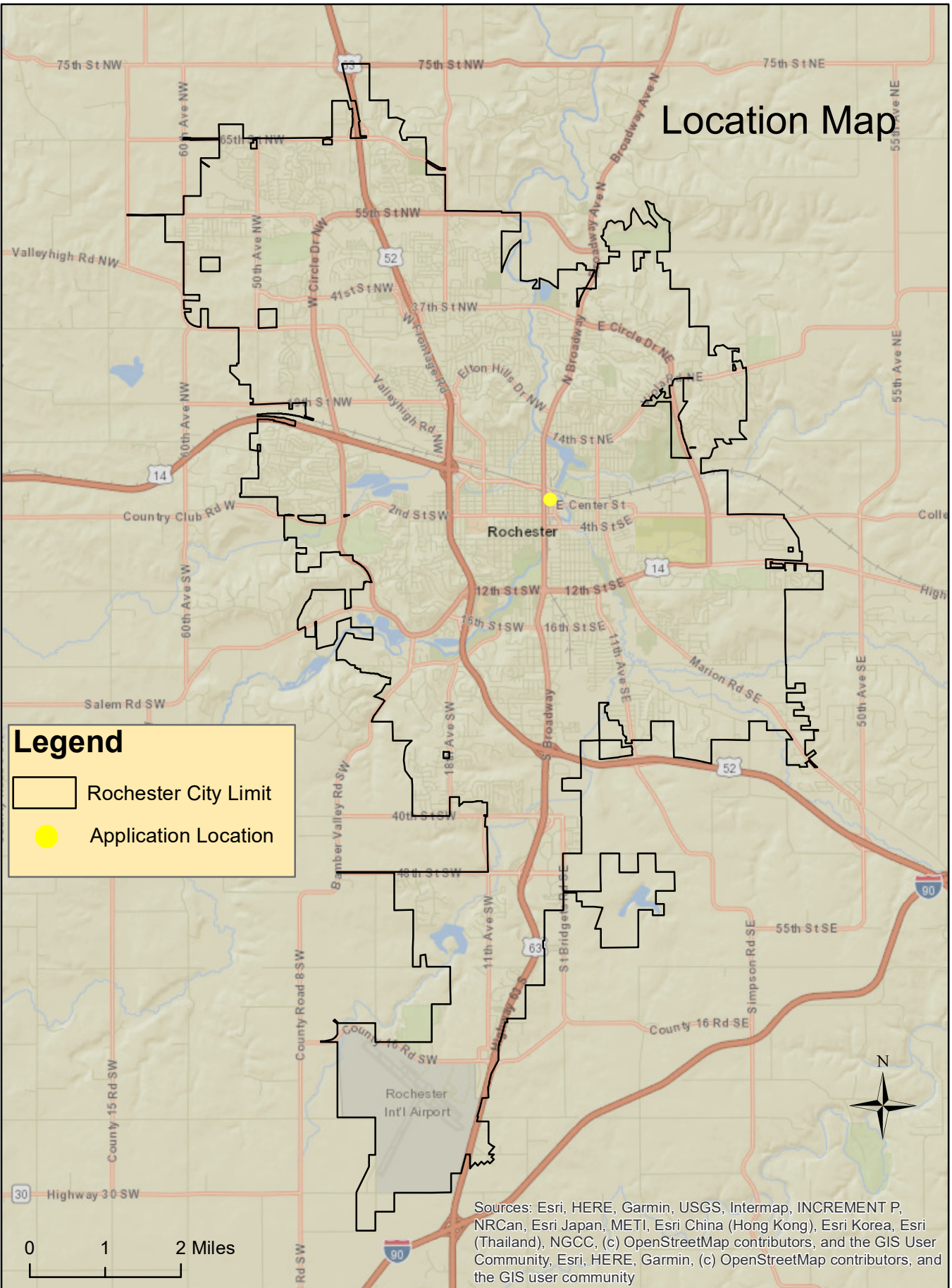
- Site**
- Parcels**
- Notification Area**

Ward 4, Downtown Neighborhood, 350', PIN 018553



Zone Change #CD2023-005ZC, by Rochester Civic Lot Development LLC., to change the Zoning District designation of an approximate 1.79 acre site from R-4 (High Density Residential) to MX-D Fringe (Mixed Use Downtown Fringe). The site is located 200 feet east of the intersection of Civic Center Drive SE and Center Street E.



Location Map



Legend

-  Rochester City Limit
-  Application Location

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

CIVIC CENTER NORTH MULTIFAMILY

Civic Center North
Multifamily
Rochester, MN 55904

5/17/2023 ZONING MAP AMENDMENT



217 E Center Street Rochester, MN 55904

SHEET NUMBER	DRAWING SHEET NAME	REVISIONS 5/17/2023
ESG - City Entitlement - NM & Re zoning		
ESG-0	TITLE SHEET	
ESG-0	EXISTING & PROPOSED ZONING	
ESG-1	MASSING PERSPECTIVES - PROPOSED ZONING	
ESG-2	MASSING PERSPECTIVES - EXISTING ZONING	
ESG-3	LDC DIMENSIONAL STANDARDS	
ESG-4	LDC PERMITTED USES	



500 Washington Avenue South, Suite 1080
Minneapolis, MN 55415
p 612.339.5508 | f 612.339.5382
www.esgarch.com

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota

Signature _____

Typed or Printed Name _____

License # _____ Date _____

NOT FOR CONSTRUCTION

PROJECT LOCATION

Vicinity

Site Location

PROJECT TEAM

OWNER/DEVELOPER: Sherman Associates
233 Park Avenue South, Suite 201
Minneapolis, MN 55415
Ph: 612-339-3000

ARCHITECT: ESG Architecture & Design
500 Washington Ave. South, Suite 1080
Minneapolis, MN 55415
Ph: 612-339-5508
Fx: 612-339-5382

CONTRACTOR: Weis Builders
7645 Lyndale Ave S Suite 300,
Minneapolis, MN 55423
Ph: 612-243-5000

CIVIL ENGINEER: Kimley-Horn and Associates
323 South Broadway
Rochester, MN 55904
Ph: 507-276-0540

LANDSCAPE ARCHITECT: Kimley-Horn and Associates
323 South Broadway
Rochester, MN 55904
Ph: 507-276-0540

STRUCTURAL ENGINEER: Meyer Borgman Johnson
510 Marquette Avenue South #900
Minneapolis, MN 55402
Ph: 612-604-3620

MECHANICAL ENGINEER: Emanuelson-Podas, Inc.
7705 Bush Lake Rd
Edina, MN 55439
Ph: 952-930-0050

PLUMBING ENGINEER: Emanuelson-Podas, Inc.
7705 Bush Lake Rd
Edina, MN 55439
Ph: 952-930-0050

ELECTRICAL ENGINEER: Emanuelson-Podas, Inc.
7705 Bush Lake Rd
Edina, MN 55439
Ph: 952-930-0050

ZONING MAP AMENDMENT
05/17/2023

ORIGINAL ISSUE:
05/16/23

REVISIONS:
No. Description Date

2225.40.00
PROJECT NUMBER

Author: _____ Checked by: _____
DRAWN BY: _____

KEY PLAN

Civic Center North
Multifamily

TITLE SHEET
G0-0

5/16/2023 2:00 PM

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota

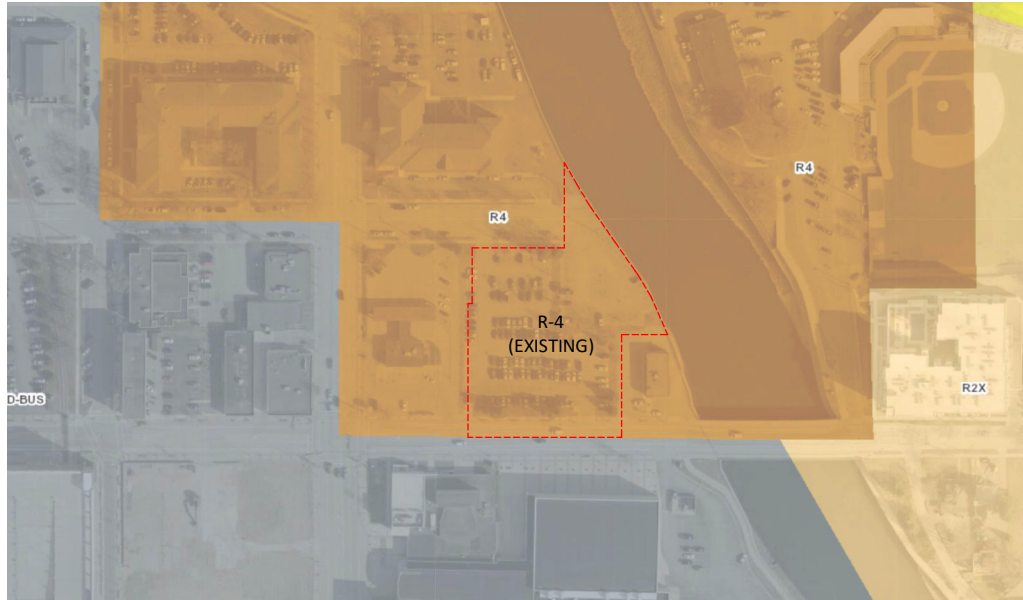
Signature _____

Type of Printed Name _____

License # _____

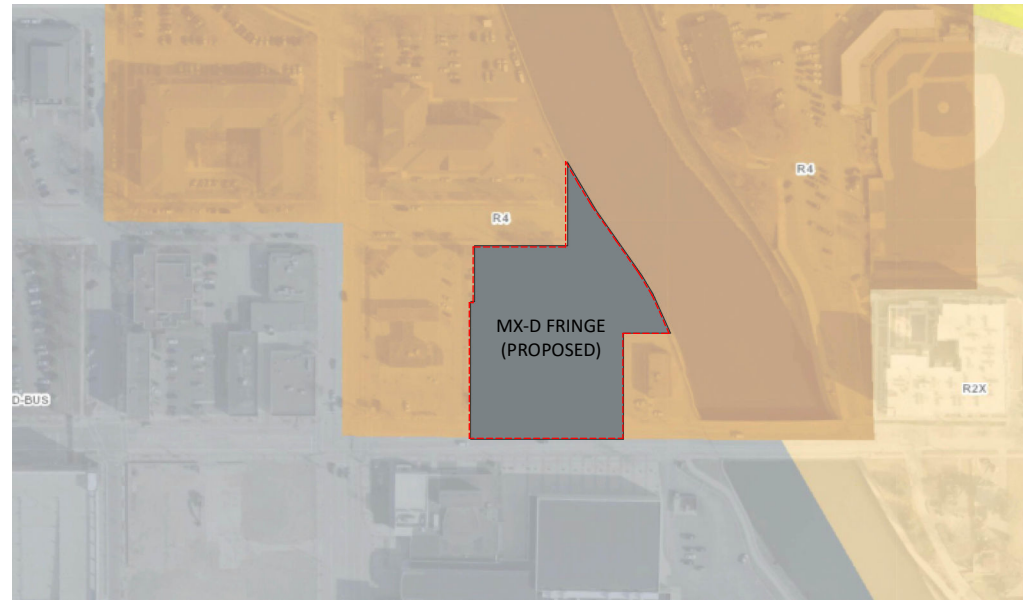
Date _____

NOT FOR CONSTRUCTION

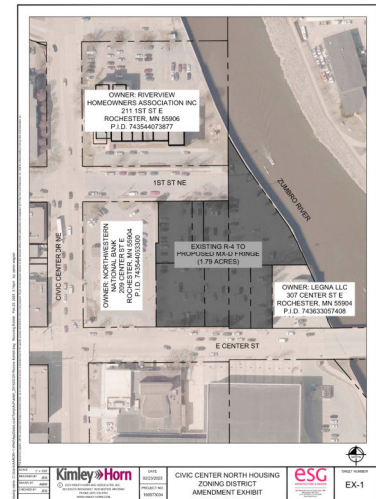


ZONING MAP - EXISTING CONDITION

- R-4
HIGH DENSITY RESIDENTIAL
- MX-D
MIXED USE DOWNTOWN FRINGE
- MX-D
MIXED USE DOWNTOWN BUSINESS
- R-2x
LOW DENSITY RESIDENTIAL INFILL



ZONING MAP - PROPOSED CONDITION



ZONING MAP AMENDMENT 05/17/2023

ORIGINAL ISSUE: _____

REVISIONS:
No. Description Date

222540.00
PROJECT NUMBER

ESG DRAWN BY
ESG CHECKED BY

KEY PLAN

Civic Center North
Multifamily
EXISTING & PROPOSED
ZONING

G1-0

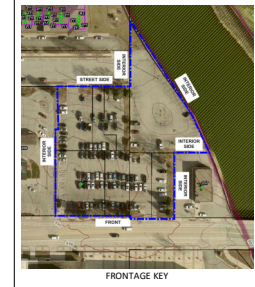
MASSING DIAGRAMS: MX-D FRINGE (PROPOSED ZONING DISTRICT)



MX-D FRINGE MULTI-FAMILY (PROPOSED):
5 STORIES WITH A PORTION OF 14 STORIES



PROJECT DATA SUMMARY	
MIXED USE DOWNTOWN (MX-D) FRINGE SUBDISTRICT MULTI-FAMILY DWELLING PROJECT	
ALLOWED (BY ZONING)	
BUILDING SETBACKS (MINIMUM IN FEET)	
FRONT	NONE
STREET SIDE	NONE
INTERIOR SIDE	NONE
SUM OF INTERIOR SIDES	NONE
REAR	NONE
BUFFERYARD	LEVEL 1, OPT 1 (10 FT MIN. WIDTH)
HEIGHT	
HEIGHT INCENTIVE	135 FT + 4 STORIES
	135 FT MAX + 4 STORIES FOR INCOME-RESTRICTED UNITS (TABLE 400.12-1, 20 DUs OR 15%, WHICHEVER IS LARGER)
FAR (MAX.)	NONE
MAX. LENGTH FACADE	NONE
MIN. LANDSCAPE AREA	5%



Civic Center North
Multifamily
Rochester, MN 55904

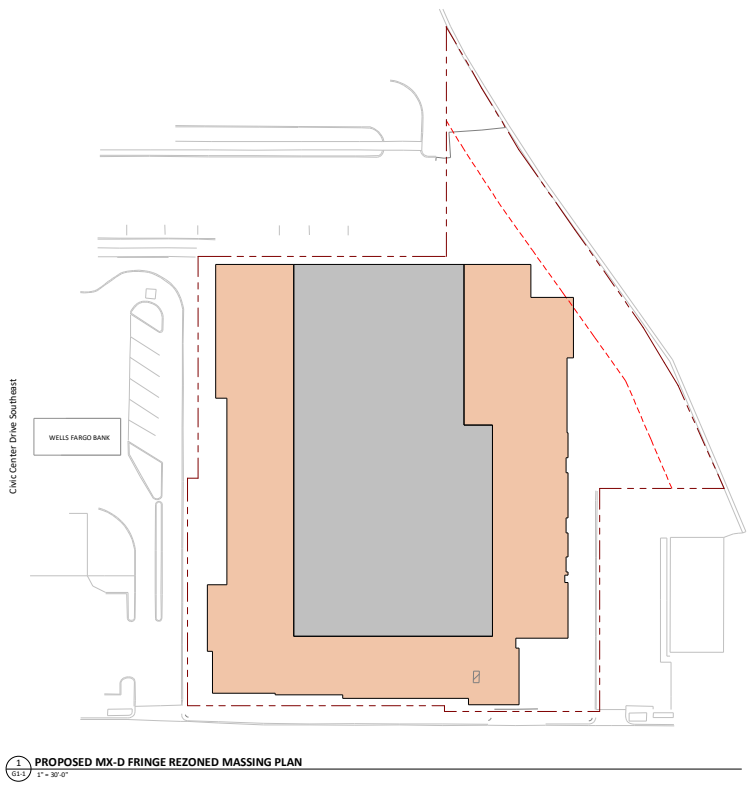


500 Washington Avenue South, Suite 1000
Minneapolis, MN 55415
p 612.339.5588 | f 612.339.5382
www.esgarch.com

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota

Signature _____
Typed or Printed Name _____
License # _____ Date _____

NOT FOR CONSTRUCTION



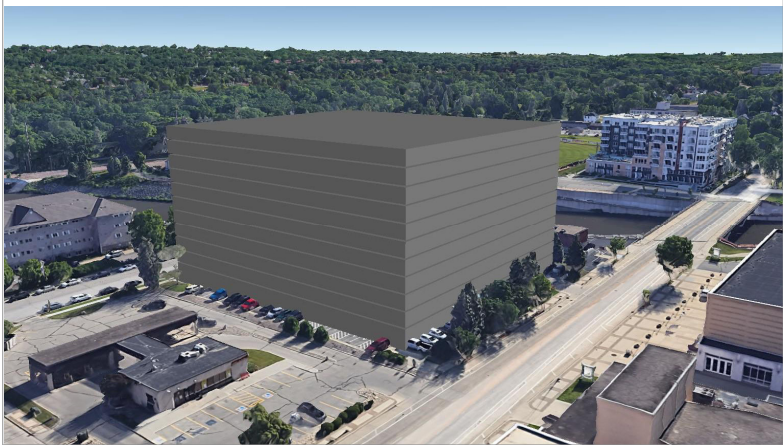
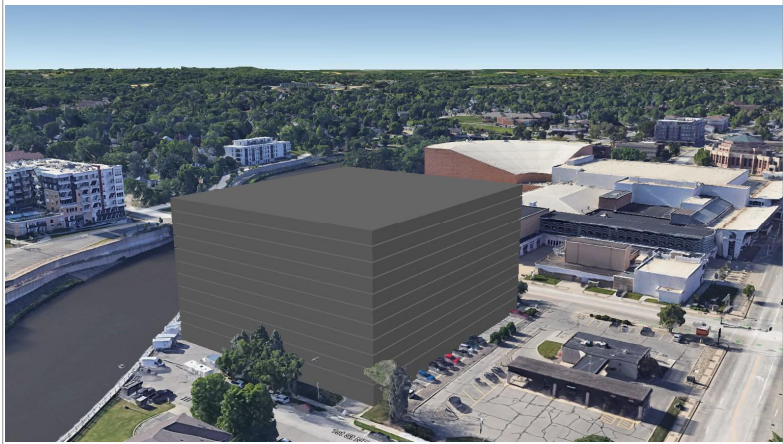
1 011 PROPOSED MX-D FRINGE REZONED MASSING PLAN
1" = 30'

ZONING MAP AMENDMENT 05/17/2023
ORIGINAL ISSUE: _____
REVISIONS: No. Description Date
222540.00 PROJECT NUMBER
ESG DRAWN BY ESG CHECKED BY
KEY PLAN
Civic Center North Multifamily MASSING PERSPECTIVES - PROPOSED ZONING
G1-1

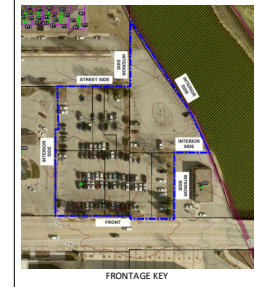
MASSING DIAGRAMS: R-4 (EXISTING ZONING DISTRICT)



**R-4 MULTI-FAMILY OPTION (ALLOWED BY RIGHT):
POTENTIAL FOR 11 STORIES**



PROJECT DATA SUMMARY	
R-4 HIGH DENSITY MULTI-FAMILY DWELLING OPTION	
ALLOWED (BY ZONING)	
BUILDING SETBACKS (MINIMUM IN FEET)	
FRONT	15 FT
STREET SIDE	7 FT
INTERIOR SIDE	10 FT
SUM OF INTERIOR SIDES	NONE
REAR	15 FT
BUFFERYARD	
	LEVEL 1, OPT 1 (10 FT MIN. WIDTH)
HEIGHT	
HEIGHT INCENTIVE	135 FT
	135 FT MAX + 20 FT FOR INCOME-RESTRICTED UNITS (TABLE 400.12-1, 20 DUs OR 15%, WHICHEVER IS LARGER)
FAR (MAX.)	NONE
MAX. LENGTH FACADE	NONE
MIN. LANDSCAPE AREA	25%



Civic Center North
Multifamily
Rochester, MN 55904

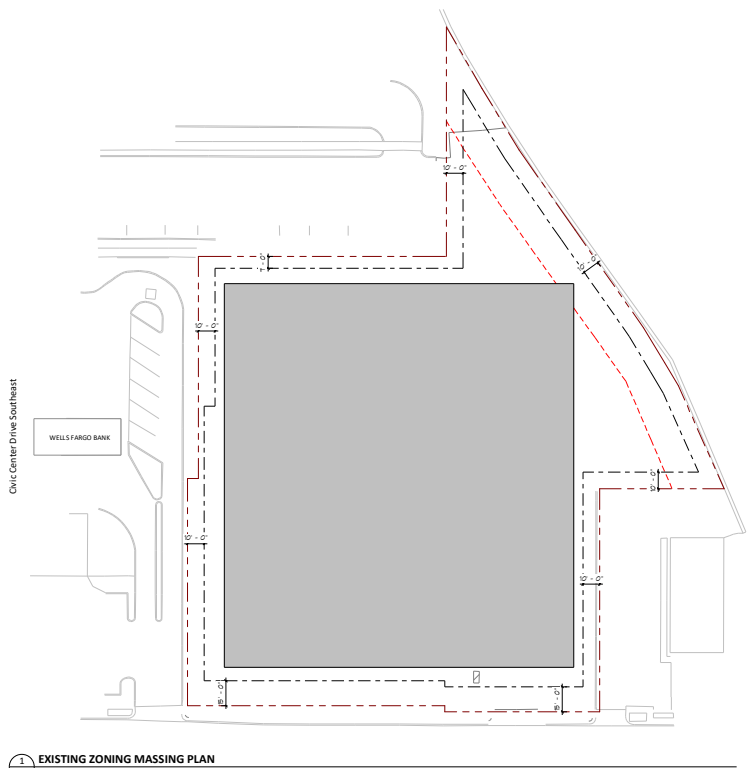


500 Washington Avenue South, Suite 1000
Minneapolis, MN 55415
p 612.339.6588 | f 612.339.5382
www.esgarch.com

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota.

Signature _____
Typed or Printed Name _____
License # _____ Date _____

**NOT FOR
CONSTRUCTION**



1 EXISTING ZONING MASSING PLAN
1" = 30'-0"

ZONING MAP
AMENDMENT
05/17/2023

ORIGINAL ISSUE:
REVISIONS:
No. Description Date

222540.00
PROJECT NUMBER
ESG DRAWN BY ESG CHECKED BY
KEY PLAN

Civic Center North
Multifamily
MASSING PERSPECTIVES -
EXISTING ZONING

G1-2

Chapter 60.300: Use Regulations

Section 60.300.010 Introduction

Section 60.300.010D: Relation to Local, State, or Federal Laws

2. All uses required by any local, state, or federal government to have an approval, license, or permit to operate are required to have that local, state, or federal approval, license, or permit at the time the use is established.

3. Allowed Uses Table

Table 300.01-1 Allowed Uses Table																				
S = Staff approval; P = Planning Commission approval; C = City Council approval; V = vacant use; I = interim use; A = accessory use; T = temporary permit; Blank cell = prohibited; Uses with an * = use-specific standards apply																				
Zoning districts and subdistricts (where applicable)	Residential and Agricultural					Mixed Use										Non-Residential			Use-Specific Standards	
	AG	R-1	R-2	R-2x	R-3	R-4	MX-N	MX-S	MX-C	MX-G	MX-I	Corridor	Node	Village	Fringe	Medial	Business	BP		LI
Residential Uses																				
Household Living																				
Dwelling, Single-Family Detached	S	S	S	S																
Dwelling, Twin-Home			S	S	S	S	S													
Dwelling, Attached			S	S	S	S	S	S			S	S	S	S	S	S				
Dwelling, Duplex, Same Lot			S	S	S	S	S			S	S									
Dwelling, Triplex			S	S	S	S	S			S	S									
Dwelling, Fourplex			S	S	S	S	S			S	S									
Dwelling, Multifamily			S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*			Section 60.300.020B.3
Dwelling, Live/Work			S	S	S	S	S	S		S	S	S	S	S						
Dwelling, Cottage Development			S*	S*	S*	S*	S*	S*			S	S	S							Section 60.300.020B.2
Manufactured Home Park			P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*				Section 60.300.020B.4
Group Living																				
Congregate Housing			S	S	S	S	S	S	S	S	S	S	S	S	S	S				Section 60.300.020B.1
Dormitory															P	P	P			Section 60.300.020B.1
Medical Stay Dwelling Unit			S	S	S	S	S	S	S	S	S	S	S							
Nursing Home			P*	P*	P	S*	S*	P	S	S	S	S	S	S	S	S	S			Section 60.300.020B.5

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Offender Transitional Housing		C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*		Section 60.300.020B.6
Residential Care Facility		S/ P*	S/ P*	S/ P*	S/ P*	S/ P*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*				Section 60.300.020B.7
Public, Institutional, and Civic Uses																					
Art Gallery, Museum, and Library	P	P	P	P	S	S	S	S	S	S	S	S	S	S	S	S	S				
Cemetery	P*	P*	P*	P*	P*	P*															Section 60.300.020C.1
College or University						P		P	P	P	P	P	P	P	P	P	P				
Community Center	P*	P*	P*	P*	P*	P*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*				Section 60.300.020C.2
Community Garden	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*				Section 60.300.020C.3
Correctional Facility											C							C	C	C	
Day Care Facility	S/ P	S/ P*	S/ P*	S/ P*	S/ P*	S/ P*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*	P*	P*	Section 60.300.020C.4
Emergency Service	P*	P*	P*	P*	P*	P*	P*	P*	S*	S*	S*	P*	P*	P*	P*	P*	P*	S*	S*	S*	Section 60.300.020C.5
Funeral Home		P	P	P	S*	S*	S	S	S	S	S								S		Section 60.300.020C.6
Medical Facility		P*	P*	P*	P*	P*	S*	S	S	S	S	S	S	S	S	S	S				Section 60.300.020C.7
Place of Worship	S	S	S	S	S	S	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*				Section 60.300.020C.8
Public Park	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	
School	S*	S*	S*	S*	S*	S*	P*	P*	P*	P*	P*				P*						Section 60.300.020C.9
Social Services	P	P*	P*	P*	P*	S*	S	S	S	S	S	S	S	S	S	S					Section 60.300.020C.10

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Specialized Education						S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Commercial Uses																						
Agricultural and Animal Uses																						
Agriculture Production	S	P*	P*	*															S	S	Section 60.300.020D.2	
Agriculture Retail	S						S			P									S	S		
Veterinary and Animal Services	S*			S	S	S	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	Section 60.300.020D.27	
Entertainment and Recreation																						
Adult Entertainment										S*		S*	S*	S*	S*		S*		S*		Section 60.300.020D.1	
Auditorium or Civic Center	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
Campgrounds or RV Park	P*									P*											Section 60.300.020D.8	
Indoor Entertainment or Recreation					P*	P*	S*	S*	S	S	S	S	S	S	S		S	S	S	S	Section 60.300.020D.12	
Indoor Gun Range										C*									C*	C*	Section 60.300.020D.13	
Outdoor Entertainment or Recreation						P*		P*	S*	S*	P*	P							S*		Section 60.300.020D.18	
Food, Beverage, and Lodging																						
Bar or Tavern							P*	S	S	S*	S	S	S	S	S*	S	S	P	P*		Section 60.300.020D.5	
Bed and Breakfast			P*	P*	P*	P*	S	S	S	S	S										Section 60.300.020D.6	
Fast Food Restaurant						P*	P*	S*	S	S	S	S	S	S	S	S	S	S	S	S	Section 60.300.020D.9	
Hotel or Motel								S	S	S	S	S	S	S	S	S			P			

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Neighborhood Food and Service			P	S	S	S	S*	S*	S	S	S	S	S	S	S	S	S				Section 60.300.020D.16
Standard Restaurant						P*	S	S*	S*	S*	S*	S*	S*	S*	S	S*	S	S*	S*	S*	Section 60.300.020D.22
Office, Business, and Professional Services																					
Art Studio and Workshop				V		S	S	S	S	S	S	S	S	S	S	S	S				Section 60.300.020D.4
Business or Personal Service				S*	S*	S*	S*	S*	S	S*	S*	S	S	S	S	S	S	S	S		Section 60.300.020D.7
Construction Office									P*										S*	S*	Section 60.300.020D.9
Financial Institution							S	S	S	S	S	S	S	S	S	S	S	S	S		
Office				S		P*	S*	S*	S	S	S	S	S	S	S	S	S	S	S		Section 60.300.020D.17
Research and Testing									P	S	S	S	S	P*	S	P	S	S	S		Section 60.300.020D.21
Retail Sales																					
Retail, Neighborhood				S	V	S	S*	S*	S	S	S	S	S	S	S	S	S				Section 60.300.020D.23
Retail, Small				P*	P*	S*		S*	S	S	S	S	S	S	S	S			S		Section 60.300.020D.24
Retail, Medium								P	S*	S	S	S	S	S		S			S		Section 60.300.020D.25
Retail, Large								P	S*	P*	S*	S*	S*	S*		S*	P	S*			Section 60.300.020D.26
Vehicles and Transportation																					
Air Transportation										C*	C*								P*	P*	Section 60.300.020D.3
Automotive Center								P	P	S				S			S	S	S		
Automotive Repair Services, Major								P	S								P	S	S		

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Fueling Station								P*	S*	S*				A*					S	S*	S*	Section 60.300.020D.11
Motor Freight and Warehousing									P	S*	P								P	S*	S*	Section 60.300.020D.14
Motor Vehicle Sales, Leasing or Storage									S	S*									S*	S*	S	Section 60.300.020D.15
Parking Garage					A*	A*				A*	S*	C*	C*	C*	C*	C*	C*	A*	A*	A*	Section 60.300.020D.19	
Parking Lot	A	A*	A*	A*	A*	A*	A*	A*	S	S	S	C*	C*	C*	I	I	I	S	S	S	Section 60.300.020D.20	
Public Transportation Dispatch Facility									S	P	P	P	S		P	P	S	S	S			
Railroad Transportation																				S		
Industrial Uses																						
Manufacturing, Processing, and Commercial Services																						
Artisan Manufacturing							S	S	S	S	P	S	S	S	S	S	S					
Heavy Commercial Services									S	S	P							P	S	S		
Heavy Industry																				S*	Section 60.300.020E.1	
Light Industry										P								S	S	S		
Recycling Transfer Facility									S	S	S							P	S	S		
Repair and Maintenance Shop				P*	S*	S*	S*	S*	S*	S*	S*		S*	S*				S	S	S	Section 60.300.020E.4	
Storage and, Distribution, and Wholesaling																						
Junkyard																				C*	Section 60.300.020E.2	

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Self Service Storage Facility									P*	S*	S										P*	S*	S	Section 60.300.020E.6		
Wholesale Facility									S*	S*	P										S*	S*	S*	Section 60.300.020E.7		
Resource and Extraction																										
Landfill																								C		
Quarry	C*																							C*	C*	Section 60.300.020E.3
Sand or Gravel Excavation	I*	I*	I*	I*	I*	I*	I*	I*	I*	I*	I*	I*	I*	I*	I*	I*	I*				C*	C*	C*			Section 60.300.020E.5
Utility, Communication, and Energy Uses																										
Commercial Wireless Telecommunication Service (CWTS)																										Section 60.300.020F.1
Co-Located on Existing Structure	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	
Freestanding	P*						P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	
Stealth on Existing Structure	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	
Communications Tower									P	P	P	P	P	P	S	P	P	P	S	S	S	S				
Geothermal Energy System	P	A*	A*	A*	A*	A*	A	A	A	A	A	A	A	A	A	A	A	A	A	A	P	P	P			
Solar Collector, Ground- or Building-Mounted	P*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	P*	P*	P*			Section 60.300.020F.2
Utility, Major	C*						C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*			Section 60.300.020F.3
Utility, Minor	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			

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Wind Energy Conversion System (WECS), Ground- or Building-Mounted	P*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	P*	P*	P*	Section 60.300.020F.3	
Accessory Uses and Structures																				Section 60.300.020G.1		
Accessory Dwelling Unit	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*				Section 60.300.020G.5	
Animal Husbandry	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*				Section 60.300.020G.6	
Billboard									A*											A*	Section 60.300.020G.7	
Drive-in Facility								A*	A*	A*	A*	A*	A*					A*	A*	A*	Section 60.300.020G.8	
Electric Vehicle Charging Station	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Fuel Tank	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	Section 60.300.020G.9
Garage	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*				Section 60.300.020G.10	
Greenhouse	A	A*	A*	A*	A*	A*	A	A	A	A								A	A	A	Section 60.300.020G.11	
Home Occupation	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*				Section 60.300.020G.12	
Outdoor Eating Area				A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*			Section 60.300.020G.13	
Recreational Vehicle Parking	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*								A*	A*	A*	Section 60.300.020G.14	
Recycling Drop Box					A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	Section 60.300.020G.15	
Related Service Facility	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	Section 60.300.020G.16	

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Residence for Caretaker or Security Guard										A*	A*								A*	A*	A*	Section 60.300.020G.17
Residential Management or Sales Office		A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*					Section 60.300.020G.18
Swimming Pool or Tennis Court	A	A*	A*	A*	A*	A*	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Section 60.300.020G.19
Urban Agriculture	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Section 60.300.020G.20
Temporary Uses																						
Carnival or Festival	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	Section 60.300.020H.1	
Contractor's Office and Yard	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	Section 60.300.020H.2	
Food Truck	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	Section 60.300.020H.3	
Garage Sale	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	Section 60.300.020H.4	
Seasonal Sales	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	Section 60.300.020H.5	
Storage Container	T*	T*	T*	T*	T*	T*	T*	T*	T*	A*	A*							A*	A*	A*	Section 60.300.020H.6	

Project Overview

The proposed project is a new residential development consisting of both market-rate and affordable housing dwelling units on an existing surface-parking lot (Civic Center North). The proposal includes 330+/- new residences and amenities in addition to structured parking, enhanced pedestrian connectivity, and landscaping improvements. The market-rate tower building is 14 stories tall and the affordable, low-rise building is five stories tall. Two hundred forty-six (246) dwelling units are contained within a 14-story tower, and a five-story low-rise building will surround a shared +/-348-stall structured parking facility. All 84 units in the low-rise building will be affordable at 60% AMI or less. The applicant is in the process of seeking Supportive Services to provide four (4) units for High Priority Homeless and seven (7) units for People with Disabilities.

Required Land Development Applications

- Zoning Map Amendment
- Site Development Plan Review – *SDP IS A SEPARATE APPLICATION*
 - Includes *Housing For Low Income Households* Incentive for additional height (Table 400.12-1)
- Minor Modification – *FILED WITH SDP*
- Minor Land Subdivision Review – *FILED WITH SDP*

Vision

The project vision is to redevelop an existing surface parking lot in the Downtown Waterfront neighborhood into a high-density mixed income residential community with a variety of housing types to serve a diverse population of downtown workers. The through-block site has two street frontages and river frontage. The two interior lot lines are bordered by one story buildings and surface parking. As a result, the development will be highly visible from all sides. The design and development team paid close attention to the DMC District Design Guidelines and the Design Guidelines of the DMC Development Plan, as well as the City of Rochester's new Unified Development Code.

Site Design & Amenities

The entire site will be developed with multi-story buildings of varying heights (from 5 to 14 stories) that are arrayed around the perimeter of the site and completely line three sides (85%+/-) of an above-grade parking garage (all parking is enclosed). An existing curb cut on Center Street will be removed and all vehicular access to the site will be from 1st St. This configuration conceals the parking garage while reinforcing the urban street wall. The more public interior spaces of the buildings, such as lobbies, community rooms and business spaces are located at the three most prominent corners of the site at street level. These spaces will have transparent storefront facades with prominent entrances marked by canopies and signage. Filling out the remainder of the street level are residences with private entrances from the exterior, ideal for pet owners. Where space allows, these residences will feature private terraces.

Because of the site's high visibility and its residential program, the design of open space is as important as the design of the buildings themselves. A large open space along the river will provide a variety of green space and habitable outdoor spaces. Spaces adjacent to the buildings will be for the exclusive use of residents. These include a small playground and enclosed pet exercise areas. A publicly accessible pedestrian through-way will provide access to the river's edge from Center Street and 1st Street. The eastern terminus of 1st street will be a publicly accessible riverfront pocket park. Portions of the building's roofs will also be utilized for recreation. The top of the parking garage will be capped by a roof terrace that includes a mix of landscaping and occupiable spaces such as a swimming pool and areas for cooking, dining, lounging and recreation. Portions of the lower roof that are not covered with terraces or landscape will be covered with decorative ballast. The top floor of the 14-story building will feature a glassy community room that opens onto a river-facing terrace. These rooftop features help to provide visual interest to the top of the building and the Rochester skyline.

Sustainability

The project team has extensive experience with sustainable building practices: Sherman Associates developed two solar gardens that together provide 6.75 megawatts of power to 4,000 residents in 22 properties; Weis has constructed several LEED certified buildings; and ESG recently completed the Tommie East residence hall on the St. Thomas University campus in St. Paul – the first multi-family mid-rise building in the Midwest to achieve LEED v4 Platinum certification.

The entire development is being designed to be connected to a new district energy system (DES) powered by geothermal wells. Electric heat pumps in the buildings will utilize the heated and chilled water loops delivered by the DES to provide heating and cooling for habitable spaces. Stormwater will be collected on the buildings' roofs and treated in underground tanks before being directed to the municipal storm sewer. Details on the proposed, specific systems are being refined via a unique partnership between the City of Rochester, Destination Medical Center (DMC) Board, and a growing team of consultants.

Building Design

The buildings' design draws inspiration from the driftless region's fractured karst geology. The 14-story tower will be clad on all sides with a regular grid of dark colored brick. This ordered grid breaks down or erodes at the corners of the buildings, similar to how exposed bluffs of sedimentary rock are eroded by the forces of nature. The river-facing northeast corner of the tower features a dramatic fissure, or rift, culminating in a gently sculptural top level. The low-rise building interlocks with the tower. Its shape pushes out and pulls in at several locations to help modulate the building's bulk and also to provide additional setbacks for private patios and increased access to light and air in anticipation of the future redevelopment of the parcel to the west.

