



**PLAINVIEW PLANNING COMMISSION
MEETING AGENDA**

**Tuesday, June 1, 2021 at 6:00 P.M.
Church of Christ – 205 1st Street NE Plainview, MN
55964**

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Approval of Consent Agenda**
 - a. Planning Commission Meeting Minutes – May 4, 2021**
- 4. Public Hearings**
 - a. Pleasant Acres Preliminary Plat**
- 5. Updates/Discussion**
 - a. Special District Zoning Discussion**
 - b. Open Discussion**
- 6. Adjourn**

CITY OF PLAINVIEW PLANNING COMMISSION

MAY 4TH, 2021

MEETING MINUTES

The May 4th, 2021 meeting for the Plainview Planning Commission was called to order at 6:00 PM by Tom Wiener.

Members present: Tom Wiener, Ben Jacobs, Ann Liebenow-Anttila, Jim Walkes, and Roger Durgin.

Members absent: Adam Daschner.

Staff members present: City Administrator David Todd, City Clerk Carol Kujath, Deputy City Clerk Kayla Hall, Public Works Director Shane Loftus.

Guests in attendance: Les Conway with WSE Massey Engineering, Brian Malm with Bolton and Menk Engineering, Kenneth Bush with WSE Massey, Craig Britton with WSN Engineering, Tony Montgomery, and Brad Jech.

Motion by Jacobs, second by Walkes to approve the agenda. Motion carried. The March 2nd, 2021 minutes were approved without any corrections or amendments with a motion by Jacobs and second by Durgin.

Orchard Hills 7th Addition Final Plat:

Les Conway from WSE Massey Engineering presented the final plat application to the Commission and asked if there were any questions.

The subject properties are in the SE part of Plainview, east of 2nd St. SE at the end of 6th Ave. SE and 7th Ave. SE. The properties total approximately 10.83 acres and are bound by previous phases of Orchard Hills to the north and west, wetlands and a creek to the east, and undeveloped farmland to the south. The wetlands encompass a large area along the eastern property boundary.

The request by the applicant is for only 10 single-family lots and one detention pond lot of the original 26 lots in the preliminary plat. Earlier this year, the applicant received preliminary plat approval by City Council to move forward on this development with a total of 26 lots. Because this is only part of the original scope, this final plat shall be known as Phase 1 of Orchard Hills 7th. The lot sizes will be between 9,555 square feet and 34,202 square feet with a range of lot widths (street frontage) between 62 feet and 105 feet. Of the overall 12.03 acres, 2.41 acres are proposed to remain wetland after the developer completes DNR's wetland removal and remediation procedures. The overall density for the development will be just over two homes per acre. As detailed below and further within this report, the applicant will adhere to R2 zoning:

Table 2

	<u>Current Minimum Required</u>	<u>Proposed Minimum Required</u>
Lot Area		
Single family:	6,000 sq.ft.	6,000 sq. ft.
Lot Width:	60 feet	60 feet
Zoning Setbacks:	Front: 25 feet from ROW Back: 15 Feet Side: 5 feet (ten total)	Front: 25 ft. from ROW Back: 15 Feet Side: 5 Feet (10 total)
Wetland Setback:	20 feet	20 feet

Commission chair Wiener asked the planning commissioners if there were any questions on the final plat to be named Orchard Hills 7th Addition. No questions were heard. Brian Malm indicated that staff recommends the Planning Commission forward the proposal, recommending approval to City Council, with the following conditions:

1. A recommendation that the proposed final plat does not conflict with any conditions listed in Section 620.4 of the Plainview City Code, and thus approval of the final plat is appropriate. Staff recommends in favor of this.

2. A recommendation in support of the applicant's proposal to pay \$9,616 for fees in-lieu of parkland dedication. Staff recommends in favor of this.

3. Prior to final approval:

a. The applicant shall change the name of the plat to include "Phase 1".

Name: Orchard Hills 7th Phase 1 Final Plat Application

b. The applicant shall extend right-of-way on 3rd Street SE to the boundary of the project for connectivity.

c. The applicant shall modify the plat to include an easement on Outlot B for the existing drainageway.

d. The applicant shall modify the dedication language on the final plat to indicate that the proposed streets be dedicated to the public, in addition to the drainage and utility easements.

e. Final construction plans and specifications shall be approved by City Staff and the City Engineer.

f. A Development Agreement for the installation of the required infrastructure

improvements necessary to support development on lots within the proposed subdivision is required prior to final plat approval. The Development Agreement shall include a provision to convey Outlot A to the City for stormwater purposes.

4. All other comments or conditions from city departments, franchise service and utility providers, or other authorities with jurisdiction over this development shall apply to this development.

Motion was made by Jacobs and seconded by Liebenow to approve the final plat for Orchard Hills 7th Addition. Wiener recused himself due to his working relationship with the developer's engineer. Motion carried. 4-0-1

PADCO Development Discussion:

Les Conway provided an informational overview of the PADCO development along Hwy 42 in south Plainview. He explained the concept of "special districts" language that could be introduced into Plainview's zoning code to allow developers to request a special district. This would allow some flexibility in the code so that in developmental areas that are mixed use in nature, developers would not need to seek a conditional use permit for each item within the district. In the case of PADCO's development, they are seeking a mixed-use commercial, multi-family, and single family residential within the development area. In Plainview's current code, there is no zoning designation that would allow for commercial, residential, and multi-family use in one district. Having this "tool" in the code, would make it more efficient and less time intensive for the City and developer. Les asked the commission to consider implementing a special district or something similar in the 600 Code.

Commissioner Liebenow asked about access from Hwy 42 and if they have approached MN DOT about this. Les indicated that they have had productive meetings with MN DOT and there may be funding and grant opportunities for developing access off of HWY 42 that would benefit all potential development along the Hwy 42 corridor. Liebenow then asked about the easement for private access road and if that easement was recorded somewhere. Les responded by saying the access easement was recorded and unencumbered and that the private access road would be secondary to the access off Hwy 42.

Liebenow then asked why the street on the southern edge of the proposed development was not straight. Les indicated that he did not know why that was the case but stated that he would get it corrected. Commission Chair Wiener asked if this was simply an informative discussion rather than a specific discussion of the concept plan. Les responded that this was simply a discussion of information at this time.

Liebenow then asked if there was a decision to be made regarding the "special district" at the meeting tonight, and Chair Wiener stated that there was no decision needed tonight and that more information would be presented to the commission later.

Chair Wiener then asked Brian Malm of Bolton and Menk about any staff input for the proposed language of "special district" to be added to the Code. Brian responded that there would be some advantage for this type of language within the code. Further, staff would be

looking to the planning commission and Council for direction on whether to proceed and explore the potential for this type of language added to the Code. Brian Malm indicated that the special district would essentially be an “overlay” district to be used when a development would need to utilize it if it is needed, rather than a re-zone of property. The “overlay” would have a sunset on the use, in that if the development fails to materialize it would revert back to its original zoning designation.

Motion by Jacobs, second by Walkes to recommend to council to have staff explore the potential for an addition of a “special district” to the code. Motion carried with Wiener recused.

Montgomery Subdivision Concept Discussion:

Craig Britton of WSN Engineering presented the concept and informational discussion of the development proposed by Tony Montgomery along Hwy 42 south of Plainview. The intent of the discussion is to further the dialogue regarding the watermain extension to further develop along Hwy 42 and to establish a timeline for development with a general development plan and preliminary plat filed in June and final plat and development agreement filed in July of this year. The development is proposed to be a 14-lot single-family residential development abutting Hwy 42 and the Golf Course. There is a potential for future commercial development in the NE corner of the parcel but that is not part of the discussion tonight.

Liebenow asked if this area would or could be a “special district” also due to the potential for residential and commercial development as well. Brian Malm indicated that since the initial concept is residential at this time the current zoning would not need to be changed. If the preliminary or final plat included commercial and/or multi-family dwellings, then it could be a potential “special district.”

Liebenow asked about the access road coming off of Hwy 42 that appears to bisect both the PADCO and Montgomery developments and if Montgomery was aware of the other development and the access road. Mr. Montgomery indicated that he spoke with Tom Wiener in late fall—early winter about it and indicated that he isn’t comfortable with the “density situation” so he “bowed out” and isn’t interested in access off of Hwy 42 encroaching on his property or the amount of traffic potentially coming off of Hwy 42 disturbing his development which would disrupt the exclusivity of his proposed development.

Liebenow asked about the design of the road being a cul-de-sac and whether or not the road would be a “public or private road.” Brad Jech indicated that the cul-de-sac road was purposefully designed to limit traffic to and from the development and to enhance the exclusivity of the area. Liebenow discussed the difficulty of maintaining a cul-de-sac as a public street. Montgomery indicated that the cul-de-sac in his development of potential \$400,000 to \$700,000 homes contributes to the exclusivity and that it would be a larger roadway than most other cul-de-sacs in other parts of town. Craig Britton explained that the water connectivity isn’t an issue with the natural waterway located to the west of the property and the potential easement that the watermain extension could follow will allow the loop to be connected and thereby improving water quality for the City of Plainview, essentially making this development more viable. Sanitary sewer would come from the existing service main in the SW Corner of the property.

Liebenow asked about the watermain extension and potential loop. Brian Malm stated that the extension was discussed, and the intent was to make the watermain loop through the two developments and an easement would be needed that would be part of the development agreement. If the Commission felt strongly about the road between the two parcels, the easement and watermain infrastructure could be placed there. Utility and street connectivity is a reasonable consideration when discussing these potential developments.

Liebenow asked about sidewalks and connectivity between the two developments and Craig Britton indicated that is a consideration they have not delved too deeply into yet. Chair Wiener indicated that pedestrian connectivity will certainly be an item for discussion.

Brian Malm discussed the timeline for submitting the general development plan and preliminary plat for the Montgomery proposed development. GDP and preliminary plat in June and final plat and development agreement in July.

Montgomery stated that he may be open to platting a pedestrian path from his development to the golf course in response to Liebenow's question about connectivity. Montgomery asked Britton for the dimension of the cul-de-sac which he did not have on hand but presumed it was 45 feet.

Tom Wiener stated that in closing, he wanted to hear at the next meeting about how the development fits into the comp plan regarding exclusivity or density.

Open Discussion:

None

Motion made by Durgin to adjourn. Second by Jacobs. Motion carried. 6:48 PM.

Planning and Zoning Commissioner

City Clerk

Date

**MEMORANDUM**

Date: May 26, 2021
To: City of Plainview Planning Commission
From: Harry Davis, AICP
Brian Malm, P.E.
Subject: Pleasant Acres – General Development Plan and Preliminary Plat Application
City of Plainview

Meeting Date: June 1, 2021

Request:

Applicants: Tony Montgomery / Widseth (Craig Button)
Owner: Anastacia Development, Inc.
Property Location: Southwest of Highway 42 and County Road 4
Property ID: 26.00116.03

Background:

The subject property is located in the southern part of Plainview, south of Highway 42 and between 10th St SW and 4th St SW. The property is zoned R-1 and totals approximately 11.72 acres.

Table 1

Direction	Land Use	Zoning
North	Undeveloped; Residential	R-2, Residential; R-1, Residential
South	Golf Course	Wabasha County
East	Large Lot Residential	R-1, Residential
West	Undeveloped	R-1, Residential

Request:

The request by the applicant is for approval of a general development plan and preliminary plat for 14 single-family lots and four outlots. The single-family lot sizes will be between 13,300 square feet and 39,000 square feet with a range of lot widths (street frontage) between 49 feet and 105 feet. Of the overall 11.72 acres, 5.58 acres are proposed as single-family lots. The overall density for the development, without outlots, will be around two homes per acre. As detailed below and further within this report, the applicant will adhere to R-1 zoning:

Table 2

	Current Minimum Requirement	Proposed Minimum Requirement
Lot Area Single-family	7,500 sq. ft.	7,500 sq. ft.
Lot Frontage	60 feet	60 feet
Zoning Setbacks	Front: 25 feet (from ROW) Back: 5 feet Side: 5 feet (15 feet total)	Front: 25 feet (from ROW) Back: 5 feet Side: 5 feet (15 feet total)

Public Comment:

No public comment was received as of publishing this report.

Neighborhood Notification:

All property owners within 350' feet of this property were notified within ten days of the Planning Commission public hearing and published in the paper on May 27, 2021 that a public hearing would be held on June 1, 2021. No additional notification is required for City Council.

Infrastructure:

Streets: The subject parcel has access to County Road 4, a partially improved road with no sidewalk. The property abuts Highway 42, which is a partially improved road with a trail on the north side, however, access to Highway 42 is controlled by MnDOT and would not be allowed without MnDOT approval.

Water: Public water is not readily available to the subject property. A watermain extension will be required to provide water service to the property.

Sewer: Public sanitary sewer is available to the subject property.

Drainage: This property is within a Wellhead Protection Area, as is most of Plainview, and in the southern watershed. A small drainage way is present in the south and southwestern parts of the property. The 100-yr flood elevation for the drainage way is unknown. A wetland delineation has not been submitted at this time.

2040 Comprehensive Plan:

One of the land use goals in the comprehensive plan is to “encourage land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state, and utility costs”. A sub-goal under the goal above is to require coordination between growth and utility capacities (sewer, water, etc.). Under the housing goals in the comprehensive plan, there are various goals that address supporting a “variety of housing types and densities”, “encourage a range of housing ... [fitting community] character”, and “maintain and enhance the quality of Plainview’s homes and neighborhoods”.

The Future Land Use Map designates the subject properties as Mixed Use Residential and Commercial and in a Planned Development Area. The Existing Functional Classification and Future Roadways Map indicates future access to Highway 42 in this general area.

Staff Findings:

1. A determination of whether the proposed preliminary plat meets zoning and overlay requirements.

Finding: The lots in the proposed Orchard Hills 7th generally meet zoning requirements for lot area, frontage, and uses in R-1 zoning, with the exception of Lot 8. Lot 8 does not have the minimum required 50-feet of street frontage along a cul-de-sac, although it appears that the frontage could easily be adjusted to meet this requirement.

