



**Planning & Zoning Commission Agenda**  
**Rochester Boards & Commissions - Planning & Zoning Commission**  
**July 12, 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: 970 609 809#  
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 June 14, 2023**

Accepting the minutes and video of the June 14, 2023, Planning and Zoning meeting as the official record of the Planning and Zoning Commission.

- 5. Reports and Recommendations**
- 6. Public Hearings**

**6.A. Growth Management Map Amendment No. CD2023-003 by Roger Payne (Century Valley Fourth)**

Forwarding a recommendation to Council approving Growth Management Map Amendment No. CD2023-003GMMA by Roger Payne, to amend the Growth Management Map on a 47.94-acre site from "Long Term Urban Expansion" to "Near Term Urban Expansion," located directly north of Silver Creek Rd NE.

**6.B. Annexation Petition No. CD2023-003ANX by Roger Payne (Century Valley Fourth)**

Forwarding a recommendation to Council approving Annexation by Ordinance No. CD2023-003ANX, by Roger Payne, to incorporate a 47.94-acre site, located directly north of Silver Creek Rd NE, into the City of Rochester.

**6.C. Major Modification No. CD2023-005MOD by McDonald's Corporation**

Approving Major Modification No. CD2023-005MOD by McDonald's Corporation, to permit an additional five feet of freestanding business sign height at 2180 Wheelock Dr NE, with two conditions.

**7. Other Business**

**8. Adjournment**



## **REQUEST FOR ACTION**

Minutes of June 14, 2023

**MEETING DATE:**  
July 12, 2023

**ORIGINATING DEPT:**  
Community Development

**AGENDA SECTION:**  
Consent Agenda

**PRESENTER:**  
Chair

### **Action Requested:**

Accepting the minutes and video of the June 14, 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 - June 14, 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](#)

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

3) [Order of Agenda](#)

3) Order of Agenda

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

4) [Consent Agenda](#)

4.A) Minutes of May 24, 2023

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

[Cover Page](#) 

[Minutes - May 24, 2023](#) 

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

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

## 5) [Reports and Recommendations](#)

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

**Official Act:** 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.

Ryan Yetzer presented the staff report.

[Cover Page](#) 

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

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

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

Motion to suspend the rules to allow the owner/representative of the landowner to speak for five minutes.

**MOVER:** Joanne Crawford  
**SECONDER:** Ruchi Gupta  
**AYES:** Margaret R Brimijoin, Ruchi Gupta, Randy R Schubring, Robert A Cline, Joanne Crawford  
**RECUSE:** Jonathon P Krull  
**ABSENT:** Alissa T Moe, Aaron D Eberhart, Jeremy C Andrist  
**RESULT:** **APPROVED [5 - 0 - 3 - 1]**

Justin Todd, Anthony Properties, representing the owner spoke on the item.

A conversation ensued between the Commissioners and Staff.

Motion to recommend approval of a Land Use Plan Amendment to add 20 Acres of Medium Density Residential Land Inventory and 25 Acres of

Commercial Land Inventory to the City's Land Use Map, with the findings and support outlined in the Community Development Memo dated May 10, 2023 and in addition that the Commission commend the Community Development staff for the preparation and presentation of the information of the May 10 meeting and this meeting on June 14.

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

**RESULT: APPROVED [3 - 2 - 1 - 3]**

## 6) Public Hearings

### 6.A) [Zoning Map Amendment No. CD2023-005ZC by Rochester Civic Lot Development LLC](#)

**Official Act:** 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).

Elliot Mohler presented the staff report.

Bob Loken from ESG Architecture & Design, Dan Collison from Sherman Associates, and Carol Mette from Rochester Civic Lot Development LLC were present and available for questions.


The Public Hearing was opened.

Having no persons wishing to speak, the public hearing was closed.

A conversation ensued between the Commissioners, Staff, and Applicants.

[Cover Page](#) 

[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](#) 

Motion to forward 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).

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

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

**Official Act:** 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.

Elliot Mohler presented the staff report.

Mark Welch from G-Cubed spoke representing the Applicant.

The Public Hearing was opened.

Having no persons wishing to speak, the public hearing was closed.

[Cover Page](#) 

[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](#) 

Motion to forward a recommendation of approval of Growth Management Map Amendment CD2023-001GMMA to amend the Growth Management Map with findings and support outlined in the Community Development Memo dated March 8, 2023, and supplemental Continuation Memo dated June 14, 2023.

**MOVER:** Ruchi Gupta  
**SECONDER:** Margaret R Brimijoin

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

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

**Official Act:** 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.

Elliot Mohler presented the staff report.

Mark Welch from G-Cubed spoke representing the Applicant.

The Public Hearing was opened.

Having no persons wishing to speak, the public hearing was closed.

[Cover Page](#) 

[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](#) 

Motion to forward a recommendation of APPROVAL of Annexation of Land request CD2023-001ANX to annex approximately 47.43 acres of land in Rochester Township into the city limits of Rochester with findings and support outlined in the Community Development Memo dated March 8, 2023, and supplemental Continuation Memo dated June 14, 2023.

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

6.D) [Text Amendment No. CD2023-001TA by the City of Rochester](#)

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

Allison Sosa presented the staff report.



The Public Hearing was opened.

1. Nels Pierson

Having no other persons wishing to speak, the public hearing was closed.

A conversation ensued between the Commissioners, Staff, and Nels Pierson.

[Cover Page](#) 

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

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

Motion to recommend approval of text amendment CD2023-001TA, Updates to the Unified Development Code, with the findings and support outlined in the Community Development Memo dated June 14,2023.

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

7) [\*\*\*Other Business\*\*\*](#)

8) [\*\*\*Adjournment\*\*\*](#)

8) Adjournment

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



## **REQUEST FOR ACTION**

**Growth Management Map Amendment No. CD2023-003 by Roger Payne (Century Valley Fourth)**

**MEETING DATE:**

**July 12, 2023**

**ORIGINATING DEPT:**

**Community Development**

**AGENDA SECTION:**

**Public Hearings**

**PRESENTER:**

**Ed Caples**

### **Action Requested:**

Forwarding a recommendation to Council approving Growth Management Map Amendment No. CD2023-003GMMA by Roger Payne, to amend the Growth Management Map on a 47.94-acre site from "Long Term Urban Expansion" to "Near Term Urban Expansion," located directly north of Silver Creek Rd NE.

### **Report Narrative:**

The applicant proposes a Growth Management Map Amendment to designate an 47.94-acre site from Long Term Urban Expansion, to Near Term Urban Expansion. The application is running concurrently with an annexation petition to incorporate the site into the municipal City limits and provide a R2 zoning district designation (low-density small lot) to the site.

The 47.94-acre site identified for annexation and growth management map amendment is located outside the City limits but abuts the City along the north property line. The 47.94-acre site is part of a larger General Development Plan (Century Hills) that was originally approved in 1997, and reestablished by Council in 2017 as Century Valley. The Development Review Team has determined that City services (sewer, water, electric) are available to serve the proposed 47.94 acres. If the Growth Management Map Amendment is approved, it will allow the site to be annexed, and subdivided into low-density residential lots consistent with the General Development Plan.

This application is running concurrently with an Annexation Petition (CD2023-003ANX). The Growth Management Map Amendment must be approved before the Annexation Petition can move forward. The Community Development Team recommends approval of the Growth Management Map Amendment No. CD2023-003GMMA.

### **Priorities & Foundational Principles:**

Economic Vibrancy & Growth Management

### **Policy Considerations & DEI Impact:**

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

### **Prior Legislative Actions & Community Engagement:**

No prior legislative actions and community engagement at this time.

**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:**

Edward Caples

**Attachments:**

[CD Memo - CD2023-003GMMA Century Valley](#)

[Notification Map - CD2023-003GMMA Century Valley](#)

[Location Map - CD2023-003GMMA Century Valley](#)

[Exhibit - CD2023-003GMMA Century Valley](#)

[Narrative - CD2023-003GMMA Century Valley](#)

[Review Comments - CD2023-003GMMA Century Valley](#)

## ROCHESTER PLANNING COMMISSION

July 14, 2023

- Prepared by:** Rochester Community Development
- Request:** Growth Management Map Amendment CD2023-003GMMA by Roger Payne, to amend a 47.94-acre site from “Long Term Urban Expansion” to “Near Term Urban Expansion”.
- Location:** The site is located directly north of Silver Creek Rd NE.
- Owners:** Roger Payne
- Consultant:** SEH, William Anderson

## 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 property was part of the larger Century Hills General Development Plan (#R00122GDP), which was approved by the Rochester City Council in 1997. This portion of the Century Hills GDP was updated in 2017 and now carries the name Century Valley. The Century Valley First, Second, and Third subdivisions have been previously platted and are nearing complete build out. For development of the area called out in the Century Valley GDP to continue, the properties must be re-designated from Long Term Urban Expansion to Near Term Urban Expansion. These properties will then need to be annexed

into the City. This application is concurrent with CD2023-003ANX – an application request to annex the same subject properties into the City.

The subject GMMA and subsequent Annexation encompass 47.94 acres. This will include a City park, a stormwater retention pond, and low-density residential development.

Upon annexation, these properties would be zoned R-2 Low Density Small Lot, and the underlying land use will remain Low Density Residential to facilitate similar development patterns currently found in the Century Valley GDP. 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 Long Term Urban Expansion. 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. The cost to connect to city services will be at the cost of the developer, rather than the taxpayer.

**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 Haverhill Township and are zoned A4 Agricultural Urban Expansion District. Upon annexation, the properties will be zoned R-2 Low Density Small Lot.

**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 A4 Agricultural Urban Expansion District in Haverhill Township.

South: The properties to the south of the subject properties are zoned A4 Agricultural Urban Expansion District in Haverhill Township.

West: The properties to the west of the subject properties are zoned A4 Agricultural Urban Expansion District in Haverhill Township.

**Roadway & Access:** The subject property is proposed to extend Bella Terra Rd NE with future development applications.

**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 Century Valley 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 2020 Olmsted County Maxfield Study concluded that there is a total demand for 4,212 new for-sale single-family housing units. The approval of the GMMA and annexation would allow for the continued development of single-family residential housing. The previously approved and active GDP indicates that this property is suitable for such development.**

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 property falls within the area covered by the Century Hills South Development Agreement and is part of a GDP that anticipated this area would develop with low density residential development. As such, the property is considered to have the ability to connect to the public sanitary sewer system if development is consistent with the previously approved GDP.**

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.

**The designation of this property from Long Term Urban Expansion to Near Term Urban Expansion is a logical use of public infrastructure. Costs associated with the impact on municipal utilities and infrastructure are to be absorbed by the applicant. This phase of the Century Valley GDP will provide future parkland for surrounding neighborhoods.**

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. An approved Wetland Delineation is on file with the Olmsted County Planning Department.**

**The property is adjacent to floodplain and shoreland; the property is required to meet all applicable standards.**

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.

**The proposed GMMA will not adversely affect the supply of Low Density Residential Land in the area. This land has been planned for Low Density Residential since the approval of the Century Hills General Development Plan. The additional development of single-family units continues to be needed to address a lack of inventory.**

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 1997 and continues to show that the area to be amended and annexed will not compromise the strategies identified in the plan.**

- 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.**

- 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 street layout, as proposed, is designed to serve dwellings onto local residential streets. The topography of the development constrains its ability to provide additional connectivity to neighboring subdivisions.**

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 continue to improve the fiscal sustainability of the city. Near term city expansion into the subject property is a logical and efficient use of public infrastructure. There is no request for public funds to allow for development of Century Valley.**

**Expand Housing Diversity**

**Amending the Growth Management Map and annexing the subject properties would allow for the construction of additional a variety of housing options, which will continue to address the current housing environment.**

**Maintain Commitment to Health, Wellness, and the Environment:**

**The subject property does not contain environmentally sensitive lands other than the floodplain and shoreland present on the eastern property boundary. The floodplain and shoreland do not appear to negatively affect the suitability for urban development on this site and the proposed low density development will have minimal impact on these areas.**



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 Long Term Urban Expansion to Near Term Urban Expansion.

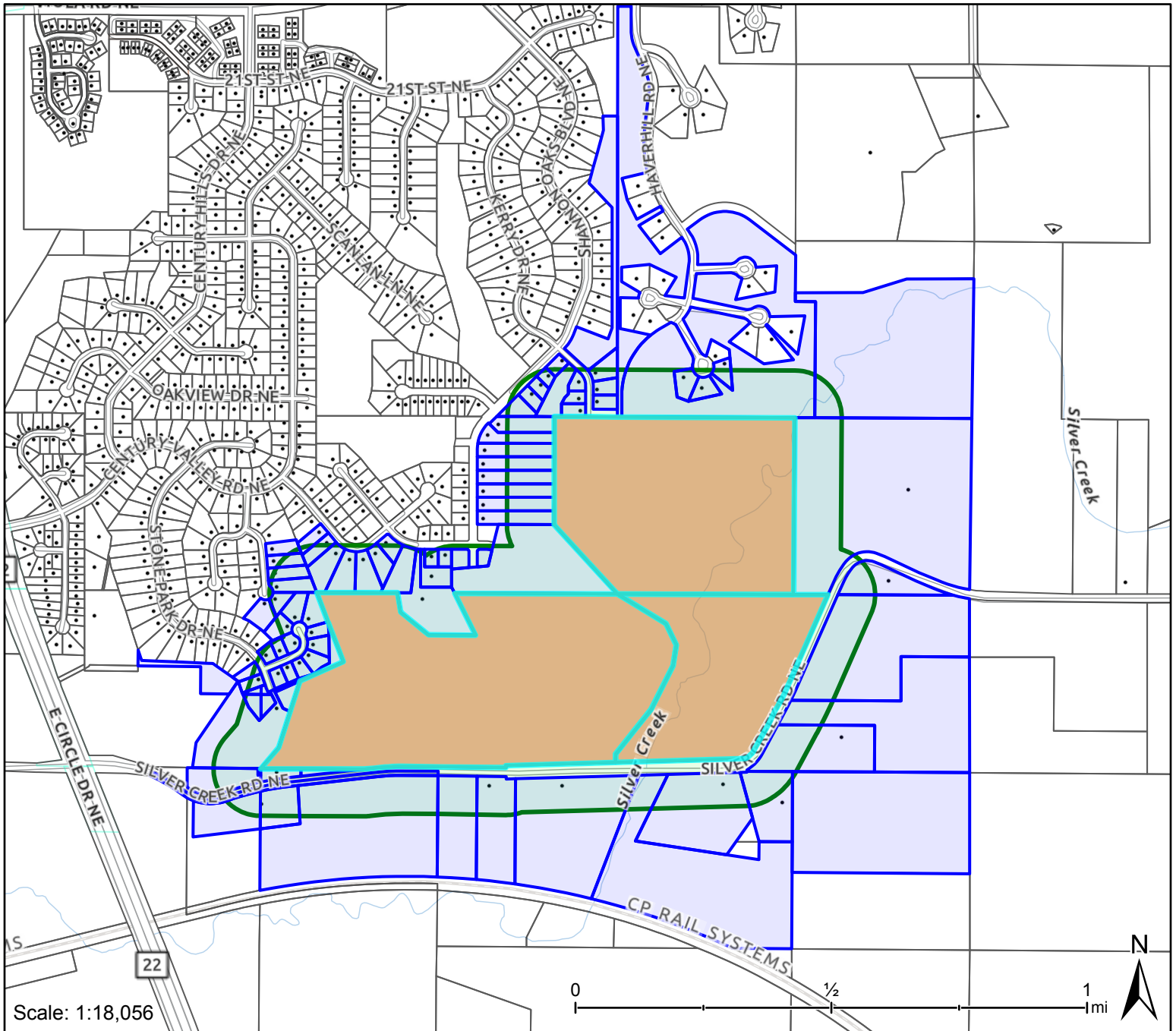
## ATTACHMENTS

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

# CD2023-003GMMA Century Valley Fourth

7/7/2023

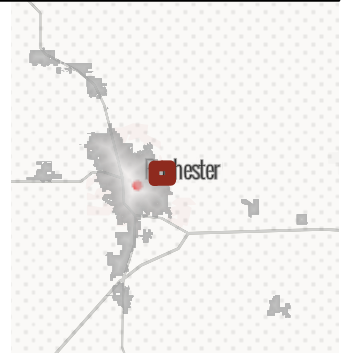
Olmsted County Geographic Information Systems