Findings: Zoning Map Amendment (Sec. 60.500.040E.4)

4. Criteria for Rezoning Approval
 - a. General

If the application is for any amendment to the zoning map other than an amendment of FPO district boundaries or the boundaries of Flood Fringe (FF), Floodway (FW), or Flood Prone (FP) subdistricts within the FPO district, the Planning Commission shall recommend for approval, and

the City Council may approve a rezoning request if determines that the following criteria are met:

- 1) The amendment must satisfy all of the following criteria:
 - (a) The permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and
 - *The proposed use is a permitted use and is subject to and meets the Use-Specific Standards of Section 60.300.020B.3. The proposed use will be appropriate on the subject property and is compatible with adjacent properties and the neighborhood. There are existing residential uses nearby.*
 - *The height of the proposed residential building's base responds sensitively to an existing datum observed in the surrounding neighborhood – established by The Riverview Apartments (approx. 56 feet tall) directly to the north and Civic Square Apartments (approx. 48 feet tall) northwest of the subject property.*
 - (b) The proposed amendment does not involve spot zoning.
 - *The proposed amendment does not involve spot zoning. Introducing a Mixed-Use Downtown Fringe zoning district at a 'fringe' area is not a new concept for the Central Development Core. The nature of a Mixed-Use zoning district designation grants a level of flexibility by allowing various uses to coexist where a mix of uses is appropriate. The proposed amendment is appropriate for this location in Downtown Rochester.*

- 2) In addition to the requirements in Section 60.500.040E.4.a.1), the amendment must satisfy at least one of the following criteria:
 - (a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
 - (b) The area was originally zoned erroneously due to a technical or administrative error;
 - (c) While both the present and proposed zoning districts are consistent with the Comprehensive Plan, the proposed district better aligns with the policies and goals of the Comprehensive Plan or other adopted City plans or policies, as determined by City Council;
 - *With the neighboring Mayo Civic Center to the south, the proposed zoning map amendment from R-4 High Density Residential to MX-D Fringe is appropriate to allow, long-term, a coexisting of various uses in this location of Downtown, which lies at the northern edge of the guided 'Downtown Core' future land use.*
 - *The northern edges of the land-use guided 'Downtown Core' are very suitable for an MX-D Fringe zoning district such as the proposed site. Rather than re-guide the site to perhaps 'Downtown Fringe,' the 'High Density Residential' land use is allowed to remain as it is compatible with the proposed zoning district and proposed land uses.*
 - *The proposed zoning district better aligns with the site's location within the Destination Medical Center (DMC) 'Downtown Waterfront' district as well. The development complies with the following DMC Guidelines:*
 - *B.01 Design Streets for Pedestrians*
 - *B.02 Design Streets for Bicycles*
 - *B.04 Design Safe Efficient Roadways*

- *B.06 Establish the Urban Forest*
 - *B.07 Develop Sustainable Water Management Strategies*
 - *B.08 Design Smart Streets*
 - *B.09 Design Streets with Flexibility and Adaptability for Future Uses*
 - *B.11 Types of Streets and Corridors*
 - *B.12 Application to Typical Right-Of-Way*
 - *C.01 Design Buildings to Establish Sense of Urban Enclosure*
 - *C.02 Design Tall Buildings to Preserve Sunlight, Comfort and Views*
 - *C.03 Contribute to a Vibrant Streetscape*
 - *C.04 Promote Quality and Permanence in Development*
 - *C.05 Design for Coherency*
 - *C.06 Design for Flexibility and Adaptability for Future Use*
 - *C.07 Create Spaces for Collaboration*
 - *C.08 Meet Sustainable and Healthy Building Design Standards*
 - *C.09 Connect to District Systems*
 - *C.10 Design Roofs for Visual Impact and Sustainability*
 - *C.11 Design Parking Structures to Enhance Pedestrian Realm*
 - *C.12 Make Parking Structures Adaptable for Future Uses*
 - *The multitude of DMC guidelines can be better met with the proposed rezone. Connection to and activation of the riverfront can more feasibly take place through the proposed mixed-use zoning district (with MX-D Fringe’s emphasis on street-level activation, contributing to a vibrant downtown area, and the elimination of setback requirements) versus a standard, single-use zoning district such as the existing, R-4 High Density Residential.*
- (d) The area has changed or is changing to such a degree that it is in the public interest to rezone to encourage development or redevelopment of the area consistent with the policies and goals of the Comprehensive Plan; or
- *The subject property is guided ‘High Density Residential,’ and a Comprehensive Plan amendment is not being requested as the future land use guidance is appropriate for the proposed, residential use.*
 - *The existing site consists of surface parking which is no longer a goal of the City of Rochester and its public. In order to encourage redevelopment of the subject property, the proposed zoning map amendment is ideal and necessary ‘to support and enhance the activities within the Central Business subdistrict.’ (Comprehensive Plan, M. MX-D, 1. Purpose, a.).*
 - *With the Mayo Civic Center and other downtown core development to the south, introducing MX-D Fringe as a zoning district helps to provide a zoned buffer between the most commercial and the most high-density residential land uses of Downtown Rochester.*
- (e) The area includes lands identified as Decorah Edge and the amendment would provide for beneficial development that maintains typical urban density while preserving habitat and protecting processes that maintain groundwater quality and quantity.
- (f) The area includes lands identified on adopted City plans as an important natural or historic resource, and the amendment would provide for beneficial development that would protect those resources.

b. Amendment of FPO District Boundaries or Internal Designations – *b. is not applicable*

If the application is for an amendment of FPO district boundaries or the boundaries of Flood Fringe (FF), Floodway (FW), or Flood Prone (FP) subdistricts within the FPO district, the following criteria shall apply instead of those in Subsection a above. The floodplain designation shall not be revised or removed from floodplain areas unless:

- 1) The proposed change complies with the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and has been approved in writing by FEMA; and
- 2) The proposed change has been submitted to and approved by the Minnesota Commissioner of Natural Resources; and
- 3) The applicant demonstrates that:
 - (a) The designation is in error; or
 - (b) The area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the floodplain; or
 - (c) The Minnesota Commissioner of Natural Resources has approved in writing a special exception to Subsections 2(a) and 2(b) based on the Commissioner's determination that the lands are adequately protected for the intended use through other measures.
- 4) All amendments to the floodplain provisions of this zoning code, including amendments to the official zoning map, must be submitted to and approved by the Minnesota Commissioner of Natural Resources prior to adoption.

Agency Review Comments

Application No: CD2023-005ZC

6/6/2023 **County Environmental Resources**

5/25/2023 **County Public Works**

6/4/2023 **Public Works Review**

PW has no comments specific to the requesting Zone Change. Detailed review comments will be submitted upon application for a development project.



REQUEST FOR ACTION

Growth Management Map Amendment CD2023-001GMMA by YH Dee LLC and Hanson Young LLC (Scenic Oak West)

MEETING DATE:

June 14, 2023

ORIGINATING DEPT:

Community Development

AGENDA SECTION:

Public Hearings

PRESENTER:

Elliot Mohler

Action Requested:

Forwarding a recommendation to Council approving Growth Management Map Amendment CD2023-001GMMA by YH Dee LLC and Hanson Young LLC to re-designate approximately 47.43 acres from Urban Reserve Beyond 2050 to Near Term Urban Expansion.

Report Narrative:

The applicant is seeking to re-designate approximately 47.43 acres from Urban Reserve Beyond 2050 to Near Term Expansion on the City's Growth Management Map.

The subject properties are part of the larger Scenic Oaks West General Development Plan (#R00337GDP), which was approved by the Council in 2016. Scenic Oaks West First and Scenic Oaks West Second have been annexed into the City and platted. These subdivisions are nearing complete build-out and sale of homes. For development called out in the approved GDP to continue, the next phase of development will need to be re-designated to Near Term Expansion, to then be annexed into city limits. This application is concurrent with the Annexation of Land Request CD2023-001ANX. Once annexed, these properties would be zoned R-1 Mixed Single Family and would then follow the platting process.

A public hearing was originally scheduled for the March 8, 2023, Planning Commission. Prior to that meeting, the applicant and consultant requested the items be continued to a date certain (June 14, 2023) as they continued to work with Rochester Public Utilities on a solution to public utility connections. An agreement has since been reached between the two parties.

Priorities & Foundational Principles:

Economic Vibrancy & Growth Management

Policy Considerations & DEI Impact:

This Growth Management Map Amendment furthers the goals and policies of the Comprehensive Plan by emphasizing fiscal sustainability, improving community connectivity, and maintaining a commitment to health, wellness, and the environment.

Fiscal & Resource Impact:

All development costs will be the responsibility of the developer and will be outlined in a development

agreement and/or City-Owner contract.

Alternative Action(s):

No alternative actions are suggested at this time.

Prepared By:

Elliot Mohler

Attachments:

[Continuation Memo - CD2023-001GMMA Scenic Oaks West](#)

[Letter of Support - CD2023-001GMMA Scenic Oaks West](#)

[Staff Report - CD2023-001GMMA Scenic Oaks West](#)

[Notification Map - CD2023-001GMMA Scenic Oaks West](#)

[Site Location Map - CD2023-001GMMA Scenic Oaks West](#)

[Growth Management Map Exhibit - CD2023-001GMMA Scenic Oaks West](#)

[Applicant Narrative - CD2023-001GMMA Scenic Oaks West](#)

[Referral Comments - CD2023-001GMMA Scenic Oaks West](#)

Continuation Memo

- Prepared by:** Rochester Community Development
- Request:** Growth Management Map Amendment CD2023-001GMMA and Annexation CD2023-001ANX by YH Dee LLC and Hanson Young LLC. The request is to redesignate and annex 47.43 acres from Urban Reserve 2050 to Near Term Urban Expansion.
- Location:** The subject properties are located southwest of Scenic Oaks West 2nd, west of US Highway 52 and south of 48th St SW.
- Owners:** YH DEE LLC and Hanson Young LLC – Mark D. Hanson
- Consultant:** G-Cubed / Mark Welch

SUMMARY AND BACKGROUND INFORMATION

On February 9, 2023, Mark Welch, on behalf of YH DEE LLC. And Hanson Young LLC., applied for a Growth Management Map Amendment and Annexation for two properties located southwest of Scenic Oaks West 2nd, west of US Highway 52 and south of 48th St SW. The application was reviewed and was to be heard during a public hearing at the March 8, 2023, Planning and Zoning Commission meeting. Prior to that meeting, the applicant and consultant requested the items be continued to a date certain (June 14, 2023) as they continued to work with Rochester Public Utilities on a solution to public utility connections.

During this time, Rochester Public Utilities, and the consultant Mark Welch, on behalf of the applicant, came to an agreement regarding the connection to public utilities for the land that was proposed to be annexed. The Development Review Team maintains their recommendation that the Planning and Zoning Commission forward a recommendation of **APPROVAL** to the Common Council for both Growth Management Map Amendment CD2023-001GMMA and Annexation Request CD2023-001ANX.

May 25, 2023

Rochester Community Development
4001 West River Parkway NW, Suite 100
Rochester, MN 55901

Re: Public utilities to serve Scenic Oaks West and Scenic Oaks Lakeview

Dear Community Development Team,

In RPU Waters February 13, 2023 review letter for the Annexation (CD2023-001ANX) and GMMA (CD2023-001GMMA) for what will be developed as Scenic Oaks West Third and Fourth, RPU identified the need for a second public water main for supply and redundancy. At that time, two options were available.

Option A - connect to Willow High Level Water System - route a line from 48th Street near Scenic Oak Drive SW routing north to 40th Street. This has been the expected route for over 25 years but development between 40th and 48th has not proceeded and is not in the foreseeable future. This option is considered infeasible due to multiple factors, primarily the limited options for crossing a high pressure gas line in an area without bedrock as well as securing easements from multiple property owners.

Option B - connect to St. Bridget Intermediate Level Water System - route a line along 48th Street from a main located at Willow Point Lane to the line near Scenic Oak Drive SW as well as a developer funded booster station along this alignment. This option is physically feasible but would require acquisition of easements/right of way for the booster station. If land cannot be acquired, the developer cannot proceed with development. Placing the burden of acquiring land on the developer makes this option unacceptable.

After further discussions with RPU Water Department, another option was presented.

Option C - connection to Airport High Pressure Water System - route a line from the in-place watermain near the intersection of 11th Ave and 60th Street SW to and thru the Scenic Oaks Lakeview property which will connect to both a stub in Reservoir Drive as well as the future extension of Scenic Drive SW in the Scenic Oaks West development. Pressure Reduction Valves will be required for this alignment to work.

While Option C requires a longer piping run and higher construction costs, the alignment can route within the 60th street right of way and across City property that is part of the Willow Creek Reservoir. Once it reaches the Scenic Oaks Lakeview property, the pipe would be within property under the same ownership as Scenic Oaks West. Provided the City agrees to placement on existing public property at no additional cost for land acquisition, this route is acceptable as a developer incurred expense. The watermain routing will require a revision in the layout of the Scenic Oaks Lakeview property.

Requirement the developer has of the City:

We have expressed our concerns that, while the Scenic Oaks area developments have been continuous for going on 25 years, and the developer has to date been able to meet the demands of the City to allow development to proceed, he needs assurances that there will not be further unidentified infrastructure requirements that could stop development. We will be moving forward with applications for preliminary plat for the next phase of Scenic Oaks West as soon as the GMMA and annexation are accepted by City Council. We will request a Development Agreement which clearly outlines that the developers installation of offsite watermain and onsite lift station will allow for complete development of the Scenic Oaks West and Scenic Oaks Lakeview properties at a density similar to what has been a proven success in the Scenic Oaks area.

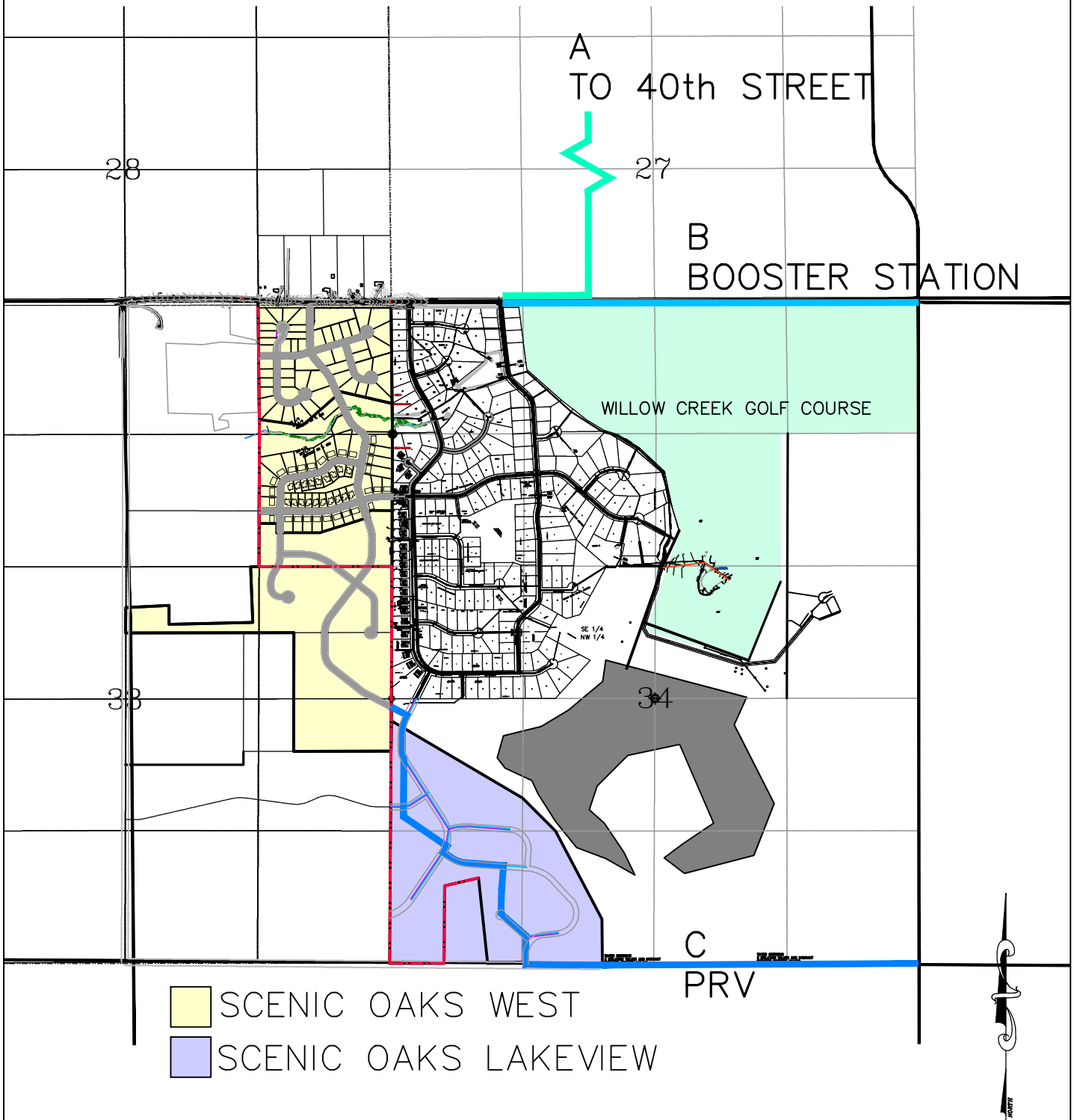
Sincerely,

Mark Welch, PE

Cc: Mark D. Hanson - R&M Development/ YH Dee LLC/ Hanson & Younge LLC
Wade Neubauer - RPU Water Department

WATERMAIN OPTIONS

GROWTH MANAGEMENT MAP AMENDMENT EXHIBIT



- SCENIC OAKS WEST
- SCENIC OAKS LAKEVIEW



G-Cubed

14070 Hwy 52 S.E.
Chatfield, MN 55923

**ENGINEERING
SURVEYING
PLANNING**

Ph. 507-867-1666
Fax 507-867-1665
www.ggg.to

DATE PREPARED: 5/25/2023

Prepared For:
YH DEE, LLC

2314 Scenic Park Place SW

Rochester, MN 55902

FILE NO: 16-008 GDP GMM.A.DWG

ROCHESTER PLANNING COMMISSION

MARCH 8, 2023

- Prepared by:** Rochester Community Development
- Request:** Growth Management Map Amendment CD2023-001GMMA by YH Dee LLC and Hanson Young LLC. The request to redesignate approximately 47.43 acres from Urban Reserve Beyond 2050 to Near Term Urban Expansion.
- Location:** The subject properties are located southwest of Scenic Oaks West 2nd, west of US Highway 52 and south of 48th St SW. Associated PINS 042093 and 077689.
- Owners:** YH DEE LLC and Hanson Young LLC – Mark D. Hanson
- Consultant:** G-Cubed, Mark Welch

COMMISSION AND COUNCIL SUMMARY

Application Type: Growth Management Map Amendment (GMMA)

What is Considered: The Growth Management Map was established as part of the City of Rochester’s Comprehensive Plan in 2018. The plan outlines a strategic growth policy to guide development through 2050. In November 2021, the Growth Management Map Amendment Policy was adopted as a tool for owners to seek amendments to the Growth Management Map outside of the regular Comprehensive Plan updates.

During the GMMA review, the Planning Commission and City Council consider unanticipated shortages of a specific land use category, land use and transportation integration strategies, utility and transit infrastructure costs, urban development suitability, impacts on the existing land supply and municipal costs incurred by servicing redesignated properties upon annexation.

Site development considerations such as architecture, site layout, building orientation, site landscaping, open space, site parking, screening, and the aesthetic character of the development are not criteria considered in GMMA reviews.

Approval Body: Rochester City Council

Development Review Team Recommendation: Approval

SUMMARY AND BACKGROUND INFORMATION

The subject properties are part of the larger Scenic Oaks West General Development Plan (#R00337GDP), which was approved by the Rochester City Council in 2016. Scenic Oaks First and Scenic Oaks Second have been annexed into the city and platted. Scenic Oaks First and Second are nearing complete build out and sale of homes. For development of the area called out in the Scenic Oaks West GDP to continue, the

properties must be redesignated from Urban Reserve Beyond 2050 to Near Term Urban Expansion. These properties will then need to be annexed into the City. This application is concurrent with CD2023-001ANX – an application request to annex the same subject properties into the City.

Upon annexation, these properties would be zoned R-1 Mixed Single-Family, and the underlying land use will be Low Density Residential to facilitate similar development patterns currently found in Scenic Oaks West First and Second. If approved, the subject properties would go through the Major Land Subdivision process, which requires both Planning Commission and City Council review.

Prior to 2021, these properties were designated as Near-Term Urban Expansion. In 2021, the City finalized a review of City sewer expansion that reclassified these properties as Urban Reserve Beyond 2050. Rochester Public Utilities and Rochester Public Works have been in conversation with the applicant to ensure that these properties can be served by City sewer and water services upon annexation. Their support of the project directs Community Development’s review of the project.

COMMUNITY DEVELOPMENT REVIEW

Land Use Plan: The subject properties are currently designated as Low Density Residential (LDR).

Zoning District: The subject properties are currently in Rochester Township and are zoned A2 Agricultural District. The applicants are requesting the properties be zoned R-1 Mixed Single-Family upon annexation.

Adjacent Land:
North: The properties to the north of the subject properties are zoned R-2 Low Density Small Lot.
East: The properties to the east of the subject properties are zoned R-1 Mixed Single-Family Residential.
South: The properties to the south of the subject properties are zoned A2 Agricultural District in Rochester Township.
West: The properties to the west of the subject properties are zoned A2 Agricultural District in Rochester Township.

Roadway & Access: The subject properties are proposed to gain access off a future road to be determined – most likely connecting to the existing Scenic Oaks First and Second.

Public Infrastructure: Public facilities (roadways, sanitary sewer, water, and storm water management facilities) exist to service the subject properties. Development will not be permitted until the Development Review Team has determined that all existing public facilities remain adequate for future proposed development.

Wetlands Hydric soils are located within the larger Scenic Oaks GDP, but not on the portion of land that is to be redesignated and annexed.

GROWTH MANAGEMENT MAP AMENDMENT REVIEW

A Major Growth Management Map Amendment is any change to the Growth Management Map that involves an area of 5 acres or more. A GMMA can be initiated by the City or property owners.

All major amendments shall be evaluated for consistency with the following criteria (staff findings in **BOLD**):

UDC 60.500.040B.4

1. The proposed GMMA will address a shortage of land designated and available for a proposed type of land use as evidenced by an objective market analysis with costs covered by the applicant.

The subject properties have already been planned to be designated Low Density Residential upon their annexation. This area has been determined to be suitable for such development and would add more single-family units to the market.

2. A technical assessment of the sewage generation characteristics of the proposed development in combination with assessment of remaining trunkline sewer capacity in the sanitary sewer subdistrict where the development is proposed should be completed to determine the availability of capacity and/or the potential scheduling of improvements to address this potential Adequate Public Facility deficiency.

The City's Engineering Team has determined that adequate sewer infrastructure could be installed to reasonably accommodate the subject properties once annexed and developed. The applicant will be required to pay for design, potential easements, the installation of a 12" water main along 48th St SW, and the construction of a booster station.

3. The impact of and cost to municipal utilities and infrastructure, including but not limited to, road and transit infrastructure, sewer, water, and electric infrastructure,

parks, etc. as a result of the proposed GMMA have been considered and the proposed project will not adversely affect these infrastructure systems.

Costs associated with the impact on municipal utilities and infrastructure are to be absorbed by the applicant. The only additional cost would be Rochester Public Utilities paying for the oversizing of the 12” water main pipe. The cost associated with the oversizing of the 12” water main pipe is justified as it will serve future adjacent portions of the water distribution system.

4. An assessment of natural features on the proposed site has found that the site is suitable for urban development.

Hydric soils are present on the larger GDP but are not located within the area of land proposed to be redesignated and annexed.

5. The proposed GMMA will not adversely affect the supply of land designated for the type of land use the are in question is currently planned for.

This land has been designated as Low Density Residential since 2018 and has appeared as potential Low Density Residential Development on an approved and active General Development Plan since 2016. Upon annexation, the land will continue to be designated as Low Density Residential.

6. The proposed Future Land Use Map amendment is consistent with and will help further the Vision, Principles, and Goals of the P2S 2040 Comprehensive Plan and
 - a. Will not compromise the direction of the plan to create an integrated land use and transportation vision.

The area to be amended and annexed will continue to be designated as Low Density Residential.

- b. Will not compromise the strategies identified in the plan to implement the Primary Transit Network or the anticipated phasing of the PTN identified in the plan.

This GMMA and Annexation application is associated with a previously approved GDP from 2016 and continues to show that the area to be amended and annexed will not compromise the strategies identified in the plan. The nearest corridor associated with the Primary Transit Network is the S Broadway Corridor, which does not extend to this site. The site is located approximately two miles from the beginning of this corridor.

- c. The development characteristics of uses in the proposed land use plan category as described in Tables 2-6 through 2-12 are compatible with surrounding land use classifications.

The site is already designated Low Density Residential on the City's Land Use Map. The development characteristics of the proposed uses are compatible with the surrounding land use classifications. The area to be amended and annexed is Low Density Residential and would be adjacent to other Low Density Residential properties. The UDC calls for annexed land to be zoned as R-2 by default. The applicant is suggesting that the newly annexed area be zoned R-1 as it better matches what currently exists in Scenic Oaks First and Second.

- d. The locational characteristics and transportation features of the site are consistent with the locational and transportation factors described in Tables 2-6 through 2-12 for the proposed land use.

The locational characteristics and transportation features of the site are consistent with the location and transportation factors as described and associated with this area of the city. The redesignation of this site will contribute to increased connectivity of the Scenic Oaks subdivisions, where multiple streets end in a cul-de-sac. This area connects to a Interstate Corridor (HWY 63) by way of a Strategic Urban Arterial Corridor (48th St SW). The roads that will service the area will be adequate to serve new dwellings in the area.

7. The proposed amendment is consistent with community goals and policies as expressed in other adopted plans of the city.

Emphasize Fiscal Sustainability:

Approving the GMMA will not adversely affect the fiscal sustainability of the city. The applicant will be required to pay for design, potential easements, the installation of a 12" water main along 48th St SW, and the construction of a booster station. The only added cost to the city will be for the oversizing of the 12" water main pipe.

Improve Community Connectivity

The General Development Plan for Scenic Oaks West shows greater connectivity by extending and crossing existing roadways that currently end in cul-de-sacs. Any future development would also need to extend and build on the existing sidewalk network in this neighborhood.

Maintain Commitment to Health, Wellness, and the Environment:

The subject properties do not contain environmentally sensitive lands other than the hydric soils present on the western property boundary. These hydric

soils do not appear to negatively affect the suitability for urban development on this site.

STAFF RECOMMENDATION

The Development Review Team has reviewed this request in accordance with the Unified Development Code Criteria for Growth Management Map Amendment and recommends that the Planning Commission forward a recommendation of **approval** to the City Council of the map amendment, from Urban Reserve Beyond 2050 to Near Term Urban Expansion.

ATTACHMENTS

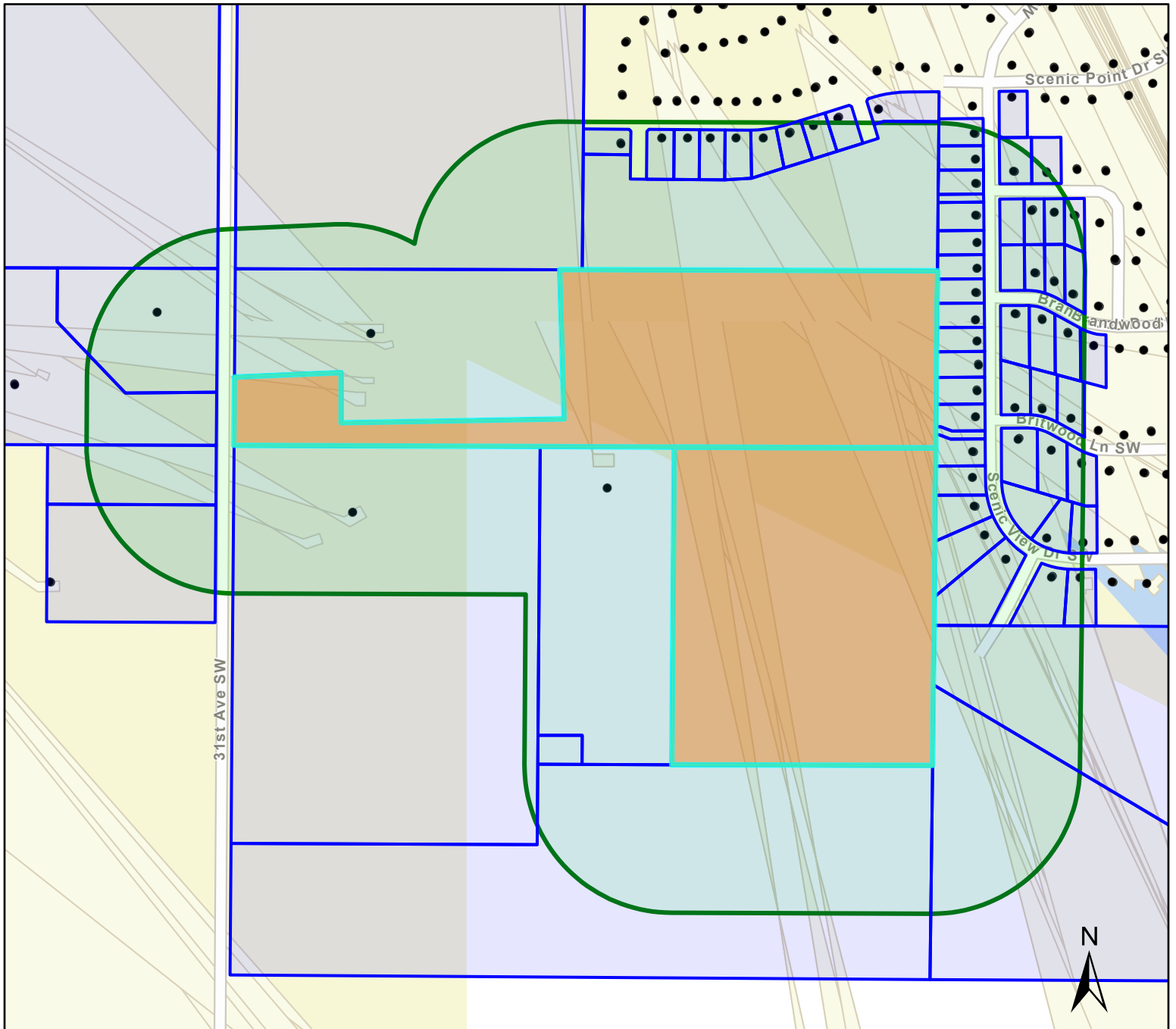
1. Notification Map
2. Site Location Map
3. Growth Management Map Amendment Exhibit
4. Applicant Narrative
5. Referral Agency Comments

CD2023-001GMMA-Scenic Oaks West Ward 1

0.07 0.15 0.3 mi

2/13/2023 Olmsted County Geographic Information Systems

Scale: 1:9,028



Legend

- Site**
- Parcels**
- Notification Area**

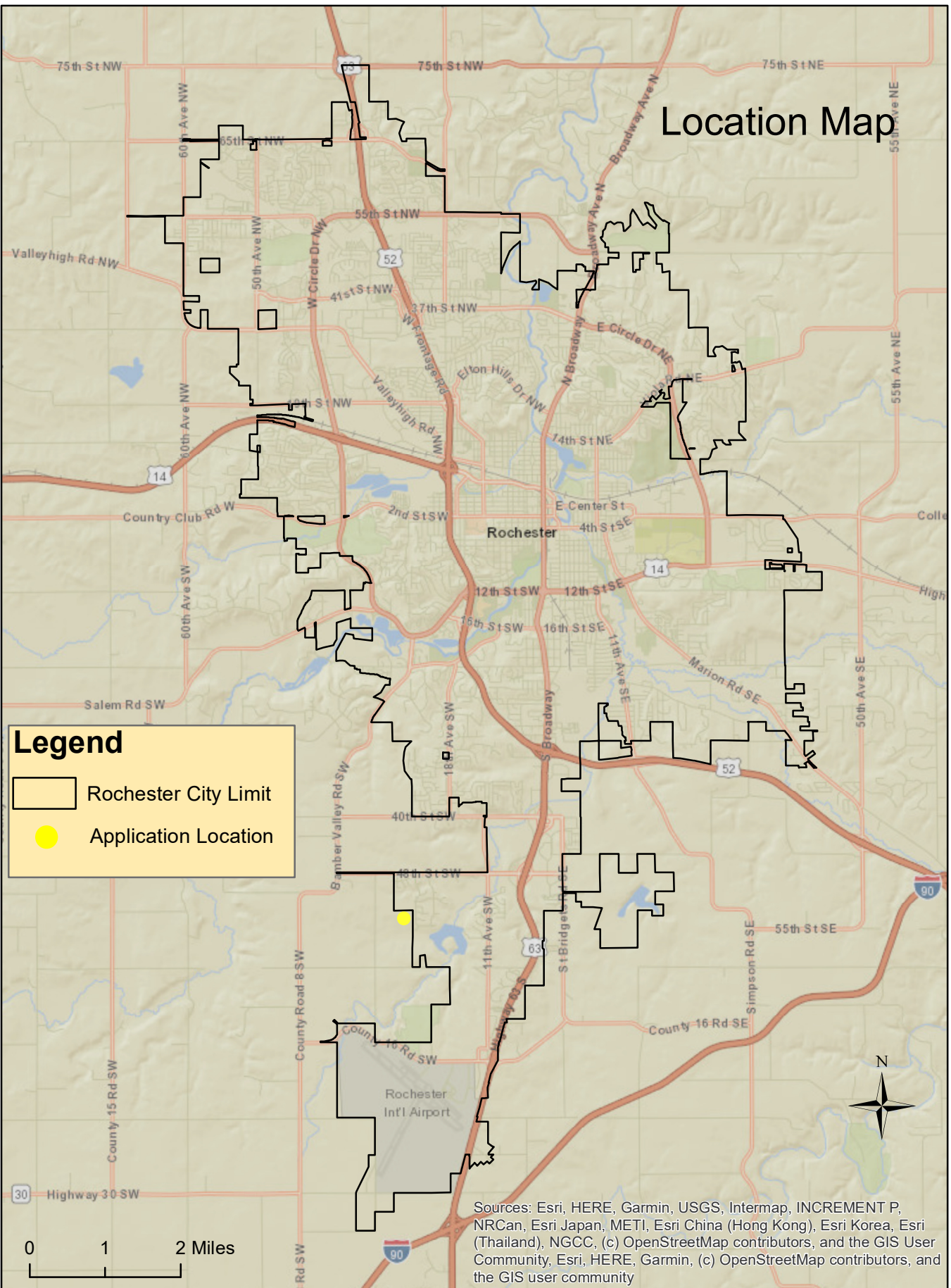
Growth Management Map Amendment CD2023-001GMMA by Mark D. Hansen, to amend a 47.43-acre site from "Urban Expansion Beyond 2050" to "Near Term Urban Expansion" on the City's Growth Management Map. The site is located 700 feet south of the intersection of Scenic Point Dr. SW & Scenic Dr SW, approximately 250 feet west of Scenic View Dr. SW. The subject amendment is running concurrently with an annexation petition CD2023-001ANX.





Parcels 643314042093 & 643314077689 - 550 feet



Location Map



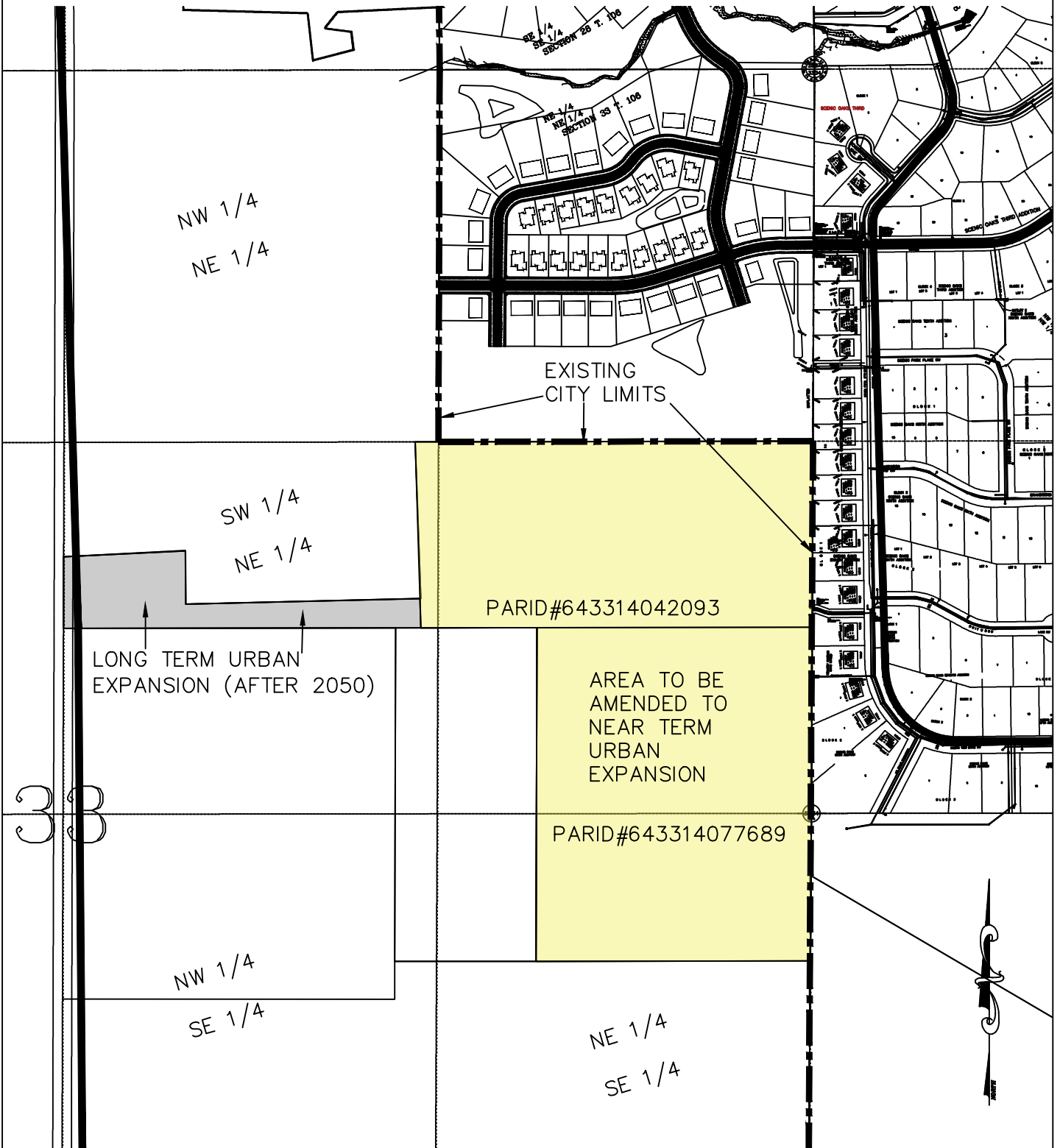
Legend

-  Rochester City Limit
-  Application Location

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

GROWTH MANAGEMENT MAP AMENDMENT EXHIBIT

ROCHESTER TOWNSHIP, SEC. 33, T. 106 N., R. 14 W.



33



G-Cubed

14070 Hwy 52 S.E.
Chatfield, MN 55923

**ENGINEERING
SURVEYING
PLANNING**

Ph. 507-867-1666
Fax 507-867-1665
www.ggg.to

DATE OF SURVEY: 12/12/2022
Prepared For: YH DEE, LLC
2314 Scenic Park Place SW Rochester, MN 55902
SHEET 1 OF 1 FILE NO:16-008 GDP

February 9, 2023

Rochester Community Development
4001 West River Parkway NW, Suite 100
Rochester, MN 55901

Re: Growth Management Map Amendment and Annexation request for a portion of the Scenic Oaks West GDP

Dear Community Development team,

The Scenic Oaks West GDP (#R00337GDP) was approved at the Rochester City Council meeting held on October 17, 2016. Just prior to the GDP submittal, the north 80 acres of the 172 acres encompassing the GDP were annexed following the Annexation by Ordinance process. Most of those 80 acres have now been developed as part of Scenic Oaks West First and Scenic Oaks West Second. The developer wishes to continue development which requires annexation of additional land depicted in the approved GDP. Based on current policy, a Growth Management Map Amendment (GMMA) is required before an annexation petition is acted upon. Therefore, an application for the GMMA and petition for annexation is being submitted to further development per the plan depicted on the Scenic Oaks West GDP.

Upon annexation, we request the land be zoned R-1 to match the zoning of the original Scenic Oaks development. The Scenic Oaks West development was zoned R-1X but upon adoption of the UDC, that was revised to R-2. The reason for requesting R-1 zoning is that is the most similar zoning to adjacent urban developments. There are utility capacity constraints that will be described in this letter. An R-2 zone would not benefit the development of the property and would differ from what neighbors have been informed would be developed.