2. A determination of whether the proposed preliminary plat meets subdivision development standards.

Finding: Easements: The applicant has proposed right-of-way in the preliminary plat that satisfy code requirements. Drainage and utility easements should be added along

all side and rear yard lot lines (10-ft minimum total width). The applicant will need to make it clear on the final plat the location of easements with labels. Final review and determination of easement locations and widths to be included on the final plat will be coordinated with review of the proposed public infrastructure final plans and specifications.

Parkland Dedication: City Code requires dedication of 5% of the subdivision's land for public parks in R-1 zones, or payment of fees in-lieu. Since the preliminary plat does not indicate any parkland dedication, it is assumed that the applicant intends to pay fees in-lieu. In accordance with the Code, the fee should be a sum equal to 5% of the undeveloped value of the subdivided land. This amount will need to be determined as a part of the final plat and development agreement process.

Variances: The applicant has not submitted any separate zoning variance requests. However, the applicant should make it clear of their request(s) for any development- or subdivision-related variances.

Lot Configurations: The applicant has proposed lot configurations that generally meet code requirements.

Block and Street Configuration/Design: The applicant has proposed a street configuration that does not meet three sections of code:

1. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets so that parcels will not be landlocked (City Code 622.2, paragraph 1). When a new subdivision adjoins developable land, then the new streets shall be carried to the boundaries of such unsubdivided land; and
2. Streets designed and laid out so as to have one end permanently closed shall not exceed five hundred (500) feet in length, except where the Planning and Zoning Commission has approved additional length due to property limitations or large lot size (City Code 622.2, paragraph 5); and
3. Cul-de-sacs are to be discouraged in subdivisions because of their effect of reducing the efficiency of traffic flow and circulation. However, when necessary due to topographical constraints, the maximum length of a street terminating in a cul-de-sac shall be 500 feet, measured from the centerline of the street of origin to the end of the right-of-way (City Code 622.4).

Although staff understands that connectivity is not possible with every development and for every part of the city, the combination of no connectivity to the western, undeveloped property and an approximately 1,000-foot long dead-end or cul-de-sac street is ill-advised. There are no topographical challenges faced by the applicant for a possible connection to the west. Longer dead-end streets make it harder to provide emergency services in a timely manner and negatively impact traffic flow both within the subdivision and the larger area. In addition, given MnDOT controlled access along Highway 42, it appears that failure to provide connectivity to the adjacent western, undeveloped property

may result in that property being land-locked, if access to Highway 42 is not granted by MnDOT.

The applicant should formally request in writing variances to the above code sections and provide reasoning behind the requests.

Required Improvements:

Streets - The proposed streets of the subdivision meet the City's roadway section requirements.

Sidewalks – The proposed sidewalk meets City Code requirements for sidewalk construction in new subdivisions.

Drainage/Stormwater Management – The proposed storm sewer layout appears reasonable, however, it is unclear how the applicant proposes to meet MPCA NPDES Construction Stormwater requirements for water quality treatment, and City requirements for stormwater discharge rate control. The applicant will need to provide information on how these requirements will be met, and whether lot configuration changes will be required, or if the requirements will be met through construction on adjacent property.

Sanitary Sewer - The proposed sanitary sewer layout appears reasonable.

Watermain - The proposed watermain layout within the subdivision appears reasonable. However, as noted above, a watermain extension will be required to provide water service to the property. The logical connection point is along Highway 42 to the northeast, near the Kwik Trip entrance. The City will need to determine how this watermain extension is accomplished, including cost allocation.

Other Jurisdictional Approvals: This development is subject to all local, county, and state requirements for development. Failure to receive necessary approvals will render any plat approval null and void. Since this plat abuts both MnDOT and County Highway right-of-way, it will need to be submitted to those agencies for review and comment.

Denial of Plan and/or Plat: In the case of all subdivisions, the Planning Commission shall recommend denial of, and the City Council may deny, approval of a general development plan, preliminary or final plat if it makes any of the following findings:

- a) That the proposed subdivision, including the design, is in conflict with any adopted component of the Plainview Comprehensive Plan, Land Management Ordinance, Storm Water Pollution Control Ordinance, or any other provision of the City Code;
- b) That the physical characteristics of this site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility

to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development or use contemplated;

- c) That the site is not physically suitable for the proposed density of development;
- d) That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage;
- e) That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
- f) That the design of the subdivision or the type of improvements will conflict with easements of record;
- g) That the design will create a significantly higher density than the surrounding areas;
- h) That the design will create an undue burden on the City's traffic system or water/wastewater infrastructure.

The subdivision does not appear to violate findings b) through g) above.

Related to finding a) above, the general development plan shows an intent to use the proposed outlots for future higher-density residential and commercial use. This is not in conflict with the city's comprehensive plan. However, the City Code requires major streets in a subdivision to project to adjacent areas. The City Code also discourages cul-de-sacs, absent any topographic constraint necessitating them, and limits the length of cul-de-sacs to 500-ft when they are necessary. There are no topographical constraints requiring a cul-de-sac in this case, and the proposed cul-de-sac is nearly double the maximum length allowed in the Code. Therefore, the proposed subdivision is in conflict with Land Management Ordinance requirements. A variance to this Code requirement would be necessary for these items.

Related to finding h) above, it could be argued that the lack of street connectivity to the undeveloped property to the west, combined with the lack of certainty in future access to Highway 42 may create an undue burden on the City's traffic system. Staff does not believe this burden would be related to expected traffic volumes, as those are expected to be relatively low based on the proposed development. Rather, the burden may be in increased maintenance costs for pavement and snow removal associated with cul-de-sacs, in increased emergency service response time, and in access complications for the undeveloped property to the west.

Recommendation:

Staff recommends the Planning Commission first provide feedback and direction on the following two issues:

1. Should a variance to the City Code requirements for street connectivity and cul-de-sacs be granted?
2. Will a lack of street connectivity create an undue burden on the City's traffic system?

If the Planning Commission determines that a variance should be granted for the street connectivity and cul-de-sac requirements, and that the lack of street connectivity will not create an undue burden on the City's traffic system, then Staff recommends that the Planning Commission forward the general development plan and preliminary plat to the City Council recommending approval, with the following conditions:

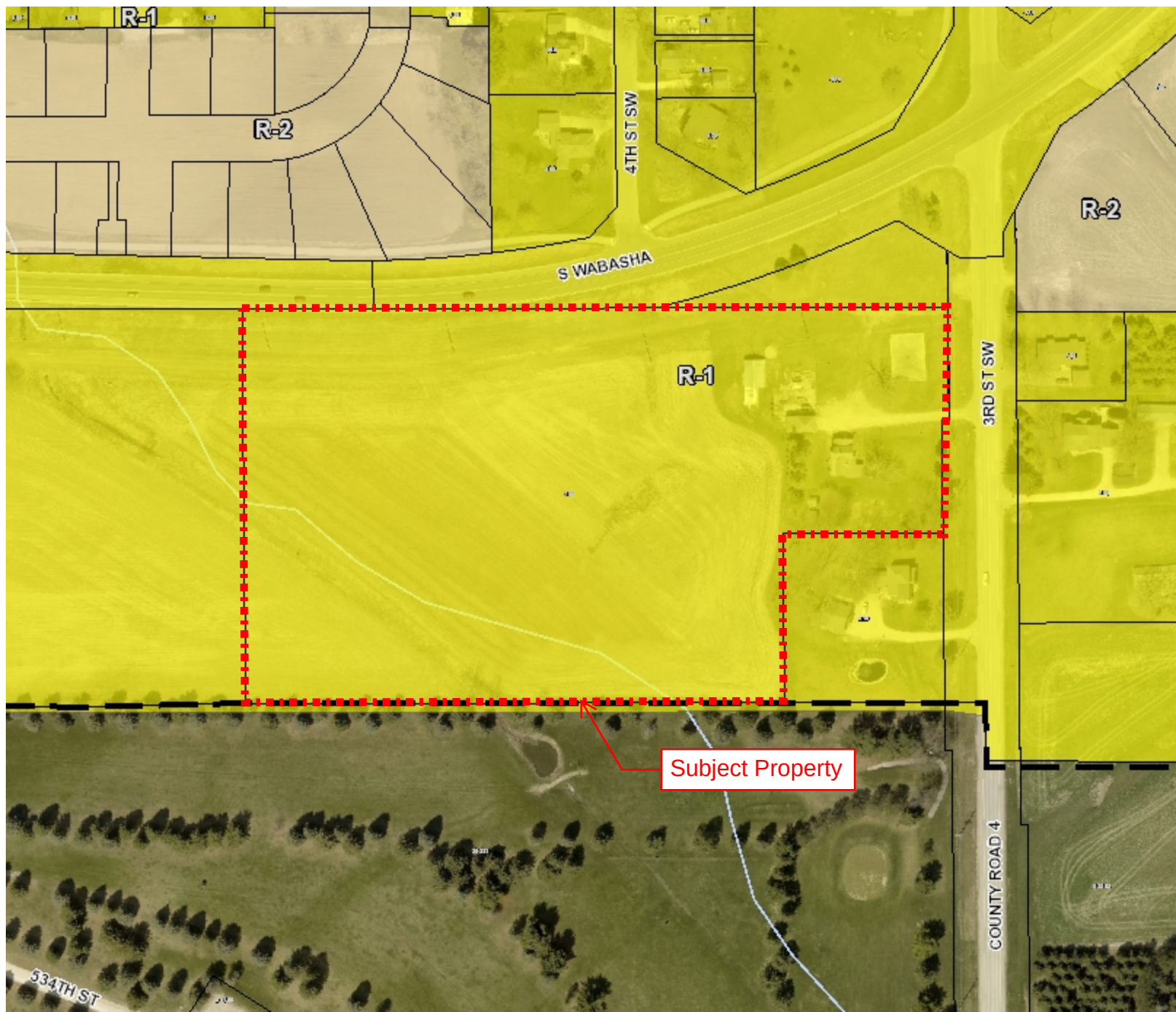
1. A recommendation granting a variance to street connectivity to the west.
2. A recommendation granting a variance to a maximum 500-feet for dead-end streets and cul-de-sacs.
3. A recommendation that the proposed general development plan and preliminary plat does not conflict with any conditions listed in Section 620.4 of the Plainview City Code, and thus approval of the general development plan and preliminary plat is appropriate.
4. City staff shall submit the preliminary plat to MnDOT and Wabasha County for review and comment.
5. A method for accomplishing the needed watermain extension for the development will need to be determined, including cost allocation, prior to approval of the Final Plat.
6. The applicant shall address and satisfy the following conditions prior to City Council:
 - a. Show required setbacks on the preliminary plat.
 - b. Provide further detail regarding the applicant's intention to provide either parkland or fees in-lieu.
 - c. Submit a letter requesting and providing support for the above-mentioned variances to street connectivity, cul-de-sacs, and length.
 - d. Adjust lot frontage for Lot 8 to meet requirements.
 - e. Provide further information on the proposed stormwater management design.
 - f. Add drainage and utility easements along all side and rear yard lot lines (10-ft minimum total width).
7. A wetland delineation shall be completed for the property. If wetlands are determined to be present, then Wetland Conservation Act requirements shall be followed.
8. The preliminary plat shall generally be consistent with the general development plan. Denial of the general development plan will render approval of the preliminary plat null and void.
9. Plans and specifications for the required infrastructure improvements shall be submitted for City review and approval.
10. A Development Agreement to install the required infrastructure improvements necessary to support development on lots within the proposed subdivision will be required as a condition of Final Plat approval in accordance with City Code.
11. Easements included on the final plat shall conform with those shown on the preliminary plat, as well as any adjustments or additions determined to be needed by the City during preparation and review of final plans and specifications for the proposed subdivision improvements.
12. The parkland dedication cash in lieu of land amount shall be determined and finalized as a part of the development agreement.
13. All other comments or conditions from city departments, franchise service and utility providers, or other authorities with jurisdiction over this development shall apply to this development.
14. Unless earlier rescinded by the City Council, approval of a preliminary plat is limited to a period of one year, after which time the applicant is required to resubmit a preliminary plat. Upon application filed with the City Clerk, the City Council may continue the approval for an additional period of time. The application shall be filed at least 20 days prior to expiration of the approval of the preliminary plat. In the event the developer does not submit a final plat for approval within this time limits listed herein, the preliminary plat approval in this resolution shall expire.

If the Planning Commission determines that a variance should not be granted for the street connectivity and cul-de-sac requirements, and/or that the lack of street connectivity will create an undue burden on the City's traffic system, then Staff recommends that the Planning Commission forward the general development plan and preliminary plat to the City Council recommending denial, for the following reasons:

1. That the proposed subdivision design is in conflict with the Land Management Ordinance, specifically sections 622.2, paragraph 1; 622.2, paragraph 5; and 622.4; and/or
2. The design will create an undue burden on the City's traffic system due increased maintenance costs for pavement and snow removal, increased emergency service response time, and access complications for the undeveloped property to the west.