**Legend**

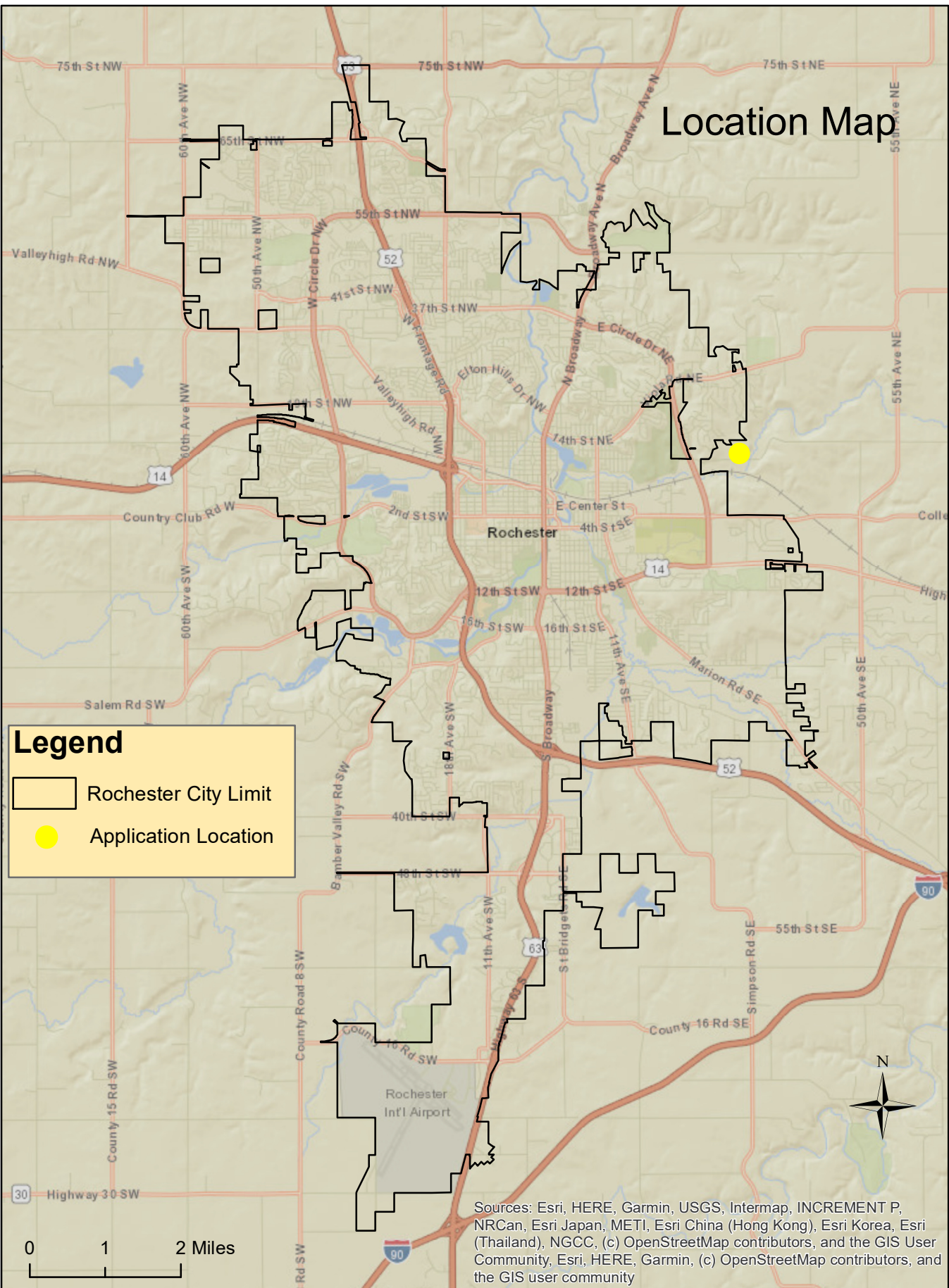
- Site
- Parcels
- Notification Area

Growth Management Map Amendment #CD2023-003GMMA by Roger Payne, to amend a 47.94-acre site from "Long Term Urban Expansion" to "Near Term Urban Expansion" on the City's Growth Management Map. The site is located directly north of Silver Creek Rd NE. The subject annexation is running concurrently with the Annexation application CD2023-003ANX.





OLMSTED COUNTY  
MINNESOTA

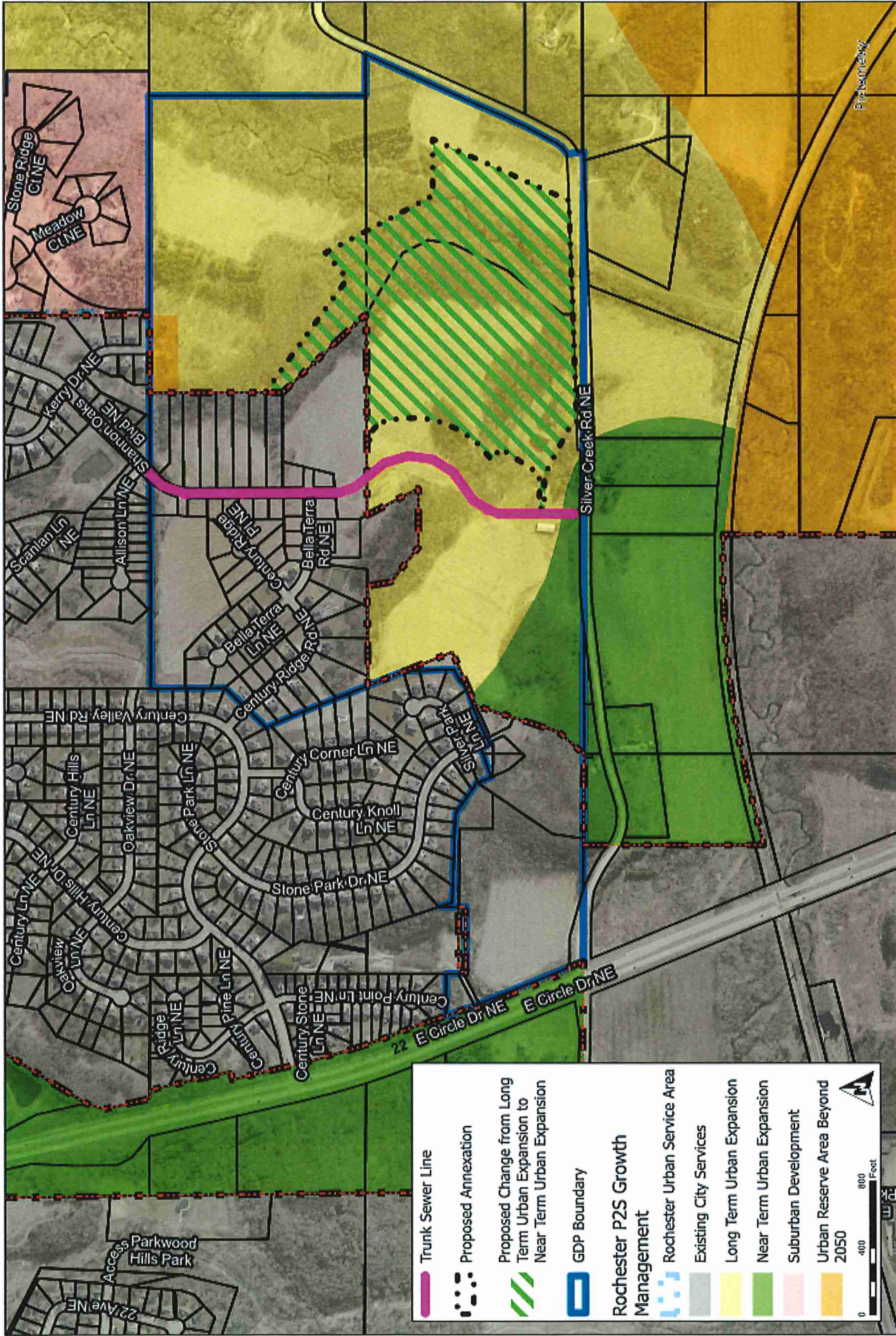
# Location Map



**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



# PROPOSED ANNEXATION Rochester, MN

**Trunk Sewer Line**

**Proposed Annexation**

**Proposed Change from Long Term Urban Expansion to Near Term Urban Expansion**

**GDP Boundary**

**Rochester P2S Growth Management**

**Rochester Urban Service Area**

**Existing City Services**

**Long Term Urban Expansion**

**Near Term Urban Expansion**

**Suburban Development**

**Urban Reserve Area Beyond 2050**

0 400 800 Foot

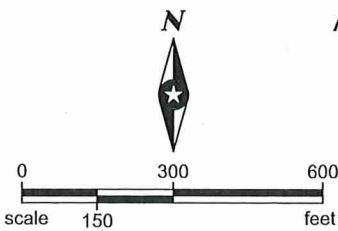
**SEH**

Project Number: BELLT 171965  
 Print Date: 5/16/2023

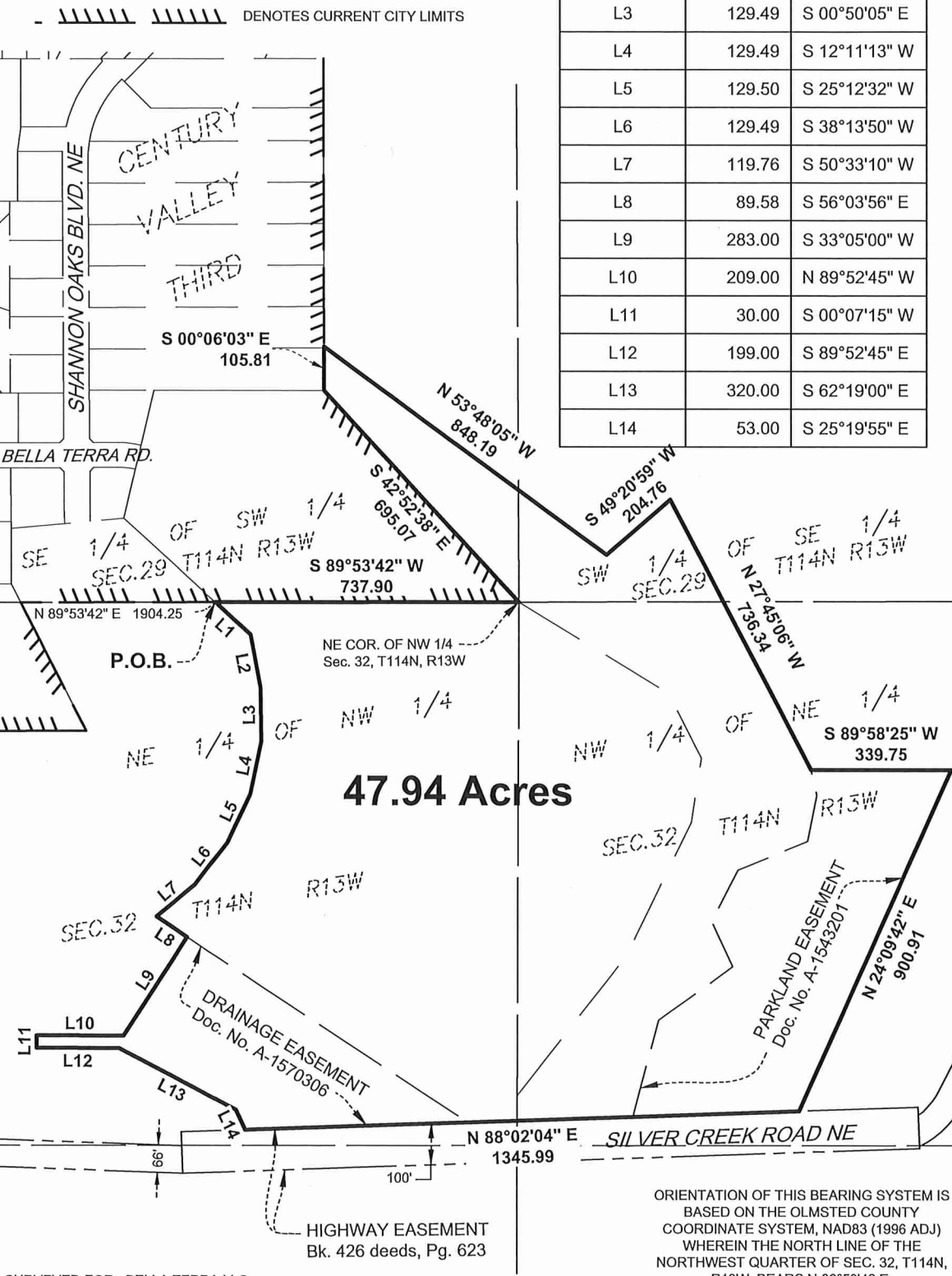
1500 by 1500 feet  
 Projection: NAD 1983 HARN AD MN Geotied UTM Feet  
 Source: Olmsted County, City of Rochester, SEH

This map is a computer-generated map and is not intended to be used as a survey map and is not intended to be used as a legal document. The map is a compilation of records, information, and data gathered from various sources based on the map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are correct, and SEH does not represent or

ANNEXATION EXHIBIT  
 Pt. of S 1/2 of Sec. 29  
 Pt. of N 1/2 of Sec. 32  
 T114N, R13W  
 OLMSTED COUNTY, MN



PARCEL LINE DATA		
SEGMENT	LENGTH	DIRECTION
L1	115.92	S 47°45'15" E
L2	130.41	S 10°58'45" E
L3	129.49	S 00°50'05" E
L4	129.49	S 12°11'13" W
L5	129.50	S 25°12'32" W
L6	129.49	S 38°13'50" W
L7	119.76	S 50°33'10" W
L8	89.58	S 56°03'56" E
L9	283.00	S 33°05'00" W
L10	209.00	N 89°52'45" W
L11	30.00	S 00°07'15" W
L12	199.00	S 89°52'45" E
L13	320.00	S 62°19'00" E
L14	53.00	S 25°19'55" E



**47.94 Acres**

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE OLMSTED COUNTY COORDINATE SYSTEM, NAD83 (1996 ADJ) WHEREIN THE NORTH LINE OF THE NORTHWEST QUARTER OF SEC. 32, T114N, R13W BEARS N 89°53'42 E.