Prior phases of development:

Plats for Scenic Oaks First Addition through Scenic Oaks Tenth Addition were platted from 1999 thru 2019 and are located east of the Scenic Oaks West GDP. Since 2004, the Scenic Oaks GDP, Scenic Oaks Lakeview GDP and Scenic Oaks West GDP and associated developments have all been under common ownership spearheaded by local builder/developer Mark D. Hanson.

The first phase of development in the Scenic Oaks West GDP, platted as Scenic Oaks West First, was approved by City Council on June 5th, 2017 as Preliminary Plat #R2017-013 with the final plat approved on January 3rd, 2018 and recorded on January 24th, 2018. The second phase of development named Scenic Oaks West Second was approved by City Council on April 19th, 2021 as Preliminary Plat No. CD2021-002PLAT with the final plat approved on October 18, 2021 and recorded on November 5th, 2021.

Summary of Project - GMMA and Annexation Criteria:

Of the first annexed lands from the Scenic Oaks West GDP, there are approximately 12 acres of undeveloped land of the original 80 acres annexed. Annexation is required to continue development

following the approved GDP layout. In 2018, the City adopted a new Comprehensive Plan, Planning to Succeed 2040 (P2S 2040), which depicts the area within the GDP as Low Density Residential. The Rochester Urban Area Growth Map at that time still showed the area of the GDP to be Near Term Urban Expansion Expected Growth to 2040. In 2021, the City updated/created the P2S Growth Management Map which did not follow existing GDP boundaries and shrunk the Near Term Expansion area. That map shows all areas that are not incorporated into the City as being in Urban Reserve Area Beyond 2050.

In order to proceed with the development process of annexation followed by a preliminary plat and final plat, we must first have the Growth Management Map amended to include the area intended to be developed.

The Unified Development Code enacted on January 1, 2023 outlines the criteria for this request under Section 60.500.040.B.4a thru 4g.

B.4 - Criteria for Major Amendment of the Growth Management Map.

The Planning Commission shall recommend, and City Council may approve an amendment to the Growth Management Map, if the Council determines that the following criteria are met:

- a. The proposed GMMA will address a shortage of land designated and available for a proposed type of land use as evidenced by an objective market analysis with costs covered by the applicant. While increase in density is a focus of affordability in the current development plans of the City, there is still a need for the type of single family lots which the Scenic Oaks West development provides. A detailed market analysis was not contracted for and is not necessary based on the history of the Scenic Oaks and Scenic Oaks West developments. It is well known that the high end homes constructed within the Scenic Oaks neighborhood are highly sought after as both new builds and resale homes for families in Rochester and the surrounding community. Scenic Oaks West First and Second brought 100 lots into the market. The absorption rate across the last five years of building construction has been averaging 15 homes constructed per year. At the current rate, the builder/developer will be out of lots beyond 2024. If the property had been annexed anytime between the original GDP and the adoption of the GMM in 2021, this property would have been designated correctly for near term urban expansion. Based on prior infrastructure improvement, namely street, utilities and downstream off-site sanitary sewer upsizing, the property should be designated “Near Term Urban Expansion”.*
- b. A technical assessment of the sewage generation characteristics of proposed development in combination with assessment of remaining trunkline sewer capacity in the sanitary sewer subdistrict where the development is proposed should be completed to determine the availability of capacity and/or the potential scheduling of improvements to address this potential Adequate Public Facility deficiency. The property is located in the East Zumbro Sanitary Sewer District and its subdistrict (15-I2-MOD). In 2016, preliminary sanitary sewer capacity calculations were provided to the City to determine the limiting factors in the vicinity of the Scenic Oaks developments. In 2017, this study was updated based on lot layouts and plans for construction of Scenic Oaks West First. As part of the development of Scenic Oaks West Second, offsite sewer trunk mains were required to be upsized to address downstream capacity issues. This was outlined in the Development Agreement as a developer contribution to allow for full build out of the property the developer controls in both the Scenic Oaks West and Scenic Oaks Lakeview properties. Development within the Scenic Oaks West GDP has closely matched the number of lots anticipated. Following the 2017 sewer calculations and*

upsizing of the offsite sewer trunkline, the developer was assured he could continue to develop according to the GDP's and Development Agreements that were entered into. With the 2020 Sanitary Sewer Master Plan, the sewer service area was constricted and concerns for being able to serve the Scenic Oaks area was brought to our attention by Public Works. We have worked with Public Works and it has been determined that the Scenic Oaks West and Scenic Oaks Lakeview projects can be services with the caveat that the future lift station be limited to around 90 gallons per minute during dosing. The projected number of lots depicted in those GDP's would not require greater flow rates. The force main that was previously constructed was a 6" ductile iron pipe line which may be too large for the velocities required in lift station design. Using a 4" line will allow for maintaining the flow rate of 90gpm during dosing. The need for a lift station is another phase of development out as the area of what we call Scenic Oaks West Third is still gravity sewer connecting to three different stubs into the property.

- c. *The impact of and cost to municipal utilities and infrastructure, including but not limited to road and transit infrastructure, sewer, water, and electric infrastructure, parks, etc. as a result of the proposed GMMA have been considered and the proposed project will not adversely effect these infrastructure systems.* The infrastructure impacts are reasonable. At this time, there is no request for public funds to allow for development of the remaining phases depicted on the GDPs. The road and transit infrastructure is currently inplace and continuing development will provide street connectivity. Specific infrastructure that is inplace are:
- a. Road and Transit Infrastructure: Road constructed will connect to local streets constructed as part of the Scenic Oaks and Scenic Oaks West Developments. There are three streets all connecting to 48th Street SW. The 2018 ADT of 48th Street was 350 vehicles/day and per the City's traffic engineer's review of the TIS waiver request, 48th Street has the capacity to handle the increase in traffic.
 - b. Storm Sewer: Two temporary sedimentation basins were excavated with some outlet pipe infrastructure at the time of Scenic Oaks West Second construction. Those basins will be improved and incorporated into the plans for any drainage that flows north. A new basin is planned for drainage that routes south. The developer has been investing in the infrastructure needed for these future phases over nearly 20 years of development of the Scenic Oaks, Scenic Oaks Lakeview and Scenic Oaks West developments.
 - c. Sanitary Sewer: Sanitary sewer stubs were extended into/towards the property at the time of prior projects of Scenic Oaks Sixth Addition and Scenic Oaks West Second. There are three stubs that will serve the remaining lots which can be served by gravity. There is an existing 6" force main pipe within Reservoir Drive which was designed for the portion of the property and Scenic Oaks Lakeview. This pipe which will need to be replaced or vacated and a new 4" line routed from the proposed lift station to the gravity sewer system.
 - d. Drinking Water and Fire Flow: As with sanitary sewer, watermain stubs are available to provide service and looping for improved quality and fire flow. There are two connections from the Scenic Oaks West Second project, one from the Scenic Oaks Sixth and there is also watermain installed in Reservoir Drive for looping to the Scenic Oaks West project and serving the Scenic Oaks Lakeview property. The Scenic Oaks area is served by a single water main temporarily being fed from the Airport High Level system through a pressure reduction valve. RPU Water Department had set a limit of 400 houses that can be served on this system without providing a connection to the Willow High Level system. Those criteria limited the next phase of development to 44 more houses. The issue with the requirement to looping of the Willow High Level system was that it would require running watermain cross country

over lands not slated for near term development, in areas with rock near the surface and would require a crossing of a recently installed large diameter high pressure natural gas line which could be difficult to permit and prohibitively expensive. RPU Waters reassessed the options and found a solution which requires a public booster station and extension of a public watermain from Scenic Oaks Drive SW to Willow Point Lane SW. This is about 2500 feet of new pipeline which can be located in existing public right of way versus across private property to the north. These improvements will provide the water pressure required to serve all of the potential lots in the Scenic Oak West and Scenic Oaks Lakeview properties.

- e. Electric – RPU has power adjacent and ready to expand into the development. The area is currently in the Peoples Cooperative service district but Peoples does not have any lines adjacent to the property which could serve the development.
 - f. Parks - Scenic Oaks Park is located to the east and central to all of the Scenic Oaks developments. Cash in lieu of parkland dedication has been requested for prior phases of Scenic Oaks West and will allow for Parks to continue investments in the community.
 - g. Gas - MnEnergy has gas extended to the property at street accesses and can serve the new homes.
 - h. Grading: Portions of the property were previously graded in anticipation of development. A box culvert project was completed for bridging a major drainage way to serve the Scenic Oaks Lakeview project. This was completed in advance of development and included wetland mitigation on and off City property according to development agreements with the City.
- d. *An assessment of natural features on the proposed site has found that the site is suitable for urban development.* - An Environmental Assessment Worksheet was completed for the entire area of the GDP and a negative declaration was voted on by City Council on July 5th, 2017. Areas proposed for annexation and development are south of the major drainage corridor crossed at the time of development of Scenic Oaks West First and Second. This developable area is north of the major drainage corridor that is a direct connection to the Willow Creek Reservoir. Wetlands have been identified and delineated along the south edge of the site. The development plan avoids negative impacts. The project is not identified to fall within the geological formation where Decorah Edge features would be encountered.
- e. *The proposed GMMMA will not adversely affect the supply of land designated for the type of land use the area in question is currently planned for.* The 47.43 acres of land is about 20 acres of row crop, a tree farm the developer planted to supply trees for his developments and about 8 acres which includes a drainage corridor that wetlands that will not be developed. The property has been planned for development within the City since purchases in 2004 and 2007. Expansion is a logical and efficient use of public infrastructure.
- f. *The proposed Future Land Use Map amendment is consistent with and will help further the Vision, Principles and Goals of the P2S 2040 Comprehensive Plan and*
- 1) *Will not compromise the direction of the plan to create an integrated land use and transportation vision* - The plan would link streets that are currently unlinked.
 - 2) *Will not compromise the strategies identified in the plan to implement the Primary Transit Network or the anticipated phasing of the PTN identified in the plan* - The streets are on the periphery of the City with low densities. The development does not have a negative impact on the PTN.
 - 3) *The development characteristics of uses in the proposed land use plan category as described in Tables 2-8 through 2-12 are compatible with surrounding land use classifications.*

Table 2-8 - Non Residential Categories - There are no Commercial and Business Development Areas, Small Employment Development Areas or Industrial Development Areas adjacent to the project. The low density residential plan use is compatible.

Table 2-9 - Community Anchor Categories - There are no community anchors adjacent to the land. Development will create high end homes for the business owners and employees of the Community Anchors. The low density residential plan use is compatible.

Table 2-10 - Preservation Categories - the proposed land use is compatible with adjacent uses. The property will connect to the Willow Creek Reservoir property which will allow for pedestrian connection to a large scale city park. The west side of Willow Creek Reservoir has not been improved for park uses other than mowed walking trails. Development of the Scenic Oaks West and Scenic Oaks Lakeview properties will provide access points for more use and enjoyment of the park infrastructure. The low density residential plan use is compatible.

Table 2-11 - The Future Land Use - Place Type Matrix - Neighborhood Developing Districts and Low Density Residential have the Greatest Level of Compatibility per the matrix.

Table 2-12 - Top Origins for Travel into Rochester - site is not on a road connecting local communities listed in the table. The low density residential plan use is compatible.

4) The locational characteristics and transportation features of the site are consistent with the locational and transportation factors described in Tables 2-8 through 2-12 for the proposed land use. -

Table 2-8 - Non Residential Categories - There are no Commercial and Business Development Areas, Small Employment Development Areas or Industrial Development Areas adjacent to the project. The location and transportation features of low density residential development maintain consistency in the vicinity.

Table 2-9 - Community Anchor Categories - The project would not impact community anchors as non are adjacent or nearby the land.

Table 2-10 - Preservation Categories - The location and transportation features are consistent.

Table 2-11 - The Future Land Use - Place Type Matrix - Neighborhood Developing Districts and Low Density Residential have the Greatest Level of Compatibility per the matrix.

Table 2-12 - Top Origins for Travel into Rochester - site is not on a road connecting local communities listed in the table. The low density residential plan use is consistent.

- g. *The proposed amendment is consistent with community goals and policies as expressed in the City's adopted Plans. - The proposed amendment continues the well developed and thought out plans for Scenic Oaks providing the community with highly desired quality homes.*

The Unified Development Code enacted on January 1, 2023 outlines the criteria for annexation under Section 60.500.040.C.4a thru 4d.

C.4 - Criteria for Annexation of Land Approval.

- a. The Annexation of Land is consistent with the adopted Comprehensive Plan regarding areas for future growth and development of the City; with the requested GMMA, the land will be consistent.*
- b. The proposed Annexation of Land is able to be served by existing City infrastructure and services, or through future expansions of infrastructure and services included in approved City plans or policies, or the applicant has agreed to pay for required expansions of City infrastructure and services on terms acceptable to the City. As described in the GMMA narrative, the site has had major infrastructure projects completed in anticipation of development within the City of Rochester.*

- c. The property proposed for the annexation is now or is about to become urban or suburban in character; the property is part of an approved General Development Plan which has expanded the urban boundaries of the City in an orderly way.*
- d. The Annexation of Land complies with all applicable provisions of Minnesota state law. The land is compliant to allow annexation to proceed.*

Thank you for accepting this request. Please feel free to call with any questions.

Sincerely,

Mark Welch, PE

Cc: Mark D. Hanson - R&M Development/ YH Dee LLC/ Hanson & Younge LLC

Agency Review Comments

Application No: CD2023-001GMMA

3/6/2023 **County Environmental Resources**

Agency did not submit comments. Closed By Script

3/6/2023 **County Long Range Planning**

Agency did not submit comments. Closed By Script

2/17/2023 **County Public Works**

2/24/2023 **Fire Review**

The proposed land for this growth management map amendment is not within a 4 minute RFD response time. In addition, portions of land in the plan are rated as ISO 3, 8, and 10, which could negatively impact quality of services and delayed response times for emergency responders.

2/24/2023 **Public Works Review**

See attached comment in Accela software.

3/6/2023 **RPU Electric Review**

Agency did not submit comments. Closed By Script

2/13/2023 **RPU Water Review**

See RPU Water Dept review letter dated 2/13/23.

February 13, 2023

COMMUNITY DEVELOPMENT DEPARTMENT
4001 West River Pkwy NW, Suite 100
Rochester, MN 55901

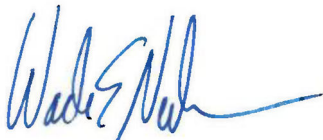
REFERENCE: Annexation by Ordinance Petition CD2023-001ANX by Mark D. Hansen to annex 47.43 acres of land located 700 feet south of the intersection of Scenic Point Dr SW & Scenic Dr SW, approximately 250 feet west of Scenic View Dr SW. [CD2023-001GMMA Growth Management Map Amendment]

Our review of the referenced petition is complete and our comments follow:

1. This area abuts the Scenic Oaks and Scenic Oaks West Developments which are located in the Scenic Oaks Intermediate Level and are served from the Airport High Level Water System through a pressure reducing station. Static water pressures within this area will range from 46 to 84 psi. Homes with finished floor elevations of 1150' and below shall have pressure-reducing devices installed near the domestic water meters as required by the Minnesota Plumbing Code.
2. The existing pressure reducing station currently serves 306 residential lots, and finishing the lots currently under construction in Scenic Oaks West Second will bring that total to 356. The pressure reducing station is limited to serving 400 residential lots. Any future phases/developments in this Intermediate Level will be limited to 44 residential lots until an additional supply to this pressure zone is provided.
3. RPU met with the applicant on January 12, 2023 to discuss possible options to address the water supply and redundancy requirements to this area in order to allow more growth. Two options were discussed: the first option, which has been stated in numerous other applications, is to wait for the development between 40th Street and 48th Street SW to occur in order to connect the Scenic Oaks Development to the Willow High Level Water System; and the second option is for the applicant to extend a 12" ductile iron water main from Scenic Oak Dr SW to the St. Bridget Intermediate Level Water System, currently located at the intersection of 48th Street SW and Willow Point Lane SE, and install a booster station.
4. Applicant will be responsible for securing land, design, and construction of the Booster Station.
5. RPU will work with the applicant's consultant(s) to develop the necessary water system layout to serve this area and the design parameters for the Booster Station.

Please contact us at 507-280-1505 if you have questions.

Very truly yours,



Wade Neubauer
Water

C: Luke Payne, RPU
Mark Baker, City Public Works
Mark Welch, G-Cubed Inc.

Brent Bunke, RPU
Mike Bjoraker, Fire Prevention Bureau
Mark Hansen, Owner

TO: Community Development
4001 West River Parkway NW, Suite 100
Rochester, MN 55901-7090

FROM: Jamie Miller

RE: Scenic Oaks West Annexation and GMMA
(PINs 42093 & 77689)

DATE: 2/24/23

Rochester Public Works has reviewed the application for annexation CD2023-001ANX and CD2023-001GMMA by Mark Hansen for annexation of 47.43 acres of land included in the Scenic Oaks West GDP. The following are Public Works' comments for this application:

1. Gravity sanitary sewer is currently not available to fully serve the property. Due to downstream sanitary sewer capacity limitations, any lift station design and discharge must meet Public Works standards and discharge limits.

Sent to Planning Department via Accela only



City of Rochester
201 4th Street SE - STE 10
Rochester, MN 55904-3726

Phone: 507-328-2800
Fax: 507-328-2829

February 24, 2023

Community Development Department
4001 West River Parkway Suite 100
Rochester, MN 55901

Re: Growth Management Map Amendment CD2023-001GMMA by Mark D. Hansen, to amend a 47.43-acre site from "Urban Expansion Beyond 2050" to "Near Term Urban Expansion" on the City's Growth Management Map. The site is located 700 feet south of the intersection of Scenic Point Dr. SW & Scenic Dr. SW, approximately 250 feet west of Scenic View Dr. SW. The subject amendment is running concurrently with an annexation petition CD2023-001ANX.

The Rochester Fire Marshal's Office has conducted a review of plans submitted for the Annexation of the property noted above, and our comments are as follows:

The Rochester Fire Department supports the ongoing growth of the City of Rochester, and recommends approval of the proposed Annexation Plan and Growth Management Map Amendment.

However, the proposed development/construction is currently located outside of a 4 minute response from Rochester Fire. A 4 minute or less emergency response is considered an industry benchmark for the efficient and effective deployment of emergency medical services and firefighting apparatus. Development in areas with a greater than 4 minute response time could negatively impact quality services for quality living. It should be noted that the eastern half of parcel/pin #: 643314042093 has an ISO rating of 3. The western half is an ISO 8.

The majority of parcel/pin #643314077689 currently rated as an ISO 10. This may result in higher insurance costs for property owners despite being located within City Limits. Development in areas with a greater than 4 minute response time could negatively impact the delivery of quality services for residents in the proposed annexation area.

Sincerely,

Mike Bjoraker – Assistant Fire Marshal
Rochester Fire Department



Cooper, Maribeth

From: Schnell, Tracy (DOT) <tracy.schnell@state.mn.us>
Sent: Wednesday, February 15, 2023 8:34 AM
To: Community Development Department
Cc: Wayne, Kurt (DOT); Schnell, Tracy (DOT)
Subject: Development Application CD2023-001GMMA

[EXTERNAL SENDER]: Do not open links/attachments if uncertain about the sender and never give out your user id and password.

This proposal appears to have no significant impact on MnDOT roadways and is acceptable to MnDOT.

Growth Management Map Amendment CD2023-001GMMA by Mark D. Hansen, to amend a 47.43-acre site from "Urban Expansion Beyond 2050" to "Near Term Urban Expansion" on the City's Growth Management Map. The site is located 700 feet south of the intersection of Scenic Point Dr. SW & Scenic Dr. SW, approximately 250 feet west of Scenic View Dr. SW. The subject amendment is running concurrently with an annexation petition CD2023-001ANX.

Thanks,

Tracy Schnell
Senior Planner | District 6

Minnesota Department of Transportation
2900 48th Street NW
Rochester, MN 55901
C: 507-259-3852
mndot.gov/





REQUEST FOR ACTION

Annexation of Land CD2023-001ANX by YH Dee LLC and Hanson Young LLC (Scenic Oaks West)

MEETING DATE:

June 14, 2023

ORIGINATING DEPT:

Community Development

AGENDA SECTION:

Public Hearings

PRESENTER:

Elliot Mohler

Action Requested:

Forwarding a recommendation to Council approving Annexation of Land request No. CD2023-001ANX to annex approximately 47.43 acres of land located in Rochester Township.

Report Narrative:

The applicant is seeking to annex approximately 47.43 acres of land located in Rochester Township.

The subject properties are part of the larger Scenic Oaks West General Development Plan (#R00337GDP), which was approved by the Council in 2016. Scenic Oaks West First and Scenic Oaks West Second have been annexed into the City and platted. These subdivisions are nearing complete build-out and sale of homes. For development called out in the approved GDP to continue, the next stage of development needs to be re-designated to Near Term Expansion, to then be annexed into city limits. This application is concurrent with the Growth Management Map Amendment request CD2023-001GMMA. Once annexed, these properties would be zoned R-1 Mixed Single Family and would then follow the platting process.

A public hearing was originally scheduled for the March 8, 2023, Planning Commission. Prior to that meeting, the applicant and consultant requested the items be continued to a date certain (June 14, 2023) as they continued to work with Rochester Public Utilities on a solution to public utility connections. An agreement has since been reached between the two parties.

Priorities & Foundational Principles:

Economic Vibrancy & Growth Management

Policy Considerations & DEI Impact:

The Annexation of Land request furthers the goals and policies of the Comprehensive Plan by emphasizing fiscal sustainability, improving community connectivity, and maintaining a commitment to health, wellness, and the environment.

Fiscal & Resource Impact:

All development costs will be the responsibility of the developer and will be outlined in a development agreement and/or City-Owner contract.

Alternative Action(s):

No alternative actions are suggested at this time.

Prepared By:

Elliot Mohler

Attachments:

[Continuation Memo - CD2023-001ANX Scenic Oaks West](#)

[Staff Report - CD2023-001ANX Scenic Oaks West](#)

[Notification Map - CD2023-001ANX Scenic Oaks West](#)

[Site Location Map - CD2023-001ANX Scenic Oaks West](#)

[Annexation Exhibit - CD2023-001ANX Scenic Oaks West](#)

[Applicant Narrative - CD2023-001ANX Scenic Oaks West](#)

[Referral Comments - CD2023-001ANX Scenic Oaks West](#)

Continuation Memo

- Prepared by:** Rochester Community Development
- Request:** Growth Management Map Amendment CD2023-001GMMA and Annexation CD2023-001ANX by YH Dee LLC and Hanson Young LLC. The request is to redesignate and annex 47.43 acres from Urban Reserve 2050 to Near Term Urban Expansion.
- Location:** The subject properties are located southwest of Scenic Oaks West 2nd, west of US Highway 52 and south of 48th St SW.
- Owners:** YH DEE LLC and Hanson Young LLC – Mark D. Hanson
- Consultant:** G-Cubed / Mark Welch

SUMMARY AND BACKGROUND INFORMATION

On February 9, 2023, Mark Welch, on behalf of YH DEE LLC. And Hanson Young LLC., applied for a Growth Management Map Amendment and Annexation for two properties located southwest of Scenic Oaks West 2nd, west of US Highway 52 and south of 48th St SW. The application was reviewed and was to be heard during a public hearing at the March 8, 2023, Planning and Zoning Commission meeting. Prior to that meeting, the applicant and consultant requested the items be continued to a date certain (June 14, 2023) as they continued to work with Rochester Public Utilities on a solution to public utility connections.

During this time, Rochester Public Utilities, and the consultant Mark Welch, on behalf of the applicant, came to an agreement regarding the connection to public utilities for the land that was proposed to be annexed. The Development Review Team maintains their recommendation that the Planning and Zoning Commission forward a recommendation of **APPROVAL** to the Common Council for both Growth Management Map Amendment CD2023-001GMMA and Annexation Request CD2023-001ANX.

ROCHESTER PLANNING COMMISSION**MARCH 8, 2023**

- Prepared by:** Rochester Community Development
- Request:** Annexation of Land request CD2023-001ANX by YH Dee LLC and Hanson Young LLC. The request is to annex approximately 47.43 acres of land located in Rochester Township into the city limits of Rochester.
- Location:** The subject properties are located southwest of Scenic Oaks West 2nd, west of US Highway 52 and south of 48th St SW. Associated PINS 042093 and 077689.
- Owners:** YH DEE LLC and Hanson Young LLC – Mark D. Hanson
- Consultant:** G-Cubed, Mark Welch

COMMISSION AND COUNCIL SUMMARY

Application Type: Annexation

What is Considered: Annexation is the process by which unincorporated lands are brought into a municipal boundary. The municipality annexing must be able to adequately serve the newly added land with city services and infrastructure, such as water and sanitary sewer. Amendments to the boundaries of corporate and extraterritorial limits shall be adopted as provided by Minnesota state statute.

During the review of an Annexation request, both the Planning Commission and City Council must determine whether the request meets those criteria set in the Unified Development Code Section 60.500.040C. These includes compatibility with adjacent land uses, ability for the City to serve the newly annexed properties with city services, and whether the newly annexed land is appropriate for suburban or urban style development.

Site development considerations such as architecture, site layout, building orientation, site landscaping, open space, site parking, screening, and the aesthetic character of the development are not criteria considered in Annexation reviews.

Approval Body: Rochester City Council

Development Review Team Recommendation: Approval

SUMMARY AND BACKGROUND INFORMATION

The subject properties are part of the larger Scenic Oaks West GDP (#R00337GDP), which was approved by the Rochester City Council in 2016. Scenic Oaks First and Scenic Oaks Second have been annexed into the city and platted. Scenic Oaks First and Second are nearing complete build out and sale of homes. For development of the area called out in the Scenic Oaks West GDP to continue, the properties must be redesignated from

Urban Reserve Beyond 2050 to Near Term Urban Expansion. This annexation application is concurrent with Growth Management Map Amendment CD2023-001GMMA. If the Growth Management Map Amendment is approved, these properties will be eligible for annexation.

Upon annexation, these properties would be zoned R-1 Mixed Single-Family, and the underlying land use will continue to be Low Density Residential to facilitate similar development patterns currently found in Scenic Oaks West First and Second. If approved, the subject properties would go through the Major Land Subdivision process, which requires both Planning Commission and City Council review.

The Unified Development Code states that newly annexed land is to be zoned R-2 Single-Family Small Lot by default. The applicant is requesting the newly annexed area be zoned R-1 Mixed Single-Family instead. They argue that the R-1 residential district better matches the existing development in Scenic Oaks First and Second subdivisions.

Prior to 2021, these properties were designated as Near-Term Urban Expansion. In 2021, the City finalized a review of City sewer expansion that reclassified these properties as Urban Reserve Beyond 2050. Rochester Public Utilities and Rochester Public Works have been in conversation with the applicant to ensure that these properties can be served by City sewer and water services upon annexation. Their support of the project directs Community Development's review of the project.

COMMUNITY DEVELOPMENT REVIEW

Land Use Plan:	The subject properties are currently designated as Low Density Residential (LDR).
Zoning District:	The subject properties are currently in Rochester Township and are zoned A2 Agricultural District. The applicants are requesting the properties be zoned R-1 Mixed Single-Family upon annexation rather than the default R-2 Single-Family Small Lot.
Adjacent Land:	<p><u>North:</u> The properties to the north of the subject properties are zoned R-2 Low Density Small Lot.</p> <p><u>East:</u> The properties to the east of the subject properties are zoned R-1 Mixed Single-Family Residential.</p> <p><u>South:</u> The properties to the south of the subject properties are zoned A2 Agricultural District in Rochester Township.</p> <p><u>West:</u> The properties to the west of the subject properties are zoned A2 Agricultural District in Rochester Township.</p>

Roadway & Access:	Based off the approved General Development Plan from 2016, the subject properties are proposed to gain access off a future road to be determined – most likely connecting to the existing Scenic Oaks First and Second.
Public Infrastructure:	Public facilities (roadways, sanitary sewer, water, and storm water management facilities) exist to service the subject properties. Development will not occur until city infrastructure is built out to accommodate the site.
Wetlands	Hydric soils are located on the greater GDP area, but is not present on the area to be redesignated and annexed.

ANNEXATION OF LAND REVIEW

The Planning Commission shall recommend, and City Council may approve an Annexation of Land, if it determines that the following criteria are met (team findings in **BOLD**):

UDC 60.500.040C.4

1. The Annexation of Land is consistent with the adopted Comprehensive Plan regarding areas for future growth and development of the city.

Emphasize Fiscal Sustainability:

Approving the GMMA will not adversely affect the fiscal sustainability of the city. The applicant will be required to pay for design, potential easements, the installation of a 12” water main along 48th St SW, and the construction of a booster station. The only added cost to the city will be for the oversizing of the 12” water main pipe.

Improve Community Connectivity

The General Development Plan for Scenic Oaks West shows greater connectivity by extending and crossing existing roadways that currently end in cul-de-sacs. Any future development would also need to extend and build on the existing sidewalk network in this neighborhood.

Maintain Commitment to Health, Wellness, and the Environment:

The subject properties do not contain environmentally sensitive lands other than the hydric soils present on the western property boundary. These hydric

soils do not appear to negatively affect the suitability for urban development on this site.

2. The proposed Annexation of Land is able to be served by existing City infrastructure and services, or through future expansions of infrastructure and services included in approved City plans or policies, or the applicant has agreed to pay for required expansion of City infrastructure and services on terms acceptable to the City.

The property was redesignated from Near Term Urban Expansion to Urban Reserve Beyond 2050 in 2021 through a Growth Management Map update. The GDP associated with the Scenic Oaks development was approved by City Council while the area was still designated as Near-Term Urban Expansion. Conversations have been ongoing between the applicant, Rochester Public Utilities, and Public Works to determine whether the site can be adequately served upon annexation. The determination was made that adequate sewer infrastructure could be installed to reasonably accommodate the subject properties once annexed and developed. The applicant will be required to pay for design, potential easements, the installation of a 12” water main along 48th St SW, and the construction of a booster station.

3. The property proposed for the annexation is now or is about to become urban or suburban in character.

This land has been designated as Low Density Residential since 2018. Upon annexation, the land will continue to be designated as Low Density Residential. Upon annexation, this land will be served by City infrastructure and will be similar in character to what currently exists within city limits.

4. The Annexation of Land complies with all applicable provisions of Minnesota state law.

The Annexation of Land complies with all applicable provisions of Minnesota state law.

Minnesota State Statute § 414.033 Subd. 12 “Property Taxes” requires that the property taxes associated with annexed land are to be paid to the town or towns the land was annexed from. The property taxes for the site in 2022 totaled an amount of \$3,524.00. This amount will be owed to Rochester Township.

STAFF RECOMMENDATION

Community Development has reviewed this request in accordance with the P2S Comprehensive Plan and Section 60.500.040C of the Unified Development Code as it

pertains to the Annexation of Land and recommends that the Planning Commission forward a recommendation of **approval** to the City Council of the annexation request, with the newly annexed land being zoned R-1 Mixed Single-Family residential.

ATTACHMENTS

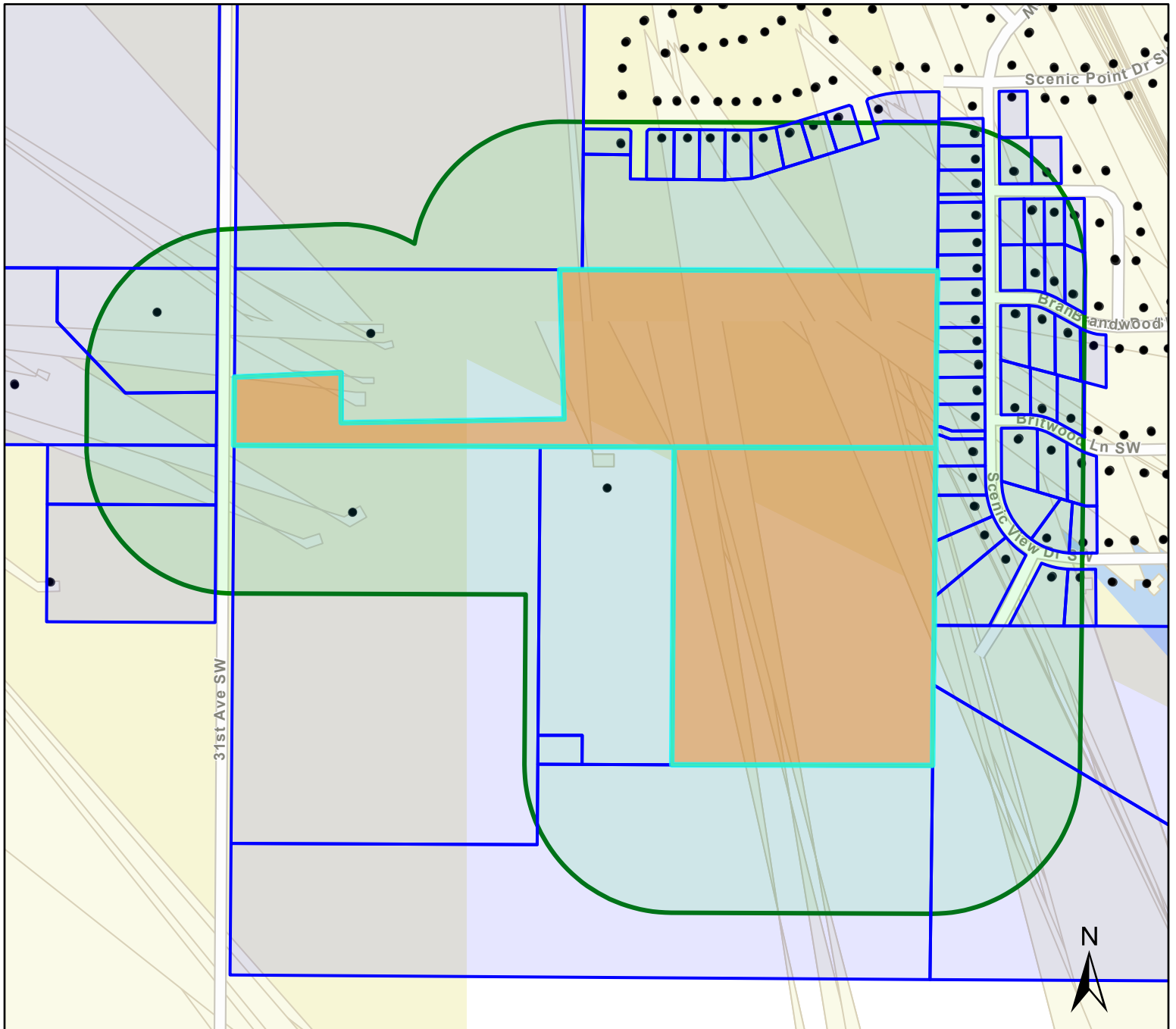
1. Notification Map
2. Site Location Map
3. Annexation of Land Exhibit
4. Applicant Narrative
5. Referral Agency Comments

CD2023-001GMMA-Scenic Oaks West Ward 1

0.07 0.15 0.3 mi

2/13/2023 Olmsted County Geographic Information Systems

Scale: 1:9,028



Legend

- Site**
- Parcels**
- Notification Area**

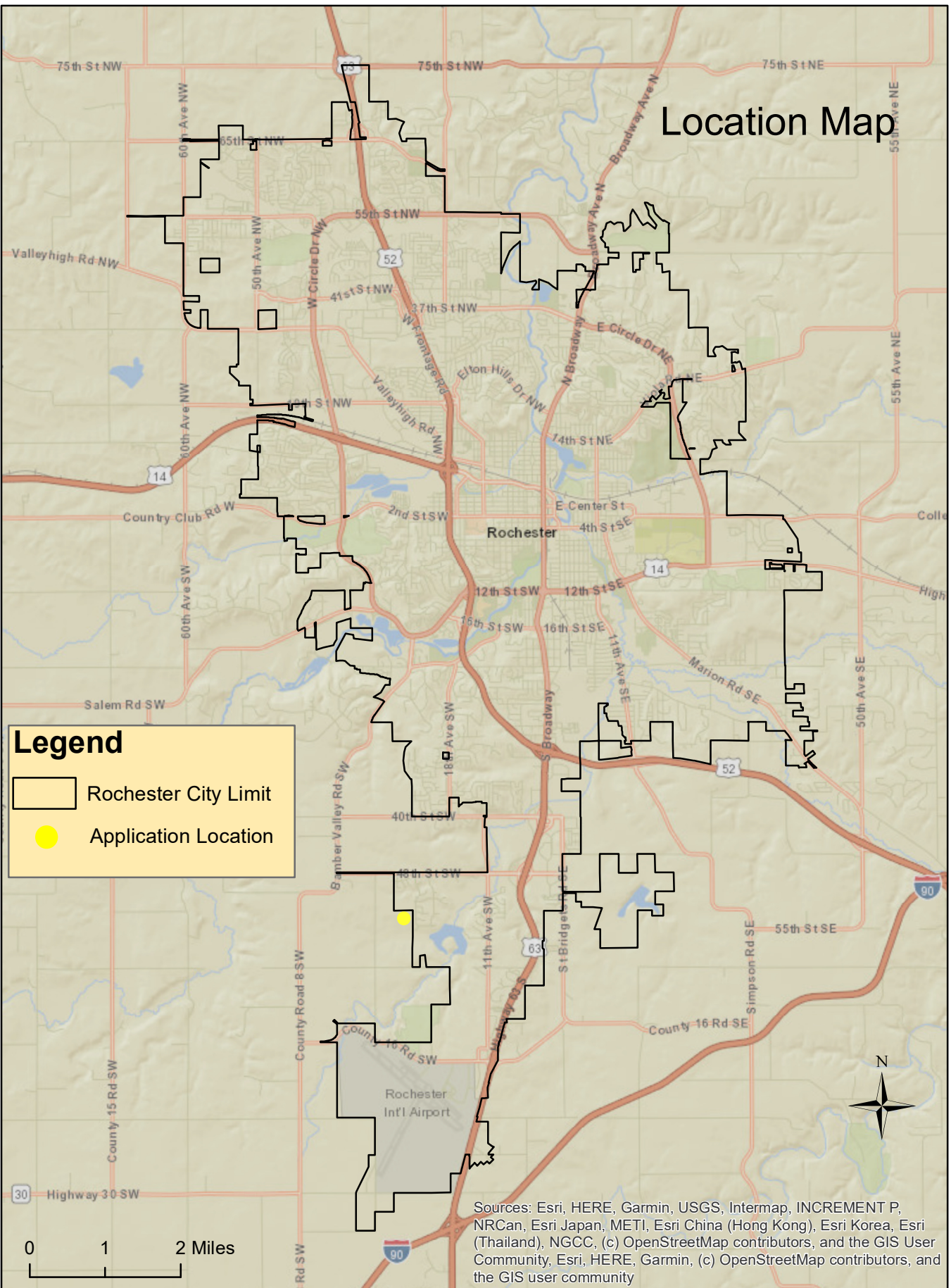
Growth Management Map Amendment CD2023-001GMMA by Mark D. Hansen, to amend a 47.43-acre site from "Urban Expansion Beyond 2050" to "Near Term Urban Expansion" on the City's Growth Management Map. The site is located 700 feet south of the intersection of Scenic Point Dr. SW & Scenic Dr SW, approximately 250 feet west of Scenic View Dr. SW. The subject amendment is running concurrently with an annexation petition CD2023-001ANX.