Attachments:

- Current Zoning Map
- Plainview Comprehensive Plan
 - o Future Land Use Map
 - o Environmental Resources
 - o Existing Functional Classification and Future Roadways Map
- General Development Plan
- Preliminary Plat



Legend

- 11** City Limits
- Parcels (11/1/2020)
- Parcels
- Zoning**
- AG (Agricultural District)
 - C-1 (Central Business District)
 - C-2 (Service Commercial District)
 - IND (Industrial District)
 - R-1 (One-Family Dwelling)
 - R-2 (Two-Family Dwelling)
 - T (Transition District)
- Protected Waters - Watercourse

Map Name



Disclaimer:

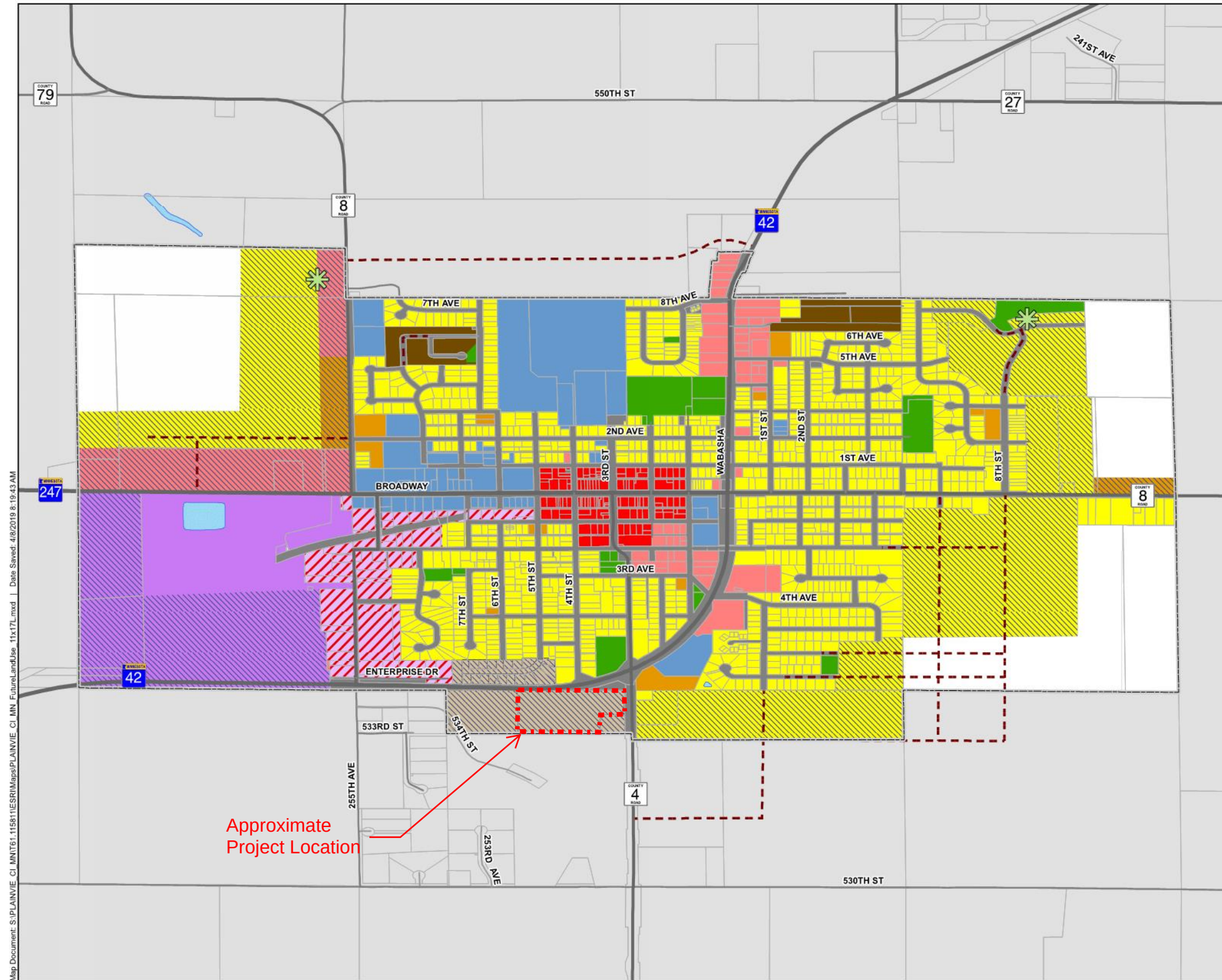
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Plainview is not responsible for any inaccuracies herein contained.

0 200 Feet



**BOLTON
& MENK**

Real People. Real Solutions.



Map #3: Future Land Use

2040 Comprehensive Plan Plainview, Minnesota

Legend

- City Limits
- Parcels
- Waterbodies
- Future Roadways
- Planned Development Areas
- Future Park Areas

Future Land Uses

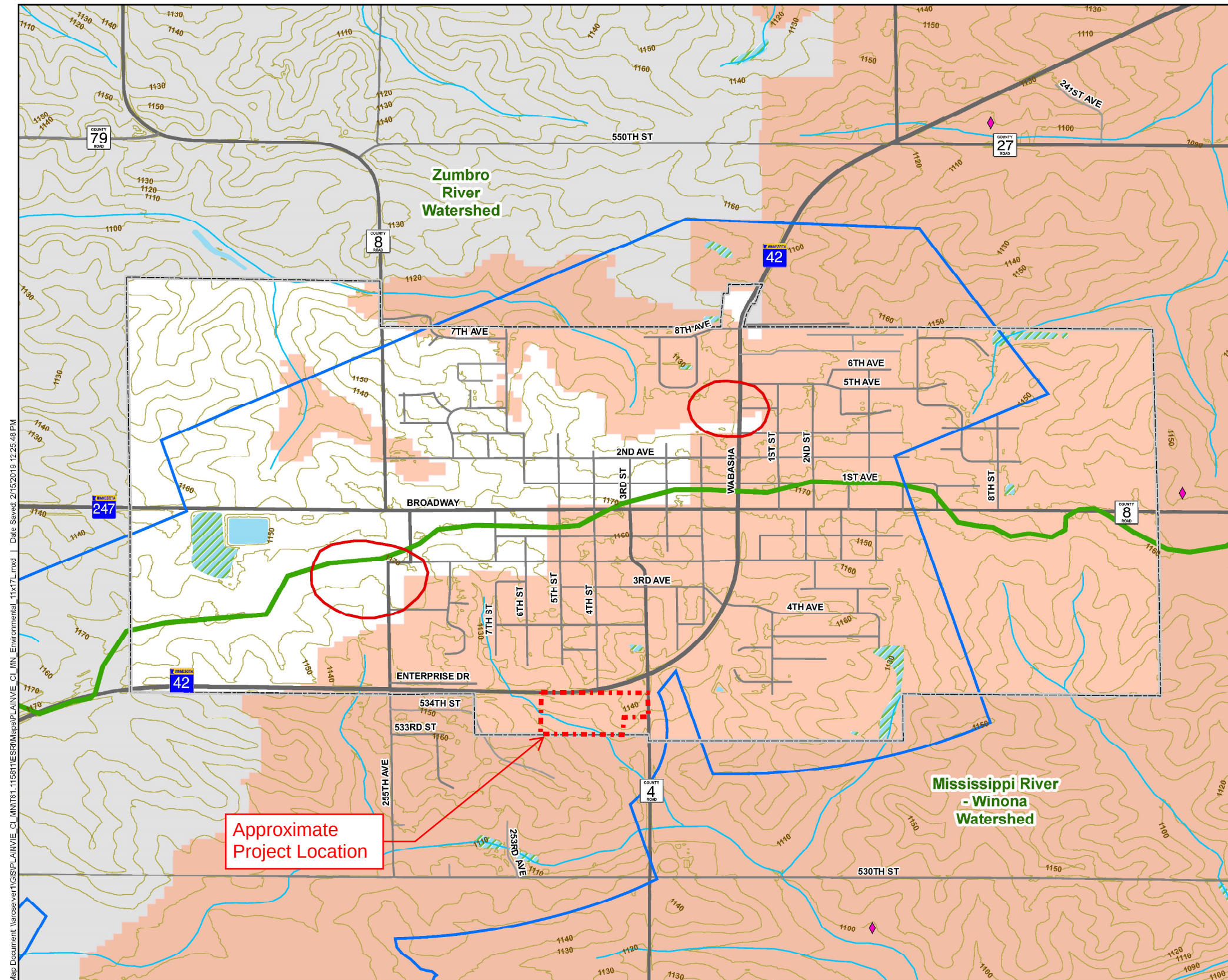
- Agricultural
- Central Business
- Service Commercial
- Commercial/Industrial
- Industrial and Utilities
- Institutional
- Mixed Residential / Commercial
- Residential
- Multi-Family Residential
- Manufactured Housing Park
- Parks, Open Space, and Recreational Areas
- Road and Railway Right of Way

0 0.5 Miles
Source: Wabasha County, MnGeo



April 2019

Orchard Hills 7th Subdivision - Environmental Resources Map Map: Environmental Resources



Map #13: Environmental Resources

2040 Comprehensive Plan
Plainview, Minnesota

Legend

- City Limits
- Environmental Resources**
- Waterbodies
- Streams and Ditches
- National Wetland Inventory
- Watershed Boundary
- ERA: Emergency Response Area
- WPA: Wellhead Protection Area
- Prone to Surface Karst Feature Development: Carbonate and Sandstone
- Karst Feature: Sinkhole
- 10ft Contours (LiDAR)

0 0.5 Miles

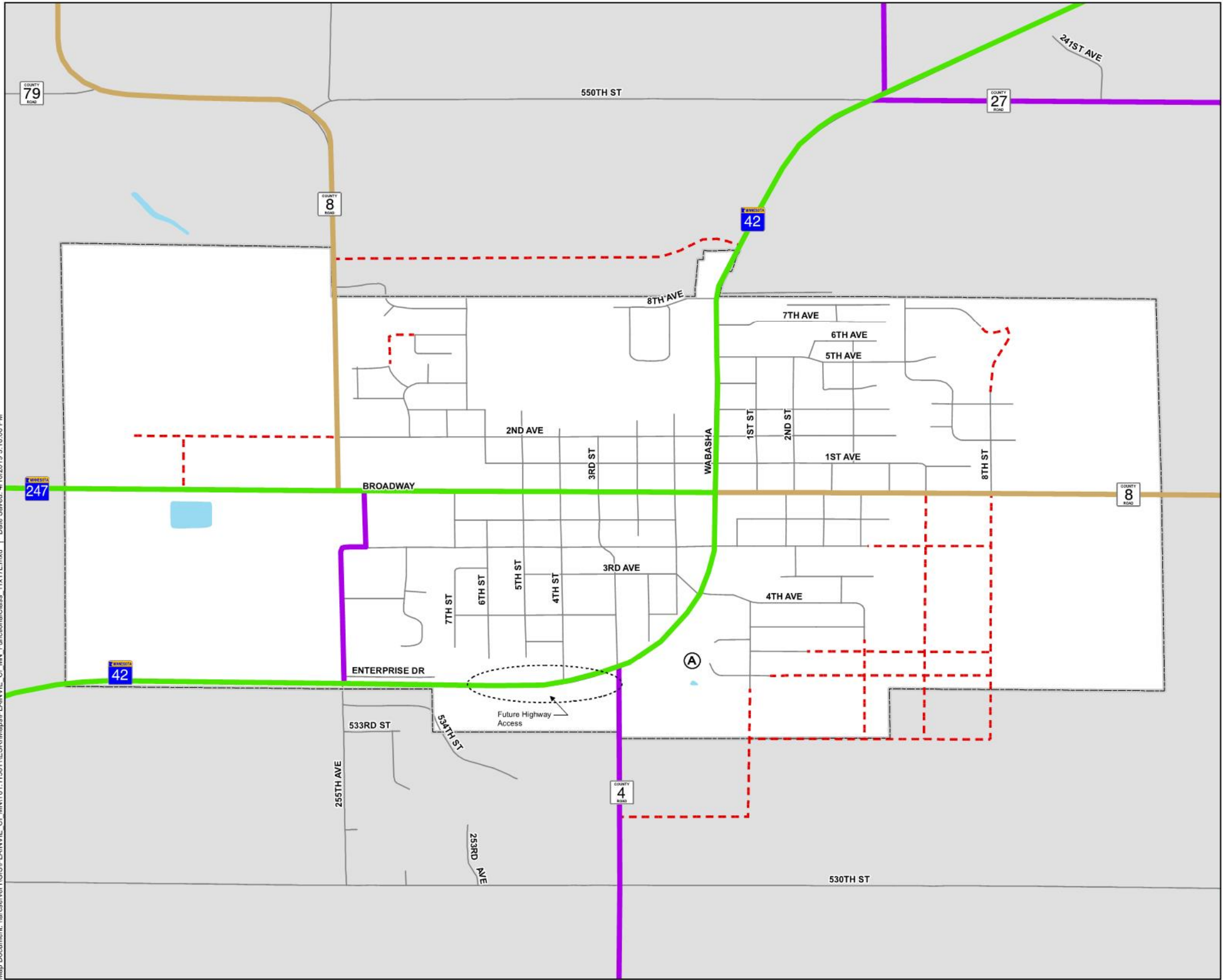
Source: Wabasha County, MnDNR, MnGeo, USFWS



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February 2019

Map: Existing and Planned Functional Classification



Map #6: Existing Functional Classification and Future Roadways

2040 Comprehensive Plan
Plainview, Minnesota

Legend

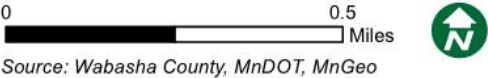
- City Limits
- Waterbodies

Functional Classification

- Minor Arterial
- Major Collector
- Minor Collector
- Local Roads
- Future Roadways

* Future roadway locations are not final.
As development occurs, connectivity issues will be resolved.

(A) Future Public Street Alignment
The alignment between Kwik Trip and the church property will be addressed in the future.

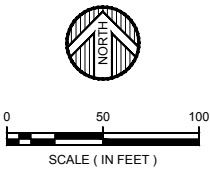


Source: Wabasha County, MnDOT, MnGeo



April 2019

PRELIMINARY PLAT OF
PLEASANT ACRES



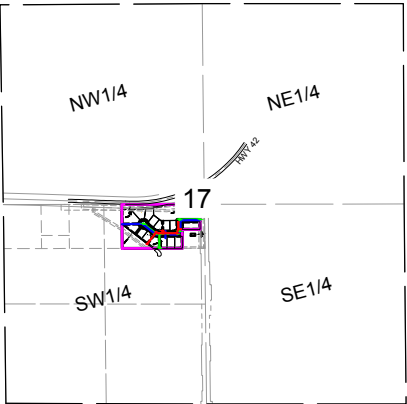
EXISTING FEATURES LEGEND

	DENOTES EXISTING SANITARY SEWER
	DENOTES EXISTING STORM SEWER
	DENOTES EXISTING WATER MAIN
	DENOTES EXISTING EASEMENT
	DENOTES PROPERTY BOUNDARY
	DENOTES SETBACK LINE
	DENOTES EXISTING RIGHT OF WAY LINE
	DENOTES CONTROLLED ACCESS
	DENOTES EXISTING UNDERGROUND ELECTRIC
	DENOTES EXISTING ELECTRIC POLE
	DENOTES EXISTING SANITARY MANHOLE
	DENOTES EXISTING HYDRANT
	DENOTES EXISTING 25% SLOPES AND GREATER

PROPOSED FEATURES LEGEND

	DENOTES PROPOSED CONCRETE
	DENOTES PROPOSED BITUMINOUS
	DENOTES PROPOSED RIGHT OF WAY LINE
	DENOTES PROPOSED SETBACK
	DENOTES PROPOSED EASEMENT LINE
	DENOTES PROPOSED WATERMAIN SERVICE
	DENOTES PROPOSED SANITARY SERVICE
	DENOTES PROPOSED STORM SEWER SERVICE
	DENOTES PROPOSED CATCH BASIN

VICINITY MAP
SEC. 17, T. 108 N., R. 11 W.