SURVEYED FOR: BELLA TERRA LLC

ROCHESTER, MINNESOTA  
 SEH Project BELLT 171967  
 Drawn By MJH  
 Surveyed By EWZ  
 Checked By MJH

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
*Mark J. Haselius*  
 MARK J. HASELIUS, PLS  
 DATE 04/13/2023

**SEH**  
 1  
 of 1

LICENSE NO. 47034

Save: 4/13/2023 10:17 AM mhaselius Plot: 4/13/2023 2:56 PM X:\A\BIBELLT\171967\9-survey\92-CAD\15-dwg\BE 171967 Annex Sketch.dwg

May 30, 2023

RE: Bella Terra Group LLC  
Century Valley 4th Subdivision  
SEH No. 171967 14.00

Community Development

4001 West River Parkway  
Rochester, Mn. 55901

To whom it may concern:

In order to continue with the 4<sup>th</sup> Subdivision three items need to be reviewed concurrently, a GDP Amendment, Annexation and GMMA. The owner and applicant is requesting a revision to the GDP, an annexation for the next phase of the GDP to be brought in as R-2 and a GMMA from Long Term Urban Expansion to Near Term Urban Expansion for the next phase.

### CENTURY VALLEY 4TH GMMA

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; Based on prior infrastructure improvements, namely street, utilities and stormwater management infrastructure, the property should be designated “near term urban expansion”. The property is in an approved GDP, it was included in the design area for the Silver Creek Sanitary Sewer Trunk main, and it is included in the drainage area for an existing regional stormwater pond constructed for the Century Valley GDP. The property is also covered by an existing Development Agreement.*
- 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 proposed Century Valley 4<sup>th</sup> Subdivision will include less than 50 lots in the existing GDP which is served by the Silver Creek Trunk main which runs thru the middle of the GDP and was designed to serve future property well beyond this subdivision.*

- 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 affect these infrastructure systems.* Expansion into the area of the GMMA is logical considering it is in an existing GDP and utilizes an existing trunk sewer main that was designed to include this area. Access is off an existing round-about which was planned and constructed to serve this area. Utilities have been stubbed into this area from the existing subdivision as planned with the existing GDP. The previous phases of the GDP provided land for a regional stormwater pond and two park parcels have been set aside, one park had been developed by the City in a previous phase of the GDP and another park easement has been given to the City for a future phase of the GDP. The current Development Agreement has the current developer paying for half of the construction of Silver Creek Road NE which abuts the southern border of the GDP (future phases).
- d. *An assessment of natural features on the proposed site has found that the site is suitable for urban development.* A Decorah Edge Analysis and wetland delineation has been completed for this and previous phases of the GDP. Decorah Edge soils are not indicated on any portion of the site that will be graded for the fourth subdivision. The eastern slope of the site will be subject to Bluff setbacks and the lots will be adjusted to reflect those setbacks during the preliminary plat stage.
- e. *The proposed GMMA will not adversely affect the supply of land designated for the type of land use the area in question is currently planned for.* The land is currently in the GDP for Century Valley and has been since 1996. (as Century Hills) and is in the Future Land Use Map as low density residential.
- 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:* The future land use plan will not need to be amended.
- g. A market study was not prepared for this GMMA per discussion at the pre-development meeting that since this area was part of an approved and active GDP and was serviceable from the existing trunk sewer main it would not be necessary.

Sincerely,

Bill Anderson PE

SHORT ELLIOTT HENDRICKSON INC.

ba  
 attachments;  
 application checklist  
 application  
 annexation and gmma exhibit  
 annexation description

# Agency Review Comments

Application No: CD2023-003GMMA

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7/6/2023 **County Environmental Resources**

6/23/2023 **County Long Range Planning**

6/23/2023 **County Public Works**

7/3/2023 **Fire Review**

6/29/2023 **Public Works Review**

See attached comment in Accela software.

6/20/2023 **RPU Electric Review**

There are no comments from this agency at this time.

6/16/2023 **RPU Water Review**

RPU Water Dept has no comments for the GMMA. See the RPU Water Dept letter uploaded in the Accela annexation application CD2023-003ANX, as well as emailed directly to the consultant, owner, and applicant for more information.



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

FROM: Mark E. Baker

RE: Century Valley 4<sup>th</sup> Annexation & GMMA  
(Part of PINs 86195, 66423, 66424)

DATE: 6/30/23 **UPDATED 7/3/23**

The Department of Public Works has reviewed the requested application for CD2023-003ANX and CD2023-003GMMA for the proposed Century Valley 4<sup>th</sup> development. The following are Public Works comments for this application: **Updated comments are in Bold.**

- 1. The property falls within the area covered by the Century Hills South Development Agreement and is part of a GDP that anticipated this area would develop with low density residential. As such, the property is considered to have the ability to connect to the public sanitary sewer system if development is consistent with the previously approved GDP.**
2. Public Works has no **other** specific **comments** or conditions of approval for these applications. Public Works has provided separate comments regarding conditions for development of the property through General Development Plan Amendment application number CD2023-003GDP-A.

Sent to Planning Department via Accela only

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

FROM: Mark E. Baker

RE: Century Valley General Development Plan Amendment

DATE: 6/21/23

The Department of Public Works has reviewed the application for #CD2023-003GDP-A by Bella Terra Group LLC / Roger Payne for the Century Valley General Development Plan Amendment. The following are Public Works comments for this application:

1. This Property is subject to the existing Century Hills South Development Agreement from 2003 (Document #A-1017688) and the First Supplemental Development Agreement for Century Hills South (Document #A-1091862) from 2006. Through the development review and approval process for future phases, developer and City may determine that it will be mutually beneficial to amend certain terms of the existing agreements.
2. A Traffic Study was completed in 2022 for this property. Future platting phasing will be reviewed to determine if traffic thresholds will be met that require extension of Shannon Oaks Blvd NE from Bella Terra Rd NE to Silver Creek Rd NE.
3. Civil, Grading & Storm Water Management Plan approval will be required prior to submittal of a Final Plat for each phase of development within the Property. Civil, Grading & Storm Water Management Plans ready for review should be emailed to [LDSubmittals@Rochestermn.gov](mailto:LDSubmittals@Rochestermn.gov) along with a completed grading permit application. For storm water related questions, contact Lindsey Bartolomei at [lbartolomei@rochestermn.gov](mailto:lbartolomei@rochestermn.gov). For civil plan related and city owner contract related questions, contact Kyle Mittlieder at [kmittlieder@rochestermn.gov](mailto:kmittlieder@rochestermn.gov).
4. Execution of a City-Owner Contract, and dedication of any applicable on and off-site public easements is required for each phase of development, prior to construction of any public infrastructure to serve each development phase within the Property.
5. If the temporary secondary access is not approved because the planned future public road connection is not feasible, the GDP will need to be modified to limit the number of units that would be on a single access to comply with City UDC requirements and Fire Code.
6. Development charges/fees applicable to the Property are addressed in the Development Agreement, and / or City-Owner Contract for each phase of development.

Sent to Planning Department via Accela only

June 16, 2023

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

REFERENCE: Annexation by Ordinance Petition CD2023-003ANX by Roger Payne to incorporate a 47.94 acre site located directly north of Silver Creek Road NE.

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

1. This area is within the NE Intermediate Pressure Level Water System, which is currently available to service this property via an existing 8" stub at the end of Shannon Oaks Blvd and another existing 8" stub at the end of Bella Terra Road NE.
2. Static water pressures within this property will range from the mid 40's to the lower 60's PSI.
3. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

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

Very truly yours,



Wade Neubauer  
Water

C: Luke Payne, RPU  
Brent Bunke, RPU  
Mark Baker, City Public Works  
Chris Ferguson, Fire Prevention Bureau  
Ryan Sathre, Fire Prevention Bureau  
Bill Anderson, SEH  
Roger Payne, Owner  
Robert Fleming, Applicant

---

**From:** Schnell, Tracy (DOT) <tracy.schnell@state.mn.us>  
**Sent:** Friday, June 30, 2023 8:37 AM  
**To:** Community Development Department  
**Cc:** Wayne, Kurt (He/Him/His) (DOT); Schnell, Tracy (DOT)  
**Subject:** Development Application CD2023-003GMMA

[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.*

- Application Number: CD2023-003GMMA
- Description: Growth Management Map Amendment #CD2023-003GMMA by Roger Payne, to amend a 47.94-acre site from "Long Term Urban Expansion" to "Near Term Urban Expansion" on the City's Growth Management Map. The site is located directly north of Silver Creek Rd NE. The subject annexation is running concurrently with the Annexation application CD2023-003ANX.

Thanks,

**Tracy Schnell**  
Senior Planner | District 6

**Minnesota Department of Transportation**  
2900 48<sup>th</sup> Street NW  
Rochester, MN 55901  
**C: 507-259-3852**  
[mndot.gov/](http://mndot.gov/)

 **DEPARTMENT OF  
TRANSPORTATION**





## **REQUEST FOR ACTION**

**Annexation Petition No. CD2023-003ANX by Roger Payne (Century Valley Fourth)**

**MEETING DATE:**

**July 12, 2023**

**ORIGINATING DEPT:**

**Community Development**

**AGENDA SECTION:**

**Public Hearings**

**PRESENTER:**

**Ed Caples**

### **Action Requested:**

Forwarding a recommendation to Council approving Annexation by Ordinance No. CD2023-003ANX, by Roger Payne, to incorporate a 47.94-acre site, located directly north of Silver Creek Rd NE, into the City of Rochester.

### **Report Narrative:**

The applicant proposes to annex 47.94 acres of vacant land into the City's municipal boundary. If annexed, the site will be zoned R2 (low-density small lot), in conformance with the Unified Development Code. The petition is running concurrently with an application for a Growth Management Map Amendment (CD2023-003GMMA). The Growth Management Map Amendment to designate the site Near Term Urban Expansion shall be approved before the approval of the Annexation Petition.

The 47.94-acre area site abuts the current municipal boundary along the northern property line. The annexation site is part of a General Development Plan (Century Hills), which was originally approved in 1997, and was reestablished by Council in 2017 as Century Valley. The Development Review Team recommended approval of the prerequisite Growth Management Map Amendment, as well as this Annexation Petition, because City services (sewer, water, electric) are available to serve the site and facilitate future low-density residential development.

### **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 and improving community connectivity.

### **Prior Legislative Actions & Community Engagement:**

There are no prior legislative actions and community engagement at this time.

### **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:**

Edward Caples

**Attachments:**

[CD Memo - CD2023-003ANX Century Valley](#)

[Notification Map - CD2023-003ANX Century Valley](#)

[Site Location Map - CD2023-003ANX Century Valley](#)

[Narrative - CD2023-003ANX Century Valley](#)

[Annexation Exhibit - CD2023-003ANX Century Valley](#)

[Review Comments - CD2023-003ANX Century Valley](#)

**ROCHESTER PLANNING COMMISSION**

July 12, 2023

- Prepared by:** Rochester Community Development
- Request:** Annexation of Land request CD2023-003ANX by Roger Payne. The request is to annex approximately 47.94 acres of land located in Haverhill Township into the city limits of Rochester.
- Location:** The site is located directly north of Silver Creek Rd NE.
- Owners:** Roger Payne
- Consultant:** SEH, William Anderson

**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 property was part of the larger Century Hills General Development Plan (#R00122GDP), which was approved by the Rochester City Council in 1997. This portion of the Century Hills GDP was updated in 2017 and now carries the name Century Valley. The Century Valley First, Second, and Third subdivisions have been previously platted and are nearing complete build out. For development of the area called out in the Century Valley GDP to continue, the properties must be re-designated from Long Term Urban Expansion to Near Term Urban Expansion. These properties will then need to be annexed into the City. This application is concurrent with CD2023-003GMMA – an application

request to amend the Growth Management Map from Long Term Urban Expansion to Near Term Urban Expansion.

The subject Annexation and GMMA encompass 47.94 acres. This will include a City park, a stormwater retention pond, and low-density residential development.

Upon annexation, these properties would be zoned R-2 Low Density Small Lot, and the underlying land use will remain Low Density Residential to facilitate similar development patterns currently found in the Century Valley GDP. 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 Long Term Urban Expansion. 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. The cost to connect to city services will be at the cost of the developer, rather than the taxpayer.

#### 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 Haverhill Township and are zoned A4 Agricultural Urban Expansion District. Upon annexation, the properties will be zoned R-2 Low Density Small Lot.

**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 A4 Agricultural Urban Expansion District in Haverhill Township.

South: The properties to the south of the subject properties are zoned A4 Agricultural Urban Expansion District in Haverhill Township.

West: The properties to the west of the subject properties are zoned A4 Agricultural Urban Expansion District in Haverhill Township.

**Roadway & Access:** The subject property is proposed to extend Bella Terra Rd NE with future development applications.



**Public Infrastructure:** Public facilities (roadways, sanitary sewer, water, and storm water management facilities) exist to service the subject property. 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 Century Valley GDP, but not land that is 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 annexation will continue to improve the fiscal sustainability of the city. City expansion into the subject property is a logical and efficient use of public infrastructure. There is no request or public funds to allow for development of Century Valley.**

#### **Expand Housing Diversity**

**Amending the Growth Management Map and annexing the subject properties would allow for the construction of additional detached single-family housing, which will continue to address the current housing environment.**

#### **Maintain Commitment to Health, Wellness, and the Environment:**

**The subject property does not contain environmentally sensitive lands other than the floodplain and shoreland present on the eastern property boundary. The floodplain and shoreland do not appear to negatively affect the suitability for urban development on this site and the proposed low density development will have minimal impact on these areas.**

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 Long Term Urban Expansion in 2021 through a Growth Management Map update initiated by the City. The GDP associated with the Century Valley development was approved by City Council while the area was still designated as Near-Term Urban Expansion. Public facilities exist to service the subject properties.**

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.