Parcels 643314042093 & 643314077689 - 550 feet



Location Map



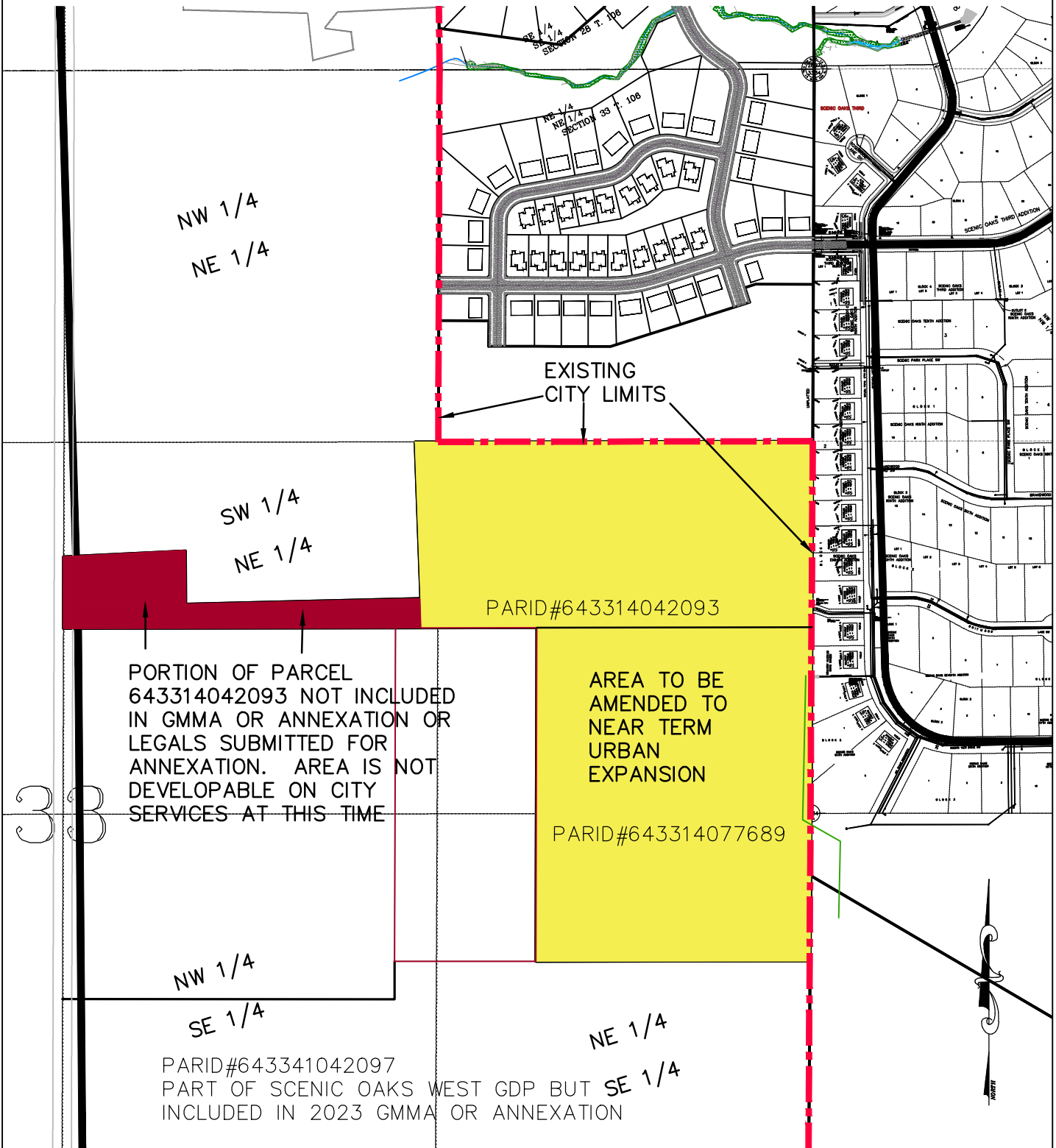
Legend

-  Rochester City Limit
-  Application Location

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

ANNEXATION EXHIBIT

ROCHESTER TOWNSHIP, SEC. 33, T. 106 N., R. 14 W.



33



G-Cubed

14070 Hwy 52 S.E.
Chatfield, MN 55923

**ENGINEERING
SURVEYING
PLANNING**
Ph. 507-867-1666
Fax 507-867-1665
www.ggg.to

DATE OF SURVEY: 2/28/2023
Prepared For: YH DEE, LLC
2314 Scenic Park Place SW Rochester, MN 55902
FILE NO: 16-008 GDP GMMA.DWG

February 9, 2023

Rochester Community Development
4001 West River Parkway NW, Suite 100
Rochester, MN 55901

Re: Growth Management Map Amendment and Annexation request for a portion of the Scenic Oaks West GDP

Dear Community Development team,

The Scenic Oaks West GDP (#R00337GDP) was approved at the Rochester City Council meeting held on October 17, 2016. Just prior to the GDP submittal, the north 80 acres of the 172 acres encompassing the GDP were annexed following the Annexation by Ordinance process. Most of those 80 acres have now been developed as part of Scenic Oaks West First and Scenic Oaks West Second. The developer wishes to continue development which requires annexation of additional land depicted in the approved GDP. Based on current policy, a Growth Management Map Amendment (GMMA) is required before an annexation petition is acted upon. Therefore, an application for the GMMA and petition for annexation is being submitted to further development per the plan depicted on the Scenic Oaks West GDP.

Upon annexation, we request the land be zoned R-1 to match the zoning of the original Scenic Oaks development. The Scenic Oaks West development was zoned R-1X but upon adoption of the UDC, that was revised to R-2. The reason for requesting R-1 zoning is that is the most similar zoning to adjacent urban developments. There are utility capacity constraints that will be described in this letter. An R-2 zone would not benefit the development of the property and would differ from what neighbors have been informed would be developed.

Prior phases of development:

Plats for Scenic Oaks First Addition through Scenic Oaks Tenth Addition were platted from 1999 thru 2019 and are located east of the Scenic Oaks West GDP. Since 2004, the Scenic Oaks GDP, Scenic Oaks Lakeview GDP and Scenic Oaks West GDP and associated developments have all been under common ownership spearheaded by local builder/developer Mark D. Hanson.

The first phase of development in the Scenic Oaks West GDP, platted as Scenic Oaks West First, was approved by City Council on June 5th, 2017 as Preliminary Plat #R2017-013 with the final plat approved on January 3rd, 2018 and recorded on January 24th, 2018. The second phase of development named Scenic Oaks West Second was approved by City Council on April 19th, 2021 as Preliminary Plat No. CD2021-002PLAT with the final plat approved on October 18, 2021 and recorded on November 5th, 2021.

Summary of Project - GMMA and Annexation Criteria:

Of the first annexed lands from the Scenic Oaks West GDP, there are approximately 12 acres of undeveloped land of the original 80 acres annexed. Annexation is required to continue development

following the approved GDP layout. In 2018, the City adopted a new Comprehensive Plan, Planning to Succeed 2040 (P2S 2040), which depicts the area within the GDP as Low Density Residential. The Rochester Urban Area Growth Map at that time still showed the area of the GDP to be Near Term Urban Expansion Expected Growth to 2040. In 2021, the City updated/created the P2S Growth Management Map which did not follow existing GDP boundaries and shrunk the Near Term Expansion area. That map shows all areas that are not incorporated into the City as being in Urban Reserve Area Beyond 2050.

In order to proceed with the development process of annexation followed by a preliminary plat and final plat, we must first have the Growth Management Map amended to include the area intended to be developed.

The Unified Development Code enacted on January 1, 2023 outlines the criteria for this request under Section 60.500.040.B.4a thru 4g.

B.4 - Criteria for Major Amendment of the Growth Management Map.

The Planning Commission shall recommend, and City Council may approve an amendment to the Growth Management Map, if the Council determines that the following criteria are met:

- a. The proposed GMMA will address a shortage of land designated and available for a proposed type of land use as evidenced by an objective market analysis with costs covered by the applicant. While increase in density is a focus of affordability in the current development plans of the City, there is still a need for the type of single family lots which the Scenic Oaks West development provides. A detailed market analysis was not contracted for and is not necessary based on the history of the Scenic Oaks and Scenic Oaks West developments. It is well known that the high end homes constructed within the Scenic Oaks neighborhood are highly sought after as both new builds and resale homes for families in Rochester and the surrounding community. Scenic Oaks West First and Second brought 100 lots into the market. The absorption rate across the last five years of building construction has been averaging 15 homes constructed per year. At the current rate, the builder/developer will be out of lots beyond 2024. If the property had been annexed anytime between the original GDP and the adoption of the GMM in 2021, this property would have been designated correctly for near term urban expansion. Based on prior infrastructure improvement, namely street, utilities and downstream off-site sanitary sewer upsizing, the property should be designated “Near Term Urban Expansion”.*
- b. A technical assessment of the sewage generation characteristics of proposed development in combination with assessment of remaining trunkline sewer capacity in the sanitary sewer subdistrict where the development is proposed should be completed to determine the availability of capacity and/or the potential scheduling of improvements to address this potential Adequate Public Facility deficiency. The property is located in the East Zumbro Sanitary Sewer District and its subdistrict (15-I2-MOD). In 2016, preliminary sanitary sewer capacity calculations were provided to the City to determine the limiting factors in the vicinity of the Scenic Oaks developments. In 2017, this study was updated based on lot layouts and plans for construction of Scenic Oaks West First. As part of the development of Scenic Oaks West Second, offsite sewer trunk mains were required to be upsized to address downstream capacity issues. This was outlined in the Development Agreement as a developer contribution to allow for full build out of the property the developer controls in both the Scenic Oaks West and Scenic Oaks Lakeview properties. Development within the Scenic Oaks West GDP has closely matched the number of lots anticipated. Following the 2017 sewer calculations and*

upsizing of the offsite sewer trunkline, the developer was assured he could continue to develop according to the GDP's and Development Agreements that were entered into. With the 2020 Sanitary Sewer Master Plan, the sewer service area was constricted and concerns for being able to serve the Scenic Oaks area was brought to our attention by Public Works. We have worked with Public Works and it has been determined that the Scenic Oaks West and Scenic Oaks Lakeview projects can be services with the caveat that the future lift station be limited to around 90 gallons per minute during dosing. The projected number of lots depicted in those GDP's would not require greater flow rates. The force main that was previously constructed was a 6" ductile iron pipe line which may be too large for the velocities required in lift station design. Using a 4" line will allow for maintaining the flow rate of 90gpm during dosing. The need for a lift station is another phase of development out as the area of what we call Scenic Oaks West Third is still gravity sewer connecting to three different stubs into the property.

- c. *The impact of and cost to municipal utilities and infrastructure, including but not limited to road and transit infrastructure, sewer, water, and electric infrastructure, parks, etc. as a result of the proposed GMMA have been considered and the proposed project will not adversely effect these infrastructure systems.* The infrastructure impacts are reasonable. At this time, there is no request for public funds to allow for development of the remaining phases depicted on the GDPs. The road and transit infrastructure is currently in place and continuing development will provide street connectivity. Specific infrastructure that is in place are:
- a. Road and Transit Infrastructure: Road constructed will connect to local streets constructed as part of the Scenic Oaks and Scenic Oaks West Developments. There are three streets all connecting to 48th Street SW. The 2018 ADT of 48th Street was 350 vehicles/day and per the City's traffic engineer's review of the TIS waiver request, 48th Street has the capacity to handle the increase in traffic.
 - b. Storm Sewer: Two temporary sedimentation basins were excavated with some outlet pipe infrastructure at the time of Scenic Oaks West Second construction. Those basins will be improved and incorporated into the plans for any drainage that flows north. A new basin is planned for drainage that routes south. The developer has been investing in the infrastructure needed for these future phases over nearly 20 years of development of the Scenic Oaks, Scenic Oaks Lakeview and Scenic Oaks West developments.
 - c. Sanitary Sewer: Sanitary sewer stubs were extended into/towards the property at the time of prior projects of Scenic Oaks Sixth Addition and Scenic Oaks West Second. There are three stubs that will serve the remaining lots which can be served by gravity. There is an existing 6" force main pipe within Reservoir Drive which was designed for the portion of the property and Scenic Oaks Lakeview. This pipe which will need to be replaced or vacated and a new 4" line routed from the proposed lift station to the gravity sewer system.
 - d. Drinking Water and Fire Flow: As with sanitary sewer, watermain stubs are available to provide service and looping for improved quality and fire flow. There are two connections from the Scenic Oaks West Second project, one from the Scenic Oaks Sixth and there is also watermain installed in Reservoir Drive for looping to the Scenic Oaks West project and serving the Scenic Oaks Lakeview property. The Scenic Oaks area is served by a single water main temporarily being fed from the Airport High Level system through a pressure reduction valve. RPU Water Department had set a limit of 400 houses that can be served on this system without providing a connection to the Willow High Level system. Those criteria limited the next phase of development to 44 more houses. The issue with the requirement to looping of the Willow High Level system was that it would require running watermain cross country

over lands not slated for near term development, in areas with rock near the surface and would require a crossing of a recently installed large diameter high pressure natural gas line which could be difficult to permit and prohibitively expensive. RPU Waters reassessed the options and found a solution which requires a public booster station and extension of a public watermain from Scenic Oaks Drive SW to Willow Point Lane SW. This is about 2500 feet of new pipeline which can be located in existing public right of way versus across private property to the north. These improvements will provide the water pressure required to serve all of the potential lots in the Scenic Oak West and Scenic Oaks Lakeview properties.

- e. Electric – RPU has power adjacent and ready to expand into the development. The area is currently in the Peoples Cooperative service district but Peoples does not have any lines adjacent to the property which could serve the development.
 - f. Parks - Scenic Oaks Park is located to the east and central to all of the Scenic Oaks developments. Cash in lieu of parkland dedication has been requested for prior phases of Scenic Oaks West and will allow for Parks to continue investments in the community.
 - g. Gas - MnEnergy has gas extended to the property at street accesses and can serve the new homes.
 - h. Grading: Portions of the property were previously graded in anticipation of development. A box culvert project was completed for bridging a major drainage way to serve the Scenic Oaks Lakeview project. This was completed in advance of development and included wetland mitigation on and off City property according to development agreements with the City.
- d. *An assessment of natural features on the proposed site has found that the site is suitable for urban development.* - An Environmental Assessment Worksheet was completed for the entire area of the GDP and a negative declaration was voted on by City Council on July 5th, 2017. Areas proposed for annexation and development are south of the major drainage corridor crossed at the time of development of Scenic Oaks West First and Second. This developable area is north of the major drainage corridor that is a direct connection to the Willow Creek Reservoir. Wetlands have been identified and delineated along the south edge of the site. The development plan avoids negative impacts. The project is not identified to fall within the geological formation where Decorah Edge features would be encountered.
- e. *The proposed GMMMA will not adversely affect the supply of land designated for the type of land use the area in question is currently planned for.* The 47.43 acres of land is about 20 acres of row crop, a tree farm the developer planted to supply trees for his developments and about 8 acres which includes a drainage corridor that wetlands that will not be developed. The property has been planned for development within the City since purchases in 2004 and 2007. Expansion is a logical and efficient use of public infrastructure.
- f. *The proposed Future Land Use Map amendment is consistent with and will help further the Vision, Principles and Goals of the P2S 2040 Comprehensive Plan and*
- 1) *Will not compromise the direction of the plan to create an integrated land use and transportation vision* - The plan would link streets that are currently unlinked.
 - 2) *Will not compromise the strategies identified in the plan to implement the Primary Transit Network or the anticipated phasing of the PTN identified in the plan* - The streets are on the periphery of the City with low densities. The development does not have a negative impact on the PTN.
 - 3) *The development characteristics of uses in the proposed land use plan category as described in Tables 2-8 through 2-12 are compatible with surrounding land use classifications.*

Table 2-8 - Non Residential Categories - There are no Commercial and Business Development Areas, Small Employment Development Areas or Industrial Development Areas adjacent to the project. The low density residential plan use is compatible.

Table 2-9 - Community Anchor Categories - There are no community anchors adjacent to the land. Development will create high end homes for the business owners and employees of the Community Anchors. The low density residential plan use is compatible.

Table 2-10 - Preservation Categories - the proposed land use is compatible with adjacent uses. The property will connect to the Willow Creek Reservoir property which will allow for pedestrian connection to a large scale city park. The west side of Willow Creek Reservoir has not been improved for park uses other than mowed walking trails. Development of the Scenic Oaks West and Scenic Oaks Lakeview properties will provide access points for more use and enjoyment of the park infrastructure. The low density residential plan use is compatible.

Table 2-11 - The Future Land Use - Place Type Matrix - Neighborhood Developing Districts and Low Density Residential have the Greatest Level of Compatibility per the matrix.

Table 2-12 - Top Origins for Travel into Rochester - site is not on a road connecting local communities listed in the table. The low density residential plan use is compatible.

4) The locational characteristics and transportation features of the site are consistent with the locational and transportation factors described in Tables 2-8 through 2-12 for the proposed land use. -

Table 2-8 - Non Residential Categories - There are no Commercial and Business Development Areas, Small Employment Development Areas or Industrial Development Areas adjacent to the project. The location and transportation features of low density residential development maintain consistency in the vicinity.

Table 2-9 - Community Anchor Categories - The project would not impact community anchors as non are adjacent or nearby the land.

Table 2-10 - Preservation Categories - The location and transportation features are consistent.

Table 2-11 - The Future Land Use - Place Type Matrix - Neighborhood Developing Districts and Low Density Residential have the Greatest Level of Compatibility per the matrix.

Table 2-12 - Top Origins for Travel into Rochester - site is not on a road connecting local communities listed in the table. The low density residential plan use is consistent.

- g. *The proposed amendment is consistent with community goals and policies as expressed in the City's adopted Plans. - The proposed amendment continues the well developed and thought out plans for Scenic Oaks providing the community with highly desired quality homes.*

The Unified Development Code enacted on January 1, 2023 outlines the criteria for annexation under Section 60.500.040.C.4a thru 4d.

C.4 - Criteria for Annexation of Land Approval.

- a. The Annexation of Land is consistent with the adopted Comprehensive Plan regarding areas for future growth and development of the City; with the requested GMMA, the land will be consistent.*
- b. The proposed Annexation of Land is able to be served by existing City infrastructure and services, or through future expansions of infrastructure and services included in approved City plans or policies, or the applicant has agreed to pay for required expansions of City infrastructure and services on terms acceptable to the City. As described in the GMMA narrative, the site has had major infrastructure projects completed in anticipation of development within the City of Rochester.*

- c. The property proposed for the annexation is now or is about to become urban or suburban in character; the property is part of an approved General Development Plan which has expanded the urban boundaries of the City in an orderly way.*
- d. The Annexation of Land complies with all applicable provisions of Minnesota state law. The land is compliant to allow annexation to proceed.*

Thank you for accepting this request. Please feel free to call with any questions.

Sincerely,

Mark Welch, PE

Cc: Mark D. Hanson - R&M Development/ YH Dee LLC/ Hanson & Younge LLC

Referral Agency Comments

Application No: CD2023-001ANX

2/17/2023 **County Public Works**

2/27/2023 **LGU**

The western tail of parcel 042093 has potential hydric soils that would need a wetland delineation. Based on the Pre-development meeting this area was not going to be developed. I would recommend a Wetland No-Loss application to acknowledge the wetland potential.

February 13, 2023

COMMUNITY DEVELOPMENT DEPARTMENT
4001 West River Pkwy NW, Suite 100
Rochester, MN 55901

REFERENCE: Annexation by Ordinance Petition CD2023-001ANX by Mark D. Hansen to annex 47.43 acres of land located 700 feet south of the intersection of Scenic Point Dr SW & Scenic Dr SW, approximately 250 feet west of Scenic View Dr SW. [CD2023-001GMMA Growth Management Map Amendment]

Our review of the referenced petition is complete and our comments follow:

1. This area abuts the Scenic Oaks and Scenic Oaks West Developments which are located in the Scenic Oaks Intermediate Level and are served from the Airport High Level Water System through a pressure reducing station. Static water pressures within this area will range from 46 to 84 psi. Homes with finished floor elevations of 1150' and below shall have pressure-reducing devices installed near the domestic water meters as required by the Minnesota Plumbing Code.
2. The existing pressure reducing station currently serves 306 residential lots, and finishing the lots currently under construction in Scenic Oaks West Second will bring that total to 356. The pressure reducing station is limited to serving 400 residential lots. Any future phases/developments in this Intermediate Level will be limited to 44 residential lots until an additional supply to this pressure zone is provided.
3. RPU met with the applicant on January 12, 2023 to discuss possible options to address the water supply and redundancy requirements to this area in order to allow more growth. Two options were discussed: the first option, which has been stated in numerous other applications, is to wait for the development between 40th Street and 48th Street SW to occur in order to connect the Scenic Oaks Development to the Willow High Level Water System; and the second option is for the applicant to extend a 12" ductile iron water main from Scenic Oak Dr SW to the St. Bridget Intermediate Level Water System, currently located at the intersection of 48th Street SW and Willow Point Lane SE, and install a booster station.
4. Applicant will be responsible for securing land, design, and construction of the Booster Station.
5. RPU will work with the applicant's consultant(s) to develop the necessary water system layout to serve this area and the design parameters for the Booster Station.

Please contact us at 507-280-1505 if you have questions.

Very truly yours,



Wade Neubauer
Water

C: Luke Payne, RPU
Mark Baker, City Public Works
Mark Welch, G-Cubed Inc.

Brent Bunke, RPU
Mike Bjoraker, Fire Prevention Bureau
Mark Hansen, Owner

TO: Community Development
4001 West River Parkway NW, Suite 100
Rochester, MN 55901-7090

FROM: Jamie Miller

RE: Scenic Oaks West Annexation and GMMA
(PINs 42093 & 77689)

DATE: 2/24/23

Rochester Public Works has reviewed the application for annexation CD2023-001ANX and CD2023-001GMMA by Mark Hansen for annexation of 47.43 acres of land included in the Scenic Oaks West GDP. The following are Public Works' comments for this application:

1. Gravity sanitary sewer is currently not available to fully serve the property. Due to downstream sanitary sewer capacity limitations, any lift station design and discharge must meet Public Works standards and discharge limits.

Sent to Planning Department via Accela only



City of Rochester
201 4th Street SE - STE 10
Rochester, MN 55904-3726

Phone: 507-328-2800
Fax: 507-328-2829

February 24, 2023

Community Development Department
4001 West River Parkway Suite 100
Rochester, MN 55901

Re: Growth Management Map Amendment CD2023-001GMMA by Mark D. Hansen, to amend a 47.43-acre site from "Urban Expansion Beyond 2050" to "Near Term Urban Expansion" on the City's Growth Management Map. The site is located 700 feet south of the intersection of Scenic Point Dr. SW & Scenic Dr. SW, approximately 250 feet west of Scenic View Dr. SW. The subject amendment is running concurrently with an annexation petition CD2023-001ANX.

The Rochester Fire Marshal's Office has conducted a review of plans submitted for the Annexation of the property noted above, and our comments are as follows:

The Rochester Fire Department supports the ongoing growth of the City of Rochester, and recommends approval of the proposed Annexation Plan and Growth Management Map Amendment.

However, the proposed development/construction is currently located outside of a 4 minute response from Rochester Fire. A 4 minute or less emergency response is considered an industry benchmark for the efficient and effective deployment of emergency medical services and firefighting apparatus. Development in areas with a greater than 4 minute response time could negatively impact quality services for quality living. It should be noted that the eastern half of parcel/pin #: 643314042093 has an ISO rating of 3. The western half is an ISO 8.

The majority of parcel/pin #643314077689 currently rated as an ISO 10. This may result in higher insurance costs for property owners despite being located within City Limits. Development in areas with a greater than 4 minute response time could negatively impact the delivery of quality services for residents in the proposed annexation area.

Sincerely,

Mike Bjoraker – Assistant Fire Marshal
Rochester Fire Department



Cooper, Maribeth

From: Schnell, Tracy (DOT) <tracy.schnell@state.mn.us>
Sent: Wednesday, February 15, 2023 8:31 AM
To: Community Development Department
Cc: Wayne, Kurt (DOT); Schnell, Tracy (DOT)
Subject: Development Application CD2023-001ANX

[EXTERNAL SENDER]: Do not open links/attachments if uncertain about the sender and never give out your user id and password.

This proposal appears to have no significant impact on MnDOT roadways and is acceptable to MnDOT.

Annexation Petition CD2023-001ANX by Mark D. Hansen, to incorporate a 47.43-acre site into the City of Rochester. The site is located 700 feet south of the intersection of Scenic Point Dr. SW & Scenic Dr. SW, approximately 250 feet west of Scenic View Dr. SW. The subject amendment is running concurrently with Growth Management Map Amendment application CD2023-001ANX.

Thanks,

Tracy Schnell
Senior Planner | District 6

Minnesota Department of Transportation
2900 48th Street NW
Rochester, MN 55901
C: 507-259-3852
mndot.gov/





REQUEST FOR ACTION

Text Amendment No. CD2023-001TA by the City of Rochester

MEETING DATE:

June 14, 2023

ORIGINATING DEPT:

Community Development

AGENDA SECTION:

Public Hearings

PRESENTER:

Allison Sosa

Action Requested:

Forwarding a recommendation to Council to approve Text Amendment No. CD2023-001TA, Updates to the Unified Development Code.

Report Narrative:

On September 7, 2022, Council approved the Unified Development Code (UDC) and set an implementation date of January 1, 2023. As part of the approval, the Community Development Team promised to bring forward an update six months after adoption, and annual updates thereafter, to respond to changes in condition/policy, and to advise the general welfare of the City.

The Community Development Team has reviewed over 50 development applications under the UDC. As part of the promised update, the City team, along with colleagues in the private sector, have identified recommended updates to the UDC that include simple clarifications, unintentionally omitted sections of code, and a few new concepts for Council to consider.

Priorities & Foundational Principles:

Economic Vibrancy & Growth Management

Prior Legislative Actions & Community Engagement:

September 7, 2022: Council Meeting - Adoption of Unified Development Code

Alternative Action(s):

No alternative actions are suggested at this time.

Prepared By:

Allison Sosa

Attachments:

[CD Memo - CD2023-001TA UDC Updates](#)

[Unified Development Code Updates - CD2023-001TA UDC Updates](#)

ROCHESTER PLANNING COMMISSION

June 14, 2023

Prepared by: Rochester Community Development**Request:** Six-Month Update to the Unified Development Code**COMMISSION AND COUNCIL SUMMARY****Application Type:** Text Amendment

What is Considered: During the Text Amendment process Council reviews suggested changes to the Unified Development Code and determines if there is a public need for the amendment, and whether the amendment is consistent with the Comprehensive Plan and other City policies.

Approval Body: Rochester City Council**Development Review Team Recommendation:** Approval**SUMMARY AND BACKGROUND INFORMATION**

On September 7, 2022, Council approved the Unified Development Code (UDC), and set an implementation date for January 1, 2023. As part of the approval, the Community Development Team promised to bring forward an update six months after adoption, and annual updates thereafter, to respond to changes in condition / policy, and to advance the general welfare of the City.

Since January 1, 2023, the Development Review Team has reviewed over fifty development applications under the new UDC. As part of the promised update, the city team, along with colleagues in the private sector, have identified recommended updates to the UDC that include simple clarifications, unintentionally omitted sections of code, and a few new concepts for Council to consider.

TEXT AMENDMENT LANGUAGE

Attached to this Memo is a document that identifies the full list of suggested UDC changes. Specific update areas include:

- Updates to various Land Development Application processes (annexation, easement vacation, variance, and wetland replacement) for better alignment with state requirements and/or previous application timelines;
- Updates to the Parking Table that creates a uniform table;
- Updates to design requirements to add clarity to sections of the code that were found to be open to interpretation, or in conflict with other agency rules; and
- A general clean-up of various typos that are inevitable when working within a complex, 400+ page document.

In addition, various sections of the UDC were found to have been unintentionally omitted with the initial UDC adoption, and are reintroduced as part of this text amendment. These standards were not intended to be changed, nor omitted from the UDC as they reflect best practices. The Community Development Team recommends utilizing the rules that have historically been in place.

Specific reintroduction areas include:

- Billboard size, height, permitted zoning districts, and design;
- Minimum parking stall widths;
- Bufferyard requirements for projects adjacent to vacant lots; and
- Paved commercial parking lot requirements.

Very few of the recommended changes in the text amendment are truly “new”. The new concepts identified in this amendment include:

- A *Public Facility* use was created to provide a use classification for public developments not otherwise defined (for example: a Public Works building);
- A requirement that billboards located in a nonconforming location shall not be converted from a static billboard to a digital billboard;
- A handful of parking minimums and maximums that were determined to be too restrictive, and would prevent development; and
- Use specific standards to create spacing requirements between liquor and/or cannabis sales near schools.

REVIEW & FINDINGS

Unified Development Code Section 60.500.040D.4, outlines the criteria for UDC Text Amendment Approval. The Community Development Team’s recommended findings are in **bold**.

- 1) There is a public need for the amendment;
- 2) The amendment accomplishes one or more of the purposes of this UDC, the Comprehensive Plan, or other adopted City plans or policies; and
- 3) Adoption of the amendment will be lawful.

The recommended updates to the UDC will create more clarity within the existing document, simplify the application processes, and in some cases – permit development that otherwise would not occur. The recommended “new” updates are in the public interest to implement.

The recommended updates to the UDC promote public health, safety, and welfare by providing appropriate and reasonable controls for the development

and use of lands in Rochester, while also protecting the rights of property owners.

The adoption of the amendment is lawful.

ATTACHMENTS

1. UDC Updates Exhibit

C. Adoption of Existing Conditions of Approval

This UDC adopts and incorporates by reference the stipulations and conditions from development plans, use permits, variances, stipulations, and conditions that currently apply to any parcel prior to the date of adoption of this UDC.

D. Prior Development Approvals

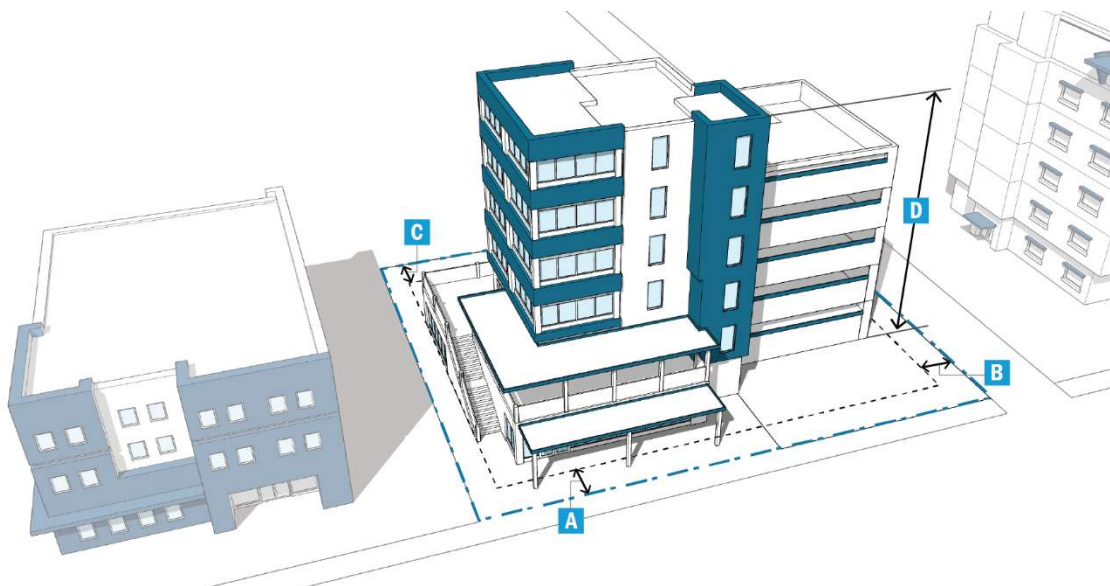
1. Any development approved under regulations in effect prior to the effective date of this UDC may be carried out under the terms and conditions of the approval and the development standards in effect at the time of approval, provided the approval has not expired and the development complies with any applicable standards of this UDC regarding ongoing operations and maintenance.
2. If the prior approval expires without being established within any required time frame, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this UDC.
3. Unless otherwise provided in the initial approval, any proposed amendment to a permit or other form of approval issued under prior regulations shall be reviewed based on the development standards in effect at the time of submission of a complete application for the amendment.
- ~~4.~~ Without limiting the generality of Subsections 1, 2, and 3 above, development regulations approved by Ordinances number 2726, 3669, 4052, and 3534 (which are collectively referred to as the Medical Campus District) shall remain in effect and shall regulate the development or redevelopment of those lands to which they apply. When those Ordinances do not specify the procedure or criteria to amend an approved site or development plan, the proposed amendment will be reviewed and decided pursuant to Section 60.500.050A.5, *Modifications to Approved Conditional Use Permits*.
- ~~4.~~
5. Without limiting the generality of Subsections 1, 2, and 3, Planned Unit Developments approved by the City before January 1, 2023 be governed by the terms of those approvals until they are amended or replaced, except that amendments to approved Planned Unit Developments shall be reviewed and decided pursuant to Section 60.500.050A.5, *Modifications to Approved Conditional Use Permits*.

E. Pending Applications

A development application that has been determined to be complete by the Community Development Director prior to the effective date of this UDC may be decided under the regulations in effect when the application was determined to be complete unless the applicant requests that the application be reviewed and decided under this UDC. Applications shall not be processed under a combination of prior regulations and this UDC.

2. Dimensional Standards

Table 200.03-12 MX-T Lot and Building Standards					
Subdistricts		Corridor	Node	Village	
Lot Dimensions (Minimum)					
	Lot Area	None	None	None	
	Lot Width	None	None	None	
Building Setbacks (Minimum in feet)					
A	Front [1]	0	0	0	
B	Interior Side	5	50	5	
	Street Side	2	2	2	
	Minimum Sum of Interior Side Yards	10	0	5	
C	Rear	5	0	5	
Building/Structure Height and Length (Maximum in feet)					
D	Primary Structure	65	85	95	
	Accessory Structure	30	30	30	
	Building Length	300	300	300	
NOTES					
[1] A front yard or street side yard equal in width to the front yard required in the adjacent residential zoning districts shall be provided on any lot abutting a side lot line of the R-1 or R-2 district.					



12. Sequencing and Replacement Plan Decision

- a. A landowner intending to impact a wetland who does not qualify for an exemption or no-loss decision shall obtain approval of a replacement plan from the City Council. An applicant may either submit the information required for sequencing analysis as part of a replacement plan application or apply separately for a preliminary sequencing decision from the local government unit before preparing a complete replacement plan.
- b. The sequencing decision, where submitted separately from the replacement plan under Minn. R. pt. 8420.0325 and sequencing flexibility under Minn. R. pt. 8420.0520, subpt. 7a, shall be made by the Community Development Director. Replacement plans intended to mitigate wetland impacts within the City must involve the creation or restoration of wetlands located within the county.
- c. **Replacement Plans**
 - 1) No person may impact a wetland, wholly or partially, without being eligible for an exemption or no-loss, or first receiving approval of a wetland replacement plan as specified in Minn. R. pt. 8420.0500.
 - 2) A landowner proposing a wetland impact that requires replacement must apply to the City and receive approval of a replacement plan before impacting the wetland.
- d. Sequencing and replacement plan decisions under Minn. R. pts. 8420.0325, 8420.0330, and 8420.0500—8420.0544 and decisions regarding exceptions under Section 60.200.040D.10 Exceptions shall be made pursuant to the following procedures:
 - 1) Application for wetland replacement plans must be submitted to the Community Development Director. The contents of the plan shall comply with Minn. R. pt. 8420.0330.
 - 2) The Community Development Director must determine that an application is complete based on Minn. R. pts. 8420.0305—8420.0330.
 - 3) The Community Development Director shall, within 15 days of a complete application, transmit a copy of the application and notice of application to members of the technical evaluation panel, the Commissioner, and members of the public who have requested a copy.
 - 4) The Community Development Director ~~shall~~may seek the advice of the technical evaluation panel as specified in Minn. R. pt. 8420.0240(C).
 - 5) ~~The Community Development Director shall schedule a public hearing and review before the City Council to consider the application. Prior to City Council review, the Community Development Director shall prepare a report recommending approval, approval with conditions, or disapproval of the proposed replacement plan.~~

Chapter 60.200: Zone Districts

Section 60.200.040 Overlay Districts
Decorah Edge Overlay

Section 60.200.040D: Wetland Conservation and the DEO -

~~6) The City Council shall hold a public hearing and act upon the application in conformance with Minn. Stats. 15.99. The City Council may approve, approve with conditions, or disapprove the replacement plan application.~~

~~7)5) The technical evaluation panelCity Council must base its decisions on the replacement standards in Minn. R. pts. 8420.0500—8420.0544, and on the recommendation of the technical evaluation panel as specified in Minn. R. pt. 8420.0240. The technical evaluation panel The City Council must consider comments received from those required to receive notice. If the technical evaluation panel was consulted and the City Council does not agree with the panel's findings and recommendation, the detailed reasons for the disagreement must be part of the decision record.~~

~~8)6) All parties shall be notified of the technical evaluation panel'sCouncil's decision within 10 business days. The mailing to the applicant must include information on the process and time period to appeal the decision of the City Council.~~

13. Monitoring

Monitoring of replacement wetlands is the responsibility of the landowner of the property where the replacement wetland is located. The Community Development Director shall ensure that the replacement plan monitoring and enforcement requirements of Minn. R. pt. 8420.0810 shall be fulfilled. The technical evaluation panel must review replacement wetland monitoring reports as provided in Minn. R. pts. 8420.0800—8420.0820.

14. Wetland Monitoring

- a. Wetlands may be restored or created within the City for purposes of deposit in the wetland bank in accordance with Minn. R. pts. 8420.0700—8420.0755. The Community Development Director is responsible for approving bank plans, certifying deposits, and the monitoring of banked wetlands and enforcement under the Minnesota Rules.
- b. Only wetland credits from wetland banks within the county may be used for wetland replacement when wetland within the City is impacted.

15. Fees

The City Council shall, by resolution, adopt a schedule of fees applicable to wetland delineation applications, no-loss applications, exemption applications, sequencing applications, replacement plan applications, banking plan applications, and monitoring reports submittals. The amount of the fees shall not exceed the reasonable value of the functions undertaken by the City.

16. Appeals

- a. Decisions made under this Section by the Community Development Director may be appealed to the City Council. An appeal must be filed within 10 days after the date that the decision is sent to those required to receive notice of the decision. Except for decisions related to Edge Support Areas, decisions of the City Council may be

E. FPO – Floodplain Overlay

1. Purpose

- a. The purpose of the FPO district is to guide development in the flood hazard areas of Rochester consistent with the flood threat, to minimize loss of life and property, disruption of commerce and governmental services, extraordinary public expenditure for public protection and relief, impairment of the tax base and interruption of transportation and communication, all of which adversely affect the public health, safety and general welfare.
- b. The regulations are also intended to preserve the natural characteristics and functions of watercourses and floodplains to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits, and enhance community and economic development.
- c. The FPO district regulations are adopted to comply with the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200 and the rules and regulations of the National Flood Insurance Program codified as 44 C.F.R. pts. 59 -78, as amended, to maintain the community's eligibility in the National Flood Insurance Program.

d. Floodway Subdistrict Purpose

The purpose of the Floodway subdistrict is to ensure that adequate space is retained within the channel and adjoining floodplain to carry and discharge the regional flood, and to restrict or prohibit uses that are dangerous to health or safety, or result in economic loss, in times of flood.

e. Flood Fringe Subdistrict Purpose

The purpose of the Flood Fringe subdistrict is to ensure that uses and structures within the subdistrict are properly flood protected, consistent with accepted principles and standards for flood protection, resulting in developments that will suffer minimal damage from flooding and will have a minimal effect on the ability of the floodplain to discharge flood waters.

f. Flood Prone Subdistrict Purpose

The purpose of the Flood Prone subdistrict is to guide development in generally undeveloped areas of the floodplain in such a manner so as to reduce the loss of flood storage volume in the floodplain, and to avoid increases in downstream flood levels and in the velocity of flood waters.