NOT TO SCALE

SITE ADDRESS: 750 3RD STREET SE
PLAINVIEW, MN 55934

PROPOSER: ANASTACIA DEVELOPMENT INC.
630 2ND ST. NW
PLAINVIEW, MN 55964
CONTACT: TONY MONTGOMERY

CIVIL ENGINEER: WIDSETH SMITH NOLTING
3777 40TH AVE NW, SUITE 200
ROCHESTER, MN 55901
CONTACT: CRAIG BRITTON
PH: (507) 292-8743
EMAIL: CRAIG.BRITTON@WIDSETH.COM

SURVEYOR: WIDSETH SMITH NOLTING
3777 40TH AVE NW, SUITE 200
ROCHESTER, MN 55901
CONTACT: PETER OETLIKER
PH: (507) 292-8743
EMAIL: PETER.OETLIKER@WIDSETH.COM

LEGAL DESCRIPTION

1. SEE EXHIBIT A



MEMORANDUM

Date: May 26, 2021
To: City of Plainview City Council
From: Harry Davis, AICP
Brian Malm, P.E.
Subject: Special District Code Proposal
City of Plainview

Meeting Date: June 1, 2021

Request:

Applicants: WSE/Massey Engineering & Surveying; Tom Weiner
City Council (in support of reviewing and researching the request)

Request:

The proposal by the applicant is a “Special District” code that would allow mixed-use developments to be built. Some sample language, drafted by the applicant, is attached to this report.

Background:

This proposal was recently reviewed by Planning Commission and City Council in connection with a concept plan for the “PADCO” property, now known as the Skyview Development, on the south side of Highway 42, between CR 4 and 225th Ave, across Highway 42 from 6th St SW. The concept plan included a mix of residential types, live-work units, and commercial space. Planning Commission and City Council were generally in favor of the proposed development and the latter have asked staff to review the applicant’s proposed Special Districts code, provide any other options or text amendments for consideration, and make a recommendation.

Public Comment:

No public comment was received at the time of writing this report.

Neighborhood Notification:

No public comment is required for this proposal at this time. If the new zoning district moves forward as an amendment, then public hearings at Planning Commission and City Council and public noticing must be accomplished as required in city code and under state statute.

2040 Comprehensive Plan:

The Future Land Use Map has a designation for Mixed Use Residential and Commercial in a Planned Development Area. One goal of the comprehensive plan is to create a mixed-use zoning district for the properties near the intersection of 255th Avenue and Highway 42. One of the land use goals in the comprehensive plan is to “encourage land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state, and utility costs”. A sub-goal under the goal above is to require coordination between growth and utility capacities (sewer, water, etc.). Under the housing goals in the comprehensive plan, there are various goals that address supporting a “variety of housing types and densities”, “encourage a range of housing ... [fitting community] character”, and “maintain and enhance the quality of Plainview’s homes and neighborhoods”.

Staff Findings:

Introduction:

Staff understands that the request comes from a lack of by-right multi-family land uses in the city's existing range of zoning districts. The existing Transitional zoning district does not provide flexibility to allow phased development and places multi-family as conditional uses. This can be difficult in a situation where a phased development intends to develop multi-family at a later stage, but adjacent property owners and neighborhoods change owners or character. A difference in opinion may jeopardize finishing the final stage of an expensive project due to potential disapproval at Planning Commission or City Council. An immediate result of this would be a vacant property, which may be an eye-sore for the community, and a loss of money and time for a developer.

Staff believes that the city should allow different types of residential development, including multi-family, and facilitate a system that provides certainty for the developer, city, and public. The comprehensive plan does provide some support to the applicant's desire for a zoning district that allows different residential uses, but the plan primarily encourages the creation of a mixed-use zoning district capable of permitting commercial and residential together on one property and in one district. The applicant is proposing a special district code, which is similar in some aspects to a Planned Unit Development (PUD, which is not allowed in Plainview) but as a zoning district (commonly known in other cities and states as a Planned Zoning District, PZD). This approach would give more certainty by-right as a zoning district instead of a conditional use permit (CUP) commonly associated with PUD. This approach also provides a lot of flexibility to the developer, but this flexibility should be paired with requirements for meeting city goals and objectives regarding land use. Some alternatives to a special zoning district include:

- Creating and adopting a Planned Unit Development code and inserting this land use in appropriate zoning districts.
- Creating and adopting a new zoning district that permits multi-family development, perhaps as a part of a mixed-use zoning district.

Staff has prepared a description of three options for the Planning Commission to discuss and consider:

Planned Unit Developments

PUDs are a specialized zoning designation that allows developers and cities to use unusual or progressive projects that provide benefits to the developer, city, and neighbors. Minnesota allowed jurisdictions to use PUDs since the early 1970s. The original intent was for developers and cities to pair PUDs with special or unique projects that need leeway above what is allowed in existing zoning districts. These special projects usually included a mix of residential, retail, and office, but have included other elements like transit-oriented development.

Typically, PUDs are utilized through the CUP process, where as long as the PUD and CUP requirements (sometimes they are one and the same, sometimes they differ) are met, and the applicant has made a reasonable case that the new development will not be a problem to "health, safety, and welfare", then the city has little to no options to prevent the development. On the other side, if the developer wishes to add more units, change a residential type, add more retail, etc. then they will need to amend the CUP. Amending a CUP sometimes requires the developer to go back to at least one public hearing for approval, which can be just as time consuming and gives the same amount of certainty as the original proposal process. With the PUD (and any CUP), a record is needed, so the final conditions, plans, minutes, resolution, etc. need to be saved for both the initial construction and any alterations or amendments completed in the future. This has become less of an issue now with digital files, but it still requires city

staff to either remember which properties have a CUP, or manage a map/record system to accurately attribute a CUP to a specific property.

In the current climate of development, some cities worry about PUDs being overused. A developer may not be able to build a type of unit or plat a certain-sized lot within the current code, but under PUDs, they can maximize the density of a property or plat lots smaller in width and area than would normally be allowed. While this may not be an issue in some communities, others are starting to look at adopting new zoning districts or new performance standards to keep up with current building trends.

Mixed-Use Zoning District

A zoning district that allows both residential and commercial/office uses is not a new concept in contemporary planning theory. Cities of varying sizes have adopted zoning codes that allow mixed uses. These districts can be as specific or broad as desired, with requirements that are applied only when certain criteria are met. For example, the zoning can require a larger side setback and shorter building height for multi-family when proposed next to single-family. The process for approving developments within the new zoning district, whether it is applying performance standards or subdivision code, is the same as it is within existing zoning districts. When a district is adopted, the language goes directly into the ordinance, so the need for remembering which properties have a special development permit and maintaining a record of such permits is reduced. Although the zoning district may not offer as much flexibility as a developer needs to make a development work, it does provide certainty in the process for the city, applicant, and public.

Special Districts

Special Districts operate similarly to what are known as Planned Zoning Districts (PZDs), where the applicant provides information on how the Special District meets city requirements, a concept plan, and information about setbacks, building heights, uses, and other elements typically found in a zoning district. A Special District may also include performance standards for building design, parking lots, landscaping, and restrictions for signs.

The Special District language as proposed by the applicant establishes an overlay district which supersedes the underlying zoning district wherever there is a conflict. When the Special District does not address a situation or requirement, the underlying zoning remains in effect.

Staff has included the applicant's language as well as a revised version from staff.

Recommendation:

Staff recommends the Planning Commission provide staff with a clear direction for drafting a code amendment, using whichever method above the Commission sees fit. The code amendment will be drafted, reviewed by the City Attorney, and heard at the next Planning Commission meeting, which will start the public hearing process and be notified per city code and state statute.

Attachments:

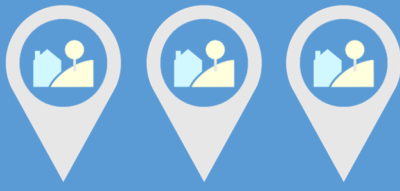
- Comprehensive Plan Exhibit
 - o Mixed-use Zoning District Goal
- Special Districts Code
 - o Version edited by Staff
 - o Version as Proposed by Applicant
- Examples
 - o Special District Code
 - City of Rochester

Name: New Zoning District

Date: May 26, 2021

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- Olmsted County
- Rochester Township
- Built Projects
 - Oronoco
 - Cedar Woodlands
 - Riverwood Hills
 - Rochester
 - Harvestview II



Land Use

II. LAND USE

Special Districts Code Proposal

A. Land Use Goals and Objectives

Exhibit - Plainview Comprehensive Plan

1. Goals

- a) Promote redevelopment of property with existing infrastructure and public services.

1. Identify and rehabilitate existing residential, commercial and industrial structures.



- b) Provide for a constructive mix of uses while protecting against incompatible and conflicting land activity impacts.

1. Update the zoning code and map to be consistent with the Land Use Plan, when applicable.
2. Protect the fringe area around the city's industrial uses to avoid potentially incompatible uses such as housing.
3. Research and develop a mixed-use zoning district consisting of compatible residential or commercial land uses with standards that assure neighborhood compatibility to promote small-town living as shown along Highway 42.



- c) Protect historic preservation and natural areas, including wetlands, wildlife habitats, karst features, and groundwater resources.

1. Amend the Subdivision Code and Zoning Ordinance to require a review of the Wabasha county soil survey, and incorporate and incentivize conservation, environmental, and history preservation values when evaluating development proposals and city land use decisions.
2. Design open space corridors, where possible, into new city developments to accommodate natural surface drainage and provide for open space.



- d) Encourage land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state, and utility costs.

1. Review the Cluster Development section of the Zoning Ordinance to determine if this section allows for enough flexibility in residential, commercial, and industrial development.
2. Encourage the use of available development capacity in the sewage treatment plant gravity service area and in existing lift station service areas to minimize the number of lift stations and to minimize housing sprawl.
3. Coordinate the pace of city growth with the capacities of the wastewater treatment plant and the city water system by encouraging contiguous growth.



Special Districts Code Proposal

Exhibit - Staff Version of Applicant's Special District Language

Section SPECIAL DISTRICTS

In order to permit a more flexible means of new land development and redevelopment, the City Plainview finds that regulations are necessary to permit the creation of Special Districts. Such Regulations shall promote the public health, safety and general welfare and shall be substantially in accord with and promote the purpose and policies of the Comprehensive Plan.

Purposes: The purpose of Special Districts is to establish modifications to or to supplement existing zoning regulations to accomplish a special public purpose that is supported by the goals and Policies of the Comprehensive Plan, including land uses as found in the future land use plan. Specifically, these purposes and conditions supporting the establishment of a Special District are:

- A. Areas may exist where there is a desire and need to establish regulatory authority or the administration of land use control at the city level of government.
- B. Areas may exist where substantial public interests require that existing regulations be modified or supplemented to accomplish a special purpose.

Additionally, to ensure new development constructed under this provision is of high quality construction, complimentary to existing neighborhood and City character, and compliant with the goals, policies, and future land use map in the Comprehensive Plan, the following conditions must be met by developments proposed under this provision:

- A. Provide for the establishment of Special Districts in appropriate settings and situations, to create or maintain a development pattern that complies with the City's Comprehensive Plan.
- B. Construction of a mixed-use or higher-density residential development that could not otherwise be accomplished within this Ordinance.

- C. Provide for variations to the strict application of the land use regulations in this Ordinance to improve site design and operation, while incorporating design elements (e.g., construction materials, landscaping, lighting, etc.) that exceed the City's standards to offset the effect of any variations.
- D. Promote a more creative and efficient approach to land use within the City, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability, and general welfare of the City.
- E. Preserve and enhance natural features and open spaces for public and private use.
- F. Maintain or improve the efficiency of public streets and utilities.
- G. Ensure the establishment of appropriate transitions between differing land uses.

Effect: The effect of a Special District designation shall be to establish land use regulations within a specific described area, which are unique to that area, and which are adopted by the City of Plainview. The effect of a special district designation shall be as an overlay district. The regulations established in special legislation shall supersede the regulations of the underlying zoning district and other performance standards, when applicable. To the extent they are not inconsistent with the special district regulations, the underlying zoning district requirements and other typical performance standards shall remain in effect.

Procedure for Establishment: A Special District designation shall be established by resolution in accordance with the following procedure:

- A. A Special District proposal may be initiated by a petition of a land owner, Planning Commission, or City Council;

B. A land owner must have a pre-application meeting with the City's planner, engineer, and other impacted departments, utilities, and jurisdictions prior to submittal;

C. Submission Criteria:

a. The petition for establishment of a Special District shall be accompanied by:

- i. Two (2) copies of the proposed ordinance language;
- ii. A summary letter or booklet of the intent and effect of the proposed modification, with the following information as required by the City's planner:

1. A scaled and clear Concept Plan, showing the intended development plan for the property, which will be used to understand the proposed ordinance language and not to strictly limit future development;
2. A list of proposed permitted and conditional land uses;
3. Information on the density and intensity of residential units, retail, office, and other land uses;
4. Concept Plans showing the exterior of buildings proposed in the development, which will not strictly limit future development;
5. Information regarding parkland dedication or fees in-lieu when this provision is used in conjunction with the subdivision ordinance;
6. Information regarding proposed performance standards including, but not limited to, landscaping, buffering, parking, exterior building design, lighting, drainage, etc.;

- iii. A map indicating the boundary of the district and the boundary of the underlying zoning districts;
 - iv. An application fee as required by ordinance shall accompany the petition;
- D. The proposal must be submitted 30 days prior to the public hearing;
- B. The Planning Commission shall conduct a public hearing on the Special District, after giving public notice in accordance City ordinances and Minnesota Statutes;
- C. The City Council of Plainview shall conduct a public hearing in accordance with City ordinances and Minnesota Statutes. The Council shall adopt findings and act upon the proposal within 60 days of a complete submittal, unless an extension is granted.
- D. Construction must begin within two (2) years of establishing the Special District ordinance, or the approval shall be rendered null and void.