**This annexation is consistent with the requirements of Minnesota State Statute 414.033, Subd. 2 (3) and complies with all applicable provisions of state and local requirements for annexation.**

#### STAFF RECOMMENDATION

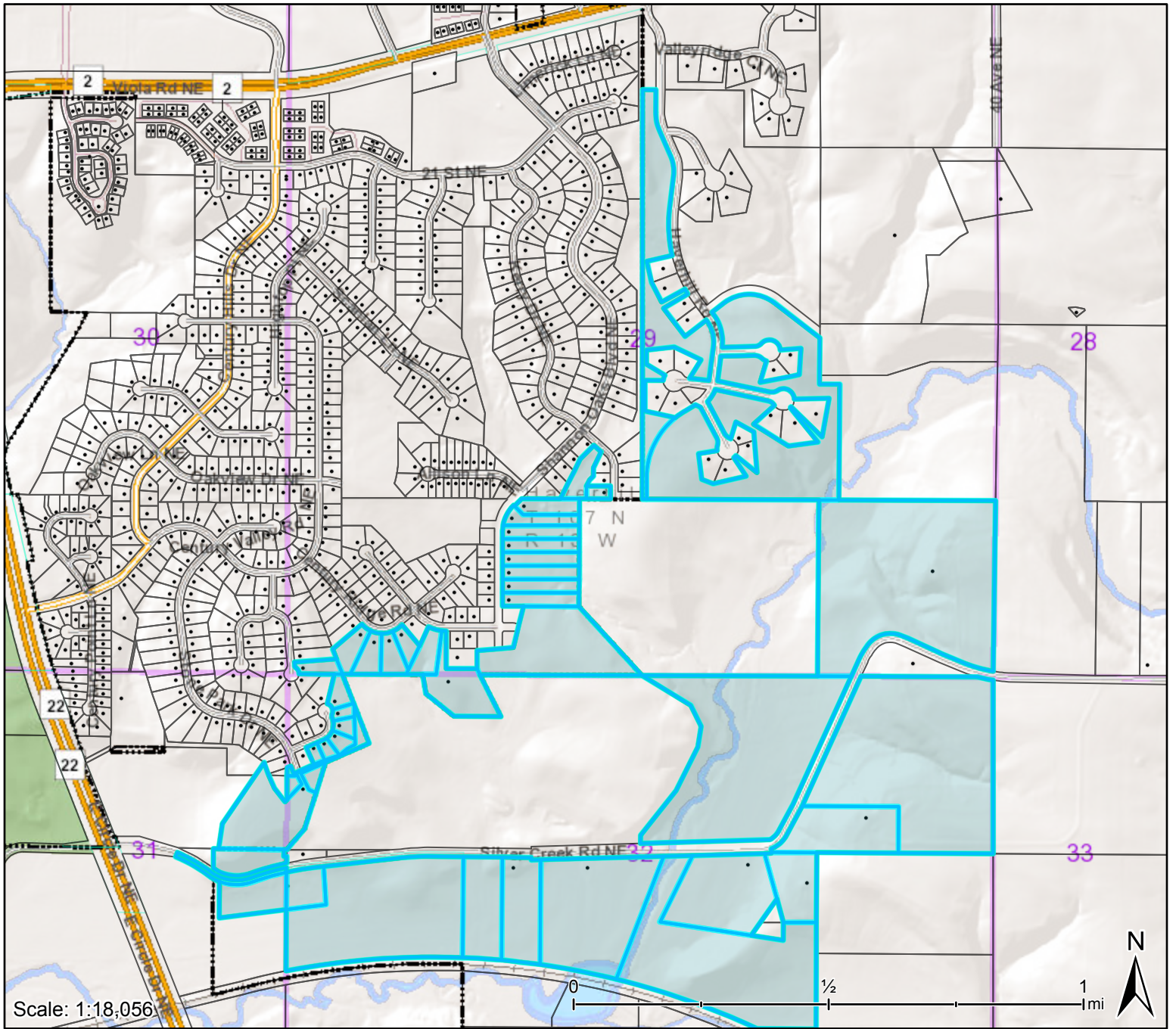
Community Development has reviewed this request in accordance with the P2S Comprehensive Plan and Section 60.500.040C of the Unified Development Code as it pertains to the Annexation of Land and recommends that the Planning Commission forward a recommendation of **approval** to the City Council of the annexation request, with the newly annexed land being zoned R-2 Low Density Small Lot.

#### ATTACHMENTS

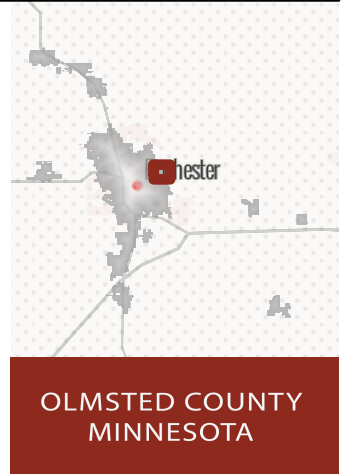
1. Notification Map
2. Site Location Map
3. Annexation of Land Exhibit
4. Applicant Narrative
5. Referral Agency Comments

# CD2023-001ANX - Ward 5

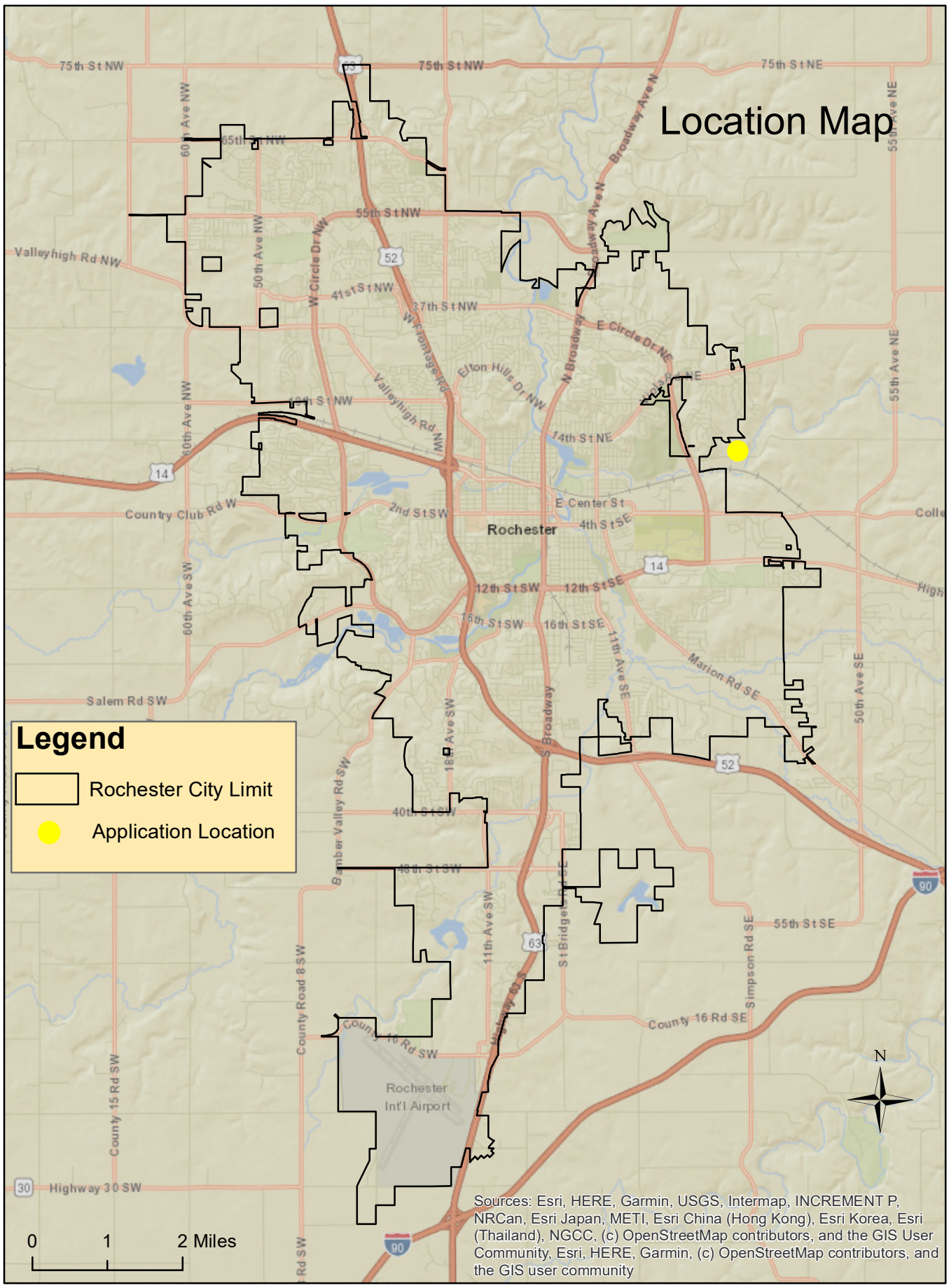
6/22/2023 Olmsted County Geographic Information Systems





Surrounding property owners



# 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

May 30, 2023

RE: Bella Terra Group LLC  
Century Valley 4th Subdivision  
SEH No. 171967 14.00

Community Development

4001 West River Parkway  
Rochester, Mn. 55901

To whom it may concern:

In order to continue with the 4<sup>th</sup> Subdivision three items need to be reviewed concurrently, a GDP Amendment, Annexation and GMMA. The owner and applicant is requesting a revision to the GDP, an annexation for the next phase of the GDP to be brought in as R-2 and a GMMA from Long Term Urban Expansion to Near Term Urban Expansion for the next phase.

### **CENTURY VALLEY 4TH ANNEXATION**

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.*

*The Planning Commission shall recommend, and the 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; 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; The proposed land is part of the approved Century Valley GDP and is within the sewer service for the Silver Creek Trunk Line and is covered by an existing Development Agreement for Century Valley.*
- c. *The property proposed for the annexation is now or it about to become urban or suburban in character; the property is part of an approved General Development Plan which has expanded the urban boundaries for 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.*

Sincerely,

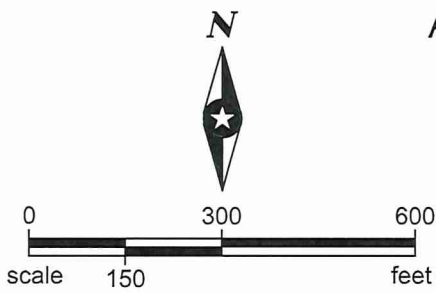


Bill Anderson PE

SHORT ELLIOTT HENDRICKSON INC.

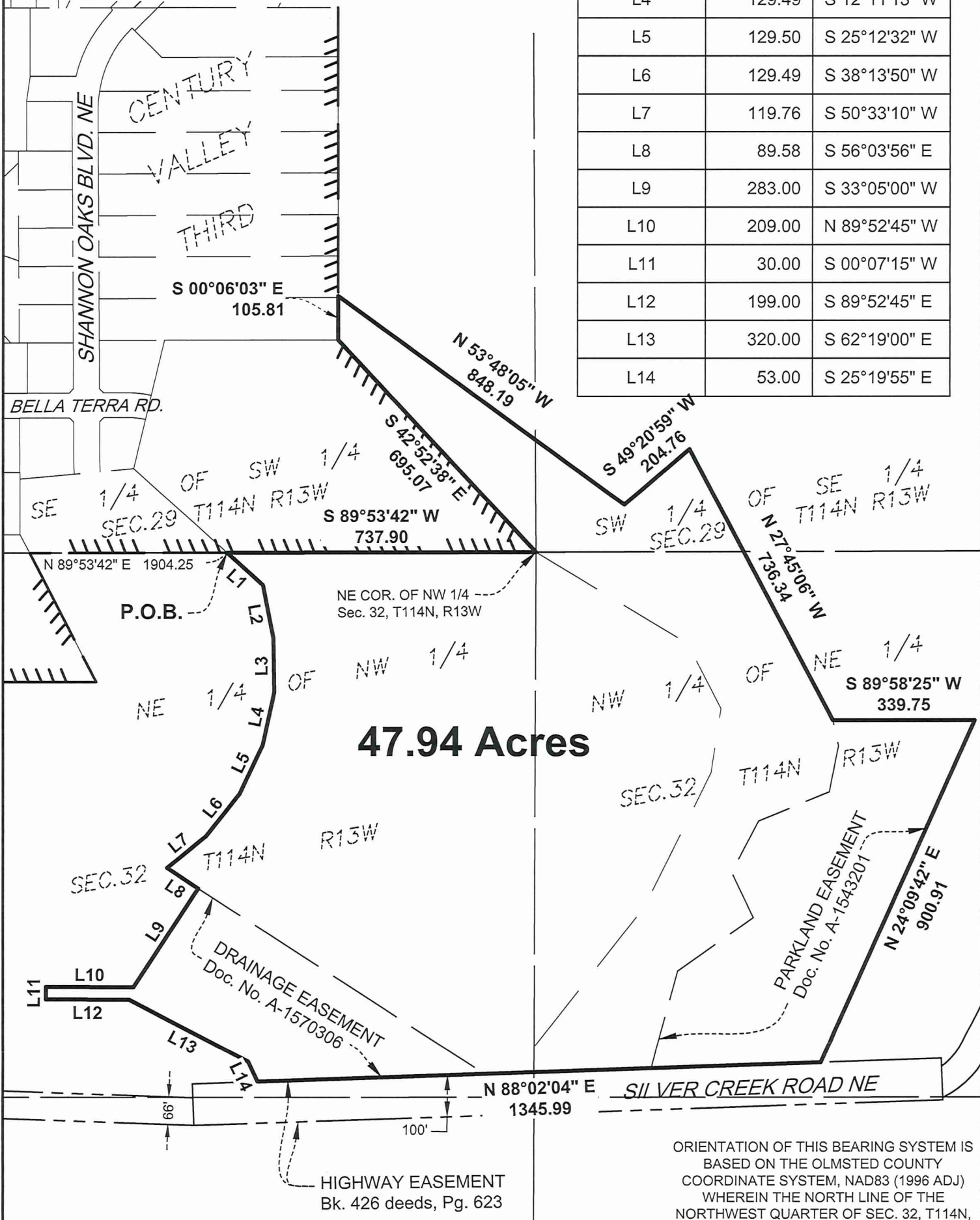
ba  
attachments;  
application checklist  
petition for annexation  
application  
electric rate notice  
annexation exhibit  
annexation description

ANNEXATION EXHIBIT  
Pt. of S 1/2 of Sec. 29  
Pt. of N 1/2 of Sec. 32  
T114N, R13W  
OLMSTED COUNTY, MN



PARCEL LINE DATA		
SEGMENT	LENGTH	DIRECTION
L1	115.92	S 47°45'15" E
L2	130.41	S 10°58'45" E
L3	129.49	S 00°50'05" E
L4	129.49	S 12°11'13" W
L5	129.50	S 25°12'32" W
L6	129.49	S 38°13'50" W
L7	119.76	S 50°33'10" W
L8	89.58	S 56°03'56" E
L9	283.00	S 33°05'00" W
L10	209.00	N 89°52'45" W
L11	30.00	S 00°07'15" W
L12	199.00	S 89°52'45" E
L13	320.00	S 62°19'00" E
L14	53.00	S 25°19'55" E

////// DENOTES CURRENT CITY LIMITS



ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE OLMSTED COUNTY COORDINATE SYSTEM, NAD83 (1996 ADJ) WHEREIN THE NORTH LINE OF THE NORTHWEST QUARTER OF SEC. 32, T114N, R13W BEARS N 89°53'42" E.

SURVEYED FOR: BELLA TERRA LLC

ROCHESTER,  
MINNESOTA

SEH Project BELLT 171967  
Drawn By MJH  
Surveyed By EWZ  
Checked By MJH

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Mark J. Haselius*  
MARK J. HASELIUS, PLS  
DATE 04/13/2023

LICENSE NO. 47034



1

of 1

Save: 4/13/2023 10:17 AM mhaselius Plot: 4/13/2023 2:56 PM X:\AE\BELL\T17196719-survey\92-CAD\15-dwg\BE 171967 Annex Sketch.dwg

# Agency Review Comments

Application No: CD2023-003ANX

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7/6/2023 **County Environmental Resources**

6/23/2023 **County Public Works**

7/3/2023 **Fire Review**

Area appears to be within 4 minute response time of RFD. Additionally, area is within ISO 2 boundary after roadways and hydrants are added into the development. Lots being constructed on single roadway accesses are limited to 50 total, including any that are currently existing.