2. Floodplain Development Permit Required

Those activities listed in Section 60.500.060HG Floodplain Development Permit must obtain a permit pursuant to that Section before beginning any activity, development, or change to land or uses of property in the FPO districts.

3. Designation

a. General Requirements

- 1) Each individual flood subdistrict represents a set of regulations superimposed upon the existing zoning districts, superseding existing underlying regulations only to the extent that developments must meet the additional standards of the FPO district as well as those of the underlying district in order to be in compliance with this UDC.
- 2) The Floodway (FW), Flood Fringe (FF), and Flood Prone (FP) subdistricts are identified upon the zoning map, and reference to the status of any property located in one of the flood related districts is made by the district symbol (FW, FF, or FP) being post fixed to a use district symbol (examples R-1/FF, B-4/FW, M-2/FP). Section 60.500.040E.2.d addresses zoning designation of property in the FW or FF annexed to the city.
- 3) To aid in the identification and designation of properties in the flood related districts, certain materials are attached and hereby adopted by reference and declared to be part of this UDC including the Flood Insurance Study for Olmsted County, Minnesota, and Incorporated Areas, ~~and the Flood Insurance Rate Map for Olmsted County and Incorporated Areas, all dated April 19, 2017 dated September 21, 2023~~ and prepared by the Federal Emergency Management Agency, including the following ~~Flood Insurance Rate Map Panels: 27109C0135D~~ panels: 27109C0141F, 27109C0142F, 27109C0143E, 27109C0144F, 27109C0153F, 27109C0154F, 27109C0155E, 27109C0158E, 27109C0161F, 27109C0162F, 27109C0163F, 27109C0164F, 27109C0166F, 27109C0168F, 27109C0169E, ~~27109C0282F, 27109C0284D~~ 27109C0301F, 27109C0302F, 27109C0303E, 27109C0304E, 27109C0306F, 27109C0307E, ~~27109C0308E, and 27109C0313E~~ , ~~27109C0315D~~, dated April 19, 2017; as well as panels ~~27109C0130E, 27109C0282G, and 27109C0295E, dated September 21, 2023. Preliminary panels 27109C0282G and 27109C0295E, dated May 29, 2020, are also hereby adopted as best available data.~~

b. Designation of the Floodway Subdistrict

- 1) The Floodway subdistrict standards shall apply to all lands designated as floodway on the Flood Insurance Rate Map adopted in Section 60.200.040E.2, Floodplain Development Permit Required.
- 2) The Floodway subdistrict also includes those areas designated as Zone A (that do not have a floodway designation) on the Flood Insurance Rate Map.
- 3) For lakes, wetlands, and other basins, the Floodway subdistrict includes those areas that are at or below the ordinary high-water level as defined in Minn. Stat. §103G.005, Subd. 14.

c. Designation of the Flood Fringe Subdistrict

- 1) The Flood Fringe subdistrict includes those areas within Zone AE and designated as flood fringe, or within Zone AO on the Flood Insurance Rate Map adopted in this Section and were within the corporate boundaries of the City prior to November 3, 1980. ~~This district also includes any additional area encompassed by the horizontal extension of the Regulatory Flood Protection Elevation, as specified in Section 60.200.040.E.7.b.~~
- 2) For lakes, wetlands, and other basins (that do not have a floodway designated), the Flood Fringe subdistrict includes those areas designated as Zone A or AE on the Flood Insurance Rate Map panels adopted in this Section that are below the 1 percent annual chance (100-year) flood elevation but above the Ordinary High Water Level as defined in Minn. Stat., §103G.005, Subd. 14.

d. Designation of the Flood Prone Subdistrict

The Flood Prone subdistrict includes those areas designated as floodway fringe on the Flood Insurance Rate Map adopted in this Section, as being within Zone AE but being located outside of the floodway, and were annexed on or after November 3, 1980.

4. Warning and Disclaimer of Liability

- a. The degree of flood protection intended to be provided by the UDC is considered reasonable for regulatory purposes and is based on engineering and other specific methods of study.
- b. Large floods may occur, or the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris.
- c. The UDC does not imply that areas outside of designated floodplain districts or land uses permitted within such districts will always be totally free from flooding or flood damages. Nor shall the UDC create a liability on the part of or be a cause of action against the City or any employee thereof for any flooding or flood damages that may result from reliance on the UDC.

5. Reclamation

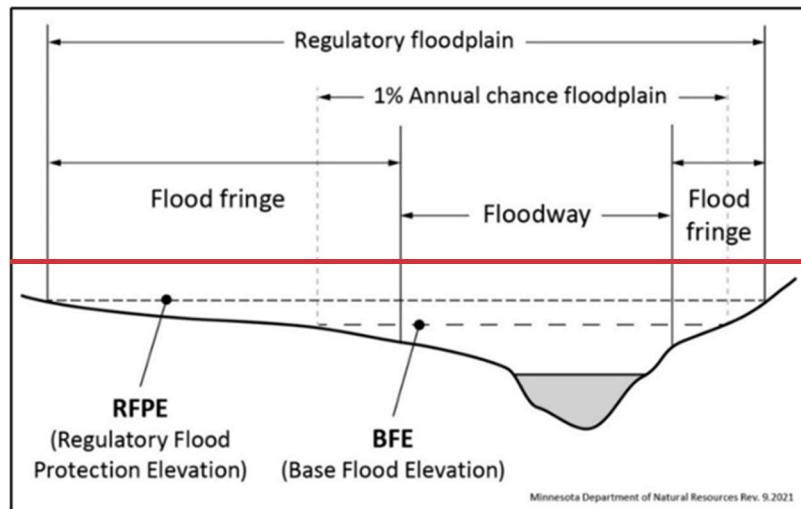
Nothing herein shall be so construed as to prohibit the lawful rehabilitation or reclamation of any lands outside of the floodway, provided that no filling, draining, construction of levees, or other improvements intended to eliminate or reduce the danger of the flood or erosion shall be commenced until first reviewed and authorized by the Community Development Director and the Commissioner, and, if revisions to floodplain maps or designations are proposed, by the Federal Emergency Management Agency.

6. Right of Passage

No person may obstruct the passage of water and watercraft nor restrict the lawfully permitted use by the public of the bed, banks, water, and floodway of any stream within the City.

7. Floodplain Limits

- a. Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions including the natural or pre-existing grades, the map flood elevations shall be the governing factor in locating the regulatory floodplain limits.
- ~~b. The regulatory limits of the district boundaries shall be further extended outward based on the horizontal extension of the Regulatory Flood Protection Elevation (RFPE) (below).~~



8. Designation of Floodway in A Zones

In A zones, the floodway may be delineated using the following procedures. Areas identified through these procedures as flood fringe may then be reclassified as Flood Fringe subdistrict and will then be subject to the requirements of the Flood Fringe subdistrict. The area determined to be Floodway shall be subject to the requirements of the Floodway subdistrict.

- a. Upon receipt of an application for a permit or other approval, the Community Development Director must obtain, review, and reasonably use any regional flood elevation and floodway data available from a federal, state, or other source.
- b. If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe subdistrict. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in Subsection c below.
- c. The determination of floodway and flood fringe must include the following components, as applicable:
 - 1) Estimate the peak discharge of the regional (1 percent chance) flood.

- (d) Any accessory structure to recreational vehicles in the Flood Fringe and Flood Prone Districts must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in Subsection b3) above.
- 4) Recreational vehicles permitted in existing recreational vehicle parks or campgrounds pursuant to Subsection 3) above shall lose the ability to remain in those locations if when development occurs on the parcel exceeding \$500 dollars for a structural addition to vehicle or an accessory structure such as a garage or storage building. The vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in this Section 60.200.040E FPO – Floodplain Overlay.

14. Floodproofing Certification

Following completion of the activities authorized by a Floodplain Development Permit pursuant to Section 60.500.060HG and a Zoning Certificate pursuant to Section 60.500.060A, the applicant shall submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this UDC. A registered professional engineer or architect shall certify that the flood-proofing methods are adequate to withstand the flood depth, pressures, velocities, impact, and uplift forces. Where a nonconforming structure is extended or substantially altered the certificate of zoning compliance shall specifically state how the nonconforming use or structure differs from the flood protection standards and criteria in this UDC.

15. Recordkeeping

The Community Development Director shall maintain a record of the lowest floor (including basement) elevation of, and the floodproofing measures incorporated into, all new structures and alterations or additions to existing structures in any of the flood districts within the FPO district. Use of a FEMA Elevation Certificate is recommended for documenting as-builts, as these can be used for getting an insurance policy or an appeal from the federal mandatory insurance requirement.

Chapter 60.300: Use Regulations

Section 60.300.010 Introduction

Section 60.300.010D: Relation to Local, State, or Federal Laws

Table 300.01-1 Allowed Uses Table

S = Staff approval; P = Planning Commission approval; C = City Council approval; V = vacant use; I = interim use; A = accessory use; T = temporary permit; Blank cell = prohibited; Uses with an * = use-specific standards apply

Zoning districts and subdistricts (where applicable)	Residential and Agricultural						Mixed Use										Non-Residential			Use-Specific Standards		
	AG	R-1	R-2	R-2x	R-3	R-4	MX-N	MX-S	MX-C	MX-G	MX-I	Corridor	Node	Village	Fringe	Medial	Business	BP	LI		SI	
Offender Transitional Housing		C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*			Section 60.300.020B.6
Residential Care Facility		S/ P*	S/ P*	S/ P*	S/ P*	S/ P*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*					Section 60.300.020B.7
Public, Institutional, and Civic Uses																						
Art Gallery, Museum, and Library	P	P	P	P	S	S	S	S	S	S	S	S	S	S	S	S	S					
Cemetery	P*	P*	P*	P*	P*	P*																Section 60.300.020C.1
College or University						P		P	P	P	P	P	P	P	P	P	P					
Community Center	P*	P*	P*	P*	P*	P*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*					Section 60.300.020C.2
Community Garden	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*					Section 60.300.020C.3
Correctional Facility											C							C	C	C		
Day Care Facility	S/ P	S/ P*	S/ P*	S/ P*	S/ P*	S/ P*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*	P*	P*		Section 60.300.020C.4
Emergency Service	P*	P*	P*	P*	P*	P*	P*	P*	S*	S*	S*	P*	P*	P*	P*	P*	P*	S*	S*	S*		Section 60.300.020C.5
Funeral Home		P	P	P	S*	S*	S	S	S	S	S								S			Section 60.300.020C.6
Medical Facility		P*	P*	P*	P*	P*	S*	S	S	S	S	S	S	S	S	S	S					Section 60.300.020C.7
Place of Worship	S	S	S	S	S	S	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*					Section 60.300.020C.8
<u>Public Facility</u>							<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	
Public Park	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	
School	S*	S*	S*	S*	S*	S*	P*	P*	P*	P*	P*	P*			P*							Section 60.300.020C.9

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Social Services	P	P*	P*	P*	P*	S*	S	S	S	S	S	S	S	S	S	S	S				Section 60.300.020C.10
Specialized Education						S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Commercial Uses																					
Agricultural and Animal Uses																					
Agriculture Production	S	P*	P*	*														S	S		Section 60.300.020D.2
Agriculture Retail	S					S			P									S	S		
Veterinary and Animal Services	S*			S	S	S	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	Section 60.300.020D.27
Entertainment and Recreation																					
Adult Entertainment									S*		S*	S*	S*	S*		S*		S*			Section 60.300.020D.1
Auditorium or Civic Center	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Campgrounds or RV Park	P*								P*												Section 60.300.020D.8
Indoor Entertainment or Recreation					P*	P*	S*	S*	S	S	S	S	S	S			S	S	S	S	Section 60.300.020D.12
Indoor Gun Range									C*									C*	C*		Section 60.300.020D.13
Outdoor Entertainment or Recreation						P*		P*	S*	S*	P*	P						S*			Section 60.300.020D.18
Food, Beverage, and Lodging																					
Bar or Tavern							P*	S	S	S*	S	S	S	S	S*	S	S	P	P*		Section 60.300.020D.5
Bed and Breakfast			P*	P*	P*	P*	S	S	S	S	S										Section 60.300.020D.6

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Fast Food Restaurant						P*	P*	S*	S	S	S	S	S	S	S	S	S	S	S	S	Section 60.300.020D.10 Section 60.300.020D.9
Hotel or Motel								S	S	S	S	S	S	S	S	S	S		P		
Neighborhood Food and Service			P	S	S	S	S*	S*	S	S	S	S	S	S	S	S	S				Section 60.300.020D.16
Standard Restaurant						P*	S	S*	S*	S*	S*	S*	S*	S*	S	S*	S	S*	S*		Section 60.300.020D.22
Office, Business, and Professional Services																					
Art Studio and Workshop				V		S	S	S	S	S	S	S	S	S	S	S	S				Section 60.300.020D.4
Business or Personal Service				S*	S*	S*	S*	S*	S	S*	S*	S	S	S	S	S	S	S	S		Section 60.300.020D.7
Construction Office										P*								S*	S*	Section 60.300.020D.9	
Financial Institution							S	S	S	S	S	S	S	S	S	S	S	S	S		
Office				S		P*	S*	S*	S	S	S	S	S	S	S	S	S	S	S		Section 60.300.020D.17
Research and Testing									P	S	S	S	S	S	P*	S	P	S	S	S	Section 60.300.020D.21
Retail Sales																					
Retail, Neighborhood				S	V	S	S*	S*	S	S	S	S	S	S	S	S	S				Section 60.300.020D.23
Retail, Small				P*	P*	S*		S*	S	S	S	S	S	S	S	S	S		S		Section 60.300.020D.24
Retail, Medium								P	S*	S	S	S	S	S		S		S			Section 60.300.020D.25
Retail, Large								P	S*	P*	S*	S*	S*	S*		S*	P	S*			Section 60.300.020D.26
Vehicles and Transportation																					
Air Transportation										C*	C*								P*	P*	Section 60.300.020D.3

Chapter 60.300: Use Regulations

Section 60.300.010 Introduction

Section 60.300.010D: Relation to Local, State, or Federal Laws

Table 300.01-1 Allowed Uses Table																					
S = Staff approval; P = Planning Commission approval; C = City Council approval; V = vacant use; I = interim use; A = accessory use; T = temporary permit; Blank cell = prohibited; Uses with an * = use-specific standards apply																					
Zoning districts and subdistricts (where applicable)	Residential and Agricultural						Mixed Use								Non-Residential			Use-Specific Standards			
	AG	R-1	R-2	R-2x	R-3	R-4	MX-N	MX-S	MX-C	MX-G	MX-I	Corridor	Node	Village	Fringe	Medial	Business		BP	LI	SI
Automotive Center								P	P	S					S			S	S	S	
Automotive Repair Services, Major									P	S								P	S	S	
Fueling Station								P*	S*	S*				A*				S	S*	S*	Section 60.300.020D.11
Motor Freight and Warehousing									P	S*	P							P	S*	S*	Section 60.300.020D.14
Motor Vehicle Sales, Leasing or Storage									S	S*								S*	S*	S	Section 60.300.020D.15
Parking Garage					A*	A*				A*	S*	C*	C*	SG*	C*	C*	C*	A*	A*	A*	Section 60.300.020D.19
Parking Lot	A	A*	A*	A*	A*	A*	A*	A*	S	S	S	C*	C*	C*	I	I	I	S	S	S	Section 60.300.020D.20
Public Transportation Dispatch Facility									S	P	P	P	S			P	P	S	S	S	
Railroad Transportation																				S	
Industrial Uses																					
Manufacturing, Processing, and Commercial Services																					
Artisan Manufacturing							S	S	S	S	P	S	S	S	S	S	S				
Heavy Commercial Services									S	S	P							P	S	S	
Heavy Industry																				S*	Section 60.300.020E.1
Light Industry										P								S	S	S	
Recycling Transfer Facility									S	S	S							P	S	S	

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Zoning districts and subdistricts (where applicable)	Residential and Agricultural						Mixed Use										Non-Residential			Use-Specific Standards	
	AG	R-1	R-2	R-2x	R-3	R-4	MX-N	MX-S	MX-C	MX-G	MX-I	Corridor	Node	Village	Fringe	Medial	Business	BP	LI		SI
Solar Collector, Ground- or Building-Mounted	P*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	P*	P*	P*	Section 60.300.020F.2
Utility, Major	C*						C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	Section 60.300.020F.3
Utility, Minor	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Wind Energy Conversion System (WECS), Ground- or Building-Mounted	P*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	P*	P*	P*	Section 60.300.020F.3
Accessory Uses and Structures																			Section 60.300.020G.1		
Accessory Dwelling Unit	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*				Section 60.300.020G.5
Animal Husbandry	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*				Section 60.300.020G.6
Billboard										A*									A*	A*	Section 60.300.020G.7
Drive-in Facility								A*	A*	A*	A*	A*	A*	A*				A*	A*	A*	Section 60.300.020G.8
Electric Vehicle Charging Station	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Fuel Tank	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	Section 60.300.020G.9
Garage	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*					Section 60.300.020G.10
Greenhouse	A	A*	A*	A*	A*	A*	A	A	A	A								A	A	A	Section 60.300.020G.11
Home Occupation	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*					Section 60.300.020G.12
Outdoor Eating Area				A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*				Section 60.300.020G.13
Recreational Vehicle Parking	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*								A*	A*	A*	Section 60.300.020G.14

occupied by a pedestrian gathering space with seating, a bicycle parking area, or a landscaped buffer.

- (c) Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain 50 or fewer spaces each and that are visually separated from other parking modules by buildings or landscaped areas.
- (d) Surface parking lots and structures containing more than 50 parking spaces shall provide clearly identified pedestrian routes between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas. The pedestrian routes shall be designed and located to minimize the pedestrian routes interface with traffic circulation routes, and to provide pedestrian walkways with direct pedestrian access to the primary building entrance(s).

21. Research and Testing

In the Medical Subarea of the MX-D district, Research and Testing uses shall be related to the medical community/industry either by providing support services to existing institutions within the subdistrict or by providing research in the field of medicine on an independent basis.

22. Standard Restaurant

a. Location Requirements in the R-4 District

The use must be located at the intersection of a collector street and a higher order street.

b. Hours of Operation Restrictions

Standard Restaurant uses may only operate during the times specified in the table below. If a district is not listed, then no hours of operation restrictions apply.

District	Permissible Hours of Operation
R-4	6AM -- 10PM
MX-N	6AM -- 11PM
MX-S	6AM -- 11PM

23. Retail, Neighborhood

a. Access Requirements in the MX-N District

Uses shall not have vehicle access points from or channel a majority of the traffic generated by the use onto a Local residential street.

b. Separation Requirements

Neighborhood retail uses selling off sale liquor or cannabis shall not be located on a parcel that is closer than 1,000 feet to the nearest public school parcel.

b.c. Outdoor Displays

Outdoor displays related to the retail use are permitted for a period of not more than 14 consecutive days on portions of the lot that are not needed to meet minimum parking standards, do not occupy required landscaped areas, do not occupy required front setbacks, and do not obstruct sidewalks or walkways.

e.d. Hours of Operation Restrictions

Neighborhood Retail uses may only operate during the times specified in the table below. If a district is not listed, then no hours of operation restrictions apply.

District	Permissible Hours of Operation
MX-N	6AM – 10PM
MX-S	6AM – 10PM

24. Retail, Small

a. Access and Location Requirements

1) Requirements in the R-2x and R-3 District

- (a) Uses shall not have vehicle access points from or channel a majority of the traffic generated by the use onto a Local residential street.
- (b) The site must provide direct access to a collector, arterial, or expressway.

2) Requirements in the R-4 District

The use must be located at the intersection of a collector street and a higher order street.

b. Separation Requirements

Small retail uses selling off sale liquor or cannabis shall not be located on a parcel that is closer than 1,000 feet to the nearest public school parcel.

b.c. Outdoor Displays

Outdoor displays related to the retail use are permitted for a period of not more than 14 consecutive days on portions of the lot that are not needed to meet minimum parking standards, do not occupy required landscaped areas, do not occupy required front setbacks, and do not obstruct sidewalks or walkways.

e.d. Hours of Operation Restrictions

Small Retail uses may only operate during the times specified in the table below. If a district is not listed, then no hours of operation restrictions apply.

District	Permissible Hours of Operation
R-2x	6AM – 7PM
R-3	6AM – 7PM
R-4	6AM -- 10PM

MX-N	6AM -- 11PM
------	-------------

25. Retail, Medium

a. Outdoor Displays

Outdoor displays related to the retail use are permitted for a period of not more than 14 consecutive days on portions of the lot that are not needed to meet minimum parking standards, do not occupy required landscaped areas, do not occupy required front setbacks, and do not obstruct sidewalks or walkways.

b. Separation Requirements

Medium retail uses selling off sale liquor or cannabis shall not be located on a parcel that is closer than 1,000 feet to the nearest public school parcel.

b.c. Hours of Operation Restrictions

Retail Trade uses may only operate during the times specified in the table below. If a district is not listed, then no hours of operation restrictions apply.

District	Permissible Hours of Operation
MX-S	6AM -- 10PM
MX-C	6AM -- 10PM

26. Retail, Large

a. Outdoor Displays

Outdoor displays related to the retail use are permitted for a period of not more than 14 consecutive days on portions of the lot that are not needed to meet minimum parking standards, do not occupy required landscaped areas, do not occupy required front setbacks, and do not obstruct sidewalks or walkways.

b. Separation Requirements

Large retail uses selling off sale liquor or cannabis shall not be located on a parcel that is closer than 1,000 feet to the nearest public school parcel.

b.c. Building Entrances

Large retail buildings shall have clearly defined, highly visible customer entrances featuring no less than three of the following elements:

- 1) Canopies or porticos;
- 2) Overhangs;
- 3) Recesses/projections;
- 4) Arcades;
- 5) Raised corniced parapets over the door;
- 6) Peaked roof forms;

- 4) The architectural style of the accessory dwelling unit, including but not limited to massing, roof shape, and exterior appearance shall be compatible with that of the principal dwelling unit on the lot.
- 5) The accessory dwelling unit shall be connected to the closest adjacent right-of-way by a paved pedestrian pathway of at least three feet in width.

6. Animal Husbandry

Horses, llamas, and animals that typically weigh more than 100 pounds when mature or that are typically raised for sale or profit are only permitted in the AG district.

7. Billboard

~~See Section 60.400.110G.Spacing~~

~~All billboards erected after December 22, 1992, shall comply with the following spacing standards:~~

~~No billboard shall be located within 1,000 feet of another billboard located on the same side of the street. Distances between billboards shall be measured along the adjacent right of way line of the street or highway where the billboard is directed as shown in Figure 1a.~~

~~No billboard shall be located within a 100 foot radius from the intersection of the rights of way of two or more streets or highways as shown in Figure 1b.~~

~~No billboard shall be located within 200 feet of the intersection of a street and a railroad right of way. The distance shall be measured from the center point of the street-railroad intersection to the nearest edge of the billboard as shown in Figure 1c.~~

~~No billboard shall be located within 300 feet of a Place of Worship, School, or Medical Facility. This distance shall be measured from the nearest edge of the billboard to the Place of Worship, School, or Medical Facility to the closest point on any boundary line of the Place of Worship, School, or Medical Facility property as shown in Figure 1d. This restriction only applies to Place of Worship, School, or Medical Facility properties that abut the same right of way where a billboard is oriented, regardless of whether the billboard is located on the same side or the opposite side of the right of way as the Place of Worship, School, or Medical Facility.~~

~~No billboard shall be located within 250 feet of a boundary of an Agricultural and Residential district. This distance shall be measured from the nearest edge of the right of way to the closest point on any boundary of the Residential district as shown in Figure 1e.~~

~~No billboard shall be located within 300 feet of and oriented toward the following portions of the following streets and highways within the City:~~

~~County State Aid Highway 22 from trunk Highway 52 at Apache Mall westerly and northerly to Trunk Highway 52 at 55th Street NW,~~

~~County State Aid Highway 22 from Trunk Highway 14 at the University Center northerly and westerly to Trunk Highway 63 at 37th Street NW; and~~

~~55th Street NW from Trunk Highway 52 easterly to County Road 133 (West River Road).~~

Chapter 60.300: Use Regulations

Section 60.300.020 Use-Specific Standards

Section 60.300.020G: Accessory Uses and Structures

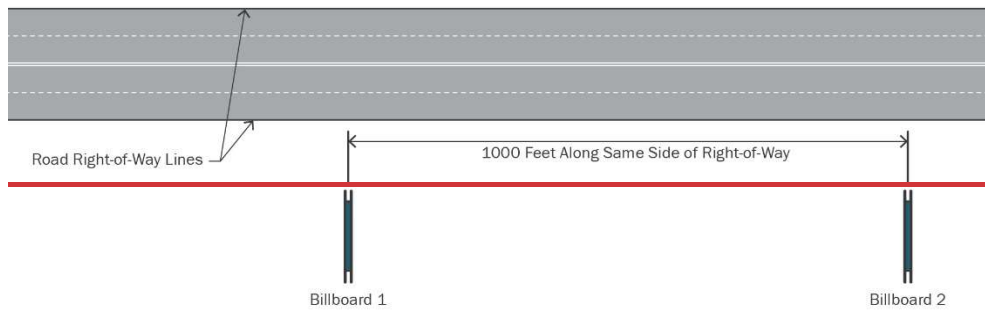


Figure 1a

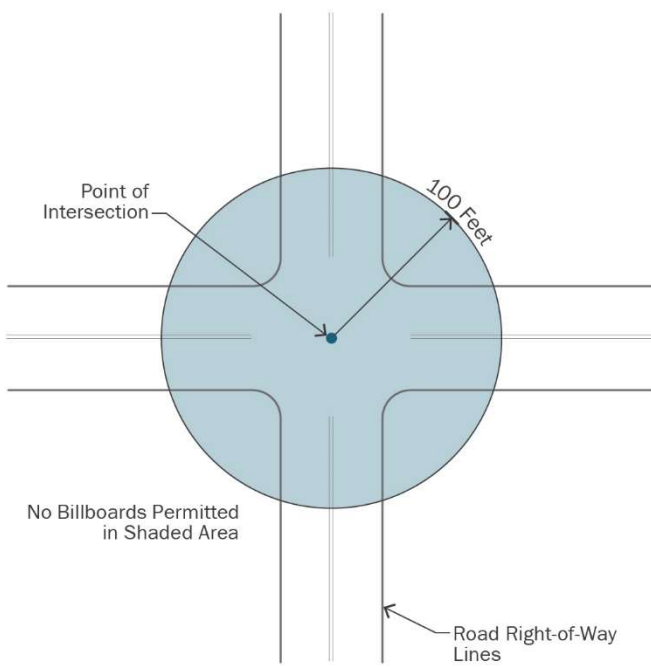


Figure 1b

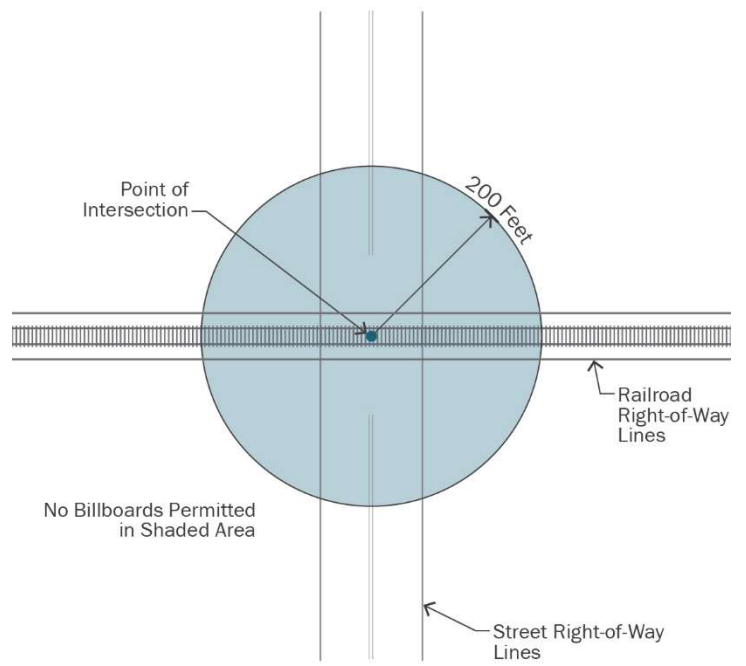


Figure 1c

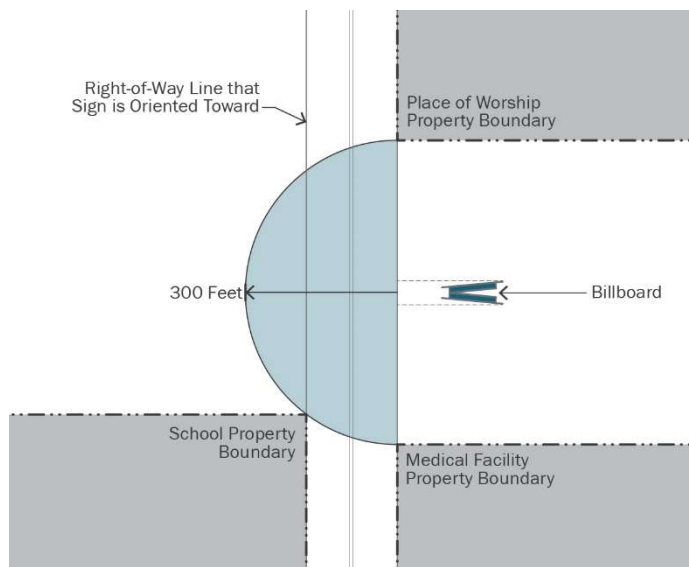


Figure 1d

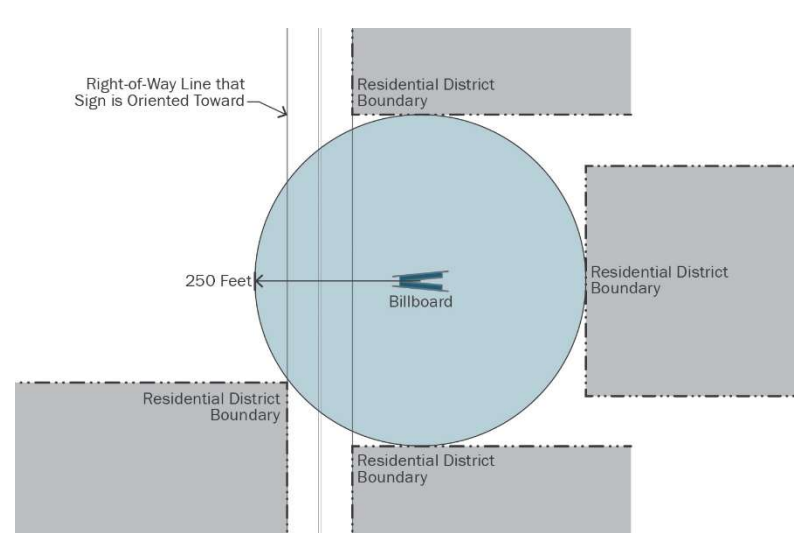


Figure 1e

8. Drive-In Facility

- a. That portion of the site area used for vehicle circulation and parking shall be hard-surfaced to control dust and shall be setback at least 30 feet from any ~~other~~ property line zoned for residential.
- b. Waste receptacles shall be provided at all exits where readily disposable goods or materials are offered for sale and pick-up through the drive-through.
- c. Devices such as speakers shall be designed so that the noise level at the property line does not exceed the maximum decibel level permitted in the zoning district applicable to the adjacent property or the existing ambient noise level as measured at the property line, whichever is greater.
- d. The development shall be designed so that no ground level light sources are visible from any public right-of-way or adjacent residential properties.
- e. Incidental commercial facilities, such as refreshment stands, are permitted subject to the condition they are operated primarily for the patrons of the facility and no outdoor advertising of business or products is maintained.
- f. **MX-T and MX-S District Requirements**

Drive-in facilities in the MX-T and MX-S Districts shall not:

- 1) Be located or designed so that vehicles using the drive-in facility pass between any public or private street and any portion of any façade of the primary building facing that street; and
- 2) Be accessed directly from, or be located on a lot(s) with a driveway approach onto, N. or S. Broadway, SW. 2nd St., or SE 4th St./Collegeview Rd.

Chapter 60.400 Development Standards and Incentives

Section 60.400.010 INTRODUCTION AND APPLICABILITY

A. Purpose

This Chapter includes standards that regulate the physical layout and design of development within Rochester. These standards address the physical relationship between development and adjacent or abutting properties, public streets, neighborhoods, and the natural environment, to implement the vision of a more attractive, sustainable, equitable, and livable community laid out in Rochester's Comprehensive Plan.

B. Applicability

This Chapter 60.400 applies to new developments and changes of uses as stated in Table 400.01-1 Applicability of Development Standards.

Table 400.01-1 Applicability of Development Standards							
UDC Standard	UDC Section	Major Subdivision	Minor Subdivision	Distinctive Development	General Development Plan [1]	Site Development Plan	Change of Use
Dimensional Standards	Section 60.400.020	Yes	Yes	In some cases	<u>No</u> Yes	Yes	Yes
Subdivision Standards	Section 60.400.030	Yes	Yes	No	<u>Yes</u> No	No	No
Access and Connectivity	Section 60.400.040	Yes	Yes	Yes	Yes	Yes	No
Sensitive Lands, Stormwater, and Drainage	Section 60.400.050	Yes	Yes	Yes	Yes	Yes	No
Landscaping, Bufferyards, and Fences	Section 60.400.060	No	No	Yes	<u>No</u> Yes	Yes	Yes
Site and Building Design	Section 60.400.070	No	No	Yes	<u>No</u> Yes	Yes	In some cases
Parking	Section 60.400.080	No	No	Yes	<u>No</u> Yes	Yes	Yes
Exterior Storage	Section 60.400.090	No	No	Yes	<u>No</u> Yes	Yes	Yes
Exterior Lighting	Section 60.400.100	No	No	Yes	<u>No</u> Yes	Yes	Yes

Table 400.01-1 Applicability of Development Standards							
UDC Standard	UDC Section	Major Subdivision	Minor Subdivision	Distinctive Development	General Development Plan [1]	Site Development Plan	Change of Use
Signs	Section 60.400.110	NoYes	NoYes	Yes	NoYes	Yes	Yes
<p>NOTES</p> <p>[1] Review of standards in this Chapter is not required for Comprehensive Plan amendments initiated by a party other than the City if a Subdivision or Site Plan Development approval will be required prior to development.</p>							

Section 60.400.020 DIMENSIONAL STANDARDS

A. Purpose

This Section 60.400.020 is intended to provide dimensional standards and uniform methods of measurements for interpretation and enforcement of the lot and building standards in this UDC.

B. Applicability

All development shall comply with this Section 60.400.020, unless another provision of this UDC modifies these standards. Modifications of these dimensional standards may be found in Section 60.200.040, Overlay Districts, Section 60.400.120, Incentives, Section 60.400.020F, Neighborhood Protection Standards or in other Sections of this UDC.

C. Multiple Non-Residential Buildings on a Lot

The following requirements apply when more than one building is proposed on a single lot, and none of those buildings include a residential primary use.

1. The floor area shall not exceed the highest maximum floor area ratio applicable in the zoning district where the development is located.
2. Where two or more buildings are developed on a single lot, the most restrictive appearance and bufferyard standards shall be applicable to the entire development unless the development is designed such that each building has a separately defined area on the lot where different appearance and bufferyard standards can be reasonably applied.
3. Adequate access to each building or structure for Emergency Vehicles and apparatus shall be provided.
4. The site design of the development shall take into account the potential for future subdivision of the site so that adequate access by way of easement or lot pattern may be provided to each building in the future.

D. Application of Setbacks

Table 400.02-3 Non-Residential Zoning Districts			
	BP	LI	SI
Other Standards			
Maximum Floor Area Ratio	0.5	0.5	1
Minimum Landscape Area	15%	8%	5%
<p>NOTES</p> <p>[1] Applies to minimum area of contiguous land, rather than individual lots, and may be reduced by the Community Development Director to reflect constraints such as sites bounded by arterial or higher level streets, streams, or other topographic constraints, existing development, land already included in an approved General Development Plan, or permanent open space that limits the inclusion of other abutting lands.</p> <p>[2] On any lot where a street side setback abuts a side lot line in any district other than and R-1 or R-2 district, the street side setback within 25 of the abutting side lot line, a setback at least equal to one-half the width to the front yard setback on the abutting lot shall be provided. On any lot where a street side setback abuts a side lot line of a lot in the R-1 or R-2 district, a setback at least equal in width to the front yard required in the adjacent R-1 or R-2 district shall be provided.</p> <p>[3] Rear Yard may be reduced to 0 feet when abutting a railroad.</p> <p>[4] If within 100 feet of an Agricultural and Residential District, then the maximum height shall be 35 feet for all structures.</p> <p>[5] Maximum height only applies to new primary structures constructed after the Effective Date of the UDC.</p> <p>[6] If within 100 feet of an Agricultural and Residential District, then the maximum height is 50 feet for all structures.</p> <p>[7] If within 200 feet of an Agricultural and Residential District, then the maximum height is 50 feet for all structures.</p>			

F. Neighborhood Protection Standards

1. Purpose

This Section 60.400.020F is intended to preserve the character of established residential uses in Residential zoning districts by requiring that development on abutting Mixed Use and Non-Residential properties take additional steps to mitigate their visual and other impacts on the Residential zone district.

2. Applicability

The standards in this Section 60.400.020F apply to each Regulated Lot, as defined below.

a. Protected Lots

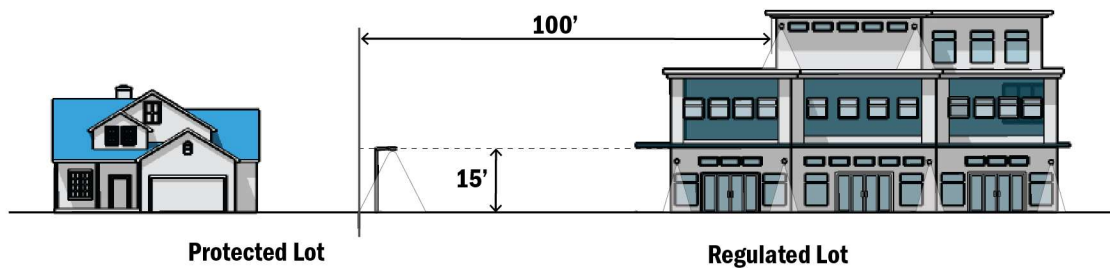
A Protected Lot is any lot in an Agricultural ~~and~~ Residential District that contains:

- 1) A Household Living use of 4 units or less, or
- 2) A Group Living use occupying a Single-Family Detached Dwelling.

Chapter 60.400: Development Standards and Incentives

Section 60.400.020 Dimensional Standards

Section 60.400.020G: Exceptions to the Dimensional Standards



6. Bufferyards

Along any common lot line with a Protected Lot, each Regulated Lot shall install a bufferyard meeting the standards of a Level 4 bufferyard in Table 400.06-4, Bufferyard Levels, or buffering of equal or greater effectiveness in mitigating the impacts of noise, lighting, glare, odor, and vehicle activity, as determined by the Community Development Director.

7. Parking and Drive In Facility-through

On a Regulated Lot containing 10,000 square feet of gross lot area or more, no surface parking area or drive-through lane shall be located within 50 feet of any common lot line with a Protected Lot.

8. Trash Storage

On a Regulated Lot, no waste, debris, or garbage storage shall be stored within 50 feet of any common lot line with a Protected Lot.

G. Exceptions to the Dimensional Standards

1. Exceptions to Maximum Height Standards

In addition to any exceptions for uses listed in Section 60.300.020, Use Specific-Standards, steeples, bell towers, chimneys, roof-mounted mechanical equipment, elevator equipment enclosures, and similar architectural and mechanical elements, may exceed the maximum height of the applicable zoning district by no more than 25 percent of the applicable maximum height.