Special Districts Code Proposal

Section ----- SPECIAL DISTRICTS Exhibit - Applicant's Special District Language

In order to permit a more flexible means of new land development and redevelopment, the City Plainview finds that regulations are necessary to permit the creation of Special Districts. Such Regulations shall promote the public health, safety and general welfare and shall be substantially in accord with and promote the purpose and policies of the Comprehensive Plan.

Purposes: The purpose of Special Districts is to establish modifications to or to supplement existing zoning regulations to accomplish a special public purpose that is supported by the goals and Policies of the Comprehensive Plan. Specifically, these purposes and conditions supporting the establishment of a Special District are:

- A. Areas may exist where there is a desire and need to establish regulatory authority for the administration of land use control at the city level of government.
- B. Areas may exist where substantial public interests require that existing regulations be modified or supplemented to accomplish a special purpose.

Effect: The effect of a Special District designation shall be to establish land use regulations within a specific described area, which are unique to that area, and which are adopted by the City of Plainview. The effect of a special district designation shall be as an overlay district. The regulations established in special legislation shall supersede the regulations of the underlying zoning district. To the extent they are not inconsistent with the special district regulations, the underlying zoning district requirements shall remain in effect.

Procedure for Establishment: A Special District designation shall be established by resolution in accordance with the following procedure:

- A. A Special District proposal may be initiated by a petition of a land owner, City Planning and Zoning Commission, or City Council;
- B. The Planning Commission shall conduct a public hearing on the Special District, after giving public notice in accordance Minnesota Statutes;
- C. The City Council of Plainview shall conduct a public hearing in accordance with Minnesota Statutes. The Council shall adopt findings and act upon the proposal within 60 days of the hearing.
- D. Submission Criteria: The petition for establishment of a Special District shall be accompanied by two (2) copies of the proposed ordinance language, a summary

of the intent and effect of the proposed modification, and a map indicating the boundary of the district and the boundary of the underlying zoning districts. An application fee as required by ordinance shall accompany the petition.

Special Districts Code Proposal

Exhibit - City of Rochester Special District Language

62.900 SPECIAL DISTRICTS

In order to permit a more flexible means of new land development and redevelopment, the City of Rochester finds that regulations are necessary to permit the creation of special districts. Such regulations shall promote the public health, safety and general welfare and shall be substantially in accord with and promote the purposes and policies of the Comprehensive Plan.

- 62.901 **Purposes:** The purpose of Special Districts is to establish modifications to or to supplement existing zoning regulations to accomplish a special public purpose that is supported by the goals and policies of the Comprehensive Plan and support pedestrian, bicycle, and transit friendly design. Specifically, these purposes and conditions supporting the establishment of a special district are:
- A. The existence of a special and substantial public interest in protecting the existing physical character of an area or unique geological, ecological, archeological, historic, or other social characteristics of an area; or
 - B. The existence of a special and substantial public interest in protecting areas surrounding an individual building, group of buildings or other man-made features and their environs.
- 62.902 **Effect:** The effect of a special district designation shall be as an overlay district. The regulations established in special district legislation shall supersede the regulations of the underlying zoning district. To the extent they are not inconsistent with the special district regulations, the underlying zoning district requirements shall remain in effect.
- 62.903 **Submission Criteria:** The petition for establishment of a Special District shall be accompanied by two (2) copies of the proposed ordinance language, a summary of the intent and effect of the proposed modification, and a map indicating the boundary of the district and the boundary of the underlying zoning districts. An application fee as required in Paragraph 60.175 shall accompany the petition.
- 62.904 **Procedure:** An application for a Special District shall be processed under the Type III Review Procedure, with a Phase II Hearing Process utilized.
- 62.905 **Notifications:** Notifications for Comprehensive Special Districts shall be sent to all owners within the area proposed for rezoning and all owners owning land wholly or partially within 350 feet of the exterior boundaries of the area proposed for rezoning. For Single Purpose Special Districts, notifications shall be sent to all owners of land within the defined area of the proposed Single Purpose Special District.
- 62.906 **Statement of Intent:** The ordinance establishing a particular Special District shall contain a statement of intent setting forth the nature of the special and substantial public interest involved and the objectives to be promoted by special regulations or procedures within the district. The statement of intent shall also contain a statement ensuring the special district complies with the purposes outlined in Section 62.901.

62.910 COMPREHENSIVE SPECIAL DISTRICT

A comprehensive Special District may be initiated in the following manner:

Section 8.10 SPECIAL DISTRICTS: Exhibit - Olmsted County Special District Language

The purpose of the Special District is to permit the creation of special zoning districts in order to promote the public health, safety, and general welfare by allowing for a more flexible method of administration of land use regulations. The purposes and the conditions creating the desirability of such regulations are determined to be as stated in this section:

- A. Areas may exist where there is a desire and need to establish regulatory authority for the administration of land use control at the township level of government.
- B. Areas may exist where substantial public interests require that existing regulations be modified or supplemented to accomplish a special purpose.
 - 1. **Compliance with Comprehensive Plan:** Special Districts and the regulations established therein shall be in accord with and shall promote the purposes and policies set forth in the Comprehensive Plan.
 - 2. **Effect:** The effect of a special district designation shall be to establish land use regulations within a specific described area, which are unique to that area, and which are adopted by the Olmsted County Board.
 - 3. **Procedure for establishment:** A special district designation shall be established by resolution in accordance with the following procedure:
 - a) A Special District proposal may be initiated by motion of the County Board, the Planning Commission, or a Township;
 - b) The Planning Commission shall conduct a public hearing on the proposed Special District, after giving public notice in accordance with Minnesota Statutes;
 - c) Within 90 days of the public hearing, the Commission shall, by motion, recommend in favor of or against establishment of a Special District, with or without modification;
 - d) The Board shall conduct a public hearing in accordance with Minnesota Statutes. The Board shall adopt findings and act upon the proposal within 60 days of the hearing.

Section 8.11 High Forest Special District (HF - Special District)

The purpose of this special district is to provide for zoning regulations which recognize the administration of High Forest Township zoning regulations and to avoid duplication of land use regulations. Therefore the following agreement shall be the zoning regulations applicable for this zoning district. These regulations shall remain in effect

Exhibit - Rochester Township Special District Language

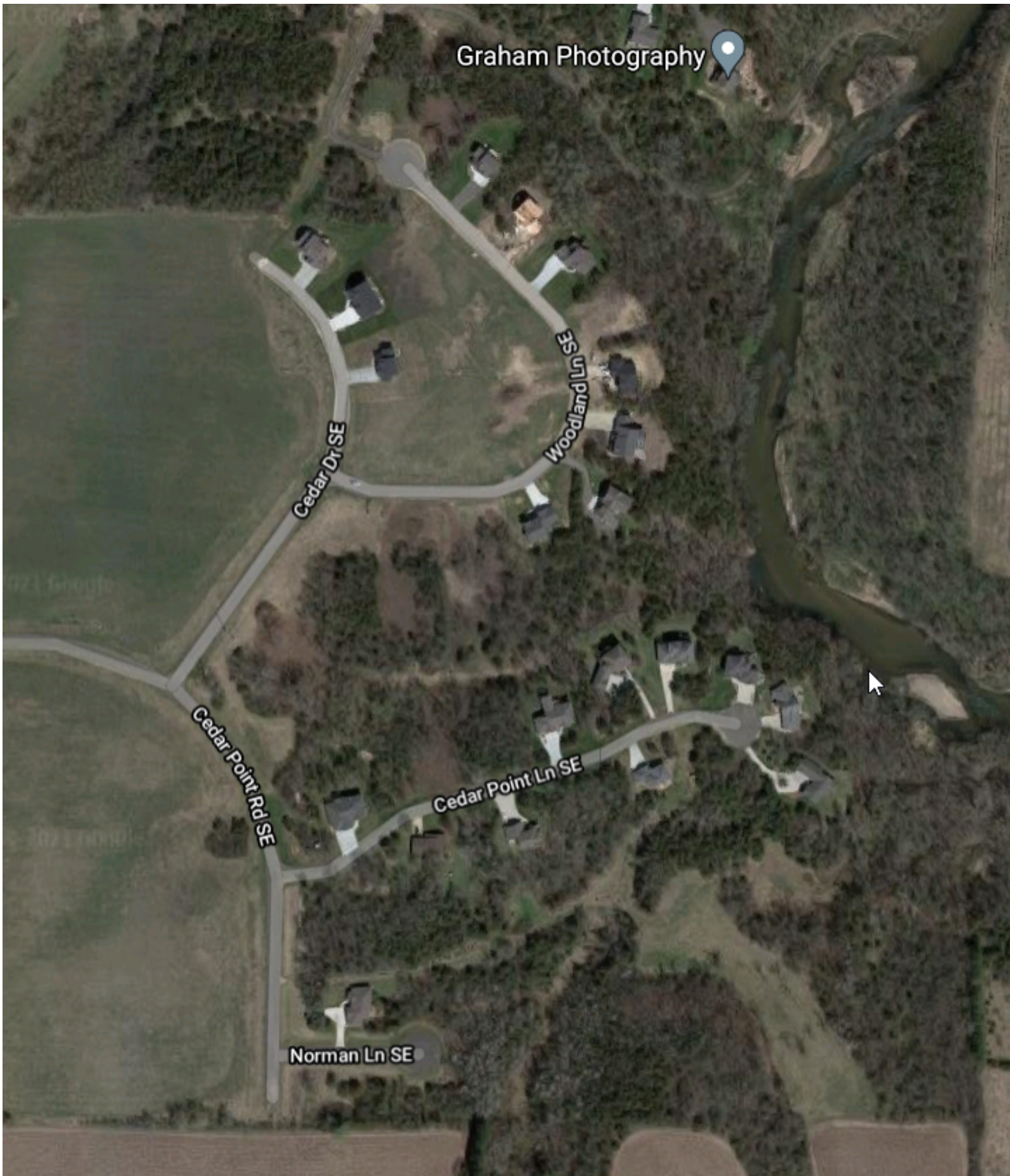
Section 8.10 **SPECIAL DISTRICTS: OTHER THAN RESIDENTIAL-SUBURBAN SUBDIVISION AREAS**

The purpose of the Special District is to permit the creation of special zoning districts in order to promote the public health, safety, and general welfare by allowing for a more flexible method of administration of land use regulations. The purposes and the conditions creating the desirability of such regulations are determined to be as stated in this section:

- A. Areas may exist where substantial public interests require that existing regulations be modified or supplemented to accomplish a special purpose.
 - 1. **Compliance with Rochester Township Land Use Plan:** Special Districts and the regulations established therein shall be in accord with and shall promote the purposes and policies set forth in the Land Use Plan.
 - 2. **Effect:** The effect of a special district designation shall be to establish land use regulations within a specific described area, which are unique to that area, and which are adopted by the Rochester Town Board
 - 3. **Procedure for establishment:** A special district designation shall be established by resolution in accordance with the following procedure:
 - a) A Special District proposal may be initiated by motion of the Town Board, or the Planning and Zoning Commission.
 - b) The Commission shall conduct a public hearing on the proposed Special District, after giving public notice in accordance with Minnesota Statutes;
 - c) Within 90 days of the public hearing, the Commission shall, by motion, recommend in favor of or against establishment of a Special District, with or without modification;
 - d) The Townboard shall conduct a public hearing in accordance with Minnesota Statutes. The Board shall adopt findings and act upon the proposal within 60 days of the hearing.