6/29/2023 **LGU**

This site has been delineated and has an approved wetland application. R2021-015WET

6/20/2023 **Park and Rec Review**

There are no comments from this agency at this time.

6/29/2023 **Public Works Review**

See attached comment in Accela software.

6/20/2023 **RPU Electric Review**

There are no comments from this agency at this time.

6/16/2023 **RPU Water Review**

RPU Water Dept has no comments for the annexation. See the RPU Water Dept letter uploaded in to Accela as well as emailed directly to the consultant, owner, and applicant for more information.



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

FROM: Mark E. Baker

RE: Century Valley 4<sup>th</sup> Annexation & GMMA  
(Part of PINs 86195, 66423, 66424)

DATE: 6/30/23 **UPDATED 7/3/23**

The Department of Public Works has reviewed the requested application for CD2023-003ANX and CD2023-003GMMA for the proposed Century Valley 4<sup>th</sup> development. The following are Public Works comments for this application: **Updated comments are in Bold.**

- 1. The property falls within the area covered by the Century Hills South Development Agreement and is part of a GDP that anticipated this area would develop with low density residential. As such, the property is considered to have the ability to connect to the public sanitary sewer system if development is consistent with the previously approved GDP.**
2. Public Works has no **other** specific **comments** or conditions of approval for these applications. Public Works has provided separate comments regarding conditions for development of the property through General Development Plan Amendment application number CD2023-003GDP-A.

Sent to Planning Department via Accela only

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

FROM: Mark E. Baker

RE: Century Valley General Development Plan Amendment

DATE: 6/21/23

The Department of Public Works has reviewed the application for #CD2023-003GDP-A by Bella Terra Group LLC / Roger Payne for the Century Valley General Development Plan Amendment. The following are Public Works comments for this application:

1. This Property is subject to the existing Century Hills South Development Agreement from 2003 (Document #A-1017688) and the First Supplemental Development Agreement for Century Hills South (Document #A-1091862) from 2006. Through the development review and approval process for future phases, developer and City may determine that it will be mutually beneficial to amend certain terms of the existing agreements.
2. A Traffic Study was completed in 2022 for this property. Future platting phasing will be reviewed to determine if traffic thresholds will be met that require extension of Shannon Oaks Blvd NE from Bella Terra Rd NE to Silver Creek Rd NE.
3. Civil, Grading & Storm Water Management Plan approval will be required prior to submittal of a Final Plat for each phase of development within the Property. Civil, Grading & Storm Water Management Plans ready for review should be emailed to [LDSubmittals@Rochestermn.gov](mailto:LDSubmittals@Rochestermn.gov) along with a completed grading permit application. For storm water related questions, contact Lindsey Bartolomei at [lbartolomei@rochestermn.gov](mailto:lbartolomei@rochestermn.gov). For civil plan related and city owner contract related questions, contact Kyle Mittlieder at [kmittlieder@rochestermn.gov](mailto:kmittlieder@rochestermn.gov).
4. Execution of a City-Owner Contract, and dedication of any applicable on and off-site public easements is required for each phase of development, prior to construction of any public infrastructure to serve each development phase within the Property.
5. If the temporary secondary access is not approved because the planned future public road connection is not feasible, the GDP will need to be modified to limit the number of units that would be on a single access to comply with City UDC requirements and Fire Code.
6. Development charges/fees applicable to the Property are addressed in the Development Agreement, and / or City-Owner Contract for each phase of development.

Sent to Planning Department via Accela only

June 16, 2023

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

REFERENCE: Annexation by Ordinance Petition CD2023-003ANX by Roger Payne to incorporate a 47.94 acre site located directly north of Silver Creek Road NE.

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

1. This area is within the NE Intermediate Pressure Level Water System, which is currently available to service this property via an existing 8" stub at the end of Shannon Oaks Blvd and another existing 8" stub at the end of Bella Terra Road NE.
2. Static water pressures within this property will range from the mid 40's to the lower 60's PSI.
3. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

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

Very truly yours,



Wade Neubauer  
Water

C: Luke Payne, RPU  
Brent Bunke, RPU  
Mark Baker, City Public Works  
Chris Ferguson, Fire Prevention Bureau  
Ryan Sathre, Fire Prevention Bureau  
Bill Anderson, SEH  
Roger Payne, Owner  
Robert Fleming, Applicant

---

**From:** Schnell, Tracy (DOT) <tracy.schnell@state.mn.us>  
**Sent:** Friday, June 30, 2023 8:39 AM  
**To:** Community Development Department  
**Cc:** Wayne, Kurt (He/Him/His) (DOT); Schnell, Tracy (DOT)  
**Subject:** Development Application CD2023-003ANX

[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.***

- Application Number: CD2023-003ANX
- Description: Annexation Petition #CD2023-003ANX by Roger Payne, to incorporate a 47.94-acre site into the City of Rochester. The site is located directly north of Silver Creek Rd NE. The subject annexation is running concurrently with Growth Management Map Amendment application CD2023-003GMMA.

Thanks,

**Tracy Schnell**  
Senior Planner | District 6

**Minnesota Department of Transportation**  
2900 48<sup>th</sup> Street NW  
Rochester, MN 55901  
**C: 507-259-3852**  
[mndot.gov/](http://mndot.gov/)





## **REQUEST FOR ACTION**

**Major Modification No. CD2023-005MOD by  
McDonald's Corporation**

**MEETING DATE:**

**July 12, 2023**

**ORIGINATING DEPT:**

**Community Development**

**AGENDA SECTION:**

**Public Hearings**

**PRESENTER:**

**Desmond McGeough**

### **Action Requested:**

Approving Major Modification No. CD2023-005MOD by McDonald's Corporation, to permit an additional five feet of freestanding business sign height at 2180 Wheelock Dr NE, with two conditions.

### **Report Narrative:**

The applicant is requesting a modification to increase the height of a freestanding business sign by five feet. The site received site plan approval in November 2022, to construct a fast-food restaurant (CD2022-009CUP).

The freestanding sign subject to this modification request is shown approximately 14' from the east property line. The overall height from the grade of the sign base is identified as 23 feet. However, per code, the allowed height of a sign height is measured from the roadway (or roadway curb). The sign base is located three feet lower than the grade of East Circle Dr. Thus, the sign is considered 20 feet tall as measured by the East Circle Dr roadway elevation. The MXS zoning district only permits a freestanding sign to be 15 feet tall unless a design modification is approved by the Commission.

The Development Review Team supports the additional five feet in sign height because site-specific constraints, including existing tree lines and powerlines, require the freestanding sign to be located further away from Viola Rd NE, blocking visibility.

The Development Review Team recommends the following conditions of approval:

1. Prior to the sign permit approval, a revised site plan shall be submitted with the sign permit application demonstrating, with dimensions, the freestanding sign located no closer than 13 feet and 2 inches from the east property line to meet National Electrical Safety Code clearance requirements for spacing from overhead electric lines, and
2. The freestanding sign shall only be illuminated during business hours.

### **Policy Considerations & DEI Impact:**

There are no policy considerations and DEI impact at this time.

### **Prior Legislative Actions & Community Engagement:**

July 1, 2023: Notice of public hearing published in the newspaper and sent to neighboring property owners.

**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.

**Prepared By:**

Allison Sosa

**Attachments:**

[CD Memo - CD2023-005MOD McDonald's Corporation](#)

[Notification Map - CD2023-005MOD McDonald's Corporation](#)

[Location Map - CD2023-005MOD McDonald's Corporation](#)

[Applicant Exhibits - CD2023-005MOD McDonald's Corporation](#)

[Review Comments - CD2023-005MOD McDonald's Corporation](#)

[Public Comment - CD2023-005MOD McDonald's Corporation](#)

**ROCHESTER PLANNING COMMISSION**

July 12, 2023

**Prepared by:** Rochester Community Development

**Request:** Major Design Modification Request #CD2023-005MOD to allow an additional 5' height on a freestanding sign in accordance with Section 60.500.070B of the Unified Development Code (UDC) near the intersection of Viola Road NE & East Circle Drive NE.

**Location:** The site is located north of Wheelock Drive NE and south of Viola Road NE at 2180 Wheelock Drive NE. (PID # 086837)

**Property Owner:** Kortney Pedigo - McDonald's Corporation

**Applicant:** Jack Burns - Benike Construction

**PLANNING COMMISSION SUMMARY**

**Application Type:** Major Design Modification

**Decision Body:** Planning Commission

**What is Considered:** Under a Major Modification procedure, an applicant may seek relief from Unified Development Code (UDC) provisions permitting adjustment or deviation from dimensional, numeric, and other UDC standards which are greater than the extent of variation, than what can be approved via a Minor Modification. Major Modifications are intended to provide greater flexibility to adjust UDC standards without requiring the level of practical difficulties required for a Variance.

Other site development considerations associated with the subject project such as; architecture, site layout, building orientation, site landscaping, open space, site parking, screening and the aesthetic character that are not germane to the specific request for relief are not items considered or applied as approval criteria.

Table 500.07-2 lists specific issues in which an applicant can request relief via a Major Modification and the maximum extent of relief. The Planning Commission shall approve Major Modification requests that comply with the approval criteria provided in Section 60.500.070B (5), which is summarized below. Staff findings to the Major Modification Criteria of Section 60.500.070B (5) is provided in the Analysis section of this report.

Major Modification may be approved if the modification: addresses an unusual site constraint or unusual requirement of the proposed use or building; has no material adverse impact on abutting lots; does not violate previous conditions of approval; meets one of three specific application criteria; does not impact use; does not violate fire code, building code, or engineering standards; does not affect infrastructure requirements; does not further change a standard previously modified under an UDC incentive; or does not change standards of the Heritage Preservation Overlay.

**Development Review Team Recommendation:** Approval with conditions:

1. Prior to sign permit approval, a revised site plan shall be submitted with the sign permit application demonstrating, with dimensions, the freestanding sign is located no closer than 13'-2" from the east property line to meet National Electrical Safety Code clearance requirements for spacing from overhead electric lines; and,
2. The freestanding monument sign shall only be illuminated during business hours.

**PROJECT BACKGROUND**Background

On November 2022, the property owner received approval of a Conditional Use Permit # CD2022-009CUP from the Planning Commission, permitting a 4,439 square foot fast food restaurant with an accessory drive in facility in the B-1 (Restricted Commercial) zone district. The approved CUP site plan demonstrates the fast food restaurant will take access from Wheelock Drive and contains 43 parking spaces on site. A drive through restaurant facility is only permitted in the B-1 zoning district, through a Conditional Use Permit, approved by the Commission.

Prior to receiving CUP approval, the Zoning Board of Appeals approved a variance application permitting a 110-foot setback from Wheelock Drive, whereas the LDM maximum front setback was 15-feet within a B-1 zoning district. Subsequently, upon implementation of the UDC on January 1, 2023, the zoning of the property changed from B-1 (Restricted Commercial) to MXS (Mixed Use Street).

The Planning Commission will make the final decision on this subject Major Modification application.

**COMMUNITY DEVELOPMENT REVIEW****Adjacent Land:**East:

Zoned A-4 (Olmsted County Agriculture). Low Density Residential Land Use Designation. Subject area is currently undeveloped with no current agriculture apparent

North:

Zoned MXS and R-1 (Mixed Single Family Residential) with church and a business center uses.

West:

Zoned MXS (Mixed Use Street) and developed with a Kwik Trip convenience store and fueling station

South:

Developed with City of Rochester Fire Station and a Drive through Caribou Coffee store.



**Roadway & Access:** The property will have a single point of access off Wheelock Drive NE located in the southwest portion of the project.

**Public Infrastructure:** Presently, public facilities (Public Roadways, Sanitary Sewer, Water, and Storm Water Management Facilities) exist to service the site.

**REQUEST ANALYSIS AND MODIFICATION TABLE**

Table

<b>Table 500.07-2 Standards Subject to Major Modification</b>	
<b>Code Standard</b>	<b>Potential Maximum Modification</b>
<b>Development Standards</b>	
Sign height	5 ft.

Analysis

The site plan does not dimension the distance from the property line to the freestanding sign pole location. However, based on the scale of the drawing, staff measures the sign to be approximately 14' from the property line. The McDonalds site is located a significant distance back off East Circle Drive. Overhead power lines are also immediately adjacent to the site along the northeast property line. The location of the overhead electric power lines will require the proposed sign to be located 12 feet further west from the property line than would be otherwise permitted by UDC. Under the power line area, located outside of the applicant's property in the public right-of-way (ROW), there are existing large shrubs/small trees which appear to be about 15' in height.

In response to this application, the Community Development Team received just one comment from reviewing agencies. People's Energy Cooperative, the owner of the overhead electric line facility, notes the sign pole must be placed no closer than 13'- 2" from the property line to ensure that it will not encroach into the 10' power line overhang easement. As noted above, it appears the sign is located approximately 14' from the property line, thus meeting this requirement. A condition of approval has been added requiring that the sign permit application site plan to demonstrate that the pole location is no closer than 13'-2" from the property line and for the dimension between pole and property line be represented.

The Community Development Team supports the applicant's request to permit the freestanding monument sign to be an additional 5-feet in height, primarily due to these extenuating site constraints and not finding any adverse impact to surrounding properties. The UDC standard for free standing signs in the MXS zone district allows a maximum height of 15'. Approval of this request will allow a 20' monument sign.

The overall height from grade of the sign base is identified as 23 feet. However, per code, allowed height of a sign height is measured from the roadway (or roadway curb). The

applicant notes the sign base location is at an elevation (1,222' - 4"), which is 3' lower than the grade of East Circle Drive (1,225' - 7"). Thus, the proposed sign is considered only 20 feet tall as measured by the East Circle Drive roadway elevation.