2. Exceptions to Minimum Setback Standards

- a. The setback exceptions in Table 400.02-4 Authorized Exceptions to Setback Requirements shall not authorize the encroachment of any development across property lines or into a public right-of-way or over any easement that prohibits such encroachment. Setback exceptions require a revocable permit in compliance with the Public Works Engineering Standards.

- a. Public utility easements as required by the various public utilities shall be provided.
- b. Except in the MX-T and MX-D Districts, public utility easements adjacent to public rights-of-way and private streets shall measure ~~a minimum of~~ ten feet in width, unless a deviation requiring a greater or lesser width is approved by the Community Development Director in consultation with Rochester Public Utilities (RPU) and Public Works.
- c. In the MX-T and MX-D districts, public utility easements adjacent to public rights-of-way and private streets, shall measure ~~a minimum of~~ five feet in width along the lineal section of the easement, and an additional 5ft at the corners for a 10ft x 10ft easement section at the corners, unless a deviation requiring a greater or lesser width is approved by the Community Development Director in consultation with Rochester Public Utilities (RPU) and Public Works. When the development provides private utilities within the building, consultation with individual utility companies may be required.
- ~~d. Transformer location shall be identified and approved by RPU on site plans, where applicable, and may require a width that exceeds the otherwise minimum easement width for the remainder of the site.~~
- e.d. Vegetation located on utility easements shall be placed so that it does not interfere with the free movement of service vehicles, or placement and operation of utility facilities. Ground cover, grass, and native grasses, or hedges under three feet in height may be installed in or permitted to remain in the public utility easement.
- f.e. Plantings in utility easements shall be placed at the risk of the property owner, and shall not interfere with reasonable access to the utility facility. Utility companies will not replace plantings or landscaping removed or damaged during work within the easement area.
- g.f. Non-utility structures, above or below ground, shall not be placed within utility easements.
- h.g. Temporary signs in compliance with MN statute 211B.045, are permitted within utility easements at the risk of the property owner.
- i.h. Above ground pedestrian amenities that do not require footings may be installed at the risk of the property owner, upon obtaining a revocable permit and shall not interfere with reasonable access to the utility facility.

F. Access and Connectivity

All development subject to this Section 60.400.030 shall comply with all applicable standards in Section 60.400.040, Access and Connectivity.

G. Lot Design Standards

1. Corner Lots

Side lot lines of lots abutting a public or private right-of-way should, to the maximum extent practical, run at right angles to the right-of-way line, or in the case of a cul-de-sac or curvilinear street rights-of-way radial to the curve.

2. Through Lots

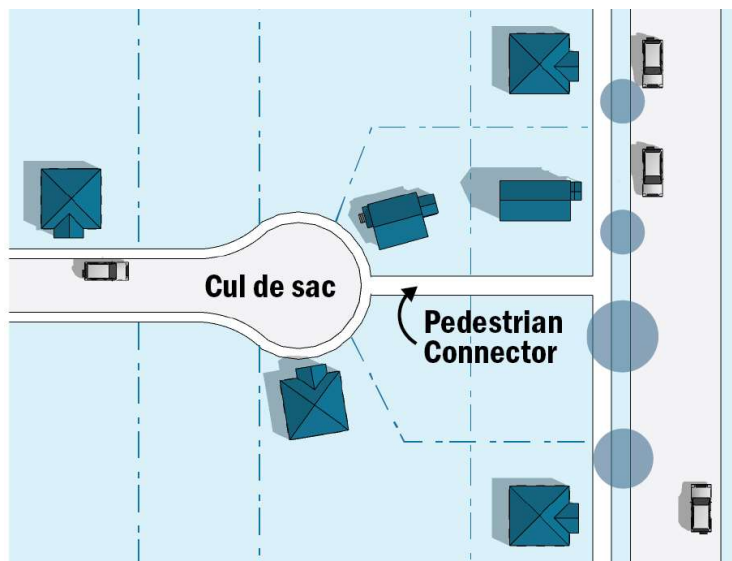
Chapter 60.400: Development Standards and Incentives

Section 60.400.040 Access and Connectivity
Circulation

Section 60.400.040C: Subdivision Level Connectivity and

Development Director. The pedestrian easement or right-of-way shall be indicated on the subdivision plat, and interior side yard setbacks applicable to the district where the cul-de-sac is located shall apply to the lots abutting the easement or right-of-way.

- ~~2) Any block exceeding 600 feet in length must provide a public pedestrian connection to maintain connectivity between and through subdivisions, except where unique topographical conditions make this connection infeasible.~~



g. Pedestrian Connections

Any block exceeding 600 feet in length must provide a public pedestrian connection to maintain connectivity between and through subdivisions, except where unique topographical conditions make this connection infeasible.

g.h. Alleys

- 1) Alleys may be used to reduce the need for individual site access to collectors, arterials, and expressways, or to reduce the need for individual driveway access points onto local streets.
- 2) Blocks platted with alleys shall be platted to allow alley access to required vehicle parking areas, and shall not permit vehicle access to parking areas through front or side lot lines.
- 3) Where alleys are platted:

Chapter 60.400: Development Standards and Incentives

Section 60.400.040 Access and Connectivity

Section 60.400.040D: Site Level Driveways, Access, and Connectivity

a. Access and Walkways

- 1) Walkways shall be provided to connect each primary pedestrian entrance of a primary building to at least one public sidewalk along a property frontage, and shall be designed to provide convenient access to any bus or transit stops located within 1,000 feet of the lot boundary.
- 2) Walkways shall be located and aligned to connect areas or points of pedestrian origin and destination directly and continuously and shall not be located and aligned solely based on the outline of a parking lot configuration unless such a configuration allows for direct pedestrian access.
- 3) A sidewalk shall be provided immediately adjacent to the exterior wall of a new building greater than 100 feet in length when the wall is located next to a street or parking lot. This standard does not apply if the edge of the building is within 20 feet of a public sidewalk and the building entrance is connected to the public sidewalk by an on-site pedestrian walkway, or if the edge of the building is bordered by a perimeter of landscaping that does not exceed 30 feet in width and an on-site pedestrian walkway is constructed at the outer edge of the landscaped area.
- 4) Pedestrian walkways shall be designed to maximize pedestrian security, incorporating features such as lighting to illuminate crossings and/or create backlighting to make the pedestrian silhouette clearly visible from primary building entrances and/or public streets, and shall provide clear sight lines between two feet and six feet above grade from primary building entrances to public street frontages.
- 5) Walkways shall have a paved surface width of not less than five feet. The material and layout shall be continuous as the pedestrian walkway crosses driving lanes or aisles, with a break in continuity of the driveway paving and not in the pedestrian walkway paving.
- 6) To the maximum extent practicable, Pp pedestrian and bike ramps shall be located at convenient and safe locations for persons with disabilities, bicyclists, and people pushing strollers or carts. The location of pedestrian and bike ramps shall avoid crossing or directing traffic through loading areas, drive-in lanes, and solid waste storage and collection areas, to the maximum extent practicable.

b. Pedestrian Entrances

Properties in the MX-T and MX-D districts shall also comply with the standards in Section 60.200.030L.3.d, Building Entrances. All other properties subject to this Section 60.400.040D.9 shall comply with the standards in this Section 60.400.040D.11.b.

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Section 60.400.040 Access and Connectivity

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- 1) To the maximum extent practicable, One primary pedestrian entrance shall be provided for every façade facing a street.
- 2) To the maximum extent practicable, an entrance shall be provided every 30 feet on the ground floor.
- 3) To the maximum extent practicable and excluding building façades for ground floor residential uses, corner lots shall provide a primary entrance at the corner.
- 4) All ground level residential units along all street-facing sides of the building will be provided direct access entries from the building exterior. The Community Development Director will waive this requirement for some or all of the units, upon determination that an alternative design will provide a better pedestrian orientated space.
- 5) Traffic calming design shall be incorporated into the site design, which shall minimize potential hazards and conflict points in areas with highest concentrations of pedestrian traffic
- 6) Except for non-residential zoning districts, The pedestrian entrance shall contain at least three of the following architectural details:
 - (a) Pilasters or façade modules;
 - (b) Mural;
 - (c) Prominent building address, building name, and lighting;
 - (d) Raised corniced entryway parapet; or
 - (e) Buttress and arched entry.

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from any portion of these screening requirements that would impair their functions.

c. Pedestrian Weather Protection

Each development shall provide pedestrian weather protection in public spaces such as transit stops, building entries, and along display windows, ~~and over outdoor dining areas~~. Required pedestrian weather protection features shall comply with the following standards:

- 1) Weather protection at least five feet deep is required over all primary building, individual business, and individual residence entries. This may include a recessed entry, canopy, porch, marquee, or building overhang;
- 2) Canopies, awnings, or other similar weather protection features must not be higher than 15 feet above the ground elevation at the highest point or lower than eight feet at the lowest point. The street-side edge of the canopy or awning shall be at least eight feet above the walking surface;
- 3) Business centers must use a variety of weather protection features to emphasize individual storefronts and reduce the architectural scale of the building; and
- 4) West and south exposures with plazas, patios, entries, or pedestrian areas shall be designed with architectural and landscape shade elements.

d. Pedestrian Oriented Space

To the maximum extent practicable, ~~E~~each development shall provide a pedestrian-oriented space that includes:

- 1) Landscaping that does not act as a visual barrier between the primary building entrance and the pedestrian-oriented space;
- 2) At least one type of artwork, fountains, or other similar aesthetic feature;
- 3) Visual and pedestrian access (including access for persons with disabilities) into the site from a public or private street or internal roadway;
- 4) Paved walking surfaces of either concrete or other approved paving material;
- 5) At least two square feet of seating area, such as a bench or ledge, or one individual seat per 60 square feet of plaza area or open space, whichever is greater; and
- 6) Lighting that complies with the standards in Section 60.400.100E.6, Pedestrian-Oriented Lighting.

Chapter 60.400: Development Standards and Incentives

Section 60.400.050 Sensitive Lands, Wetlands, Stormwater, and Drainage Section 60.400.050A: Purpose

Section 60.400.050 SENSITIVE LANDS, WETLANDS, STORMWATER, AND DRAINAGE

A. Purpose

This Section 60.400.050 establishes standards that regulate earthwork, stormwater, drainage, and grading, to reduce pollution into waterways and to protect, preserve, and enhance the natural environment.

B. Applicability

This Section 60.400.050D applies to all subdivision and Site Development Plan approvals unless the Community Development Director determines that review of the Site Development Plan is not necessary because the application complies with avoidance and mitigation measures already applicable to the property due to prior development approvals.

C. Relationship to Other Standards

The standards in this Section 60.400.050 apply in addition to other applicable standards, including but not limited to those listed in Subsections C.1 through C.3 below. In case of a conflict between standards applicable to the same land or activity subject to this Section 60.400.050, the stricter regulation shall govern unless otherwise required by state or federal law.

1. State or Federal Laws or Regulations

The standards in this Section 60.400.050 apply in addition to any applicable standards in state or federal law and applicable regulations adopted pursuant to those laws.

2. Overlay Districts

The standards in this Section 60.400.050F apply in addition to any applicable standards in Section 60.200.040D, Wetland Conservation and the DEO - Decorah Edge Overlay, Section 60.200.040E, FPO – Floodplain Overlay, and Section 60.200.040F, SDO – Shoreland District Overlay.

3. Adopted Engineering Standards

The standards in this Section 60.400.050F apply in addition to any applicable engineering standards including stormwater discharge requirements ~~in Rochester Code of Ordinances Chapter 6-3, Wetland Conservation, and 6-4,~~ Stormwater Discharges.

D. General Requirement for all Sensitive Lands

Development of lands that are subject to periodic inundation, subsidence of the earth's surface, high water table, or have difficult topography, unstable soils, wetlands, lateral groundwater flow occurring within the depth of construction activities, or other natural or human-created hazards to life or property shall be avoided.

E. Wetlands

In addition to complying with Subsection D above:

- 2) A minimum of 75 percent of the required parking area trees shall be deciduous canopy-type shade trees.

D. Bufferyards

1. Purpose

The purpose of this Section 60.400.060D is to buffer existing development from abutting new development of different types, scales, or intensities by providing visual barriers between those land uses as well as providing more privacy and protecting abutting existing uses from potential wind, dust, noise, traffic, glare, visual disorder, and harmful or noxious effects of the new development.

2. Applicability

New development, redevelopment, and changes of use in all zoning districts shall provide property edge buffering along shared property lines with abutting properties as indicated in Table 400.06-3, Required Bufferyard Type, regardless of whether the new development is larger or smaller or more or less intensive than the existing abutting use.

When a proposed development abuts a vacant property, no bufferyard is required.

Table 400.06-3 Required Bufferyard Level					
None = No Requirement; 1 = Level 1 Bufferyard; 2 = Level 2 Bufferyard; 3 = Level 3 Bufferyard; 4 = Level 4 Bufferyard					
Zone District and Use of Abutting Property	Applicant Zone District and Use				
	Residential Use in an Agricultural and Residential District	Non-Residential Use in an Agricultural and Residential District	Residential Use in a Mixed Use District	Non-Residential Use in a Mixed Use District	All Uses in a Non-Residential District
Residential Use in an Agricultural and Residential District	None	2	2	3	4
Non-Residential Use in an Agricultural and Residential District	None	1	1	2	4
Residential Use in a Mixed Use District	None	1	None	1	4
Non-Residential Use in a Mixed Use District	None	None	1	None	2
All Uses in a Non-Residential District	1	1	1	1	None

Chapter 60.400: Development Standards and Incentives

Section 60.400.060 Landscaping, Bufferyards, and Fences and Hedges

Section 60.400.060E: Fences, Walls, and Hedges

- c. Where the bufferyard between a land use and vacant land turns out to be greater than the bufferyard that is required between the first use and the subsequently developed use, the existing use may expand its use into the original buffer area so long as the requirements of this Section 60.400.060D are met.

E. Fences, Walls, and Hedges

All fences and walls except those installed to protect slopes from subsidence or erosion shall comply with the following standards. Fences and walls installed to protect slopes shall comply with the Building Code.

1. No fence, wall, or hedge may extend beyond or across a property line unless in joint agreement with the abutting property owner.
2. No fence, wall, or hedge shall be placed closer than 18 inches to any public sidewalk or within five feet of any alley right-of-way.
3. ~~In all residential, or mixed-use zoning districts~~In all residential districts uses, fences and walls located between the front of the primary building and the front lot line shall not exceed 36 inches in height.
4. ~~In all residential, or mixed-use zoning districts~~In all residential districts uses, fences and walls located between the front of the primary building and the front lot line ~~shall not be completely opaque, and~~ shall not be constructed of chain link.
5. Fences and walls that are not located between the front of the primary building and the front lot line shall not exceed six feet in height above the elevation of the surface of the ground at any point except:
 - a. In instances where public safety or security necessitate, through a zoning certificate, the Community Development Director may authorize fences and walls to have a maximum height not to exceed 10 feet above the elevation of the surface of the ground at any point; or
 - b. When the grade of buildings on abutting lots is greater than that of buildings on the applicant's lot, the fence may exceed the height limitations, but shall not exceed the grade of the abutting building by more than five feet.
6. No fence, wall, or hedge shall be placed closer than 10 feet to the intersection of a driveway with any right-of-way used for vehicular or pedestrian traffic including alleys.
7. In any district that requires a front or side street building setback, there shall be no sight-obscuring or partly obscuring wall or fence higher than three feet above curb grade in any Visibility Triangle. Vertical measurement shall be made from the top of the curb on the street adjacent to the nearest street of the triangle or, if no curb exists, from the edge of the nearest traveled way.
8. Where a fence is installed on any property in a Mixed Use or Non-Residential zoning district along a property line with a lot containing a Household Living use in a Residential zoning district, the "finished" side of the fence (generally the side where structural supports and bracing are not visible) shall face the abutting Household Living use.

a. Ground and Wall-Mounted Mechanical Equipment

- 1) Outdoor ground-mounted mechanical equipment (e.g., utility boxes, water backflow prevention, electrical boxes, subpanels, air conditioners, heating, cooling, and ventilating equipment, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks, and all other mechanical equipment) shall be located where they are not visible from public open space, public trails, public streets, or from adjacent properties to the maximum extent practicable, and shall comply with all provisions of this UDC regarding location and screening.
- 2) In cases when ground-mounted mechanical equipment is visible from public open space, public trails, public streets, or from adjacent properties, the equipment shall be screened from view by a solid and permanent wall or fence or a vegetative screen that satisfies the following criteria:
 - (a) The wall or fence shall be of a height equal to or greater than the height of the mechanical equipment being screened and shall use at least one of the predominant materials and colors on the nearest wall of the primary structures (excluding unfinished CMU block) or another type of permitted wall or fence installed on the site; or
 - (b) The vegetative screen must comply with the standards for permitted landscaping materials and installation in Section 60.400.060B.11,
- 3) Commercial Wireless Telecommunication Service (CWTS), Ground-Mounted Solar Collectors, and other alternative energy systems shall be exempt from any screening requirements that would impair their ability to perform their intended functions. CWTS shall comply with all applicable provisions in Section 60.300.020F.1, Commercial Wireless Telecommunication Service. Ground-Mounted Solar Collectors shall comply with all applicable provisions in Section 60.300.020F.2, Solar Collector, Ground- or Building-Mounted.

b. Loading, Service, and Refuse Areas

- 1) Outdoor loading, service, and refuse areas shall be integrated into the building design if possible or shall be located where they are not visible from public open space, public trails, public streets, or from abutting properties, to the maximum extent practicable.
- 2) In cases when loading, service, and refuse areas are visible from public open space, public trails, public streets, or from abutting properties, the loading, service, and refuse areas shall be screened from view by a solid wall or fence a minimum of eight feet in height that incorporates at least one of the primary materials and colors of the nearest wall of the primary building (excluding unfinished CMU block) or a vegetative screen planted along the full length of the area to be screened and a minimum of eight feet in height at the time of planting.

improved with play equipment shall have a minimum dimension of 20 feet and a minimum size of 1,000 square feet. If the required area is less than 900 square feet, the minimum dimension may be reduced to 15 feet.

- (b) For every 20,000 square feet of required usable recreation area, at least one area of not less than 10,000 square feet with a minimum dimension of 50 feet shall be provided.

3) Slope

Ground level landscaped areas and adjacent public spaces intended to meet the usable recreation requirement shall meet the following requirements:

- (a) At least one-half of the required recreation area shall have a finished slope of less than 10 percent; and
- (b) The remainder of the area may have a slope of up to 25 percent if designated and improved for passive recreational use.

4) Location and Access

- (a) On developments containing five acres or more, usable recreation areas should be centrally located or distributed throughout the development to be readily accessible to the largest number of residents.
- (b) Access must be available to usable recreation areas using common landscaped area or adjacent public space either through the sharing of common lot lines, linkage by way of walkways or bikeways, or access by means of a public or private street right-of-way with a frontage of at least 20 feet on the usable recreation area.

F. Building Design

1. General Requirements

a. Applicability

The following requirements apply to primary structures occupied by the primary uses listed below in the zoning districts listed below. All references to land uses or categories of land uses refer to those shown in Table 300.01-1 Allowed Uses Table.

- 1) Multifamily dwellings in all districts;
- 2) All Group Living uses except for Residential Care Facilities in structures that would be exempt from these standards if they were occupied by a Household Living use, as shown in Table 300.012-1);
- 3) Public, Institutional, and Civic uses in all districts except the SI district;
- 4) Commercial and Industrial uses in all districts except the SI district; and
- 5) Mixed use developments (i.e., those containing a mix of primary residential and non-residential uses) in all districts except the SI district.

b. 360-Degree Architecture

All sides of each primary building façade shall be designed to provide architectural and visual interest and shall provide consistent architectural treatment and design on all building façades. A consistent architectural treatment is one where all building walls have defined levels of articulation and use different combinations of the same materials.

c. Building Materials

- 1) Primary buildings shall be constructed of high quality, durable materials including but not limited to stone, brick, masonry, or wood.
- 2) The use of asphalt shingles, imitation stone, imitation brick, stucco, exterior insulation finish systems (EIFS), or vinyl siding is prohibited on any street-facing building façade.

d. Transparency

- 1) Window glazing on the bottom two floors on street facing façades of a primary building shall not include reflective glass.
- 2) Window glazing on the bottom two floors on street facing façades of a primary building that do not provide visibility into residential dwelling units shall achieve a visible transmittance ration (VT) of at least 0.60.
- 3) In Residential districts, the glazed area of windows and doors shall occupy at least 30 percent of each street facing façade area between three and eight feet above grade.
- 4) In Mixed Use districts other than the MX-T and MX-D districts, the glazed area of windows and doors shall occupy at least 40 percent of each street facing façade area between three and eight feet above grade, and 30 percent of the non-street facing facades.
 - (a) This transparency requirement may be reduced by a maximum of 5%, if the development provides architecturally significant window treatments that provide vertical articulation in addition to any articulation already required.
- 5) In the MX-T and MX-D districts, the glazed area of windows and doors:
 - (a) In non-residential uses on the ground floor shall occupy at least 65 percent of each street facing façade area between three and eight feet above grade, and shall occupy at least 30 percent of each street facing façade area above the ground floor.
 - (b) In residential uses on the ground floor shall occupy at least 30 percent of each street facing façade area between three and eight feet above grade, and shall occupy at least 30 percent of each street facing façade area above the ground floor.

e. Roof-Mounted Equipment Screening

- 1) Roof-mounted mechanical equipment shall be:
 - (a) Integrated into the design of the structure so that the equipment is not visible from ground level on any street-facing property boundary; or
 - (b) Screened by a parapet wall or similar feature that is an integral part of the building's architectural design, with a parapet wall height sufficient to screen the mechanical equipment from all sides when viewed from ground-level on each street-facing property boundary.
 - (c) And; roof-mounted mechanical equipment shall be fully screened on all sides so that it is not visible from any residential use containing five or fewer units.
- 2) To reduce visual impacts on abutting properties, the color of roof-mounted equipment shall be the same color as the roof or the same color as an adjacent wall.
- 3) Commercial Wireless Telecommunication Service equipment, Building-Mounted Solar Collectors, and other alternative energy systems are exempt from any portion of these screening requirements that would impair their functions.

f. Horizontal Articulation

Primary buildings shall be designed to avoid blank wall planes by dividing façades into a series of smaller horizontal components that comply with the following standards.

- 1) In all districts , each façade, regardless of exterior wall plane setback, shall incorporate two or more of the following elements for every 60 horizontal feet, one of which must be extended or repeated through the entire height of the building:
 - (a) Projections, recessions, or reveals such as, but not limited to, columns, pilasters, cornices, and bays, and having a change of wall plane that is a minimum of six inches in depth;
 - (b) Change in texture and/or masonry patterns; and/or
 - (c) Awnings or canopies extending at least four feet beyond the building face with a minimum vertical clearance of nine feet above the sidewalk. Glowing awnings (backlit, light showing through the material) are not permitted.

- (ii) Horizontally oriented recesses at least eight inches into, or projections or cornices extending at least eight inches outward from, the building façade plane, at least eight inches tall, and extending at least 30 horizontal feet along the building façade (this element may be installed along the entire building façade, but if so installed shall only count as one of the required elements on any street-facing building façade longer than 60 feet);
 - (iii) Vertically oriented recesses at least eight inches into, or projections at least eight inches outward from, the building façade plane, and at least eight inches wide, that have a height equal to at least 80 percent of the façade height;
 - (iv) Ground level arcades or awnings extending for a horizontal distance of at least 20 feet in total (individual awnings may be shorter than 20 feet to fit appropriate building scale); and
 - (v) Second (and upper) floor balconies on at least 50 percent of the residential dwelling units on a street facing building façade.
- (c) **Buildings Façades 150 Feet or Longer**
- In addition to incorporating at least three architectural elements from Subsection a above, each street facing façade of a primary building with a horizontal length over 150 feet (regardless of changes in façade alignment) shall incorporate at least one of the two design elements listed below.

(i) **Forecourt**

A wall plane recess creating a forecourt gathering space, which shall extend along at least 15 horizontal feet of the building façade, shall be a minimum of 10 feet in depth measured inward from the primary building wall plane, shall be open to the sky, shall not be placed at the corner of the building, and shall include windows or doors for accessing or viewing the building interior from the forecourt. The forecourt shall not be used for surface parking but may be used to satisfy the pedestrian oriented space requirement in Section 60.400.040D.11.d, Pedestrian Oriented Space.

(ii) **Top Floor Stepback**

A horizontal setback of the top floor of building façade at least six feet further from the street than the lower floor building façades, extending along the entire length of that building façade. The stepback may apply to more than the top floor of the building façade at the applicant's option, but may not extend to ground level.

2. Additional Requirements in the MX-T District

Each street facing façade of a primary building in the MX-T district shall comply with the following standards.

- a. Each primary structure shall have at least one pedestrian entrance on each street facing façade. If the lot has frontage on Broadway, 2nd St., 4th St./Collegeview Rd., 12th St. or 3rd Ave., the required entrance shall face those streets. If the lot does not have frontage facing a street, the pedestrian entrance shall face the front lot line.
- b. If there are multiple ground-floor commercial tenant spaces on the street facing façade, each ground floor tenant space with 25 feet or more of frontage shall have at least one pedestrian entrance facing that street. As an exception to this standard, a maximum of two abutting ground floor commercial tenants may share a single pedestrian entrance, with a common vestibule facing that public right-of-way.
- c. Each required pedestrian entrance shall open directly to the outside and have direct access to the adjacent sidewalk without requiring pedestrians to pass through a garage, parking lot, or a non-pedestrian area located between the pedestrian entrance and the street.

3. Additional Requirements in the MX-D District

Each primary or accessory building within the MX-D district shall comply with the applicable DMC Design Guidelines to the maximum extent practicable, as determined by the Community Development Director.

4. Additional Requirements in the MX-D, MX-T, and MX-I Districts

Each primary building in the MX-D, MX-T, and MX-I districts over 60 feet in height shall comply with the following standards:

~~a. Minimum Floor-to-Floor Height~~

~~The minimum floor-to-ceiling height of the ground floor of any principal use shall be 13 feet, and on upper floors shall be 12 feet.~~

b.a. Vertical Articulation

Each primary building that is more than ten stories in height shall be designed to include a clearly identifiable base, body, and top of the building.

1) Base

- (a) The base of a primary building shall not be more than three stories or 40 feet in height, whichever is less.
- (b) The base shall incorporate one or more of the following design techniques:
 - (i) Incorporation of low planters and walls;
 - (ii) Use of base architectural veneer banding or a wainscot treatment defined by different materials, textures, or colors; and/or

- building design that complied with all applicable standards in Subsections 1, 2, and 3 above; and
- c. Any adverse impacts on surrounding properties created by the waiver or adjustment of standards in Subsections 1, 2, and 3 above have been mitigated to the maximum extent practicable.

Section 60.400.080 **PARKING, LOADING, AND STACKING**

A. Purpose

This Section 60.400.080F.4.c is intended to regulate the amount and design of off-street parking and loading for different areas of the City and to help protect the public health, safety, and general welfare by:

1. Avoiding and mitigating traffic congestion;
2. Providing necessary access for service and emergency vehicles;
3. Providing for safe and convenient interaction between motor vehicles, bicycles, and pedestrians;
4. Encouraging multi-modal transportation options and enhanced pedestrian safety;
5. Providing flexibility to respond to the transportation, access, and loading impacts of various land uses in different areas of the City; and
6. Avoiding and mitigating the adverse visual impact of large concentrations of exposed parking.

B. Applicability

1. General Applicability

Any building, improvement, or use of land approved or erected after January 1, 1992, shall comply with the requirements of this Section 60.400.080 unless specifically stated otherwise in this UDC.

2. Exceptions

The requirements of this Section 60.400.080 do not apply to:

- a. The adaptive reuse of a building in any Mixed Use district that does not involve any expansion of the building's existing square footage. Any square footage additions resulting in increased building square footage are subject to the parking requirement of this Section 60.400.080.
- b. A Fast Food Restaurant, ~~Neighborhood Food and Service~~, Standard Restaurant, Business or Personal Service, Neighborhood Retail, or Small Retail use in a mixed-use building containing no more than 2,000 square feet of floor area, occupying a ground floor building space fronting a public sidewalk, and providing direct pedestrian access from the public sidewalk.
- c. Development in the Medical Campus District.

Chapter 60.400: Development Standards and Incentives

Section 60.400.080 Parking, Loading, and Stacking Vehicle Parking Required

Section 60.400.080E: Minimum and Maximum

Table 400.08-1 Minimum and Maximum Vehicle Parking Required				
DU = Dwelling Unit; BR = Bedroom; Sq. ft. = square feet of enclosed gross floor area (unless stated otherwise); Blank Cell or Use Not Listed = No Requirement				
Use	All Districts Except the MX-D District		MX-D District	
	Minimum	Maximum	Minimum	Maximum
Residential Uses				
Household Living				
Dwelling, Single-Family Detached	1 per DU		1 per DU	
Dwelling, Twin-Home	1 per DU		1 per DU	
Dwelling, Attached	1 per DU	1.5 per DU	1 per DU	1.5 per DU
Dwelling, Duplex, Same Lot	1 per DU		1 per DU	
Dwelling, Triplex	1 per DU		1 per DU	
Dwelling, Fourplex	1 per DU		1 per DU	
Dwelling, Multifamily	0.5 per DU	2 1.5 per DU	0.5 per DU	1.5 per DU 1 per 1 BR unit; 1 per 2 BR unit; 1.5 per 3 BR unit; 2 per 4 BR unit or more
Dwelling, Live/Work			0.75 per DU	
Dwelling, Cottage Development	1 per DU	2 per DU	1 per DU	1.5 per DU
Manufactured Home Park	1 per DU	2 per DU	1 per DU	
Group Living				
Congregate Housing	1 per 2 beds	1 per bed	1 per 3 beds	1 per 2 beds
Dormitory	1 per 2 beds		1 per 3 beds	1.5 per bed
Medical Stay Dwelling Unit	0.5 per DU	2 per DU	0.5 1 per DU	1.5 2 per DU
Nursing Home	1 per 3 beds	1 per 2 beds	1 per 4 beds	1 per 2 beds
Offender Transitional Housing	1 per 3 beds		1 per 4 beds	
Residential Care Facility	1 per 3 beds	1 per 2 beds	1 per 4 beds	1 per 3 beds
Public, Institutional, and Civic Uses				
Art Gallery, Museum, and Library	1 per 700 sq. ft.	1 per 500 sq. ft. (TOD)	1 per 800 sq. ft.	1 per 400 sq. ft.
Cemetery				
College or University	TDM Plan Required		TDM Plan Required	
Community Center	1 per 500 2 per 1,000 sq. ft.	1 per 250 4 per 1,000 sq. ft.	1 per 500 2 per 1,000 sq. ft.	1 per 350 3 per 1,000 sq. ft.
Correctional Facility	1 per 400 2.5 per 1,000 sq. ft.	1 per 200 5 per 1,000 sq. ft.		

Chapter 60.400: Development Standards and Incentives

Section 60.400.080 Parking, Loading, and Stacking Vehicle Parking Required

Section 60.400.080E: Minimum and Maximum

Table 400.08-1 Minimum and Maximum Vehicle Parking Required				
DU = Dwelling Unit; BR = Bedroom; Sq. ft. = square feet of enclosed gross floor area (unless stated otherwise); Blank Cell or Use Not Listed = No Requirement				
Use	All Districts Except the MX-D District		MX-D District	
	Minimum	Maximum	Minimum	Maximum
Day Care Facility	<u>1 per 500</u> per 1,000 sq. ft.	<u>1 per 250</u> per 1,000 sq. ft.	1 per 1,000 sq. ft.	
Emergency Service	<u>1 per 400</u> 2.5 per 1,000 sq. ft.	<u>1 per 200</u> per 1,000 sq. ft.	1 per 1,000 sq. ft.	
Funeral Home	<u>1 per 500</u> per 1,000 sq. ft.	<u>1 per 250</u> per 1,000 sq. ft.	1 per 1,000 sq. ft.	<u>1 per 350</u> per 1,000 sq. ft.
Medical Facility	<u>1 per 500</u> per 1,000 sq. ft.	<u>1 per 250</u> per 1,000 sq. ft.	<u>1 per 500 sq. ft.</u> per 3 beds	<u>1 per 200 sq. ft.</u>
Place of Worship	1 per 5 seats	<u>1 per 2.5 seats</u>	1 per 4 seats	<u>1 per 2 seats</u>
<u>Public Facility</u>	<u>1 per 1,000 sq. ft.</u>		<u>1 per 1,500 sq. ft.</u>	
School	1 per 10 seats in the auditorium or main assembly room, or 1 per classroom, whichever is greater			
Social Services	<u>1 per 400</u> 2.5 per 1,000 sq. ft.			
Specialized Education	<u>1 per 350</u> per 1,000 sq. ft.	<u>1 per 200</u> per 1,000 sq. ft.	1 per 1,000 sq. ft.	
Commercial Uses				
Agricultural and Animal Uses				
Agriculture Production	No requirement			
Agriculture Retail	No requirement			
Veterinary and Animal Services	<u>1 per 500</u> per 1,000 sq. ft.		1 per 500 sq. ft. in excess of 4,000 sq. ft. (minimum of 4 spaces)	<u>1 per 300 sq. ft.</u>
Entertainment and Recreation				
Adult Entertainment	1 per 400 sq. ft. in excess of 1,000 sq. ft.	1 per 400 sq. ft. in MX-T	1 per 500 sq. ft. in excess of 4,000 sq. ft.	<u>1 per 300 sq. ft.</u>
Auditorium or Civic Center	1 per 6 seats	1 per 4 seats in MX-T	1 per 6 seats	<u>1 per 4 seats</u>
Campgrounds or RV Park	1 per overnight site			

Chapter 60.400: Development Standards and Incentives

Section 60.400.080 Parking, Loading, and Stacking
Vehicle Parking Required

Section 60.400.080E: Minimum and Maximum

Table 400.08-1 Minimum and Maximum Vehicle Parking Required				
DU = Dwelling Unit; BR = Bedroom; Sq. ft. = square feet of enclosed gross floor area (unless stated otherwise); Blank Cell or Use Not Listed = No Requirement				
Use	All Districts Except the MX-D District		MX-D District	
	Minimum	Maximum	Minimum	Maximum
Indoor Entertainment or Recreation	1 per 400 sq. ft. in excess of 1,000 sq. ft.	1 per 1200 sq. ft. in MX-T	1 per 500 sq. ft. in excess of 4,000 sq. ft.	<u>1 per 300 sq. ft.</u>
Indoor Gun Range	1 per 3 persons based on maximum capacity	<u>1 per 1.5 persons based on maximum capacity</u>		
Outdoor Entertainment or Recreation	1 per 4 persons based on maximum capacity	<u>1 per 2 persons based on maximum capacity</u>		
Food, Beverage, and Lodging				
Bar or Tavern	1 per 400 sq. ft.	1 per 200 sq. ft.	1 per 400 sq. ft.	1 per 300 sq. ft.
Bed and Breakfast	1 per each guest room		1 per 2 guest rooms	1 per guest room
Fast Food Restaurant	1 per 200 sq. ft.	1 per 1200 450 sq. ft.	1 per 250 sq. ft.	<u>1 per 150 sq. ft.</u>
Hotel or Motel	1 per guest room	<u>1.5</u> per guest room	1 per 2 guest rooms	<u>1 per guest room</u>
Neighborhood Food and Service	1 per 300 sq. ft.	<u>1 per 500 sq ft</u>		
Standard Restaurant	1 per 350 sq. ft.	1 per 250 sq. ft.	1 per 450 sq. ft.	1 per 250 sq. ft.
Office, Business, and Professional Services				
Art Studio and Workshop	1 per 600 sq. ft. in excess of 1,000 sq ft.		1 per 800 sq. ft. in excess of 4,000 sq. ft.	1 per 500 sq. ft.
Business or Personal Service	1 per 600 sq. ft. in excess of 1,000 sq. ft.	1 per 300 sq. ft.	1 per 500 sq. ft. in excess of 4,000 sq. ft.	1 per 100 sq. ft.
<u>Construction Office</u>	<u>1 Per 500 sq. ft.</u>	<u>1 per 300 sq. ft.</u>		
Financial Institution	1 per 600 sq. ft.	<u>1 per 300 sq. ft.</u>	1 per 500 sq. ft. in excess of 4,000 sq. ft.	<u>1 per 300 sq. ft.</u>
Office	1 per 500 sq. ft.	1 per 400 sq. ft.	1 per 500 sq. ft. in excess of 4,000 sq. ft.	1 per 300 sq. ft.
Research and Testing	1 per 1,500 sq. ft.	1 per 400 sq. ft.	1 per 1,500 sq. ft.	1 per 1,000 sq. ft.
Retail Sales				
Retail, Neighborhood	1 per 300 200 sq. ft.	1 per 200 300 sq. ft.	1 per 300 sq. ft.	1 per 200 sq. ft.
Retail, Small	1 per 400 250 sq. ft.	1 per 250 400 sq. ft.	1 per 500 sq. ft.	1 per 300 sq. ft.

Chapter 60.400: Development Standards and Incentives

Section 60.400.080 Parking, Loading, and Stacking
Vehicle Parking Required

Section 60.400.080E: Minimum and Maximum

Table 400.08-1 Minimum and Maximum Vehicle Parking Required				
DU = Dwelling Unit; BR = Bedroom; Sq. ft. = square feet of enclosed gross floor area (unless stated otherwise); Blank Cell or Use Not Listed = No Requirement				
Use	All Districts Except the MX-D District		MX-D District	
	Minimum	Maximum	Minimum	Maximum
Retail, Medium	1 per 300 sq. ft.; Except 1 per 600 sq. ft. in MX-T	1 per 250400 300 sq. ft.	1 per 500 sq. ft. in excess of 4,000 sq. ft.	1 per 300 sq. ft.
Retail, Large	1 per 400 sq. ft.	1 per 2503500 sq. ft.	1 per 500 sq. ft. in excess of 4,000 sq. ft.	1 per 300 sq. ft.
Vehicles and Transportation				
Automotive Center	3 per service bay plus 1 per 200 sq. ft. of retail area		2 per service bay plus 1 per 500 sq. ft. of retail sales area	
Automotive Repair Services, Major	2 per service bay plus 1 per 300 sq. ft. of retail area		2 per service bay plus 1 per 600 sq. ft. of retail sales area	
Fueling Station	1 per 250 sq. ft. of retail sales area		1 per 400 sq. ft. of retail sales area	
Motor Freight and Warehousing				
Motor Vehicle Sales, Leasing, or Storage	1 per 500 sq. ft. of indoor sales or leasing space (excluding areas used only for indoor vehicle storage)			
Public Transportation Dispatch Facility				
Manufacturing, Processing, and Commercial Services				
Artisan Manufacturing	1 per 400 sq. ft. in excess of 1,000 sq. ft.		1 per 500 sq. ft. in excess of 4,000 sq. ft.	1 per 700 sq. ft.
Heavy Commercial Services	1 per 1,000 sq. ft.			
Heavy Industry	1 per 1,000 sq. ft.			
Light Industry	1 per 1,000 sq. ft.		1 per 1,200 sq. ft.	1 per 1,000 sq. ft.
Recycling Transfer Facility	1 per 1,000 sq. ft.		1 per 1,000 sq. ft.	1 per 700 sq. ft.
Repair and Maintenance Shop	2 per repair bay plus 1 per 600 sq. ft.		2 per repair bay plus 1 per 1,000 sq. ft.	3 per repair bay plus 1 per 1,000 sq. ft.