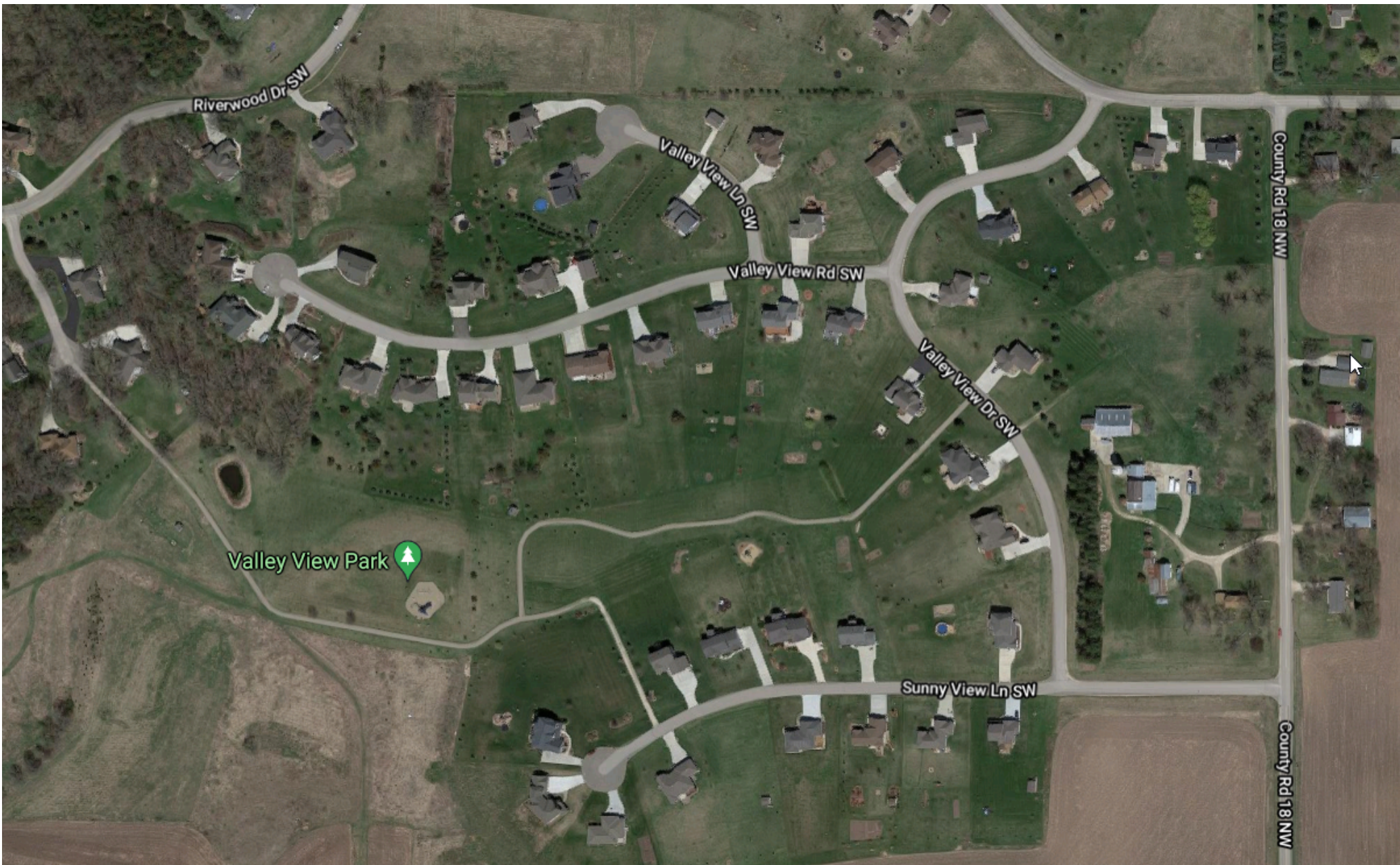
Special Districts Code Proposal

Exhibit - Cedar Woodlands in Oronoco



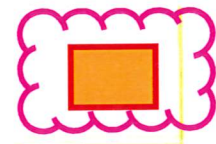
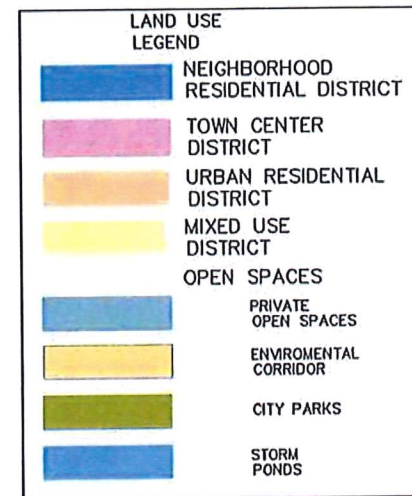
Special Districts Code Proposal

Exhibit - Riverwood Hills in Oronoco

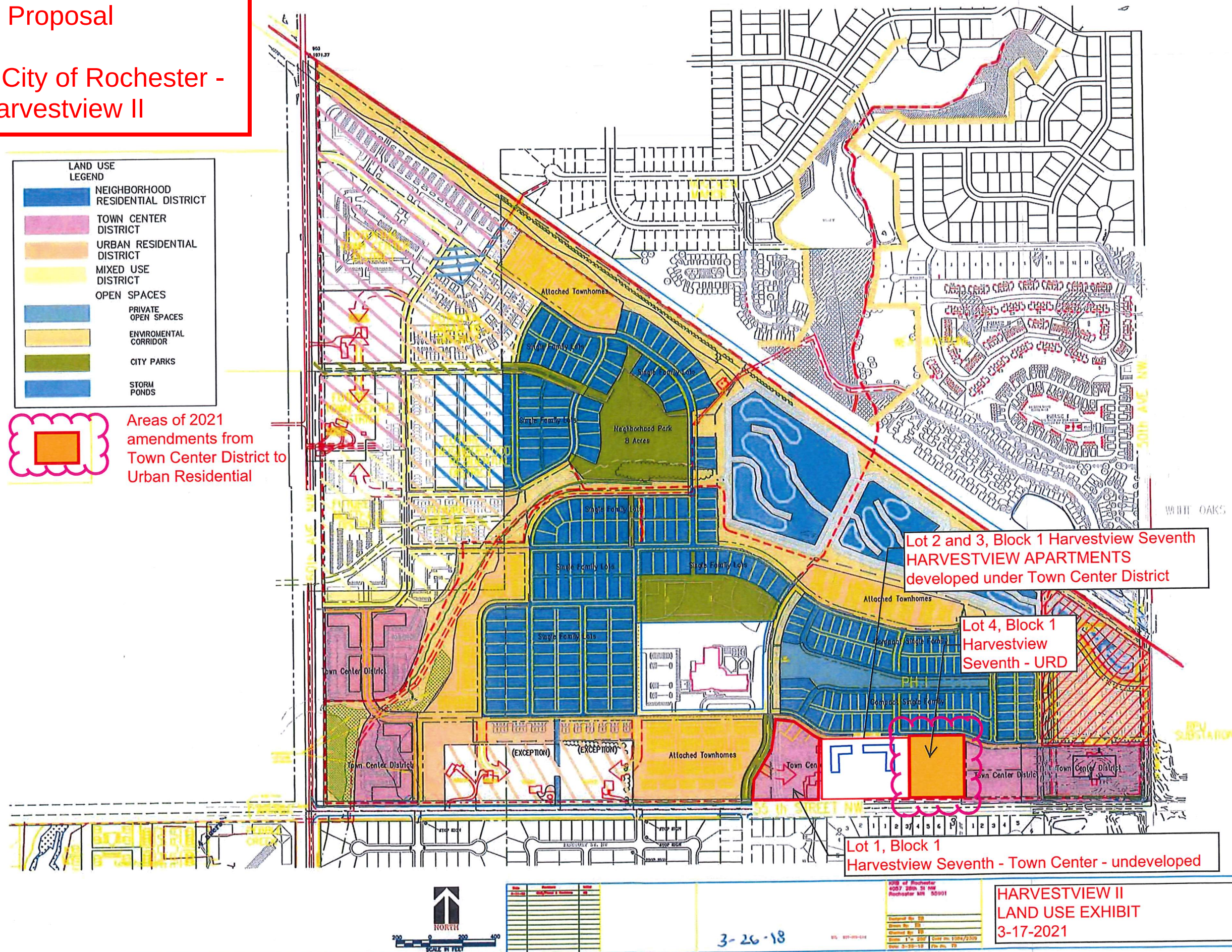


Special Districts Code Proposal

Exhibit - City of Rochester - Harvestview II



Areas of 2021
amendments from
Town Center District to
Urban Residential



ORDINANCE NO. 3691

AN ORDINANCE CREATING AND ENACTING CHAPTER 64Q, AND AMENDING AND REENACTING SECTION 60.327 OF THE ROCHESTER CODE OF ORDINANCES, RELATING TO THE ESTABLISHMENT OF THE HARVESTVIEW II SPECIAL DISTRICT.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Chapter 64Q of the Rochester Code of Ordinances is hereby created and enacted to read as follows:

64Q. HARVESTVIEW II SPECIAL DISTRICT

64Q.050. **PURPOSE.** The purpose of this Special District is to provide for zoning regulations that will be administrated in the Harvestview II Special District, as required in Section 62.900 of the Rochester Code of Ordinances (City of Rochester Zoning Ordinance and Land Development Manual). The following is the special regulations of the Harvestview II Special District.

64Q.100. **BOUNDARIES OF THE LAND.** This ordinance shall apply to the following described property located within the City of Rochester, County of Olmsted, State of Minnesota:

That part of Section 7, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southeast corner of said Section 7; thence North 89 degrees 44 minutes 40 seconds West, assumed bearing, along the south line thereof, 656.00 feet to the southwest corner of the East Half of the Southeast Quarter of the Southeast Quarter of said Section 7 for the point of beginning; thence North 00 degrees 15 minutes 39 seconds West, along the west line of said East Half of the Southeast Quarter of the Southeast Quarter, 897.87 feet; thence North 74 degrees 13 minutes 55 seconds West, 2049.61 feet to the west line of the East Half of said Section 7; thence North 00 degrees 20 minutes 24 seconds West, along said west line, 1065.54 feet; thence North 40 degrees 49 minutes 14 seconds West, 34.82 feet; thence North 00 degrees 20 minutes 24 seconds West, 45.65 feet; thence North 49 degrees 10 minutes 46 seconds East, 29.72 feet to the west line of the East Half of said Section 7; thence North 00 degrees 20 minutes 24 seconds West, along said west line, 143.04 feet to the southerly line of the Douglas Trail (formerly the WISCONSIN, MINNESOTA & PACIFIC RAILROAD COMPANY); thence North 54 degrees 55 minutes 28 seconds West, along said southerly line,

1601.48 feet to the west line of the East Half of the Northwest Quarter of said Section 7; thence South 00 degrees 14 minutes 09 seconds East, 1021.89 feet to the northeast corner of the Northwest Quarter of the Southwest Quarter of said Section 7; South 00 degrees 14 minutes 09 seconds East, along the east line of the Northwest Quarter of the Southwest Quarter of said Section 7, a distance of 1319.64 feet to the northeast corner of the Southwest Quarter of the Southwest Quarter of said Section 7; thence North 89 degrees 51 minutes 06 seconds West, along the north line of said Quarter Quarter, 1189.15 feet to the northwest corner thereof; thence South 00 degrees 19 minutes 07 seconds East, along the west line thereof, 1318.02 feet to the southwest corner thereof; thence South 89 degrees 46 minutes 23 seconds East, along the south line thereof, 704.24 feet to the west line of the east 483.00 feet of said Quarter Quarter Section; thence North 00 degrees 14 minutes 09 seconds West, along said west line, 396.00 feet; thence South 89 degrees 46 minutes 23 seconds East, 483.02 feet to the west line of the Southeast Quarter of the Southwest Quarter; thence South 89 degrees 46 minutes 23 seconds East, 330.11 feet; thence North 00 degrees 14 minutes 09 seconds West, 19.00 feet; thence South 89 degrees 46 minutes 23 seconds East, 450.00 feet; thence South 00 degrees 14 minutes 09 seconds East, 415.00 feet to the south line of the Southwest Quarter of said Section 7; thence South 89 degrees 46 minutes 23 seconds East, along said south line, 531.78 feet to the southwest corner of the Southeast Quarter of said Section 7; thence South 89 degrees 44 minutes 40 seconds East, along the south line thereof, 370.00 feet; thence North 00 degrees 26 minutes 47 seconds West, 408.03 feet; thence South 89 degrees 44 minutes 40 seconds East, 400.00 feet; thence South 00 degrees 15 minutes 20 seconds West, 110.00 feet; thence North 89 degrees 44 minutes 40 seconds West, 30.00 feet; thence South 00 degrees 15 minutes 20 seconds West, 298.00 feet to the south line of said Southeast Quarter; thence South 89 degrees 44 minutes 40 seconds East along said south line, 1233.00 feet to the point of beginning.

Excepting there from the following described property.

Commencing at the southwest corner of the Southeast Quarter of said Section 7; thence North 00 degrees 20 minutes 24 seconds West, assumed bearing, along the west line of said Southeast Quarter, 568.84 feet for the point of beginning; thence South 90 degrees 00 minutes 00 seconds West, 504.16 feet; thence North 00 degrees 00 minutes 00 seconds East, 553.42 feet; thence North 90 degrees 00 minutes 00 seconds East, 841.27 feet; thence southerly 219.71 feet along a non-tangential curve, concave easterly, central angle of 19 degrees 31 minutes 03 seconds, radius of 645.00 feet and the chord of said curve bears South 09 degrees 45 minutes 31 seconds West, 218.65 feet; thence South 00 degrees 00 minutes 00 seconds East, tangent to said curve, 337.93 feet;

thence South 90 degrees 00 minutes 00 seconds West, 300.04 feet to the point of beginning.

Containing 159.70 acres more or less.

64Q .200. **LEGISLATIVE INTENT AND FINDINGS.** Subdivision 1. Harvestview II provides a compelling alternative to single-use zones by offering a dramatically different mixed-use and environmentally, socially, economically, and aesthetically advanced development design.

Subd. 2. This Special District is established to foster the development of a comprehensively planned, mixed income, pedestrian-oriented neighborhoods. This is accomplished by promoting a variety of land uses, housing types, and densities, and by requiring skillful architectural and landscape design in creating buildings and open spaces. The sites unique location, with the Douglas Trail along the north boundary and adjacent to major streets on the other three sides, makes this an ideal place to create a district that avoids the negative impacts of suburban sprawl with an efficient, compact, mixed-use land plan.

Subd. 3. This type of development is consistent with the goals and policies of the City's Land Use Plan and Housing Plan, which encourages creating mixed-use, and higher density residential neighborhoods (at the intersections of major streets).

64Q.210. **ESTABLISHMENT OF HARVESTVIEW II SPECIAL DISTRICT.** Subdivision 1. Pursuant to Section 62.900 of the Rochester Code of Ordinances, the Rochester Common Council hereby creates a special zoning district to be known as the Harvestview II Special District ("Special District"). The Special District shall be an overlay-zoning district designed to encourage the attractive and innovative development of the Site. As a part of this Special District, the property will be divided into four different districts (see Exhibit B). The regulations and guidelines set forth in this Special District shall prevail over the regulations of the noted underlying zoning district.

Subd. 2. The determination of the need for the creation of this Special District is based upon the following findings or Land Use Principles:

- A. This Special District is established to foster the development of a comprehensively planned, pedestrian-oriented neighborhood. This is accomplished by promoting a variety of land uses, housing types, and densities, and by requiring skillful architectural and landscape design in creating buildings and open spaces. The Site's unique location, adjacent to the Douglas Trail and three major streets, makes this an ideal place to create a neighborhood that avoids the negative impacts of suburban sprawl with an efficient, mixed-use land plan.

- B. The location of Harvestview II fits within the City's Urban Service Area. Harvestview II is located west of 50th Avenue NW (arterial) and north of 55th Street NW (collector) and east of County Road #3 (60th Avenue N.W.) (future expressway). 50th Avenue NW and 55th Street have recently upgraded or are in the process of being upgraded to handle a greater capacity of traffic. A future signal is planned at the intersection of 55th Street and 50th Avenue NW. All perimeter streets will have bicycle/pedestrian trails adjacent to them. The Douglas Trail is also adjacent to the development and is located along its north boundary.
- C. A mix of uses within the development creates opportunities for people to walk and interact. That combined with strong urban and landscape design creates a sense of place. The size and shape of Harvestview II plus the location of the town centers ensures that all destinations are within an easy walk and that the development functions as a mixed-use neighborhood.
- D. A range of housing types serves people with different income levels and housing needs while contributing to the vitality of the streetscape.
- E. Harvestview II provides open space and connections to open space to meet the physical and emotional needs of residents and residents of nearby neighborhoods. The storm water management and the drainage systems are incorporated as amenities and are an integral part of the development.
- F. Harvestview II uses landscaping to accentuate the natural and built environment, establish visual connectivity and community identity and provides environmental and public health benefits.
- G. The quantity, location and design of parking in Harvestview II reinforces the pedestrian-friendly nature of the community and encourages use of alternative modes of transportation while still accommodating vehicular traffic. The higher density is supportive of mass transit.