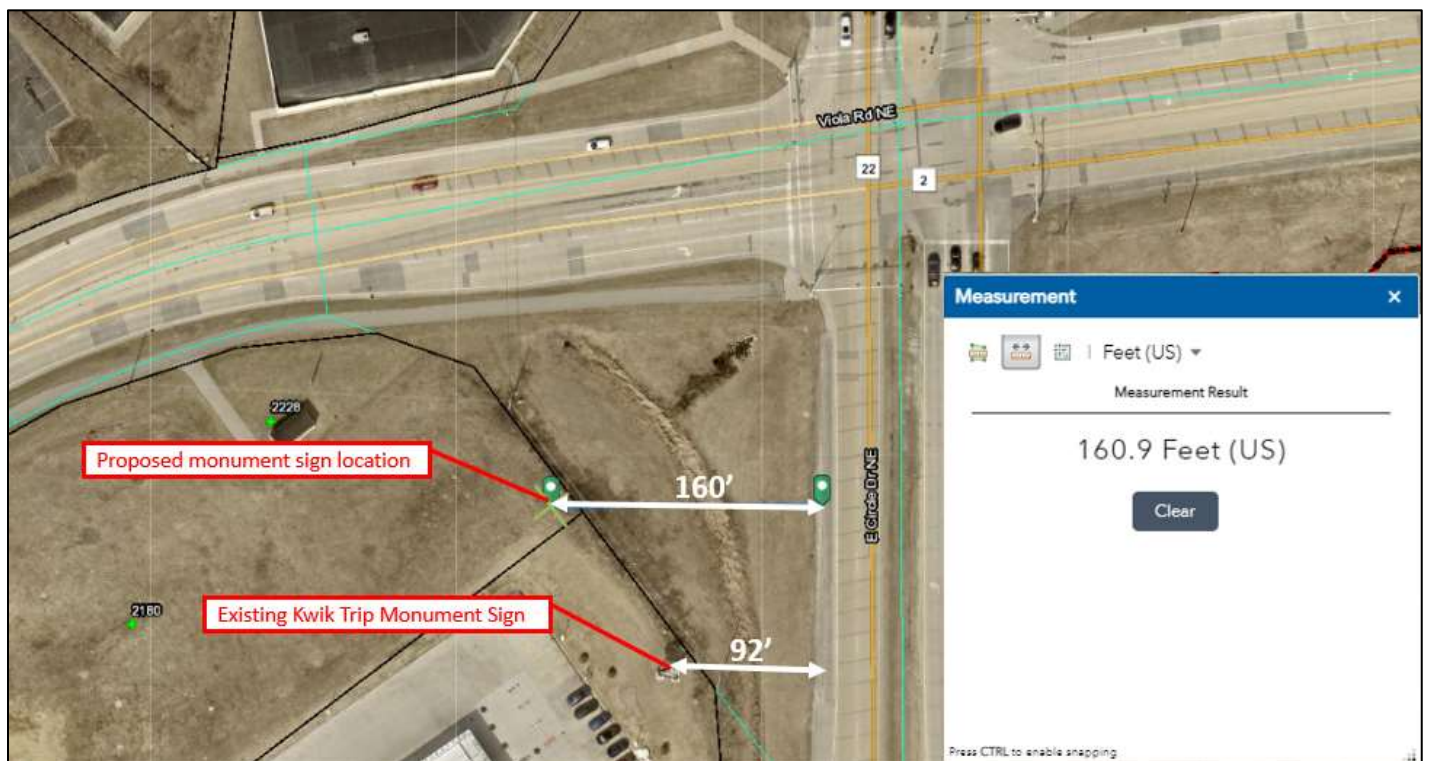
### Major Design Modification Criteria Findings

#### Section 60.500.070B (5)

- a. Addresses an unusual site constraint or unusual requirement of the proposed use or building that is not common to other lots, uses, or buildings in the surrounding area or is generally consistent with the Comprehensive Plan;

**The subject request for additional height addresses an unusual site constraint that is not common to other lots, uses, or buildings in the surrounding area. Due to the very large right-of-way corner, at the intersection of Voila Road NE and East Circle Drive NE and the adjoining overhead power lines, the subject sign, is located a considerable distance from East Circle Drive. The location of the sign pole to the emergency lane of East Circle Drive is approximately 160 feet (see below).**

**Immediately south of the site is a new Kwik Trip convenience store. This site is also encumbered by the same power lines along the property line. However, since the property line for Kwik Trip generally runs parallel to the roadway, their sign is located only 92 feet behind the emergency lane of the roadway. Due to the large ROW chamfer at the intersection, the subject sign is located 68 feet further back from the driving lanes than the adjoining Kwik Trip sign.**



- b. Will have no material adverse impact on any abutting lots, or any material adverse impact will be mitigated by conditions attached to the approval of the modification;

**The subject modification will not have adverse impact on any abutting lot. Please see photo simulation of the proposed sign on the following below. Properties immediately to the north, west and south include commercial development. The property to the east is currently vacant and has a Low Density Residential Land Use Classification. The nearest residential property is located approximately 550 feet west of the sign, located at the intersection of Wheelock Drive NE and Viola Road NE. Multifamily residential units are located approximately 700 feet to the south. The additional 5 feet height allowance will have very limited impact, if any, on these residential properties or .**



**Looking South near intersection**



**Looking West near intersection**

- c. Does not violate any conditions of approval previously applied to development of the property by the Planning Commission or the City Council; and

**Approval of the additional height will not violate any previous condition of approval of the approved CUP.**

- d. Meets at least one of the following criteria:

- 1) The modification will provide options for a more connected neighborhood layout or, for an adjustment for a residential subdivision, the adjustment will result in a neighborhood layout and level of multi-modal connectivity equal or better than would have been required without the adjustment; or

\*\*\*

- 2) The modification will result in equal or better screening and buffering of adjacent properties and ground and roof mounted equipment than would have been required without the adjustment; or

\*\*\*

- 3) The modification will not result in a material increase in on-street parking or traffic congestion on any local street in any Residential zone district within 200 feet of the applicant's site:

**Viola Road and East Circle Drive are not local streets, nor do they permit on-street parking along the frontage. There is no residential zone district within 200 feet to the south or west of the site. Future local residential street access for the R-1 zoned vacant property east of the site, across E. Circle Drive, will from the Centurion Court NE, which is further to the east.**

**There is an R-1 zoning district within 200 feet to the northwest of the site, on the north side of Viola Road NE. This area is served by a local residential street, Wheelock Drive NE. A 5-foot increase in sign height is not expected to have any bearing on the amount of traffic or parking occurring on Wheelock Drive north of Viola. Though no residential district is located south or west within 200 feet, there is no anticipated increase in traffic or parking on Wheelock Drive NE south of Viola Road NE caused by an additional 5 feet being added to the sign.**

e. Does not result in:

- 1) A change in Permitted or Conditional Uses, or the allowed mix of uses, or the Use-Specific Standards in Section 60.300.020 applicable to any use in the zoning district where the property is located.

**The modification does not result a change in the Conditional Use Permit approval for a drive-in facility.**

- 2) A deviation from building or fire codes;

**Approval will not result in deviation from building or fire code.**

- 3) A deviation from adopted engineering standards;

**Approval will not result in deviation from adopted engineering standards.**

- 4) Requirements for public roadways, utilities, or other public infrastructure or facilities;

**Approval does not change the requirements for roadways, utilities or other infrastructure.**

- 5) A further change to a development standard that has already been modified through an incentive as described in Section 60.400.120 or through any other procedure described in this UDC; or

**Approval does not cause further change from a development standard that has been modification via incentive.**

- 6) A change to any standard or criteria in Section 60.200.040C HPO – Heritage Preservation Overlay, Section 60.200.040E FPO – Floodplain Overlay, or Section 60.200.040F SDO – Shoreland District Overlay, or any requirement of state or federal law.

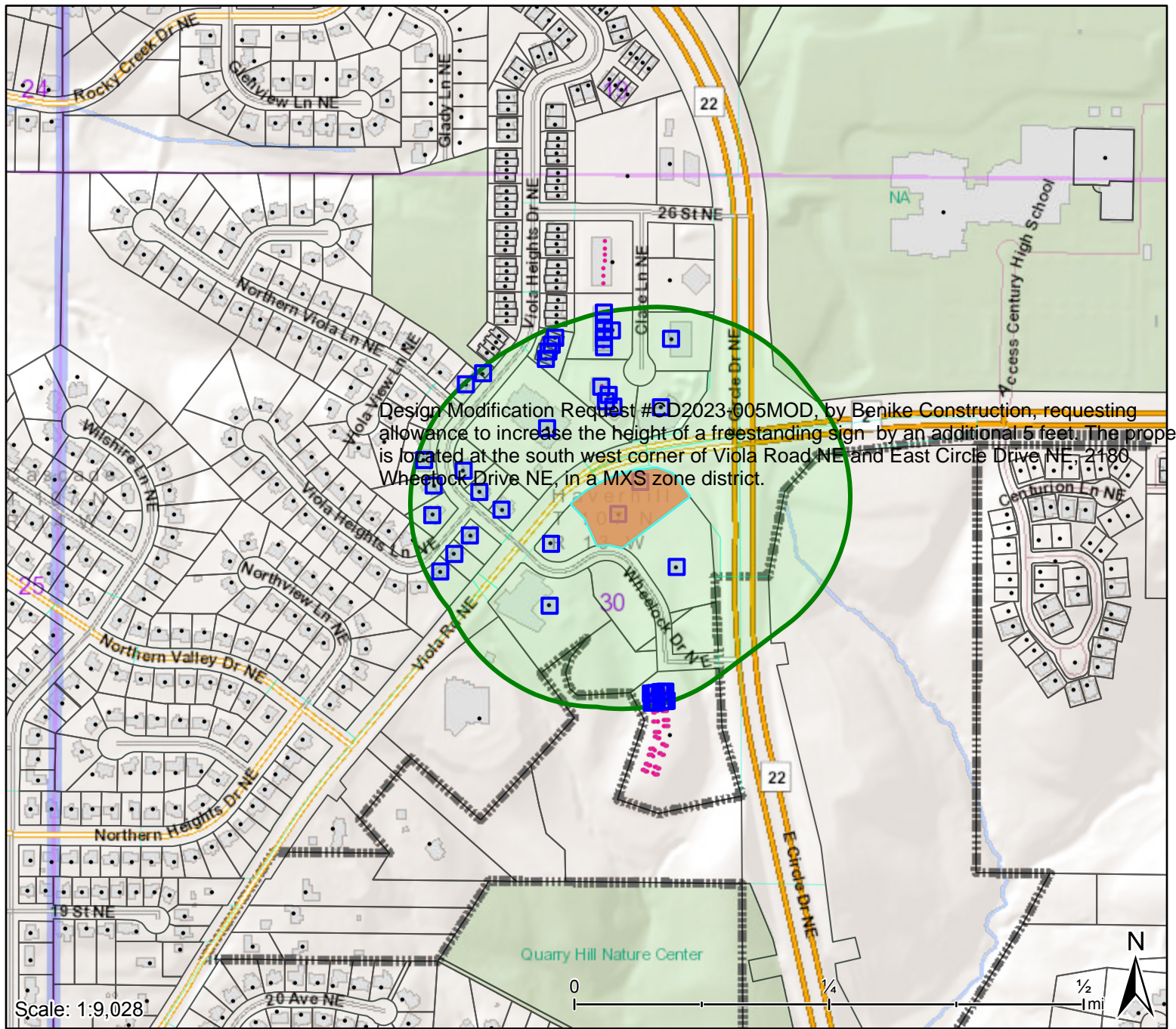
**Approval does not cause a change in a preservation overlay, floodplain overlay, shoreland district overlay or other requirement of state or federal law.**

## ATTACHMENTS

1. Notification map
2. Site vicinity map
3. Applicant's Exhibits
4. Referral Agency Comments

# CD2023-005MOD - Ward 5

6/21/2023 Olmsted County Geographic Information Systems



600ft notification area

**Legend**

- Site
- Parcels
- Notification Area

Design Modification Request # CD2023-005MOD, by Benike Construction, requesting allowance to increase the height of a freestanding sign by an additional 5 feet. The property is located at the south west corner of Viola Road NE and East Circle Drive NE, 2180 Wheelock Drive NE, in a MXS zone district.

**ROCHESTER**

**OLMSTED COUNTY MINNESOTA**

# Location Map

## Legend

-  Rochester City Limit
-  Application Location

0 1 2 Miles

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

## 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.

<b>Table 400.11-1 General Sign Standards</b>						
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
<b>Wall Signs</b>						
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
<b>Freestanding Sign</b>						
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
[5] Signs must be located no closer than 25 feet from any shared lot line with a Residential district.						



**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

[8] Free Standings signs in the MX-N district shall be a Monument Sign.

[9] In the MX-N district lighted signs shall not face any Agriculture or Residential district, or any Residential Use containing less than five units in a mixed use district.

**K. Sign Measurements**

**1. Area of a Sign**

- a. Sign area is calculated as the area within a continuous perimeter with up to eight straight sides that encloses the limits of text and graphics of a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign's message from the background against which it is placed.

Rochester, Minnesota

Unified Development Code

Version: November 2022

259

**Chapter 60.400: Development Standards and Incentives**

Applicant's Exhibits

Section 60.400.120 Incentives

Section 60.400.120A: Purpose

The area excludes the structure upon which the sign is placed (unless the structure is an integral part of the display or used to differentiate it), but includes any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip, or figure of any kind composing the display face, whether this open space is enclosed by a frame or border or not.

- b. Support structures will not be counted against total sign if the Community Development Director determines that such elements are appropriately scaled to the size of the copy.

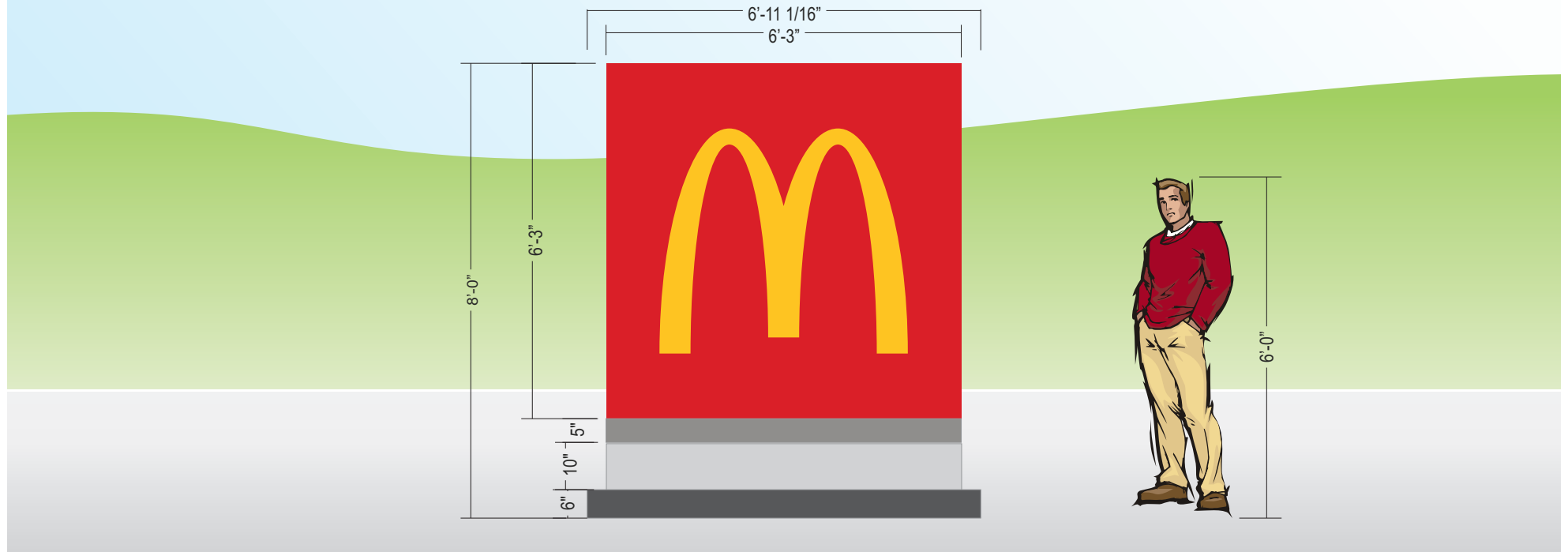
**2. Measuring the Height of a Sign**

- a. Sign height is measured as the vertical distance from the average elevation of the finish grade within a six-foot radius at the base of the sign to the top of the sign, including all backgrounds and support structures, exclusive of any filling, berming, mounding, or landscaping, solely done for the purpose of locating the sign.

b. If natural grade at the base of a sign is lower than the grade of an adjacent road, the height of the sign may be measured from the top of curb elevation.