Chapter 60.400: Development Standards and Incentives

Section 60.400.080 Parking, Loading, and Stacking Section 60.400.080F: Minimum Parking Adjustments

Table 400.08-1 Minimum and Maximum Vehicle Parking Required				
DU = Dwelling Unit; BR = Bedroom; Sq. ft. = square feet of enclosed gross floor area (unless stated otherwise); Blank Cell or Use Not Listed = No Requirement				
Use	All Districts Except the MX-D District		MX-D District	
	Minimum	Maximum	Minimum	Maximum
Storage and, Distribution, and Wholesaling				
Junkyard				
Self Service Storage Facility	1 per 20040 indoor storage units		1 per 20040 indoor storage units	1 per 2505 indoor storage units
Wholesale Facility	1 per 1,200 sq. ft., plus 1 per vehicle normally stored on the site		1 per 1,200 sq. ft., plus 1 per vehicle normally stored on the site	1 per 700 sq. ft. plus 1 per vehicle normally stored or parked on site
Resource and Extraction				
Landfill				
Quarry				
Sand or Gravel Excavation				
<u>Accessory Uses and Structures</u>				
<u>Animal Husbandry</u>	<u>1 per 700 sq. ft.</u>			
<u>Drive-in Facility</u>	<u>See Section 60.400.080L-3</u>			
<u>Residential Management or Sales Office</u>	<u>1 per 500 sq. ft.</u>	<u>1 per 400 sq. ft. in MX-T</u>		
<u>Temporary Uses</u>				
<u>Carnival or Festival</u>	<u>Determine on case-by-case basis at time of temporary use permit</u>		<u>Determine on case-by-case basis at time of temporary use permit</u>	
<u>Contractor's Office and Yard</u>	<u>1 per 500 sq. ft.</u>		<u>1 per 700 sq. ft.</u>	

F. Minimum Parking Adjustments

1. General

- a. Unless stated otherwise in this Section 60.400.080F, the required off-street parking spaces required by Table 400.08-1, *Minimum and Maximum Vehicle Parking Required*, shall be adjusted in accordance with this Section 60.400.080F.
- b. Regardless of which adjustments in this Section are applied, required off-street parking spaces for Residential uses, as shown in Table 300.01-1 Allowed Uses

Chapter 60.400: Development Standards and Incentives

Section 60.400.080 Parking, Loading, and Stacking Section 60.400.080J: Design and Location of Vehicle Parking

Total Space Required	Maximum Percentage of Small Car Spaces
5-99	30%
100-149	40%
150 and more	50%

The following schedule identifies the size of spaces to be provided. Stall dimensions differ according to whether they are designed for small or standard size cars and whether they are designed for short term or long term parking.

<u>TYPE OF PARKING</u>		
<u>Size of Car</u>	<u>Short Term</u>	<u>Long Term</u>
<u>Small</u>	<u>7' 6" x 15' 0"</u>	<u>7' 3" x 15' 0'</u>

J. Design and Location of Vehicle Parking

1. General

- a. Parking spaces, aisles and driveways shall be paved with asphalt or comparable all-weather, dust free surfacing.**
- b. Parking areas shall have provision made for the on-site collection of drainage to eliminate sheet flow of such waters onto sidewalks, public right-of-ways and abutting private property.**
- c. Lighting of parking areas shall be directed or deflected so as not to shine directly onto adjacent dwellings or cause hazards to motorists on adjacent streets.**
- d. Spaces shall be striped or marked.**
- e. Wheel stops or bumper guards shall be provided where appropriate for spaces abutting a property line so that no vehicle will overhang a public right-of-way or other property line.**

1.2. Accessible Parking

The number and design of accessible parking spaces shall be pursuant to the International Building Code (IBC).

2.3. Dimensions of Parking Spaces and Drive Aisles

All on-site parking and maneuvering areas shall be constructed according to the following dimensional standards.

- a. All parking aisles shall terminate with a bump-out for turnaround maneuverability.**

Chapter 60.400: Development Standards and Incentives

Section 60.400.080 Parking, Loading, and Stacking Section 60.400.080J: Design and Location of Vehicle Parking

- b. The length of a parking stall may be reduced allowing the front of vehicles to overhang the required parking space to the extent shown in Table 400.08-5, provided that:
 - 1) Any raised curb in the overhang areas is no more than four inches in height; and
 - 2) The front of the parking space is located adjacent to a landscaped area or sidewalk that is at least six feet in width.
- c. Parking space dimensions shall meet the requirements of *Table 400.08 5 Parking Dimension Requirements* unless specifically stated otherwise in this Section.

Table 400.08-5 Parking Dimension Requirements (in feet)

Angle	Stall Length	<u>Stall Width</u>	One-Way Aisle	Two Rows of Parking Accessed from One-Way Aisle	Two-Way Module Width	Two Rows of Parking Accessed from Two-Way Aisle	Overhang Reduction
30°	15	<u>8'6"</u>	11	41	20	50	1.3
45°	17.6	<u>8'6"</u>	12	47	20	55	1.9
60°	19	<u>8'6"</u>	13.6	51.6	21	59	2.2
90°	18	<u>8'6"</u>	20	56	23	59	2.6

3.4. Access

- a. A Parking Lot or Garage shall be designed to ensure safe and easy ingress, egress, and movement through the interior of the lot.
- b. Vehicular entrance drives shall be located and designed to minimize interference with pedestrians.

4.5. Location

- a. For Single-Family Detached and Same Lot Duplex Dwelling uses in all districts, off-street parking areas shall be located in a garage or on a driveway. Parking spaces that are located between the building façade and the front lot line or between the building façade side street side yard, and that are not located in a permitted driveway parking area, are prohibited.
- b. For all other uses in an Agricultural, ~~and Residential, MX-T, MX-D, and MX-S districts and Mixed Use district~~, off-street parking areas shall not be located between the front building façade and the adjacent street frontage.
- c. Required off-street parking and loading shall be located on the same lot as the principal use except that:
 - 1) In the MX-T and MX-D districts;

2. Lighting of Signs

- a. Internal lighting, back lighting, and spot lighting are permitted to illuminate signs as stated in Table 400.11-1 General Sign Standards.
- b. Each light source for internal lighting, back lighting, or spot lighting of a sign shall be shielded so that the source is not visible from any Agricultural and Residential district, any Residential Use in a Mixed Use district, and from any public right-of-way.
- c. Lighted signs adjacent to Residential districts and located within a zone that restricts hours of operation may only be lit during business hours.

3. Table of Sign Standards

Table 400.11-1 General Sign Standards, states the general sign standards for all signs in all districts, unless stated otherwise in this Section 60.400.110.

[Standards for Billboards can be found in Section 60.400.110G Billboards.](#)

Table 400.11-1 General Sign Standards						
I = Internal B = Backlight S = Spotlight						
Type of Sign	Agricultural and Residential Districts		Mixed Use Districts			Non-Residential Districts
	Residential Use	Non-Residential Use	MX-N	MX-S, MX-C, MX-I	MX-G, MX-D, MX-T	BP, LI, SI
Wall Signs						
Maximum Number per Street Frontage	1		General: 1 Buildings over 5 stories: 1 additional [1]			
Maximum Area	12 sq. ft.	24 sq. ft.	50 sq. ft.	50 sq. ft.	250 sq. ft.	400 sq. ft.
Maximum Height	8 feet	Same as primary structure maximum height [2]				
Permitted Lighting [3]	Not Permitted	B	B, S [9]	B, S	I, B, S	I, B, S
Freestanding Sign						
Maximum Number per Street Frontage	1	1 [4]	1 [5]	1 [5]	1	1
Maximum Area	12 sq. ft.	24 sq. ft.	50 sq. ft.	50 sq. ft.	64 sq. ft.	64 sq. ft.
Maximum Height	6 feet	6 feet	6 feet [8]	15 feet	20 feet	15 feet
Permitted Lighting	Not Permitted	B, S	I, B [9]	I, B, S	I, B, S	I, B, S

G. Billboards

1. Billboard Sign Standards Table

	<u>MX-G Mixed General</u>	<u>LI Light Industrial</u>	<u>SI Special Industrial</u>
<u>Height</u>	<u>50 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>
<u>Minimum Clearance</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>
<u>Area [1]</u>	<u>600 sq. ft.</u>	<u>600 sq. ft.</u>	<u>600 sq. ft.</u>
<u>Maximum Illumination</u>	<u>2.0 footcandles</u>	<u>2.0 footcandles</u>	<u>2.0 footcandles</u>
<u>Electronic Billboards [2]</u>	<u>permitted</u>	<u>permitted</u>	<u>permitted</u>
<p><u>[1] A maximum sign area of 600 sq. ft. is permitted for billboards oriented toward freeways expressways, and arterials as designated on the ROCOG 2045 Long Range Transportation Plan. Billboards oriented toward all other roadways have a maximum sign area of 400 sf. ft.</u></p> <p><u>[2] Electronic Billboards are permitted in conforming locations, under the same standards as non-electronic billboards. A nonconforming, non-electronic billboard shall not be expanded to an electronic billboard.</u></p>			

1-2. Spacing

All billboards erected after December 22, 1992, shall comply with the following spacing standards:

- a. No billboard shall be located within 1,000 feet of another billboard located on the same side of the street. Distances between billboards shall be measured along the adjacent right-of-way line of the street or highway where the billboard is directed as shown in Figure 1a.
- b. No billboard shall be located within a 100-foot radius from the intersection of the rights-of-way of two or more streets or highways as shown in Figure 1b.
- c. No billboard shall be located within 200 feet of the intersection of a street and a railroad right-of-way. The distance shall be measured from the center point of the street-railroad intersection to the nearest edge of the billboard as shown in Figure 1c.
- d. No billboard shall be located within 300 feet of a Place of Worship, School, or Medical Facility. This distance shall be measured from the nearest edge of the billboard to the Place of Worship, School, or Medical Facility to the closest point on any boundary line of the Place of Worship, School, or Medical Facility property as shown in Figure 1d. This restriction only applies to Place of Worship, School, or Medical Facility properties that abut the same right-of-way where a billboard is oriented, regardless of whether the billboard is located on the same side or the opposite side of the right-of-way as the Place of Worship, School, or Medical Facility.

- e. No billboard shall be located within 250 feet of a boundary of an Agricultural ~~or~~ Residential district. This distance shall be measured from the nearest edge of the ~~billboard~~ right-of-way to the closest point on any boundary of the Residential district as shown in Figure 1e.
- f. No billboard shall be located within 300 feet of and oriented toward the following portions of the following streets and highways within the City:
 - 1) County State Aid Highway 22 from trunk Highway 52 at Apache Mall westerly and northerly to Trunk Highway 52 at 55th Street NW,
 - 2) County State Aid Highway 22 from Trunk Highway 14 at the University Center northerly and westerly to North Broadway Avenue ~~Trunk Highway 63~~ at 37th Street NW; and
 - 3) 55th Street NW from Trunk Highway 52 easterly to County Road 133 (West River Road).

3. Construction and Design Criteria

- g. All billboards shall be constructed to meet Building Code standards for wind resistance and wind loads.
- h. Billboards illuminated by electricity or equipped in any way with electrical devices shall conform to the provisions of the electrical code.
- i. All billboards, together with their supports, braces, guys and anchors shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. The repainting, changing of parts and maintenance of billboards shall not be deemed as alterations requiring a sign permit.
- j. The source of light for any billboard shall be shielded so that the source of light is not visible in any residential district or to any oncoming vehicular traffic, and the light shall not be directed into such area.
- k. The exposed uprights, superstructure, and/or backside of all billboards shall be painted a neutral color such as beige, taupe, gray, cream, brown, black, and white.
- l. Billboards advertising uses that are no longer in operation shall cease advertising within 60 days from the date the use ceased operation.
- m. No billboard shall be erected or allowed to extend over a public right-of-way.

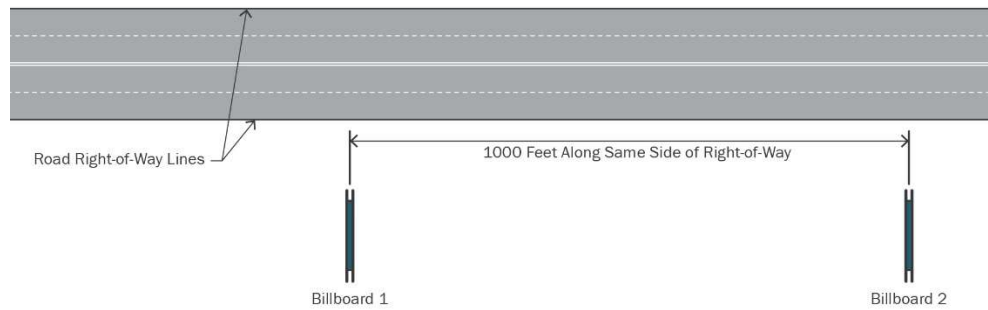


Figure 1a

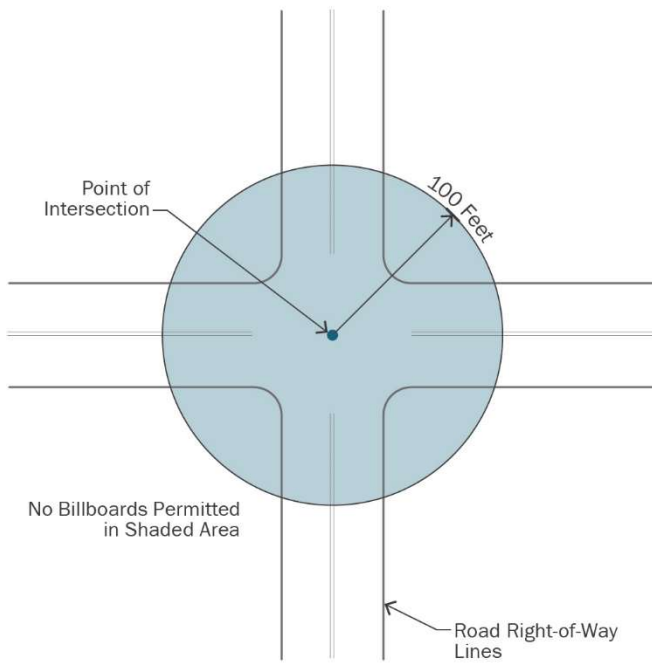


Figure 1b

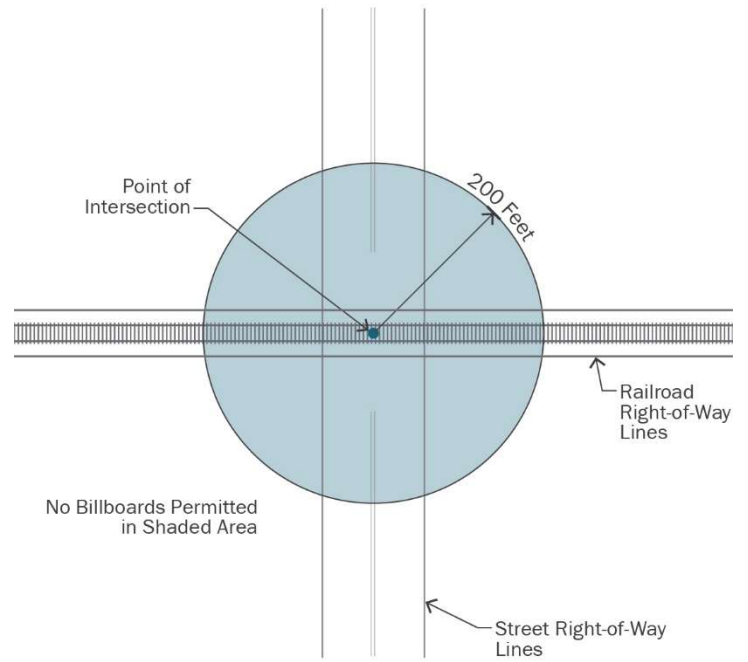


Figure 1c

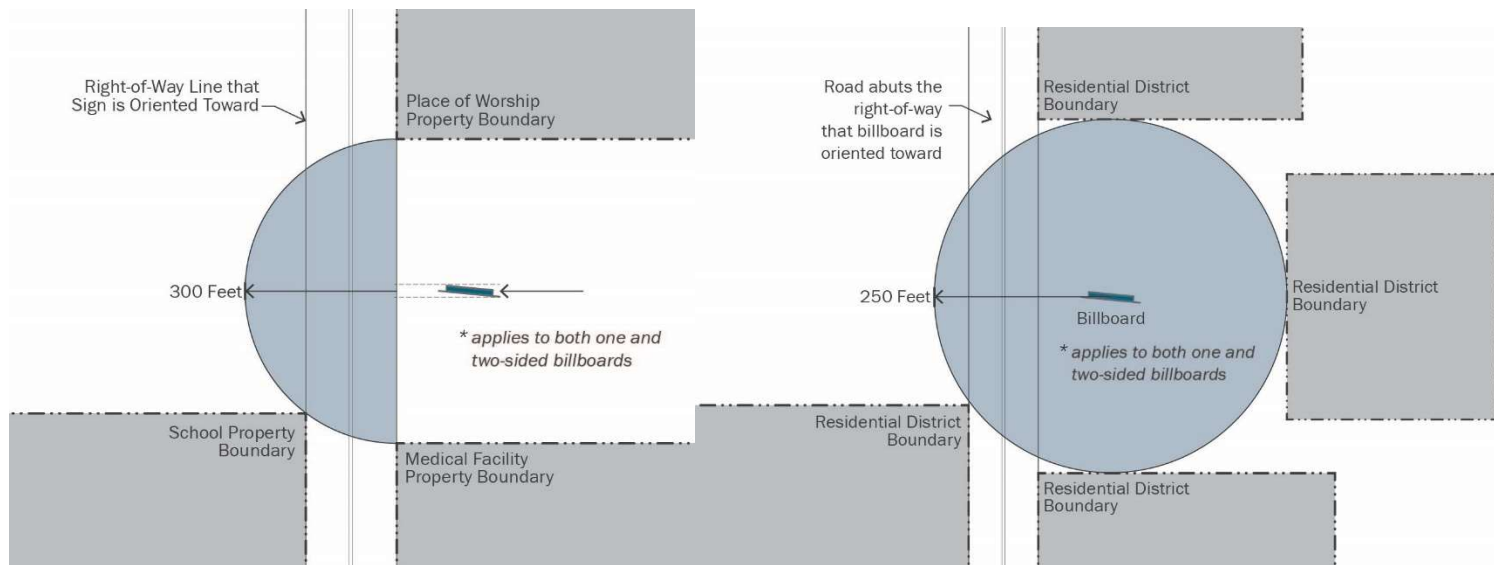


Figure 1d-NEW graphic

Figure 1e-NEW graphic

H. Temporary Signs

1. Banners

- a. Each banner shall be installed or maintained parallel to a building façade or other vertical building surface.
- b. Each banner shall be mounted not more than 18 inches from the wall surface where it is attached.
- c. Banners in Agricultural and Residential districts shall be subject to the following limitations.
 - 1) For non-residential uses, no more than one banner shall be permitted per use or per tenant. No banners are permitted on any wall abutting a residential use containing less than four dwelling units, or adjacent to an AG, R-1, R-2, or R-2x district.
 - 2) For residential structures with four or more dwelling units, one banner per primary structure shall be permitted, provided the banner is oriented toward an abutting primary collector or higher order street or is adjacent to any district other than the AG, R-1, R-2, and R-2x districts.
 - 3) No banners are permitted on any wall abutting a residential use containing fewer than four dwelling units or adjacent to a R-1, R-2, or R-2x district.
 - 4) In all other circumstances, banners are prohibited in Residential districts.

Chapter 60.500 Procedures and Administration

Section 60.500.010 INTRODUCTION AND SUMMARY TABLE OF PROCEDURES

A. Purpose

The purpose of this section is to provide consistent, equitable procedures for the review of development proposals and to ensure that proposed development will be in accordance with the purposes and standards of this UDC.

B. Summary Table of Review Procedures

Table 500.01-1, Summary Table of Review Procedures, lists the development applications authorized by this UDC, whether public notice is required, whether a pre-application meeting is required, and the role of City review and decision-making bodies.

Table 500.01-1 Summary Table of Review Procedures											
Y = Yes R = Review D = Decision A = Appeal [] = Public Hearing											
Procedure	UDC Section	Public Notice			Pre-Submittal		Review and Decision-Making Bodies				
		Published	Mailed	Posted	Neighborhood Information Meeting	Pre-Development Meeting	Community Development Director	Planning Commission	Heritage Preservation Commission	Zoning Board of Appeals	City Council
Major Decision by City Council											
Comprehensive Plan and/or Land Use Plan Adoption or Amendment	Section 60.500.040A	Y	<u>Y</u> [7]	<u>Y</u>			R	[R]			[D]
Growth Management Map Amendment	Section 60.500.040B	Y	<u>Y</u>	<u>Y</u>		Y	R	[R]			[D]
Annexation of Land	Section 60.500.040B.4.a	Y	<u>Y</u> [8]	<u>Y</u>	<u>Y</u>	Y	R	[R]			[D]
UDC Text Amendment	Section 60.500.040D	Y				Y	R	[R]	R[1]		[D]
Rezoning (Official Zoning Map Amendment)	Section 60.500.040E	Y	Y	Y	Y	Y	R	[R][1]	R[2]		[D]
Designation or Removal of Landmark Property or Landmark District	Section 60.500.040F	Y	Y	Y	<u>Y</u> [6]	Y	R		[R]		[D]

Chapter 60.500: Procedures and Administration

Section 60.500.010 Introduction and Summary Table of Procedures
Table of Review Procedures

Section 60.500.010B: Summary

Table 500.01-1 Summary Table of Review Procedures											
Y = Yes R = Review D = Decision A = Appeal [] = Public Hearing											
Procedure	UDC Section	Public Notice			Pre-Submittal		Review and Decision-Making Bodies				
		Published	Mailed	Posted	Neighborhood Information Meeting	Pre-Development Meeting	Community Development Director	Planning Commission	Heritage Preservation Commission	Zoning Board of Appeals	City Council
Major Land Subdivision Permit	Section 60.500.040G	Y	Y	Y	Y	Y	R	R			[D]
Final Plat	Section 60.500.040H		Y				R				[D]
Official Map Adoption	Section 60.500.040I	Y					R	R			[D]
Distinctive Development	Section 60.500.040K	Y	Y	Y	Y	Y	R	[R]			[D]
Conditional Use Permit Approved by City Council	Section 60.500.050A	Y	Y	Y	Y	Y	R	R			[D]
Interim Use Permit	Section 60.500.040M	Y	Y	Y	Y	Y	R	R			[D]
Vacation, Right of Way	Section 60.500.040J	<u>Y</u>	<u>Y</u>	<u>Y</u>			<u>R</u>	<u>R</u>			<u>[D]</u>
Vacation, Public Easement	Section 60.500.040K	<u>Y</u>	<u>Y</u>	<u>Y</u>			<u>R</u>				<u>[D]</u>
Decisions That May Require by a Designated Authority											
Conditional Use Permit Approved by Planning Commission	Section 60.500.050A	Y	Y	Y	Y	Y	R	[D]			[A]
Certificate of Appropriateness – Major Alterations	Section 60.500.050B						R		D[3]		[A]
Shoreland Protection Permit	Section 60.500.050C						R	[D]			[A]
Property Placement on Historic Inventory	60.500.050D								D		[A]
Development Approvals by Community Development Director											

Table 500.01-1 Summary Table of Review Procedures											
Y = Yes R = Review D = Decision A = Appeal [] = Public Hearing											
Procedure	UDC Section	Public Notice			Pre-Submittal		Review and Decision-Making Bodies				
		Published	Mailed	Posted	Neighborhood Information Meeting	Pre-Development Meeting	Community Development Director	Planning Commission	Heritage Preservation Commission	Zoning Board of Appeals	City Council
Variance	0	Y	Y	Y			R			[D]	[A]
<p>NOTES</p> <p>[1] UDC Text Amendments that involve the HPO or related procedures shall be reviewed by both the Planning Commission and the Heritage Preservation Commission.</p> <p>[2] Official Zoning Map Amendments that involve designation of HPO landmarks or landmark districts or removal of HPO landmark designations shall be reviewed by the Heritage Preservation Commission rather than the Planning Commission.</p> <p>[3] Public Meeting rather than Public Hearing is required.</p> <p>[4] A Site Development Plan proposing development of four or fewer residential units does not require a Pre-development Meeting or an information meeting.</p> <p>[5] Decision made by City Engineer.</p> <p>[6] NIM required only when creating or removing entire landmark districts and landmark designation removal.</p> <p>[7] Mailing requirement only applies to private property owners that initiate a Land Use Plan Amendment</p> <p>[8] Notification will occur in accordance with State Statute requirements</p>											

Section 60.500.020 REVIEW AND DECISION-MAKING BODIES

A. Purpose

This Section describes the organization, powers, and duties of the offices and public bodies responsible for the administration of this UDC.

B. Community Development Director

1. Creation

There is hereby established the office of the Community Development Director. It shall be the duty of the Community Development Director or their authorized representative to enforce the UDC in accordance with its administrative provisions.

applicant will be allowed to re-submit the application but will not be required to pay an additional fee.

- 3) If the application is revised during the application process to include substantial changes from the project and plans shown at the initial Neighborhood Informational Meeting, the Community Development Director may require an additional Neighborhood Information Meeting. More detail about minor and major revisions to applications is included in Section 60.500.030D.5 Minor Revisions to Applications.

c. Scheduling the Meeting

- 1) A Neighborhood Information Meeting Policy is on file with the Community Development Director and will be reviewed for conformance when scheduling the Neighborhood Information Meeting.
- ~~4~~2) Where required by Table 500.01-1 Summary Table of Review Procedures, or upon notification that a hearing is required under Section 60.500.030B(2)(b)(2) or (3) above, the applicant shall request in writing that the Community Development Director schedule a Neighborhood Information Meeting.
- ~~2~~3) The applicant shall complete and submit a Neighborhood Information Meeting request form at least five business days prior to the notification mailing.
- ~~3~~4) The meeting must be held in an accessible facility, located in the same quadrant of the city, as described in Section 60.400.030M.5.e.2), in which the development is proposed. If the Community Development Director has concerns regarding the choice of meeting facility, based on its design, accessibility, or proximity to residents who may be affected by the proposed development, the applicant may be required to select an alternate location.
- ~~4~~5) The Community Development Director will provide a mailed postcard notice of the Neighborhood Information Meeting at least 10 calendar days prior to the meeting in accordance with Section 60.500.030C.1.b, Written Notice, and shall notify the Registered Neighborhood Association, if one exists, where the proposed development is located.
- ~~5~~6) The Community Development Director shall also notify Registered Neighborhood Associations, if any exist, where the proposed development is located.
- ~~6~~7) Neighborhood Information Meetings shall not be scheduled to conflict with regularly scheduled City Council meetings or on federal holidays, including Election Day.
- ~~7~~8) Staff may attend but shall not present, evaluate, or approve development proposals at Neighborhood Information Meetings.

- (a) All owners and tenants of property affected by the application or owning or occupying property situated wholly or partly within 350 feet of the property subject to the application, provided that no fewer than 50 distinct property owners and the tenants of those property owners shall be notified. Community Development will develop these notices based on the address points contained within the Olmsted County Addressing Database;
- (b) Any township included within or adjacent to the property subject to the application;
- (c) City Council; and
- (d) The Community Development Director will keep a list of all of the owners and addresses to which notice was sent.

2) Omissions and Effect of Omissions

- (a) Written notice is not required when a person's name is not in the tax records at the time an application is filed, unless the address is on file with the Community Development Director.
- (b) The failure of a property owner to receive written notice or defects in the notice after a good faith attempt to comply with the notice requirements shall not invalidate the underlying action.
- (c) If any omission or defect in the written notice is brought to the attention of the hearing body, either at or prior to the hearing, the hearing body shall consider the defect prior to proceeding on the application. If it is found the omission or defect impaired a surrounding property owner's ability to participate in a public hearing, and a delay will not prevent compliance with statutory or other time requirements, then the hearing body shall continue the hearing on the proposed application for at least 10 calendar days.

c. Published Notice

When published notice is required, it shall be published in the official newspaper of the City of Rochester, or in any other format authorized by Minnesota state law, at least 10 calendar days prior to the day of the hearing.

d. On-Site Posted Notice

1) When Required

On-site public notice signage shall be erected on the property where a development application is filed that requires City Council approval.

2) Sign Requirements

(a) Posted Signs

- (i) Required sign(s) and content of the signs shall be provided by the Community Development Department.

(b) Preliminary Recommendation

- (i) The Community Development Director shall review any information received under Section 60.500.030D and make a preliminary recommendation of whether to grant the application, grant it with conditions, or deny the application.

(c) Planning Commission Decision

- (i) Prior to the public hearing, in addition to the notice procedures outlined in Section 60.500.030C, notice shall be sent to all property owners who have land within ~~500~~350 feet of, and to at least 50 property owners closest to, the parcel under consideration.
- (ii) If a preliminary decision of the Community Development Director is not scheduled for review, or following a scheduled review by the Planning Commission, the Community Development Director shall dispose of the development permit in the manner provided for by Section 60.500.030E.3 Decision. If there are any changes to the preliminary notice of action, the Community Development Director shall make such change or transmit a revised copy to the applicant.
- (iii) The Planning Commission shall take action by majority vote of its members present when the hearing was held, within 25 days of the close of the hearing, unless an extension is agreed to by the applicant.

c. Decisions by City Council

- 1) If Table 500.01-1, Summary Table of Review Procedures, indicates that the City Council shall make the decision on an application, City Council shall make the decision based on the criteria applicable to approval of that type of application listed in Section 60.500.040, Major Decisions by City Council.
- 2) If this UDC does not provide specific criteria for approval of an application to be decided by the City Council, the City Council shall approve the application, or approve it with conditions if it complies with the following criteria:
 - (a) The application complies with all applicable provisions of this UDC and other adopted City regulations, as modified by any previously approved Minor Modification, Major Modification, or Variance;
 - (b) The application is consistent with any previous development approvals related to the property including but not limited to any approved General Development Plan, Distinctive Development, Major Land Subdivision Permit, or Minor Land Subdivision Permit;
 - (c) The application will mitigate any negative impacts on surrounding properties to the maximum extent practicable; and
 - (d) The application is consistent with the Rochester Comprehensive Plan.

- 2) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Community Development Director certifies to the appeal body that by reasons stated in the zoning certificate, a stay would, in their opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order of the appeal body or by a restraining order issued by the District Court of Olmsted County, with notice to the Community Development Director and for due cause shown.
- 3) Following the close of the appellate public hearing, the reviewing body may affirm, reverse, or modify in whole or in part the determination, requirement, or decision that is under review. When the reviewing body modifies or renders a decision that reverses a decision of the Community Development Director or hearing body, the body must set forth its findings and state its reasons for its action.
- 4) The reviewing body must, within a reasonable time following the close of the appellate public hearing, adopt its findings of fact, and conclusions of law and order. The body must mail a copy of the findings to the applicant and appellant.

b. Who May File an Appeal

- 1) An applicant or an affected party aggrieved by a decision may file an appeal within 10 business days of a decision.
- 2) The basis for such an appeal may be any alleged error of an official or public body in making a decision, including failure to make a decision within the prescribed time limit. A decision means any decision, order, requirement, or interpretation which the official or body has the power or duty to make under this UDC.

c. Filing an Appeal

- 1) All appeals shall be in writing on forms available on the City website and accompanied with the applicable fees as shown on the City website.
- 2) All applications for an appeal shall contain:
 - (a) An identification of the decision sought to be reviewed, including the date of the decision;
 - (b) Identification of the status of the person seeking review in relation to the applicant (i.e., applicant, adjacent landowner, owner of record receiving notice, or basis for being aggrieved); and
 - (c) The basis for the appeal including, as applicable, the state or federal law, or specific provisions of this UDC or the Rochester Code of Ordinances that was violated or not applied.

C. Annexation of Land

1. Purpose

The purpose of this Section 60.500.040C is to describe the process by which the City will consider petitions for annexation of land.

2. Applicability

This process is applicable to Annexation Petitions signed by the property owner and petitions for annexation land submitted in accordance with Minnesota Statutes 414.033, Annexation by Ordinance, or signed by a majority of the landowners within such area. Procedure for Annexation of Land by Ordinance following receipt of a petition.

3. Procedure for Annexation of Land

a. Amendments to the boundaries of corporate and extraterritorial limits shall be adopted as provided by Minnesota state statute, and approved annexations shall be entered on the zoning map in the same manner as amendments to the zoning district boundaries.

b. The procedure to include new lands into the municipal boundaries of the City shall comply with all applicable requirements of Section 60.500.030 Common Procedures unless modified or supplemented by this Section 60.500.040C Section 60.500.040B.4.a.

c. Petition Submission, Notice, and Hearing

~~1)~~—Property owners may submit a petition for an Annexation of Land by Ordinance as authorized by Minnesota state law.

~~2)~~—The application for Annexation of Land shall be scheduled for public hearings before the Planning Commission and City Council in accordance with Section 60.500.030, Common Procedures. Upon receipt of a petition, the Community Development Director will verify the following:

1) Notice of the public hearing before City Council shall be sent to the affected Township and all contiguous property owners, via certified mail, at least thirty days prior to the public hearing.

~~That a majority of the property owners of such land proposed to be Annexed have signed the Petition;~~

~~That, within 10 days of submitting the petition to the City, the Petitioners have filed copies of the petition with the Chief Administrative Law Judge, the~~



~~town board, the county board, and the municipal council of any other municipality which borders the land to be annexed;~~

~~If no objections to the Petition for Annexation of Land by Ordinance are received, the Petition for for Annexation of Land by Ordinance shall be scheduled for public hearings before the Planning Commission in accordance with Section 60.500.030, Common Procedures.~~

~~Following the Planning Commission hearing, the matter shall be scheduled for public hearings before the City Council for an annexation ordinance in accordance with Section 60.500.030 Common Procedures; except that at least 30 days' written notice by certified mail will be provided to the town or towns affected by the proposed Annexation of Land By Ordinance and to all landowners within and contiguous to the area to be annexed.~~

d. Planning Commission Hearing and Recommendation

- 1) The Planning Commission shall hold a public hearing on the application for an Annexation of Land pursuant to Section 60.500.030C.2, Conduct of Public Hearing.
- 2) Following the hearing, the Planning Commission shall, within the time limits imposed by this UDC, recommend that City Council approve, approve with conditions, or deny the application, based on the criteria in Subsection 4 below.

e. City Council Action

- ~~1)~~ The City Council shall hold a public hearing on the application for an Annexation of Land pursuant to Section 60.500.030C.2, Conduct of Public Hearing.
- ~~2)1)~~ Following the hearing, the City Council shall, within the time limits imposed by this UDC, approve, approve with conditions, or deny the application, based on the criteria in Subsection 4 below.
- ~~3)2)~~ The final decision may be extended for a reasonable period of time by agreement between the applicant and the Community Development Director, but not to exceed six months from the date of the first hearing on the matter.

4. Criteria for Annexation of Land Approval

The Planning Commission shall recommend, and City Council may approve an Annexation of Land, if it determines that the following criteria are met:

- a. The Annexation of Land is consistent with the adopted Comprehensive Plan regarding areas for future growth and development of the City;
- b. The proposed Annexation of Land is able to be served by existing City infrastructure and services, or through future expansions of infrastructure and services included in approved City plans or policies, or the applicant has agreed to pay for required expansions of City infrastructure and services on terms acceptable to the City.

H. Final Plat

1. Purpose

The Final Plat process is intended to ensure that all aspects of a Major Land Subdivision Permit approved or approved with conditions pursuant to this UDC is accurately documented and recorded in the public land records through the preparation of a subdivision plat meeting the requirements of Minnesota law.

2. Applicability

The Final Plat process applies to all lands that are the subject of a Major ~~or Minor~~ Land Subdivision Permit that has been approved or approved with conditions, and must be completed before a Zoning Certificate for any activity on the lots shown in those Permits may occur.

3. Procedure for Final Plat Approval

- a. Applications for a Final Plat shall comply with all applicable requirements of Section 60.500.030 Common Procedures unless modified or supplemented by this Section 60.500.040HG.
- b. The Community Development Director shall approve, approve with conditions, or deny an application for a Final Plat approval based on the criteria in Subsection 4 below.
- c. **Phased Development**



 indicates public hearing

Where a final plat for phased development is subject to a development agreement with the City, phasing will be allowed up to six years for two phases, eight years for three phases and ten years for four phases.

4. Criteria for Final Plat Approval

The application shall be approved or approved with conditions, and the applicant authorized to record the Final Plat, if the Community Development Director determines that the plat complies with all applicable provisions of this UDC and Minnesota law and accurately reflects all changes required by the City during the Major Land Subdivision Permit process.

J. Public Street or Easement Vacation

1. Purpose

The purpose of this Section 60.500.040J is to clarify the process for vacating dedicated public right-of-way.

2. Applicability

This process applies to all applications to vacate a public street or easement or right-of-way. It does not apply to requests to vacate private easements within or outside of a public street or public right-of-way that do not affect the designation or City or public ownership of the surface of the street or right-of-way or its use for public travel, circulation, or mobility.

3. Procedure for Public Street or Easement Vacation Adoption

Applications to vacate a public street or easement shall comply with all applicable requirements of Section 60.500.030 Common Procedures unless modified or supplemented by this Section 60.500.040J.

a. Application, Notice, and Hearing

- 1) An application for a Public Street or easement Vacation may be filed by the Community Development Director, City Engineer, Planning Commission, City Council or by petition by owners of at least 50% of the land abutting the public street or easement.
- 2) The application for Public Street or easement Vacation shall be scheduled for a public hearing before City Council in accordance with Section 60.500.030, Common Procedures.

b. Planning Commission Recommendation

The Planning Commission shall, within the time limits imposed by this UDC, recommend that the City Council approve, approve with conditions, or deny the application, based on the Criteria in Subsection 4 below.

c. City Council Action

- 1) The City Council shall hold a public hearing on the application for Public Street Vacation pursuant to Section 60.500.030C.2, Conduct of Public Hearing.

PUBLIC STREET VACATION APPROVAL



 indicates public hearing

Chapter 60.500: Procedures and Administration

Section 60.500.040 Major Decisions by City Council
Vacation

Section 60.500.040J: Public Street or Easement

- 2) Following the hearing, the City Council shall, by at least 5 votes of the Council, within the time limits imposed by this UDC, approve, approve with conditions, or deny the application based on the criteria in Subsection d below.
- 3) The final decision may be extended for a reasonable period of time by agreement between the applicant and the Community Development Director, but not to exceed six months from the date of the first hearing on the matter.

~~d.~~

d. Criteria for Public Street Vacation Approval

- 1) The Planning Commission shall recommend, and the City Council shall approve, or approve with conditions, the Public Street Vacation if it determines that the application complies with the following criteria:
 - a. The vacation of the public street is in the public interest and will confer a public benefit on the City;
 - ~~—~~ The vacation of the public street will not deny legally required public access to any lot or parcel.

b. Criteria for Public Street Vacation Approval

- ~~1. The Planning Commission shall recommend, and the City Council shall approve, or approve with conditions, the Public Street Vacation if it determines that the application complies with the following criteria:~~
- ~~2. The vacation of the public street is in the public interest and will confer a public benefit on the City;~~
- ~~3. The vacation of the public street will not deny legally required public access to any lot or parcel.~~

K. Public Easement Vacation

4. Purpose

The purpose of this Section 60.500.040J is to clarify the process for vacating dedicated public easements.

5. Applicability

This process applies to all applications to vacate a public easement. If does not apply to requests to vacate private easements.