64Q.220. **UNDERLYING DEVELOPMENT STANDARDS.** Except where otherwise specified, standards for the development of this district will be based upon the following:

- A. Neighborhood Residential District - Section 62.220 – R-1 Low Density Residential District.

- B. Urban Residential District – Section 62.240 – R-3 Medium Density Residential District.
- C. Town Center District – Section 62.300 – B-1 Restricted Commercial District.
- D. Mixed Use District – Section 62.330 – B-5 Residential Commercial District.

64Q.225 **DEFINITIONS**

- A. Zero Lot Line: A lot designed for either one dwelling unit of an attached one-family dwelling unit or a detached one-family dwelling unit with one side yard reduced or eliminated.
- B. Townhouse: An arrangement of single family dwellings separate or joined by common walls on not more than two sides with the uppermost story being a portion of the same dwelling located directly beneath at the grade or first floor level and having exclusive individual ownership and occupant rights of each dwelling unit including but not limited to the land area directly beneath the dwelling.
- C. Rowhouse Style Townhouse: An attached dwelling joined to at least three others in a row by common walls on not more than two sides. Rowhouses are generally urban housing types, usually on their own lots.

64Q.230. **SUBDISTRICT REGULATIONS.** Subdivision 1. There are four subdistricts established in this Special District, including a "neighborhood residential district," an "urban residential district," a "town center district," and a "mixed use district." The following regulations apply within the subdistricts established in this special district.

Subd. 2. The following regulations apply within the area identified as "Neighborhood Residential District" ("NRD") on the Harvestview II General Development Plan. The NRD consists of three land uses: "single-family," "compact single family" and "zero lot line."

- A. Single Family
 - (1) Unless otherwise specified in this special district, the regulations of the R-1 District shall apply within the NRD.
 - (2) Permitted uses shall include all Type I uses permitted in the R-1 District.
 - (3) Lot Development Standards.

- (a) Minimum lot size shall be 50 feet wide by 100 feet deep.
- (b) Five-foot minimum side yard setback.
- (c) Side street yard setback shall be 11'-0".
- (d) The only exemption from the front, and rear setback standards would be eaves and other items as allowed by the Zoning Ordinance and Land Development Manual.
- (e) Lots without alleys or rear-loaded garages, the driveway curb cuts will be no greater than 12' width for a 2 car garage and 16' width for a 3 car garage.
- (f) Fifteen-foot front yard setback. A minimum of 50% of the house shall be built to the front setback. Covered porches and garage sidewalls may be counted in percentage. Garages shall be setback a minimum of 20', unless side-loaded, then the minimum setback is 15'.
- (g) A maximum of 10% of the homes on a block, the garages shall be even with the front of the house and a maximum of 10% of the homes on a block may have garages that protrude beyond the front of the house. The remainder of the garages shall be behind the front of the house a minimum of 5'-0". Garage setbacks of 8'-0" to 12'-0" (or greater) behind the front of the house is preferable. Front flush and front protruding garage style homes shall be interspaced throughout each block and never two in a row.
- (h) Lots that have an alley will not be permitted a curb cut to the public street in their front or side yard
- (i) Street trees of a minimum 1-1/2" caliper size are required at approximate 35' intervals in all grass boulevard areas of public streets.
- (j) Trees and landscaping (shrubs, perennials, groundcover or turf) are required in all street median islands. Median street trees shall be a minimum of 1-1/2" caliper spaced approximately 35' on center or ornamental tree species that shall be a minimum of 1" caliper spaced approximately 15' on center.

B. Compact Single Family & Zero Lot Line

- (1) The "compact single-family" and "Zero Lot line" areas shall conform to R-2 zoning with the following exemptions:

- (a) Unless otherwise specified in this special district, the regulations of the R-2 District shall apply within the NRD.
- (b) Permitted uses shall include all Type I uses permitted in the R-2 District.
- (c) Lot development standards:
 - (1) Minimum lot size shall be 35' wide by 90' deep.
 - (2) Fifteen-foot front yard setback. A minimum of 50% of the house shall be built to the front setback. Covered porches and garage sidewalls may be counted in percentage.
 - (3) A maximum of 10% of the homes on a block, the garages shall be even with the front of the house and a maximum of 10% of the homes on a block may have garages that protrude beyond the front of the house. The remainder of the garages shall be behind the front of the house a minimum of 5'-0". Garage setbacks of 6' to 8' (or greater) behind the front of the house are preferable. Front flush and front protruding garage style homes shall be interspaced throughout each block and never two in a row.
 - (4) Five-foot minimum side yard setback.
 - (5) Side street yard setback shall be 11'-0".
 - (6) Lots without alleys or rear-loaded garages, driveway curb cuts will be no greater than 12' width for a 2 car garage and 16' width for a 3 car garage.
 - (7) Lots that have an alley will not be permitted a curb cut to the public street in their front or side yard.
 - (8) Street trees of a minimum 1-1/2" caliper size are required at approximate 35' intervals in all grass boulevard areas of public streets.
 - (9) Trees and landscaping (shrubs, perennials, groundcover or turf) are required in all street median islands. Median street trees shall be a minimum of 1-1/2" caliper spaced approximately 35' on center or ornamental tree species that shall be a minimum of 1" caliper spaced approximately 15' on center.
- (d) Architectural Standards. A building must incorporate architectural styles, building materials and colors used in surrounding buildings. Blocks within the NRD shall provide for an adequate mix of architectural styles, as

shown with residential character intent images relevant to the block, consistent with the overall architectural standards of the special district.

Subd. 3. Urban Residential District (URD). The following regulations apply within the area identified as "Urban Residential District " on the Harvestview II General Development Plan. The URD consists of three land uses: "Townhomes", "Rowhouse-Style Townhomes" and "Multi-Family". Residential uses shall include rowhouse style townhomes, townhomes, multi-family buildings (apartments or condos) units, and senior housing.

A. Townhomes

- (1) The "Townhome" area shall conform to R-2 zoning with the following modifications:
 - (a) Fifteen-foot front yard setback. A minimum of 50% of the house shall be built to the front setback. Covered porches and garage sidewalks may be counted. Garages shall be setback a minimum of 20', unless side loaded, then the minimum setback is 15'.
 - (b) Five-foot minimum side yard setback.
 - (c) Side street yard setback shall be 11'-0".
 - (d) Front yard setback on private streets shall be measured from face of curb for both "access roadways" and "limited access roadways."
 - (e) Class "A" exposure setback shall be 20'.
 - (f) Lots without alleys or rear-loaded garages, driveway curb cuts will be no greater than 12' width for a 2 car garage and 16' width for a 3 car garage.
 - (g) Lots that have an alley will not be permitted a curb cut to the public street in their front or side yard.
 - (h) Street trees of a minimum 1-1/2" caliper size are required at approximate 35' intervals in all grass boulevard areas of public streets.
 - (i) Trees and landscaping (shrubs, perennials, groundcover or turf) are required in all street median islands. Median street trees shall be a minimum of 1-1/2" caliper spaced approximately 35' on center or ornamental tree species that shall be a minimum of 1" caliper spaced approximately 15' on center.

B. Rowhouse Style Townhomes

- (1) The "Rowhouse Style Townhomes" shall conform to R-3 zoning with the following modifications:

- (a) Front yard setbacks shall be 15'. A minimum of 50% of the buildings shall be built to the front setback.
- (b) Private patios, enclosed with fence/columns are allowed in the front yard setback.
- (c) Side street yard setback shall be 12'-0".
- (d) Class "A" exposure setback shall be 20'.
- (e) Street trees of a minimum 1-1/2" caliper size are required at approximate 35' intervals in all grass boulevard areas of public streets.
- (f) Trees and landscaping (shrubs, perennials, groundcover or turf) are required in all street median islands. Median street trees shall be a minimum of 1-1/2" caliper spaced approximately 35' on center or ornamental tree species that shall be a minimum of 1" caliper spaced approximately 15' on center.

C. Multi-Family

- (1) The "Multi-Family" area shall conform to R-3 zoning with the following modifications:
 - (a) Front yard setback shall be 15'-0". A minimum of 50% of the buildings shall be built to the front setback. Steps, eaves, decks, and fence hedges for courtyards are permitted to encroach within the setback.
 - (b) Rear yard setback shall be 20'-0" minimum.
 - (c) Side yard setback shall be 10'-0" minimum.
 - (d) Side street yard setback shall be 12'-0'.
 - (e) Maximum of five stories.
 - (f) Street trees of a minimum 1-1/2" caliper size are required at approximate 35' intervals in all grass boulevard areas of public streets.
 - (g) Trees and landscaping (shrubs, perennials, groundcover or turf) are required in all street median islands. Median street trees shall be a minimum of 1-1/2" caliper spaced approximately 35' on center or ornamental tree species that shall be a minimum of 1" caliper spaced approximately 15' on center.

Subd. 4. Town Center District. The "Town Center" permitted uses and appearance control standards shall comply with Section 62.310 for the B-1 Zoning District, unless regulated in this Special District.

- A. Site Development Plan and Site Plan Review: A site development plan for uses in the Town Center shall be prepared and submitted

for review in accordance with the standard requirements of the existing Zoning Ordinance and Land Development Manual for the City of Rochester. The City Planning Commission will conduct a site plan review without a public hearing for uses within the Town Center to determine whether the plans are consistent with the overall architectural standards and character of this Special District. Proposed uses in the Town Center shall be reviewed in terms of the extent to which they comply with standards of this district established for architecture, signage, parking and landscaping.

- B. Except for drive-in facilities and convenience retail (with fuel sales), a minimum of 50% of the building front shall be within five feet of the street right of way.
- C. Convenience, retail and drinking and entertainment uses shall be exempt from the hours of operation requirements of the B-1 Zoning District.
- D. Stacking requirements for drive-in facilities shall be reduced to five in-bound and one out-bound space per lane.
- E. Parking shall be on the side or to the rear of the retail uses. Besides on-street parking, no parking in front of the retail uses shall be allowed. On street parking in front or on the side of the lot shall count toward fulfilling the parking requirements.
- F. Except for restaurants, drive-in facilities and convenience retail (with fuel sales), a minimum two-story façade is required.
- G. Office, personal service, and residential uses are also allowed on the upper levels. One off-street parking stall per residential unit is required and must be reserved.
- H. Underground parking and parking structures (maximum five stories) shall be allowed.
- I. Permitted uses shall include the following:
 - (1) All Type I uses permitted in the B-1 District with the exception of the following uses:
 - (a) Manufactured Home Park
 - (b) Sales & Storage Lots
 - (c) Parking Facility (as a principle use)
 - (d) Sand or Gravel Excavation
 - (e) Auto Center
 - (f) Trade Shops

(g) Use of Storage Containers

- (2) Additional uses permitted in the Town Center shall be as follows:
- (a) Residential – condos, and/or apartments at grade, or above retail/commercial.
 - (b) Congregate Housing.
 - (c) Convenience Stores.
 - (d) Day Care facilities.
 - (e) Drinking and Entertainment.
 - (f) Bed and Breakfast.
 - (g) Car washes accessory to a convenience retail use or automotive maintenance service.
 - (h) Veterinary Services.
 - (i) Emergency Services.
 - (j) Temporary uses – art fairs, farmer's market, flea markets, neighborhood gatherings.

J. Limitation on permitted uses:

- (1) Not more than one convenience retail use that includes sales of automotive fuels may be permitted in each Town Center District.
- (2) With the exception of transit accommodation, restaurant uses and grocery stores, individual businesses shall not exceed 20,000 square of floor area on the ground floor.

K. Lot Development Standards

- (1) Facilities for refuse disposal and recycling shall be enclosed by solid fence or walls, and landscaping shall be installed around the perimeter (except in underground parking).
- (2) Utility boxes and water backflow prevention devices shall be located so they are visually unobtrusive and screened with landscaping as allowed.
- (3) Buildings shall be oriented to face the street with entrances and display windows at the street level. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade. A revocable permit will be required by the City whenever a canopy or awning extends into the public right of way. Restaurants shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right of way and in courtyards provided that pedestrian circulation and access to store entrances are not impaired.
- (4) Bicycle-locking stands are required in each Town Center area. One stand, which holds a minimum of six bicycles,

shall be provided for every 20,000 square feet of gross leaseable space. These stands must harmonize with the architectural of the retail area.

- (5) Street trees are required along the public streets of all mixed-use buildings at a minimum spacing of 35' on center. These trees shall be planted in tree grates or planting beds with a minimum size of 30 square feet and a minimum dimension of 5'-0".
- (6) Over-story trees will be required along all private streets and the rear of the buildings (facing parking lot) at a minimum spacing of 40' intervals. These trees shall be planted in open turf areas or in planting beds with a minimum size of 30 square feet and a minimum dimension of 5'-0".

L. Parking

- (1) Parking requirements for the Town Center District, shall use business center parking standards of the Rochester Zoning Ordinance and Land Development Manual only when the building has multiple uses in it or there is multiple buildings using one parking lot. Otherwise, parking requirements for the use as listed in the B-1 zoning district applies.
- (2) In commercial or office uses, which have shop fronts adjacent to sidewalks and streets, on-street parking directly in front of the lot shall count toward fulfilling the parking requirement.
- (3) Parking lot screening:
 - (a) All parking areas containing more than six spaces (if not screened by the building from public roads and not including angle or perpendicular parking adjacent to public or private roads) must be screened with a hedgerow, or a 36" high berm, or a low wall (42" minimum height). These landscaped areas must be a minimum of 3'-0" wide. Where angle or perpendicular parking is adjacent to these areas, then the minimum width shall be 5'-0". Hedgerows shall be planted at a maximum of 4'-0" on center and shall reach a minimum height of 36" and a maximum height of 6'-0".
 - (b) Parking lots for apartments/multi-family units will not be required to be screened with a hedgerow. A landscaped area of trees and shrubs shall be

provided to draw attention away from the parking area.