- c. For purposes of measuring the size of a billboard sign, only one side of a sign with two back-to-back parallel sign surfaces shall be the area of one of those surfaces.

# Current Proposed Monument Sign



**ELEVATION**  
SCALE: 3/8" = 1'-0"

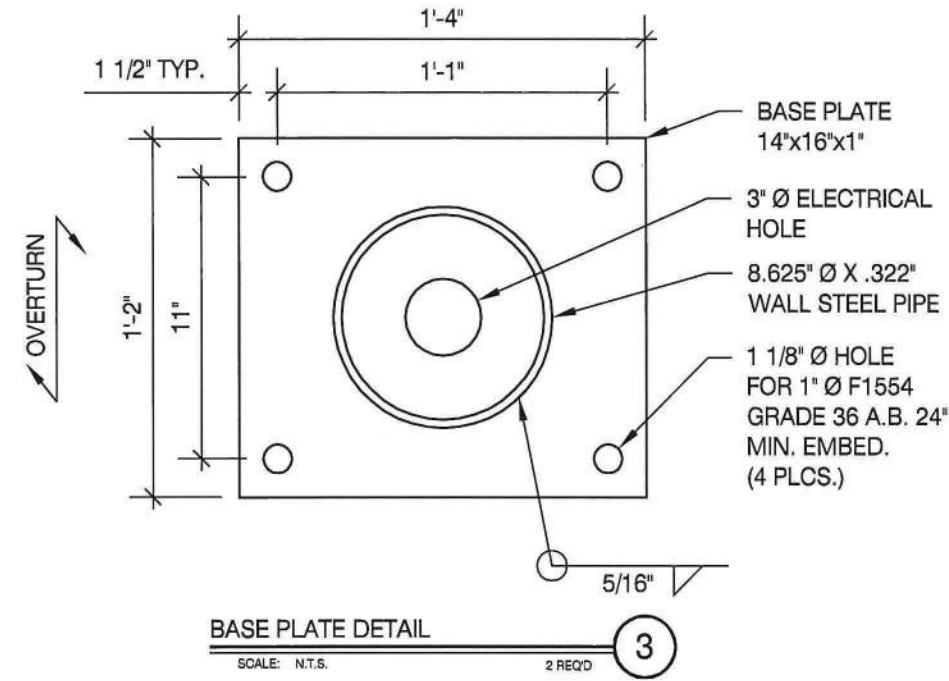
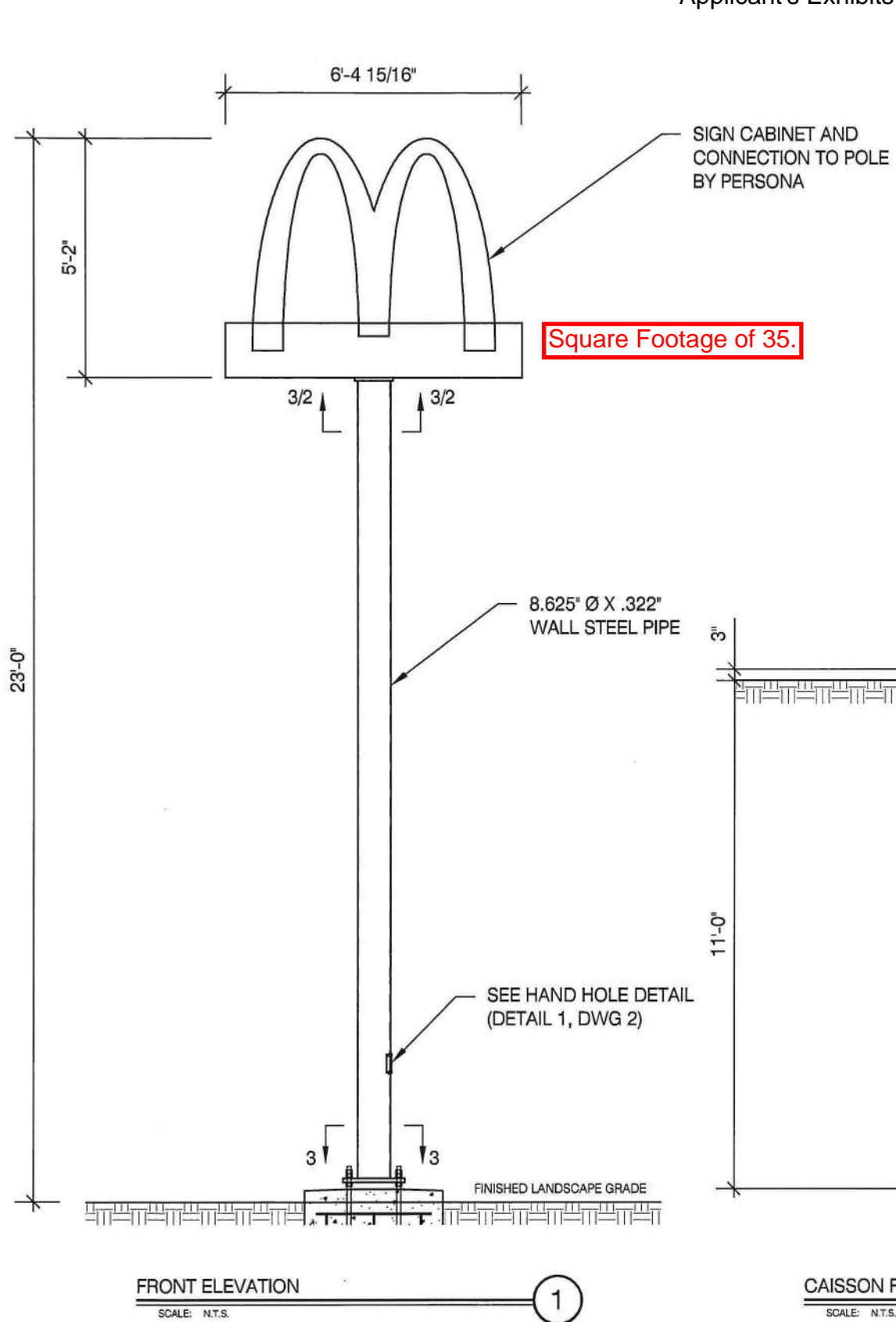


This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

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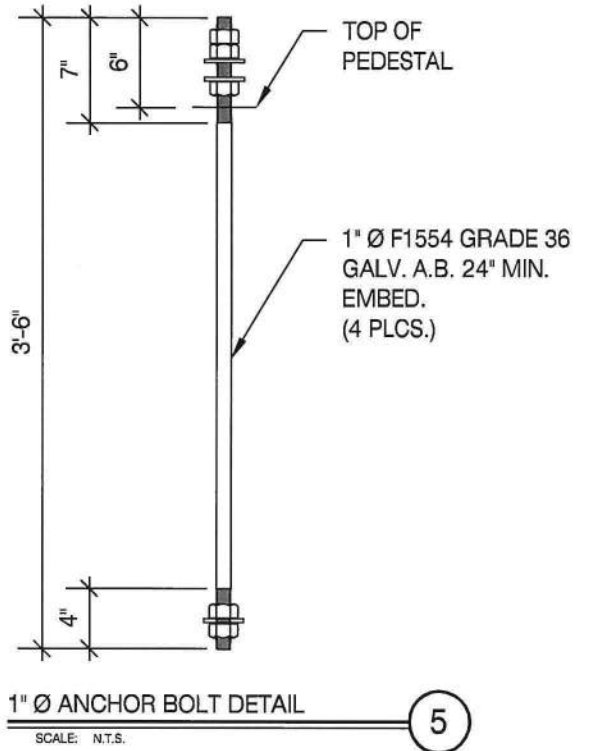
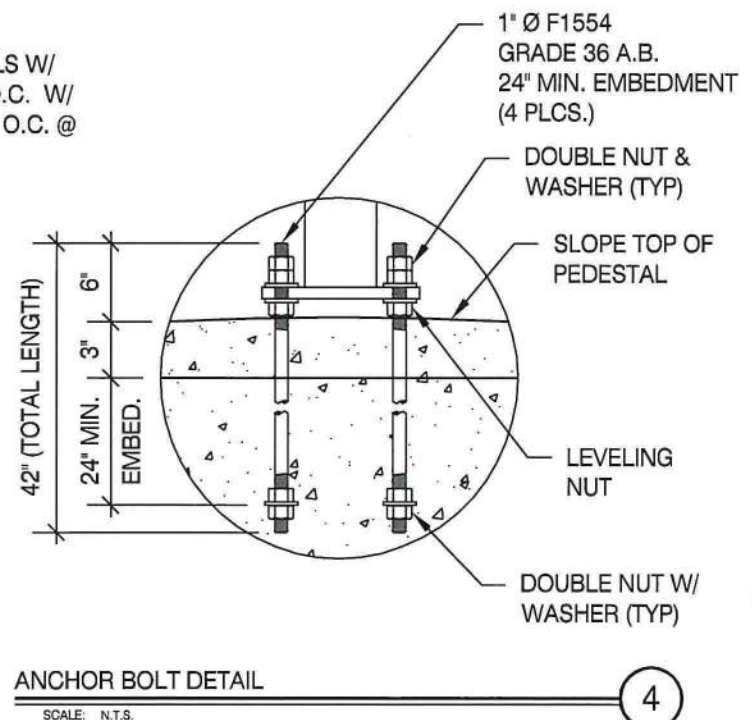
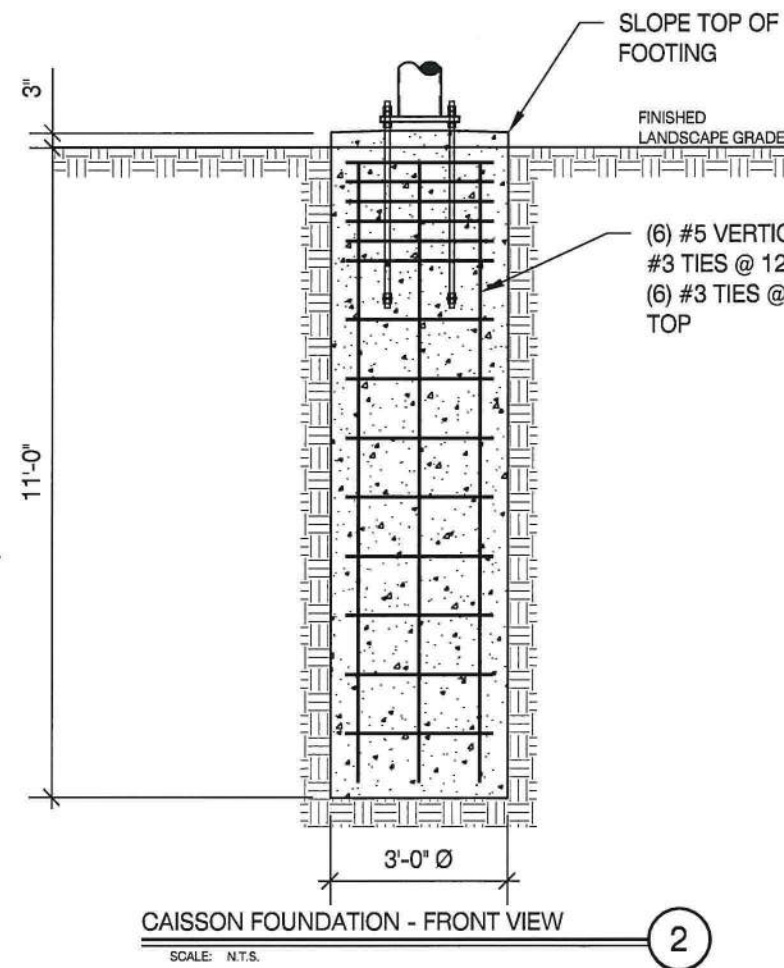
Applicant's Exhibits



NOTES

- 1.) SEE MANUFACTURERS DRAWINGS FOR ADDITIONAL DETAIL AND DIMENSIONS.
- 2.) SIGN CABINET AND CONNECTION BY PERSONA.
- 3.) FOUNDATION DESIGNED PER SOIL REPORT BY BRAUN INTERTEC DATED SEPTEMBER 16, 2022.

- \* CLIENT - PERSONA
- \* 2020 MNBC
- \* RISK CATEGORY II
- \* 115 MPH WIND SPEED, EXP. C
- \* (1) POLE, (1) FOOTING



PROFESSIONAL ENGINEER

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 Professional Engineer under the laws of the State of Minnesota

Print Name: DARREN ANTLE

Signature: [Signature]

Date: 9/29/22 License # 49963

**MBI**

MBI COMPANIES INC.  
299 N. WEISGARBER RD.  
KNOXVILLE, TN 37919

PHONE 865.584.0999  
SIGN-ENGINEER.COM

PROJECT:  
31675 65TH AVE, CANNON FALLS, MN 55009

DRAWING TITLE:  
**McDonald's #25398**

DRAWN BY: CTP  
CHECKED BY: JRM  
COMM. NO.: 220030.129

DATE: 09/29/22

DRAWING NO.  
DWG. **1**

REV #	DATE	DRAWN BY



New Proposed Pole Sign Location

- PSB ... PRE-SELL BOARD (QTY 2)
- GWD ... DOUBLE ARM GATEWAY
- OHC ... ORDER HERE CANOPY (QTY 2)
- MB ... MENU BOARD (QTY 2)
- WPS1 ... WINDOW POSITION SIGN 1
- WPS2 ... WINDOW POSITION SIGN 2
- WPS3 ... WINDOW POSITION SIGN 3
- WA ... WALL ARCH (QTY 2)
- WM ... 24" WORDMARK (QTY 2)
- D ... DIRECTIONAL (QTY 2)
- MS ... MONUMENT SIGN

**persona**  
SIGNS | LIGHTING | IMAGE

Persona Signs, LLC  
700 21st Street Southwest  
PO Box 210  
Watertown, SD 57201-0210  
1.800.843.9888 · www.personasigns.com

Customer: **MCDOANLDS**  
Location: **ROCHESTER, MN**  
File Name: **388655 - R6 - 2180 WHELOCK DR NE - ROCHESTER, MN**

Project No.: **388655**  
Request No.: **42966**  
Prepared By: **AL/JR/KA/JR**  
Date: **05/17/23**  
Revision: **6**

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

This is an original document created by Persona Signs, LLC provided specifically to the client for the client's personal use. This document should not be shared, reproduced, disclosed or otherwise used without written permission from Persona Signs, LLC.