6. Procedure for Public Easement Vacation Adoption

Applications to vacate a public easement shall comply with all applicable requirements of Section 60.500.030 Common Procedures unless modified or supplemented by this Section 60.500.040K

a. Application, Notice, and Hearing

- 1) An application for a Public Easement Vacation may be filed by the Community Development Director, City Engineer, Planning Commission, City Council or by petition by owners of at least 50% of the land abutting the public easement.
- 2) The application for Public Easement Vacation shall be scheduled for a public hearing before City Council in accordance with Section 60.500.030, Common Procedures.

b. City Council Action

- 1) The City Council shall hold a public hearing on the application for Public Easement Vacation pursuant to Section 60.500.030C.2, Conduct of Public Hearing.
- 2) Following the hearing, the City Council shall, ~~by at least 5 votes of the Council,~~ within the time limits imposed by this UDC, approve, approve with conditions, or deny the application based on the criteria in Subsection c below.
- 3) The final decision may be extended for a reasonable period of time by agreement between the applicant and the Community Development Director, but not to exceed six months from the date of the first hearing on the matter.

c. Criteria for Public Easement Vacation Approval

- 1) The City Council shall approve, or approve with conditions, the Public Easement Vacation if it determines that the vacation of the public easement is in the public interest and will confer a public benefit on the City.

PUBLIC EASEMENT VACATION APPROVAL



c. City Council Action

- 1) The City Council shall hold a public hearing on the application for an Interim Use pursuant to Section 60.500.030C.2, Conduct of Public Hearing.
- 2) Following the hearing, the City Council shall, within the time limits imposed by this UDC, approve, approve with conditions, or deny the application based on the criteria in Subsection d below.
- 3) The final decision may be extended for a reasonable period of time by agreement between the applicant and the Community Development Director, but not to exceed six months from the date of the first hearing on the matter.

4. Criteria for Interim Use Permit Approval

The Planning Commission shall recommend approval, and the City Council shall approve the application, or approve it with conditions, if it complies the following criteria:

- a. The application complies with all applicable provisions of Chapter 7-5, Rental Unit Registration, of the Rochester Code of Ordinances and the criteria in Section 60.500.030E.3.a.3), except that the interim use of the property need not be a Permitted or Conditional Use of the property allowed in the zoning district where the property is located;
- b. The proposed use complies with all applicable standards for that use listed in Section 60.300.020, Use-Specific Standards, in the zoning district most similar to that in which the interim use is located, as determined by the Community Development Director;
- c. The application does not involve or require the construction of any permanent structure with a useful economic life longer than the term of the Interim Use Permit;
- d. Pursuant to Section 60.500.030E.7 Financial Assurances, the applicant has provided financial assurance adequate if the Community Development Director determines that such assurance are necessary to ensure that the Interim Use will be terminated and any structures related to the interim use be removed (unless the City consents to the continued existence of those structures) at the end of the interim use period; and
- e. If the application related to land disturbing activities that the City Engineer determines, pursuant to Section 60.500.060I.2.c, require an application for an Interim Use Permit, the applicant has given the City adequate assurances (which may include financial assurances) that the activity will not
 - 1) create substantial adverse impacts on surrounding properties during or after the Interim Use period or
 - 2) allow the land to be used for purposes inconsistent with the Comprehensive Plan after the Interim Use Permit period, and-
 - 3) adversely affect the scenic quality of Rochester or the natural landscapes, environment, wildlife and wildlife habitat; or if such effects are anticipated to occur,

the reclamation plan provides for adequate restoration of the site following completion of the excavation activity.

e.f. The date or event that will terminate the use can be identified with certainty.

Section 60.500.050 DECISIONS THAT REQUIRE A HEARING BY A DESIGNATED AUTHORITY

A. Conditional Use Permit

This process applies to both Conditional Use Permits that may be approved by Planning Commission and those that may only be approved by City Council, as indicated in Table 300.01-1 Allowed Uses Table.

1. Purpose

The Conditional Use Permit procedure provides a mechanism for the City to evaluate proposed land uses that are generally characterized by infrequency of use, high degree of traffic generation, and/or requirement of a large land area. This procedure is intended to ensure compatibility of such uses with surrounding areas and that adequate mitigation is provided for anticipated impacts.

2. Applicability

A Conditional Use Permit shall be required for the establishment of land uses identified as requiring Planning Commission approval or City Council approval in Table 300.01-1 Allowed Uses Table. Approval of a new Conditional Use Permit is also required for modification or expansion of an existing conditional use.

3. Procedure for Conditional Use Permit Approval

- a. An application for approval of a Conditional Use Permit shall be reviewed and a decision made pursuant to Section 60.500.030 Common Procedures, including but not limited to Section 60.500.030E.3.a.3).
- b. If Table 300.012-1 indicates the use is approved by Planning Commission, the provisions of Section 60.500.030E.3.b Decisions to be Made by Authority shall also apply, and the decision shall be based on the criteria in Subsection 4 below.
- c. If Table 300.012-1 indicates the use may only be approved by City Council, the provisions of Section 60.500.030E.3.c Decisions by City Council shall also apply. In this case, the Planning Commission shall make a recommendation, and the City Council shall make a decision, based on the criteria in Subsection 4 below.
- d. Before approving or approving with conditions a Conditional Use Permit in the FPO – Floodplain District Overlay, the Community Development Director shall confirm that

CONDITIONAL USE PERMIT APPROVAL BY PLANNING COMMISSION



Chapter 60.500: Procedures and Administration

Section 60.500.050 Decisions That Require a Hearing by a Designated Authority Section 60.500.050A:
Conditional Use Permit

the applicant has obtained all required state and federal permits related to floodproofing and flood protection measures.

- e. A copy of each decision approving or approving with conditions a Conditional Use Permit in the FPO – Floodplain District Overlay shall be sent by mail to the Minnesota Commissioner of Natural Resources within 10 days after the decision.
- f. A Land Subdivision Permit for lot consolidation shall be required prior to development approval when a development is proposed across multiple lots. This includes but is not limited to primary structures, accessory structures, off-street parking, bufferyards/landscaping, recreation areas, exterior storage, and signage.

4. Criteria for Conditional Use Permit Approval

a. General

The Planning Commission or the City Council, as indicated in Table 300.012-1, shall approve a Conditional Use Permit if it determines that the proposed use will not create any of the following negative impacts.

- 1) Vehicular loading, unloading, parking, and vehicular or pedestrian circulation on the site will create hazards to safety or will impose a significant burden upon public facilities;
- 2) The Site Development Plan does not provide pedestrian access to any customer/tenant ingress/egress of the building, including from a public right-of-way and off-street parking area that serves the use while minimizing non-vehicular/vehicular conflicts;
- 3) The operation of the use will create significant negative impacts on the surrounding area or will impose undue burdens on the sewers, sanitary and storm drains, water, or similar public facilities;
- 4) The application will create significant negative environmental impacts on the surrounding area.
- 5) The application or related Site Development Plan fails to comply with one or more previous use or development approvals for the property, including without limitation any Distinctive Development approval or General Development Plan applicable to the property; and/or
- 6) The application or related Site Development Plan fails to comply with all applicable UDC regulations or other City adopted plans and regulations applicable the use or zone district in which the property is located, including but not limited to any Use-Specific Standard applicable to the proposed use in Section 60.300.020, unless a Minor Modification, Major Modification, or Variance permitting that deviation has been approved by the City.

Chapter 60.500: Procedures and Administration

Section 60.500.050 Decisions That Require a Hearing by a Designated Authority Section 60.500.050A:
Conditional Use Permit

- 1) A thorough evaluation of the waterbody and topographic, vegetation, and soil conditions on the site to ensure:
 - (a) The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - (b) The visibility of structures and other facilities as viewed from public waters is limited;
 - (c) The site is adequate for water supply and on-site sewage treatment; and
 - (d) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate watercraft;
- 2) Setbacks from the Ordinary High Water Level;
- 3) A wetland delineation is required for all development that has Decorah Edge soils or groundwater supported wetlands on the Decorah Edge overlay Map and or Hydric Soils based on the USDA Soil Survey as they are administered by the City's ~~6-3~~ Wetland Conservation Ordinance; and
- 4) Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

5. Modifications to Approved Conditional Use Permits

a. Minor Modifications

- 1) Subject to the restrictions listed below, the Community Development Director is authorized to make changes to approved Conditional Use Permits if necessitated by engineering factors or other circumstances unforeseen at the time the permit was approved.
- 2) Minor modifications include but are not limited to modification in building locations; height; maximum lot coverage; maximum or minimum floor area; exterior facades; landscaping materials and placement; design of public facilities; and the addition, deletion, or change of accessory structures or uses; but do not include any modification of required public infrastructure addressed in a development agreement and do not include any of the following:
 - (a) In the case of residential development, an increase or decrease in the number of approved dwelling units by more than 10 percent;
 - (b) An increase or decrease in the floor area ratio resulting in more than ten percent change in building coverage on the lot;
 - (c) Changes in site design that may create problems or conflicts associated with vehicular traffic, transit vehicle or patron, non-motorized vehicle or pedestrian circulation on-site and at access points;

Chapter 60.500: Procedures and Administration

Section 60.500.050 Decisions That Require a Hearing by a Designated Authority Section 60.500.050C:
Shoreland Protection Permit

- 1) For residential developments consisting of buildings containing five or more units, or industrial developments, the following vegetation management standards shall apply.
 - (a) The riparian edge of the lot within the Shore Impact Zone must be preserved in its natural or existing state, for a minimum of 80 percent. Where the existing or natural state of the riparian edge has been previously cleared or lacks deep-rooted, woody vegetation, the shore impact zone shall be restored consistent with the Standards in Section 60.200.040F.11.~~a-3~~.
 - (b) These protections shall be preserved in perpetuity and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means.
 - (c) The city shall monitor compliance under Section 60.~~200300~~.040F.11.a.3 to ensure permanent protection.

- 2) For residential subdivisions containing buildings with four or fewer dwelling units, the following vegetation management standards shall apply, which are alternative to those detailed in Section 60.200.040F.11.a.2.c&d.
 - (a) 100% of the Shore Impact Zone must be preserved in its natural or existing state. Where the existing or natural state of the riparian edge has been previously cleared or lacks deep-rooted, woody vegetation, the entirety of the shore impact zone shall be restored consistent with the Standards in Section 60.200.040F.11.~~a-3~~.
 - (b) These protections of the shore impact zone shall be preserved in perpetuity and by use of shared ownership, HOA covenants, or public dedication. The city shall monitor compliance under Section 60.~~2300~~.040F.11.~~a-3~~ to ensure permanent protection.
 - (c) The city shall monitor compliance under Section 60.~~2300~~.040F.11.~~a-3~~ to ensure permanent protection.

- c. The project plans fail to provide adequate protection against soil erosion and/or stormwater management problems that may be created by the development.
- d. The proposed development does not comply with all applicable standards of the *SDO – Shoreland District Overlay*, the standards of the underlying zoning district, or the standards specifically applicable to the proposed use, and a variance or modification to allow such deviation has not been secured by the applicant.
- e. The proposed development will increase flood heights and/or flood duration, will increase the rate of rise, will modify the extents of the floodplain, will increase sediment transport, and/or will increase flow velocities of the flood waters expected at the site.

Chapter 60.500: Procedures and Administration

Section 60.500.060 Development Approvals by Community Development Director Section 60.500.060B: General Development Plan

- (b) The Community Development Director determines that new proposed streets need not continue beyond the land to be subdivided in order to complete an appropriate street system or to provide access to adjacent property.
- (c) The Community Development Director has determined that any application for re-zoning is consistent with the land use designation in the adopted Rochester Comprehensive Plan and for which no new right-of-way, street or utility easement is needed to accommodate the orderly development of the subject parcel and abutting property.

3. Procedure for General Development Plan Approval

Applications for a General Development Plan approval shall comply with all applicable requirements of Section 60.500.030 Common Procedures unless modified or supplemented by this Section 60.500.040E.3.

GENERAL DEVELOPMENT PLAN



a. Criteria for General Development Plan Approval



indicates public hearing

The Community Development Director shall approve a General Development Plan if the following are satisfied:

- 1) All applicable standards in this UDC are met including the proposed land uses for the underlying zoning district as stated in Table 300.01-1 Allowed Uses Table, and standards in Section 60.400.030, Subdivision Standards, and Section 60.400.040, Access and Connectivity;
- 2) The mix of housing is consistent with adopted the Comprehensive Plan.
- 3) The proposed plan makes provisions for planned improvements and streets reflected in the City's adopted Capital Improvements Program;
- 4) Utilities are available to directly serve the area of the proposed land use, or the City is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements have been made pursuant to Section 60.500.030E.7 Financial Assurances to ensure that adequate utilities will be available concurrently with development;
- 5) Provisions for wetlands areas and DEO zoning district Edge Support comply with applicable standards in this UDC and will maintain the quality and quantity of groundwater recharging lower aquifers and to protect discharge, interflow, infiltration, and recharge processes.

Chapter 60.500: Procedures and Administration

Section 60.500.060 Development Approvals by Community Development Director Section 60.500.060H: Floodplain Development Permit

- communities. Applying for a permit to work in public waters pursuant to Minn. Stat. Sec. 103G.245 suffices as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- c. Following the approval or approval with conditions of a Floodplain Development Permit, the applicant must obtain a Zoning Certificate before beginning any of the activities listed in Subsection 2 above.
 - d. Following completion of the activities authorized by a Floodplain Development Permit and Zoning Certificate, the applicant shall submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this UDC. Where applicable, the applicant shall submit analysis of no-rise for projects in the Floodway. A registered professional engineer or architect shall certify that the flood-proofing methods are adequate to withstand the flood depth, pressures, velocities, impact, and uplift forces. Where a nonconforming structure is extended or substantially altered the certificate of zoning compliance shall specifically state the manner in which the nonconforming use or structure differs from the flood protection standards and criteria in this UDC.
 - e. Accessory structures designed in accordance with Section 6.212 are exempt from certification required by Subsection d above, provided sufficient documentation is provided.
 - f. The Community Development Director shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the FPO district, as well as the elevation to which structures and alterations or additions to structures are floodproofed.
 - g. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Community Development Director must notify the Chicago Regional Office of FEMA of any physical changes that increase or decrease Base Flood Elevations by submitting a copy of the relevant technical or scientific data.

4. Criteria for Floodplain Development Permit Approval

A Floodplain Protection Permit may be approved, or approved with conditions, if all construction and substantial improvements, including the placement of manufactured homes, meet the following:~~The application may be approved or approved with conditions a Floodplain Development Permit if the Community Development Director determines that If a proposed building site is in the FPO — Floodplain Overlay, all construction and substantial improvements including the placement of manufactured homes must be:~~

- a. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. Constructed with materials and utility equipment resistant to flood damage;

Table 500.07-1 Standards Subject to Minor Modification	
Code Standard	Potential Maximum Modification
Site Standards	
Lot area (minimum)	
Lots larger than 3,000 sq. ft.	15%
Lots of 3,000 sq. ft. or smaller	25%
Lot width (minimum)	
Lots larger than 3,000 sq. ft.	15%
Lots of 3,000 sq. ft. or smaller	25%
Lot Dimensional Standards	
Front setback (minimum or maximum)	15%
Side setback (for primary or accessory structures)	20%
Minimum sum of side yards	20%
Rear setback (for primary or accessory structures)	15%
Building Standards	
Building height (minimum or maximum)	
Residential	5 ft.
All other	10 ft.
Building length (maximum)	10%
Development Standards	
Landscape area reduction [1]	20%
Bufferyards (minimum width)	10%
Usable recreation area reduction	20%
Sign area	10%
Sign height	2 ft.
Building <u>and Pedestrian</u> Design	
Building <u>and Pedestrian</u> design	To the extent determined necessary by the Community Development Director to facilitate infill, redevelopment, or development of comparable quality to standard requirements of Section 60.400.070F <u>or 60.400.040D.11</u>
Reasonable Accommodation under federal Fair Housing Act	
All requests	See Section 60.500.070A.4.a
Relief under Religious Land Use and Institutionalized Persons Act	
All requests	See Section 60.500.070A.4.b
NOTES	

3. Procedure for Major Modification Approval

a. Review of a request for a Major Modification is not a separate procedure under this UDC. Instead, a request for a Major Modification shall be included in the application for other types of permits or approvals under this UDC. The request(s) shall be submitted in writing, for consideration in conjunction with the primary application type. The written request shall include citation of the standard(s) of this UDC from which modification is sought.

b. A Major Modification request associated with an application type that receives Staff-level approval, as described in Table 500.01-1, Summary Table of Review Procedures, shall cause that application to be elevated for review and approval by the Planning Commission.

c. Requests for a Major Modification shall require notice pursuant to Section 60.500.030C.1.b Written Notice, and shall comply with other requirements of Section 60.500.030 Common Procedures.

d. The Planning Commission shall approve all Major Modification requests that comply with the approval criteria described in [500.07-20](#) below.

e. When the application that contains a request for Major Modification is to be decided by City Council pursuant to Table 500.01-1, Summary Table of Review Procedures, the decision of the Planning Commission shall be incorporated as part of the application, and the decision of City Council shall be made on the application as a whole, and shall not reconsider the Major Modification decision separately.

f. ~~The Community Development Director's decision on a requested Major Modification may not be appealed separately from the decision on the application to which it is attached.~~

MAJOR MODIFICATION APPROVAL



Table 500.07-2 Standards Subject to Major Modification	
Code Standard	Potential Maximum Modification
Site Standards	
Lot area (minimum)	
Lots larger than 3,000 sq. ft.	25%
Lots of 3,000 sq. ft. or smaller	35%
Lot width (minimum)	
Lots larger than 3,000 sq. ft.	25%
Lots of 3,000 sq. ft. or smaller	35%
Lot Dimensional Standards	
Front setback (minimum or maximum)	35%
Side setback (for primary or accessory structures)	25%
Minimum sum of side yards	25%
Rear setback (for primary or accessory structures)	25%
Building Standards	
Building height (minimum maximum)	
Residential	10 ft.
All other	15 ft.
Building length (maximum)	20%
Development Standards	
Neighborhood Protection Standards	To the extent determined necessary by the Community Development Director to facilitate infill, redevelopment, or development of comparable quality to standard requirements of Section 60.400.020F.
Landscape area reduction [1]	35%
Bufferyards (minimum width)	20%
Usable recreation area reduction	35%
Sign area	15%
Sign height	5 ft.
NOTES	
[1] Requests for more other variations from landscape requirements may use the Alternative Equivalent Compliance option described in Section 60.400.060F.	

C. Variance

1. Purpose

The Variance procedure is intended to allow property owners with unusual lot or site conditions to request the opportunity to vary standards and criteria in this UDC that cannot be modified through the Minor Modification or Major Modification procedures, in order to avoid practical difficulties that would otherwise be created by the strict adherence to the provisions of this Code, as required in Chapter 462.357 (sub. 6) of the Laws of Minnesota.

2. Applicability

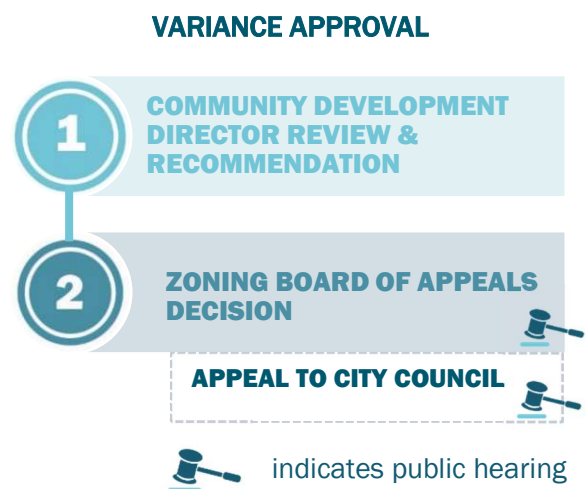
- a. The City shall accept an application for a Variance if the Community Development Director has determined that neither a Minor Modification nor a Major Modification, nor any other form of flexibility and/or relief authorized in this UDC is sufficient to mitigate practical difficulties that would be claimed by the applicant by the strict application of the standards and criteria in this UDC. The Variance shall be the minimum necessary to afford relief.
- b. The Community Development Director’s determination as to the applicability of the Variance process may not be appealed separately from an appeal of the decision on the Variance or other form of relief that the Director determines is applicable.

3. Procedure for Variance Approval

- a. Applications for a Variance shall comply with all requirements of Section 60.500.030 Common Procedures applicable to decisions that require a public hearing before a designated authority, unless modified or supplemented by this 0A.
- b. Any approved Variance is only valid for the proposal outlined in the Variance application.

b.c. In granting a Variance, the Board may impose such reasonable and appropriate conditions and safeguards as may be necessary to accomplish the purposes of the regulations that are to be modified and to reduce or minimize potentially injurious effects of the Variance upon adjoining properties, the character of the neighborhood, and the health, safety, or general welfare of the community, provided that any such conditions are directly related to and roughly proportional to the impact of the Variance.

c.d. For any Variance application that does not involve the standards or criteria in Section 60.200.040E FPO – Floodplain Overlay, the Zoning Board of Appeals shall,



within the time limits stated in this UDC, approve, approve with conditions, or deny an application for a Variance of any standard or criteria based on the criteria in Subsection 4 below.

d.e. Upon filing of an application for a variance to standards or criteria in Section 60.200.040E FPO – Floodplain Overlay, the Community Development Director shall notify the applicant in writing that construction below the flood protection elevation increases risks to life and property, and that the issuance of a Variance to construct a structure below the flood protection elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and the Director shall maintain a record of each such notification:

e.f. Upon filing of an application for a variance to standards or criteria in Section 60.200.040E FPO – Floodplain Overlay the Community Development Director shall notify the Commissioner of Natural Resources of the time, place, and subject matter of the hearing no less than ten days prior to a hearing. Such notice shall be accompanied by such supporting information as is necessary to indicate the nature and effect of the proposed use.

f.g. Following approval or approval with conditions of a Variance of the standards or criteria in Section 60.200.040E FPO – Floodplain Overlay, the Community Development Director shall:

- 1) Maintain a record of the Variance action, including the justification for its issuance, and report such Variances issued in the annual report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency; and
- 2) Submit a copy of the decision and its justification for issuance to the Minnesota Commissioner of Natural Resources within 10 days of such action.

g.h. A decision by the Zoning Board of Appeals to approve, approve with conditions, or deny a Variance ~~shall may only~~ be appealed to ~~City Council~~[District Court](#).

h.i. A Variance and any conditions and safeguards that are made a part of the terms under which the Variance was granted are binding upon the applicant and any subsequent purchaser, heir, or assign of the property, and any violation of a variance or its conditions and safeguards shall be a violation of this UDC.

4. Findings Required for Variance Approval

An application for a Variance shall be approved or approved with conditions if the Zoning Board of Appeals makes findings that the following criteria have been met:

- a. The Variance is consistent with the Comprehensive Plan and in harmony with the general purposes and intent of this UDC.
- b. The applicant proposes to use the property in a reasonable manner but there are practical difficulties in achieving that proposed use while complying with this UDC.
- c. The practical difficulties are unique to the property, are not solely economic considerations, and have not been created by the landowner. Examples of practical

difficulties that are unique to the property include but are not limited to irregularity, narrowness, or shallowness of the lot, exceptional topographical or physical conditions, or inadequate access to direct sunlight for solar energy systems, that are peculiar to the property that do not apply to other lands within the neighborhood or the same class of zoning district.

~~d. If the requested Variance is for earth sheltered construction, the application complies with Minnesota Stat. 216C.06, Subd. 14.~~

e.d. The Variance will not alter the essential character of the surrounding area, will not be materially injurious to other property in the area, and will not be materially detrimental to public health or welfare.

f.e. The development of the parcel in question cannot be integrated with development of adjacent lots or parcels under the same or related ownership that would allow reasonable economic use of the total site consistent with the provisions of this UDC.

g.f. The Variance will not allow a use otherwise not permitted within the zoning district:

h.g. The Variance does not involve a change to or exception from a numerical standard that is included in the definition of a use (such as the maximum number of square feet in a Neighborhood Retail establishment).

i.h. For any Variance application that involves the standards or criteria in Section 60.200.040E FPO – Floodplain Overlay, the following additional criteria shall apply:

- 1) No Variance that would increase in flood levels during the base flood discharge in any designated regulatory floodway may be approved.
- 2) No Variance shall have the effect of allowing in any use prohibited in that district, permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the area, or permit standards lower than those required by State law.
- 3) No Variance shall result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- 4) The failure to grant the Variance would result in undue hardship to the applicant, and strict conformity with the standards would be unreasonable, impractical, and not feasible under the circumstances.
- 5) The variance is consistent with the general purpose of the flood control standards and the intent of the state and national laws and programs.
- 6) The Variance shall be the minimum necessary, considering the flood hazard, to afford relief.

j.i. The Board may grant a Variance to the standards in this UDC if it finds that:

- 1) There has been substantial and detrimental reliance in good faith by an applicant who has received a permit or certificate issued in error by the administrative official charged with enforcement of this ordinance, and

- 2) The mistaken issuance of the certificate or permit is not the result of an action on the part of the applicant, the property owner, or any other person or party who has had control of the property, to provide misleading or incorrect information, or to knowingly withhold information necessary for the administrative official to accurately review the permit or certificate request.

~~k. In granting a Variance, the Board may impose such reasonable and appropriate conditions and safeguards as may be necessary to accomplish the purposes of the regulations that are to be modified and to reduce or minimize potentially injurious effects of the Variance upon adjoining properties, the character of the neighborhood, and the health, safety, or general welfare of the community, provided that any such conditions are directly related to and roughly proportional to the impact of the Variance.~~

the total number of parking spaces normally required, as described in Table 400.08-1, Minimum and Maximum Vehicle Parking Required, shall be required to provide all required parking, thus bringing the site into conformity with the provisions of this UDC.

b. Other Nonconforming Site Features

Nonconforming site features other than parking shall be brought into or closer to compliance with this UDC to the same degree required for similar changes or expansions to conforming uses and structures.

J. Nonconforming Signs

1. Authority to Continue

- a. Legally constructed billboards and other signs are nonconforming signs and may continue, subject to the regulations of this Section 60.500.080J.
- b. Any billboard or sign in an annexed area that had been legally established at the time of Annexation of Land shall be permitted to continue, and shall be treated as a legal nonconforming sign.
- c. Any billboards or signs in annexed areas that were not legally established are not authorized to continue. Such billboards and signs are illegal and must be removed immediately upon notice to the sign owner.
- d. When the use of any nonconforming sign has been discontinued for a period of one year, regardless of any intent to resume or not to abandon such use, that sign shall be presumed to be abandoned and shall not thereafter be reestablished except in full compliance with this Section 60.500.080J.

2. Repair and Maintenance

The maintenance and minor repair of a nonconforming billboard or sign is permitted.

3. Modification of Nonconforming Sign

- a. Nonconforming billboards or signs may only be moved to a conforming location.
~~No nonconforming billboard or sign may be moved in whole or in part to any other location where it would remain nonconforming.~~
- b. A new ~~nonconforming~~ billboard shall only be erected in compliance with the City's Sign Credit program.
 - 1) Erection of a new billboard requires the removal of an equivalent amount of sign area from an existing, nonconforming billboard. In the case of a billboard with two faces, only the area removed from one face of the sign shall receive a sign credit count towards the area permitted on a new billboard.
 - 2) Removal of sign area generates a sign credit, valid for two years from date of removal of the nonconforming billboard issuance.

Sign credits are issued by the Community Development Director. Expired sign credits shall not be restored.

~~2)3)~~ A sign permit for the new billboard using the sign credit must be submitted for review by the Community Development Director prior to the expiration of the sign credits.

~~3)4)~~ A sign credit may only be used in a location that meets all standards of this UDC, including but not limited to Section 60.400.110 Signs.

~~4)5)~~ Credits may be transferred between parties.

4. Removal of Nonconforming Signs by Public Entity

- a. If a nonconforming billboard is removed as a result of condemnation initiated by the City, the sign owner shall be entitled to financial compensation or a sign credit, but not both.
- b. The City retains the right to determine whether the sign owner shall be offered choice between a sign credit and financial compensation, or only be offered financial compensation.
- c. If a nonconforming billboard is removed by a public entity other than the City, the sign owner will not be entitled to a sign credit.

5. Damage to Nonconforming Sign

- a. Any nonconforming billboard that requires maintenance or repair equal to or greater than 50 percent of the market value of the sign shall obtain a permit for repair within six months of when the damage occurs, or the sign shall be required to be removed or brought into compliance with the requirements of Section 60.400.110 Signs.
- b. A damaged sign that has not obtained a permit for repair within the specified timeframe must be removed within 60 days of the date of receipt of removal notice from the Community Development Director.

6. Termination by Abandonment

When the use of a billboard has been discontinued for one year, it shall be presumed to be abandoned. If a determination of abandonment is made by the Community Development Director, the owner of the sign may appeal the finding to the Zoning Board of Appeals by submitting evidence that the sign is still in use, legal, and conforming to the standards in this UDC. Following a determination of abandonment by the Director or the failure of an appeal to the Zoning Board of Adjustment, an abandoned billboard may not be re-established, and shall be removed within 90 days after written notice from the City to do so.

FLOODPLAIN

The land adjacent to a body of water that has been or may be hereafter covered by flood water including that land covered by the regional flood.

FLOOD PROOFING

Any combination of structural and nonstructural additions, changes or adjustments to structures and properties that reduce or eliminate flood damage to real estate, water and sanitary facilities, structures, and their contents.

FLOOD PROTECTION ELEVATION

The flood protection elevation is an elevation no lower than ~~two feet~~^{one-foot} above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway. In Zone AO, the flood protection elevation is established by adding ~~two feet~~^{one-foot} above the depth number specified in feet on the FIRM to the highest adjacent grade at the structure's proposed location on the ground.

FLOOD, REGIONAL

A flood that is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

FLOOD, STANDARD PROJECT

A hypothetical flood estimated and mapped by the U.S. Corps of Engineers, representing the critical flood runoff volume and peak discharge that may be expected from the most severe combination of meteorological and hydrologic conditions that are considered reasonable characteristic of the Rochester region, excluding rare combinations.

FLOODWAY

The minimum channel of a watercourse and those portions of the floodplain adjoining the channel, that are reasonably required to carry or store the regional flood discharge.

FP-1, FP-2, FP-3, FP-4, FP-5

Different classifications of flood proofing measures as defined by the state building code.

FREEBOARD

A factor of safety usually expressed in feet above a design flood level for flood protective or control works. (Freeboard is intended to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected flood or floodway condition such as wave action, bridge opening and floodway obstructions resulting from debris or ice, and the hydrologic effects of urbanization of the watershed).

REPAIR

The limited replacement in kind, or with compatible substitute material, of extensively deteriorated or missing parts of features.

RESTORATION

Alteration of a property to depict the property at a particular period of time in its history, while removing evidence of other periods, which is one of four approaches to the Secretary of Interior Standards.

RESTORE

The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

SECRETARY OF THE INTERIOR’S STANDARDS (FOR TREATMENT OF HISTORIC PROPERTIES)

A series of concepts published by the National Park Service about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations to historic properties and includes Approaches for Preservation, Rehabilitation, Restoration and Reconstruction.

HOME OCCUPATION

Any gainful occupation or profession engaged in by the occupant of a dwelling unit at or from the dwelling unit.

HOTEL OR MOTEL

A building or series of buildings operated as an establishment providing accommodations in habitable units by prior arrangements, for compensation, without restriction on the time period involved. Regardless of how rental units are equipped, any Multifamily Dwelling in which units are available for rental periods of one week or less shall be considered a hotel or motel.

HOUSEHOLD LIVING USE

Those residential uses listed in Tables 300.012-1 ~~400.08-4~~ as Household Living Uses

HOUSING CODE

Rochester Code of Ordinances Chapters 32 through 38.

IMPERVIOUS SURFACE

A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, gravel driveways, or permeable pavers; and other similar surfaces.

LIMITED ACCESS ROADWAY

A roadway, privately owned and maintained and established on an easement, providing joint right of access for up to four lots.

LINK

Any street segment located between two nodes, or any existing street stubbed into a proposed subdivision that allows for future connection.

LOADING AREA

An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and that abuts or is connected by means of a driveway to a street or alley.

LONG RANGE TRANSPORTATION PLAN

The most recent version of the Long Range Transportation Plan for the City and the Townships of Cascade, Marion, Rochester, and Haverhill and a portion of High Forest.

LOT

The smallest unit of land division defined by plat or by metes and bounds description, that is not divided by a lot line, right-of-way, or other publicly owned land, and that does not include the right-of-way of any street upon which the lot abuts, even if ownership to such right-of-way lies with the owner of the lot.

LOT AREA

The area contained within the lot lines of a lot, excluding any right-of-way or private street.

LOT, CORNER

A lot abutting two or more streets at their intersection, or upon two parts of the same street forming an interior angle less than 135 degrees.

LOT DEPTH

The average horizontal distance between the front lot line and the rear lot line of a lot.

LOT LINE

A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space. Where any portion of a lot extends onto a public right-of-way, the lot line shall be deemed to be the boundary of said right-of-way.

LOT, THROUGH

A lot that fronts upon two parallel or approximately parallel streets.

LOT WIDTH

A horizontal distance measured between the side lot lines.

chemically or physically changed. Above ground storage of flammable, hazardous or poisonous gases, liquids, or materials is not included in this definition (see Heavy Industry).

MOTOR VEHICLE SALES, LEASING OR STORAGE

An establishment engaged in the display for sale or lease of automobiles, trucks, farm machinery, recreational vehicles, and manufactured homes, including vehicle dealerships or the commercial storage of privately owned trailers, boats, campers, or similar vehicle.

MULTI-USE TRAIL

A path physically separated from motor vehicle traffic, located either within a street right-of-way or a separate right-of-way or easement, and intended for use by some combination of bicyclists, pedestrians, equestrians, and other non-motor vehicle traffic.

MUNTIN

A bar or rigid supporting strip between adjacent panes of glass.

NEIGHBORHOOD FOOD AND SERVICE

An establishment containing not more than 2,000 square feet of gross floor area, and intended to serve the local neighborhood, whose primary business is the sale of food and/or non-alcoholic beverages including a standard restaurant, bakery, coffee house, ice cream parlor, deli, grocery, or similar use.

NEIGHBORHOOD PARK

A public recreation facility designed to give residents of one or more neighborhoods the opportunity for the enjoyment of open space, and that may also provide for the use of the residents' playground equipment, picnic areas, and areas suitable for use as ball fields, tennis, and basketball courts, and skating rinks. Trail corridors providing access from residential areas to neighborhood park facilities may be considered part of the neighborhood park.

NODE

[The intersection of any three or more streets, or a cul-de-sac point. Streets with bends, or corners with bulbs do not constitute a node.](#)

NONCONFORMING APPEARANCE

Any conforming use located on a lot that is zoned Non-Residential, abuts a lot in a residential district, in existence at the time this UDC was adopted, and that does not meet the appearance control standards of this UDC.

NONCONFORMING LOT OF RECORD

Any validly recorded lot existing at the time this UDC was adopted that does not comply with the minimum lot area or frontage requirements of the district where it is located.

PLAT, FINAL

The final map on which an applicant's plan for the division of land for purposes of development is presented to the City for approval and that, if approved, will be submitted to the County Recorder.

PLAT, PRELIMINARY

Also known as a Major Land Subdivision. A draft map on which an applicant's plan for the division of land for purposes of development is presented to the City for review and comment regarding compliance with this UDC and other standards and regulations adopted by the City, prior to submittal of a Final Plat for approval.

PLACE OF WORSHIP

A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for the conducting of organized religious services and associated accessory uses.

PLANNED UNIT DEVELOPMENT

Unique and separate zoning districts established by action of the Rochester Common Council on specific parcels of land according to the provision of the previous Rochester Zoning Code Ordinance No. 1659 as amended, which is no longer in effect.

PLAYGROUND

All play areas designed primarily for children including, but not limited to, an outdoor area set aside for recreation and play containing playground equipment, such as climbing toys, seesaws, and swings.

PROPERTY OWNER

The fee owner of land, or the beneficial owner of land whose interest is primarily one of possession and enjoyment in contemplation of ultimate ownership. The term includes but is not limited to vendors under a contract for deed.

PROTECTED LOT

See Section 60.400.020F.2.a, Protected Lots for the definition of Protected Lot.

PUBLIC FACILITY

A public development, not otherwise defined within the Unified Development Code, designed to meet the physical needs of the surrounding area.

PUBLIC PARKING LOT

A public or private land area designed for the off-street parking of motor vehicles that is not associated with any primary use or building on the same lot. Public parking lots typically charge a fee (hourly, weekly, monthly) or other consideration for the time a vehicle is parked on the lot.

RELATED SERVICE FACILITY

A type of accessory use designed primarily to serve the occupants or patrons of another primary use in the same building or development including but not limited to snack bars, restaurants, cafeterias, and other eating establishments; barbershops, beauty shops, gift shops, newsstands, office supply sales, duplicating services, and similar retail stores and services; swimming pools, tennis courts, playgrounds, playfields, meeting rooms, exercise rooms, saunas, gymnasiums, and similar recreational facilities; dispensaries and similar health care facilities; and self-service laundry and dry cleaning drop off facilities, but not including adult entertainment or any use that is already listed as permitted or conditional use in the same zone district. The Related Service facility shall be accessory to a primary use that provides living facilities, employment, or overnight accommodations for a significant number of persons, such as a multifamily dwelling, office or institutional building, manufacturing plant or research facility, or hotel.

REPETITIVE LOSS

Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

REPAIR AND MAINTENANCE SHOP

An establishment engaged in miscellaneous repair services, primarily of products generally weighing more than 25 pounds such as televisions, washers and dryers, furniture (including re-upholstery), small engines, or other equipment, and not meeting the definition of a Business or Professional Service, Automotive Center, or Automotive Repair Services, Major.

RESEARCH AND TESTING

An establishment or other facility for carrying on investigation in the natural or physical sciences, or engineering and development as an extension of investigation with the objective of creating end products, on a contract or fee basis, and including pilot plant operation.

RESIDENCE FOR CARETAKER OR SECURITY GUARD

One accessory dwelling unit or manufactured home for a caretaker, owner, operator, manager, or Security Guard and their related family that is located on the premises of another primary use for the occupancy of a caretaker, security guard, or other person charged with oversight or protection of the primary use.

RESIDENTIAL CARE FACILITY

A public or private establishment licensed by the state of Minnesota, that for gain or otherwise, regularly provides one or more children, or one or more adults meeting the definition of "adult" in Minn. Stat §245A.02, Subd. 2 with 24 hour care, food, lodging, training, education, supervision, rehabilitation, or treatment, and including all facilities providing lodging to persons whose right to live together as a household is protected by the Federal Fair Housing Act or the Federal Fair Housing Amendments Act as amended and interpreted by the courts.

to periodic inundation, subsidence of the earth's surface, high water table, or have difficult topography, unstable soils, ~~wetlands~~, or other natural or human-created hazards to life or property, as determined by the City Engineer.

SENSITIVE RESOURCE MANAGEMENT

The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

SETBACK

The separation in linear feet, measured on a horizontal plane, required between the wall of a building and each of its lot lines at a given height.

SETBACK PLANE

A theoretical plane extending over the lot and inclined upward from the horizontal by a designated number of degrees and intersecting with the ground at the lot line.

SHELTER, STORM

A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, blasts, air raids, storms, or other emergencies.

SHOOTING RANGE OR GUN RANGE

An area or facility designated or operated primarily for the use of firearms.

SHORELAND-RELATED DEFINITIONS

BLUFF IMPACT ZONE

A bluff and land located within 20 feet from the top of a bluff.

SHORELAND IMPACT ZONE

Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the building setback.

SHORELAND

Land located within 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.

SHRUBS

Typically are multi-stemmed woody plants that at maturity are normally less than 15 feet in height. Shrubs are typically low growing plants that can be used for creating hedges, screening, and for windbreaks.