Customer Approval (Please Initial):  
Approval Date:

**61**



# Looking Southwest

Applicant's Exhibit



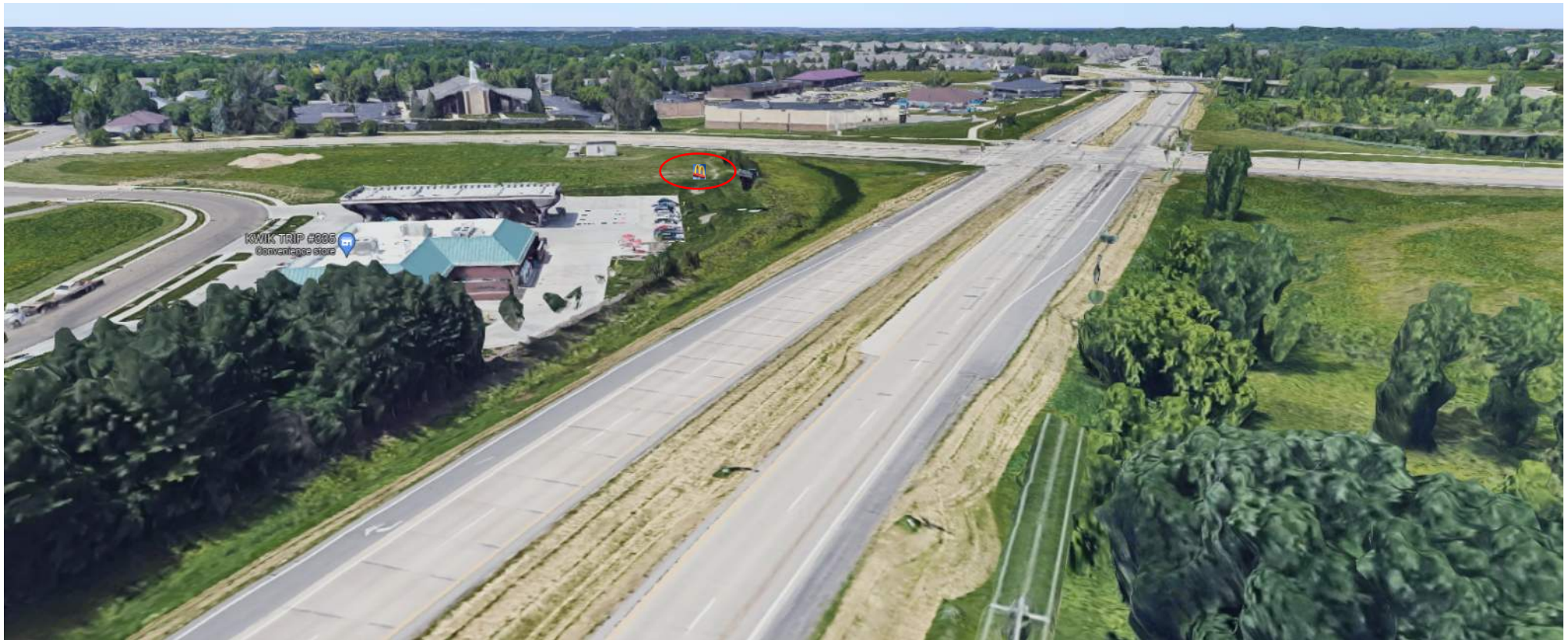
# Looking South

Applicant's Exhibits



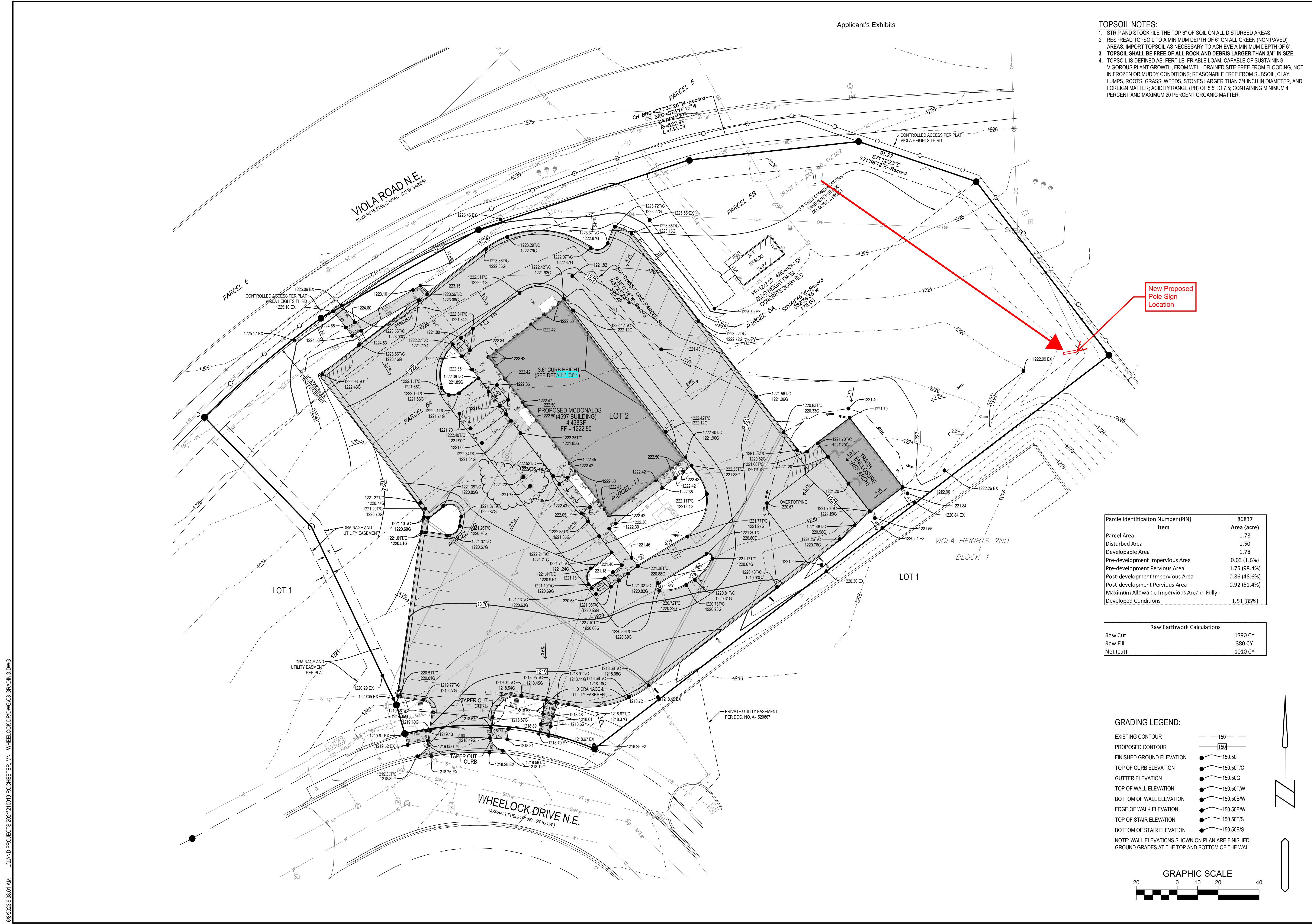


# Looking North



# Looking North





**TOPSOIL NOTES:**

1. STRIP AND STOCKPILE THE TOP 6" OF SOIL ON ALL DISTURBED AREAS.
2. RESPAED TOPSOIL TO A MINIMUM DEPTH OF 6" ON ALL GREEN (NON PAVED) AREAS. IMPORT TOPSOIL AS NECESSARY TO ACHIEVE A MINIMUM DEPTH OF 6".
3. **TOPSOIL SHALL BE FREE OF ALL ROCK AND DEBRIS LARGER THAN 3/4" IN SIZE.**
4. TOPSOIL IS DEFINED AS: FERTILE, FRIABLE LOAM, CAPABLE OF SUSTAINING VIGOROUS PLANT GROWTH, FROM WELL DRAINED SITE FREE FROM FLOODING, NOT IN FROZEN OR MUDDY CONDITIONS, REASONABLE FREE FROM SUBSOIL, CLAY LUMPS, ROOTS, GRASS, WEEDS, STONES LARGER THAN 3/4 INCH IN DIAMETER, AND FOREIGN MATTER; ACIDITY RANGE (PH) OF 5.5 TO 7.5; CONTAINING MINIMUM 4 PERCENT AND MAXIMUM 20 PERCENT ORGANIC MATTER.

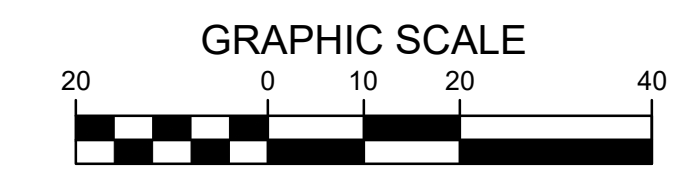
Parcel Identification Number (PIN)	Item	Area (acre)
86837	Parcel Area	1.78
	Disturbed Area	1.50
	Developable Area	1.78
	Pre-development Impervious Area	0.03 (1.6%)
	Pre-development Pervious Area	1.75 (98.4%)
	Post-development Impervious Area	0.86 (48.6%)
	Post-development Pervious Area	0.92 (51.4%)
	Maximum Allowable Impervious Area in Fully-Developed Conditions	1.51 (85%)

Raw Earthwork Calculations	
Raw Cut	1390 CY
Raw Fill	380 CY
Net (cut)	1010 CY

**GRADING LEGEND:**

EXISTING CONTOUR	---
PROPOSED CONTOUR	—
FINISHED GROUND ELEVATION	●
TOP OF CURB ELEVATION	●
GUTTER ELEVATION	●
TOP OF WALL ELEVATION	●
BOTTOM OF WALL ELEVATION	●
EDGE OF WALK ELEVATION	●
TOP OF STAIR ELEVATION	●
BOTTOM OF STAIR ELEVATION	●

NOTE: WALL ELEVATIONS SHOWN ON PLAN ARE FINISHED GROUND GRADES AT THE TOP AND BOTTOM OF THE WALL.



<p><b>Bishop Engineering</b>          Planning Your Successful Development          3501 104th Street          Des Moines, Iowa 50322-2825          Phone: 515-281-4466 Fax: 515-281-0217          Civil Engineering &amp; Land Surveying Established 1959</p>	<p>REVISIONS:</p> <table border="1"> <tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr> <tr><td>E</td><td>4/13/2023</td><td>REVISED TRASH ENCLOSURE</td></tr> <tr><td>D</td><td>3/21/2023</td><td>CITY COMMENTS</td></tr> <tr><td>C</td><td>1/26/2023</td><td>CITY COMMENTS</td></tr> <tr><td>B</td><td>1/06/2023</td><td>CITY COMMENTS</td></tr> <tr><td>A</td><td>12/06/2022</td><td>PERMIT SET</td></tr> <tr><td></td><td>11/29/2022</td><td>REVISED PER CITY COMMENTS</td></tr> <tr><td></td><td>11/22/2022</td><td>CITY SUBMITTAL</td></tr> </table>	NO.	DATE	DESCRIPTION	E	4/13/2023	REVISED TRASH ENCLOSURE	D	3/21/2023	CITY COMMENTS	C	1/26/2023	CITY COMMENTS	B	1/06/2023	CITY COMMENTS	A	12/06/2022	PERMIT SET		11/29/2022	REVISED PER CITY COMMENTS		11/22/2022	CITY SUBMITTAL
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<p>PREPARED FOR:  <b>McDonald's USA, LLC</b>          These drawings and specifications are the confidential and proprietary property of McDonald's USA, LLC and shall not be copied or reproduced without written authorization. The contract documents were prepared not suitable for use on a different site or at a later time. Use of these drawings for reference or example on another project requires the the contract documents for reuse on another project is not authorized.</p>	<p>PROJECT:  <b>ROCHESTER, MN</b>          SITE PLAN          GRADING PLAN</p>																								
<p>DRAWN BY: CLT          SITE ISSUE DATE: 4/13/2023          REVIEWED BY: JEJ          DATE ISSUED: 1/26/2023</p>	<p>SHEET NO.: <b>C3.1</b>          RE # 210019</p>																								

# Agency Review Comments

Application No: CD2023-005MOD

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6/26/2023 **Building Plan Review**

7/3/2023 **County Public Works**

6/29/2023 **Public Works Review**

There are no comments from this agency at this time.

6/26/2023 **RPU Electric Review**

Items to be addressed prior to application approval:

- Sign may not in anyway encroach or overhang the utility easement.

Additional Comments:

-

6/22/2023 **RPU Water Review**

There are no comments from this agency at this time.

## McGeough, Desmond

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**Sent:** Wednesday, June 28, 2023 10:37 AM  
**To:** McGeough, Desmond  
**Subject:** RE: McDonalds(CDP2022-009CUP) Design Modification Application for increased freestanding sign height

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

Desmond,

If the sign base is installed 13'-2" from the property line, which will keep the sign from encroaching over/into the platted 10' utility easement, People's Energy Cooperative has no concerns with the placement of the sign.

This will meet NESC clearance code.

This also matches the placement of the adjacent Kwik Trip sign.

Thanks,

**Brian Engen**  
**Lead Field Engineer**

1775 Lake Shady Avenue S. | Oronoco, MN 55960

**Office** (507) 367-7000 | **Direct** (507) 367-7057

**Cell** (507) 273-3272

**Email** [bengen@peoplesenergy.coop](mailto:bengen@peoplesenergy.coop)

**Powering Communities... Powering Lives**

Website | Facebook | Twitter



**People's Energy Cooperative**

Your Touchstone Energy® Cooperative

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**From:** McGeough, Desmond <DMcGeough@rochestermn.gov>

**Sent:** Friday, June 23, 2023 4:11 PM

**To:** Brian Engen <bengen@peoplesenergy.coop>; Cooper, Maribeth <MCooper@rochestermn.gov>

**Subject:** RE: McDonalds(CDP2022-009CUP) Design Modification Application for increased freestanding sign height

Thank you Brian.

Desmond

**Desmond McGeough**

Principal Planner  
Community Development  
City of Rochester, Minnesota

## Cooper, Maribeth

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**From:** Schnell, Tracy (DOT) <tracy.schnell@state.mn.us>  
**Sent:** Monday, July 3, 2023 7:49 AM  
**To:** Community Development Department  
**Cc:** Schnell, Tracy (DOT); Wayne, Kurt (He/Him/His) (DOT)  
**Subject:** Development Application CD2023-005MOD

[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.*

- Application Number: CD2023-005MOD
- Description: Design Modification Request #CD2023-005MOD, by Benike Construction, requesting allowance to increase the height of a freestanding sign by an additional 5 feet. The property is located at the south west corner of Viola Road NE and East Circle Drive NE, 2180 Wheelock Drive NE, in a MXS zone district.

Thanks,

**Tracy Schnell**  
Senior Planner | District 6

**Minnesota Department of Transportation**  
2900 48<sup>th</sup> Street NW  
Rochester, MN 55901  
**C: 507-259-3852**  
[mndot.gov/](http://mndot.gov/)



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**From:** limpert@charter.net  
**Sent:** Friday, July 7, 2023 10:23 AM  
**To:** Community Development Department  
**Subject:** CD2023-005MOD McDonald's sign zoning request change

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

To Rochester Planning and Zoning Commission,

We received the city postcard about the proposed change. We are neighbors. We oppose the sign height change. The new McDonald's building when completed will be clearly visible from East Circle Drive and Viola Road with no need for a height increase. Increasing the sign height will only add to the light pollution of our neighborhood from that area. At most the McDonald's sign should be no higher than the current Kwik Trip sign. Please consider our concern with the proposal.

Thank you,

John and Linda Limpert

2214 Viola Heights Drive NE