(4) Parking Lot Landscaping:

- (a) Parking areas containing more than 15 spaces and containing more than two contiguous or parallel rows of parking shall have internal landscaping within the parking area equal to at least five percent of paved area of the lot (including drive aisles plus driveways).
- (b) Paved areas do not include sidewalks, patios, or other paved areas not associated with vehicle parking or circulation. Planting areas must be distributed throughout the parking areas. They must have a minimum width of at least eight feet and be at least 100 square feet in area.
- (c) Each 100 square feet of required landscape area must contain at least one canopy tree or two understory trees (minimum size for canopy trees in 1-1/2" caliper and minimum size for understory tree is one inch caliper). The landscape islands shall not be used for snow storage and any planting must be maintained in a healthy condition and appearance. These areas may contain external standard lighting fixtures.

M. Signs

- (1) Signs should add interest to the street level environment. They can only unify the overall architectural concept of the building, or provide unique identity for a commercial space within a larger mixed-use structure. Signage shall be appropriate for the scale, character and use of the project and surrounding area. Signs should be oriented and scaled for both pedestrians on sidewalks and vehicles on streets. The following sign types satisfy these requirements:
 - (a) Pedestrian-oriented blade and window signs.
 - (b) Marquee signs and signs on over-head weather protection.
 - (c) Appropriately sized neon signs.
- (2) Type B sign standards shall be used with the following modifications:

- (a) Free standing sign – maximum height 15'.
- (b) Projecting sign – maximum area – 20 square feet, maximum height – 12 feet.
- (c) Graphics sign – maximum area of 10% of wall.
- (d) Auxiliary sign – maximum height – 6'.
- (e) Advertising signs (billboards) will be prohibited.
- (f) All wall signage should be uniform in size.

N. Architectural Standards.

(1) Standards for all uses:

- (a) Each building shall avoid long, monotonous-uninterrupted walls or roof planes. The façade of a building should be divided into distinct modules, no longer than 150 feet.
- (b) Mechanical equipment, electrical and communication transformers, cabinets and service areas shall be located out of public view where feasible or screened from public view with fences, walls or landscaping.
- (c) Dwellings and parking shall not occupy more than five floors above ground of any structure.

(2) Standards for Convenience Retail Uses

- (a) Convenience retail uses shall locate automotive fuel service and drive-in service areas away from residences and toward the perimeter streets on the General Development Plan (60th Avenue NW and 55th Street NW).
- (b) Light from lighting fixtures and signage, and sound from sound-producing equipment shall be deflected away from residences. Music from sound producing equipment shall be prohibited on the exterior of the building.
- (c) Foundation landscaping (4' minimum planting bed width) and windows shall be provided along all building sides that are open to view from public streets.
- (d) Perimeter landscaping at least five feet in depth shall be provided along public and private roads between sidewalks and driveway or parking areas. Landscape berming is strongly encouraged.
- (e) Pedestrians must be able to safely access the building from public sidewalks on visually prominent crosswalks within drive areas to the building's front door.

- (3) Standards for Other Uses: Uses shall meet the intent of similar character represented in Exhibit "F" and shall be reviewed in accordance with the standards of this special district in addition to the following standards:
- (a) All sides of the building façade shall be designed to provide architectural and visual interest.
- (1) A minimum of 50% of the building along a street right of way at ground level must be clear or lightly tinted windows, doors, or other treatment that are sufficiently transparent to provide pedestrian views into the building.
 - (2) Awnings, covered walkway, open colonnades, or similar weather protection must be provided by at least 50% of the commercial (retail & service) uses that front the right of way.
 - (3) Doorways, windows and other openings in the façade of a building shall be proportioned to reflect pedestrian scale and movement, and to encourage interest at the street level.
 - (4) Except for drive-in-facilities, a minimum two-story façade is required.
 - (5) Except for drive-in-facilities, a minimum of 50% of the building front shall be within five feet of the right of way.
 - (6) Exterior materials shall include brick, architecturally treated concrete, stone, tile, stucco, stucco-like panels and other cultured stone, and similar high quality architectural materials.
 - (7) Buildings shall be oriented to face the street with entrances and display windows at the street level. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade. A revocable permit will be required by the City whenever a canopy or awning extends into the public right of way. Restaurants shall be permitted to operate outdoor cafes on sidewalks, including area within the public right of way and in courtyards provided that pedestrian circulation and access to store entrances are not permitted.

Subd. 5. Mixed Use District:

- A. The "Mixed Use District" permitted uses and appearance control standards shall comply with Section 62.330 for the B-5 Zoning District, unless regulated in this Special District.
- B. Site Development Plan and Site Plan Review: A site development plan for uses in the Mixed Use District shall be prepared and submitted for review in accordance with the standard requirements of the existing Zoning Ordinance and Land Development Manual for the City of Rochester. The City Planning Commission will conduct a site plan review without a public hearing for uses within the Mixed Use District to determine whether the plans are consistent with the overall architectural standards and character of this Special District. Proposed uses in the Mixed Use District shall be reviewed in terms of the extent to which they comply with standards of this district established for architecture, signage, parking and landscaping.
- C. A minimum of 50% of the building front shall be within five feet of the street right of way.
- D. Parking shall be on the side or to the rear of the uses. Besides on-street parking, no off-street parking in front of the uses shall be allowed. On street parking in front or on the side of the lot shall count toward fulfilling the parking requirements.
- E. Except for restaurants, a minimum two-story façade is required.
- F. Office and residential uses are also allowed on the upper levels. One off-street parking stall per residential unit is required and must be reserved.
- G. Underground parking and parking structures (maximum five stories) shall be allowed.
- H. Maximum size for a restaurant use is 6,000 square feet.
- I. Alcohol sales are permitted.
- J. The height allowed for a two-story building shall be 35 feet.
- K. Lot Development Standards

- (1) Facilities for refuse disposal and recycling shall be enclosed by solid fence or walls, and landscaping shall be installed around the perimeter (except in underground parking).
- (2) Utility boxes and water backflow prevention devices shall be located so they are visually unobtrusive and screened with landscaping as allowed.
- (3) Buildings shall be oriented to face the street with entrances and display windows at the street level. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade. A revocable permit will be required by the City whenever a canopy or awning extends into the public right of way. Restaurants shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right of way and in courtyards provided that pedestrian circulation and access to store entrances are not impaired.
- (4) Street trees are required along the public streets of all mixed-use buildings at a minimum spacing of 35' on center. These trees shall be planted in tree grates or planting beds with a minimum size of 30 square feet and a minimum dimension of 5'-0".
- (5) Over-story trees will be required along all private streets and the rear of the buildings (facing parking lot) at a minimum spacing of 40' intervals. These trees shall be planted in open turf areas or in planting beds with a minimum size of 30 square feet and a minimum dimension of 5'-0".

L. Parking requirements for the Mixed Use District shall use standards of the Rochester Zoning Ordinance and Land Development Manual for the use as listed in the B-5 zoning district standards.

- (1) Parking lot screening:
 - (a) All parking areas containing more than six spaces (if not screened by the building from public roads and not including angle or perpendicular parking adjacent to public or private roads) must be screened with a hedgerow, or a 36" high berm, or a low wall (42" minimum height). These landscaped areas must be a minimum of 3'-0" wide. Where

angle or perpendicular parking is adjacent to these areas, then the minimum width shall be 5'-0". Hedgerows shall be planted at a maximum of 4'-0" on center and shall reach a minimum height of 36" and a maximum height of 6'-0".

(2) Parking Lot Landscaping:

- (a) Parking areas containing more than 15 spaces and containing more than two contiguous or parallel rows of parking shall have internal landscaping within the parking area equal to at least five percent of paved area of the lot (including drive aisles plus driveways).
- (b) Paved areas do not include sidewalks, patios, or other paved areas not associated with vehicle parking or circulation. Planting areas must be distributed throughout the parking areas. They must have a minimum width of at least eight feet and be at least 100 square feet in area.
- (c) Each 100 square feet of required landscape area must contain at least one canopy tree or two understory trees (minimum size for canopy trees in 1-1/2" caliper and minimum size for understory tree is one inch caliper). The landscape islands shall not be used for snow storage and any planting must be maintained in a healthy condition and appearance. These areas may contain external standard lighting fixtures.

M. Signs

- (1) Signs should add interest to the street level environment. They can only unify the overall architectural concept of the building, or provide unique identity for a commercial space within a larger mixed-use structure. Signage shall be appropriate for the scale, character and use of the project and surrounding area. Signs should be oriented and scaled for both pedestrians on sidewalks and vehicles on streets. The following sign types satisfy these requirements:

- (a) Pedestrian-oriented blade and window signs.
 - (b) Marquee signs and signs on over-head weather protection.
 - (c) Appropriately sized neon signs.
- (2) Type A sign standards shall be used with the following modification:
- (a) Signs can be internally lit.

N. Architectural Standards.

- (1) Standards for all uses:
- (a) Each building shall avoid long, monotonous-uninterrupted walls or roof planes. The façade of a building should be divided into distinct modules, no longer than 150 feet.
 - (b) Mechanical equipment, electrical and communication transformers, cabinets and service areas shall be located out of public view where feasible or screened from public view with fences, walls or landscaping.
 - (c) Dwellings and parking shall not occupy more than five floors above ground of any structure.
 - (d) All sides of the building façade shall be designed to provide architectural and visual interest.
- (1) A minimum of 50% of the building along a street right of way at ground level must be clear or lightly tinted windows, doors, or other treatment that are sufficiently transparent to provide pedestrian views into the building.
 - (2) Awnings, covered walkway, open colonnades, or similar weather protection must be provided by at least 25% of the commercial (retail & service) uses that front the right of way.
 - (3) Doorways, windows and other openings in the façade of a building shall be proportioned to reflect pedestrian scale and movement, and to encourage interest at the street level.

- (4) Exterior materials shall include brick, architecturally treated concrete, stone, tile, stucco, stucco-like panels and other cultured stone, and similar high quality architectural materials.
- (5) Buildings shall be oriented to face the street with entrances and display windows at the street level. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade. A revocable permit will be required by the City whenever a canopy or awning extends into the public right of way. Restaurants shall be permitted to operate outdoor cafes on sidewalks, including area within the public right of way and in courtyards provided that pedestrian circulation and access to store entrances are not permitted.

64Q.250 GENERAL DEVELOPMENT STANDARDS

Public street section for HarvestView II shall follow the cross-sections shown in Exhibits "D" and "E".

64Q.300. BOUNDARIES

The regulations established herein shall apply to the land described in Section 64.100 and shall be designated "SD" on the zoning map.

64Q.400 EXHIBITS

The following documents shall be submitted with the Special District application and included as exhibits of this Ordinance:

- A. Harvestview II General Development Plan, Exhibit A.
- B. Special District Boundary Plan, Exhibit B
- C. Land Use Plan, Exhibit C.
- D. Neighborhood Street Standards, Exhibit D.
- E. Neighborhood Street Sections, Exhibit E
- F. Character Intent Images, Exhibit F.
- G. Preliminary Storm Water Management Plan, Exhibit G

64Q.500 GENERAL DEVELOPMENT PLAN AND GUIDE FOR DEVELOPMENT

The Harvestview II General Development Plan, following Special District approval and a rezoning of the area to Special District, together with the attached Exhibits A, B, C, D, E & F are, in combination, recognized as the guide for the development of the Special District.

64Q.600. EFFECTS OF REGULATIONS

The General Development Plan and Final Plats together with the conditions and restrictions imposed, if any, shall govern the use and development of the land.

64Q.700. EXTENSION OF SPECIAL DISTRICT

The Special District may be extended by amendment to include the property on the west side. An amendment to the Special District may be initiated by the owner of contiguous undeveloped property or by the City of Rochester. The amendment must support the intent of this Special District. A petition to extend said district shall be accompanied by a General Development Plan application and additional submittals consistent with this Chapter.

64Q. 800. DEVELOPMENT PROCEDURES

Subdivision 1. Except as herein described, development procedures for property within the Special District shall be consistent with the requirements of the Rochester Code of Ordinances. Additional plans and information shall be submitted, as necessary, for development within the Special District, as outlined below. If determined necessary by the Zoning Administrator, additional plans or information necessary for development approvals shall also be submitted.

Subd. 2. Final Plat Application. Final plat applications within the Special District shall include plans and information consistent with the requirements of the Rochester Code of Ordinances and shall be submitted at least three weeks prior to the City Council meeting at which they will be considered. If requested by the Zoning Administrator, additional information needed in order to judge the nature and propriety of the proposal shall also be submitted.

Subd. 3. Zoning Certificate and Building Permit. Applications for building permits and zoning certificates within the Special District shall include submission of a Harvestview II Architectural Review Committee document. This document must verify a review of sitting and plans for compliance with this Special District's intent, as outlined in the covenants submitted with the final plat.

64Q.900. **RESCINDING APPROVAL.**

After six years from the date of approval of the Special District, the Council may, following a public hearing, rescind approval of this Special District upon finding that no progress has been made in the construction of the development.

Section 2. Section 60.327 of the Rochester Code of Ordinance is amended and reenacted to read as follows:

60.237 SPECIAL DISTRICTS: Existing Special Districts approved by Ordinance numbers 3443, 3404, 2726, 2516, 2247, 3385, 3468, 3497, 3503, 3520, 3534, 3604, 3615 and 3691 are recognized as separate zoning districts and the plans and procedures established for each Special District will continue in force. When a Special District Ordinance does not specify the procedure or criteria to amend an approved site development plan, the proposed amendment will be reviewed under Section 64.148. When a Special District Ordinance requires a specific site/development plan review process, but does not specify the criteria by which to review the site/development plan, the development will be reviewed under Section 61.148. When a Special District Ordinance requires a two-phase review, the development will be reviewed under Section 61.146 and either Section 62.708 (1) (for preliminary plans) or Section 62.708 (2) (for final plans).

Section 3. This Ordinance shall become effective on and after the date of its publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 7th DAY OF MARCH, 2005.

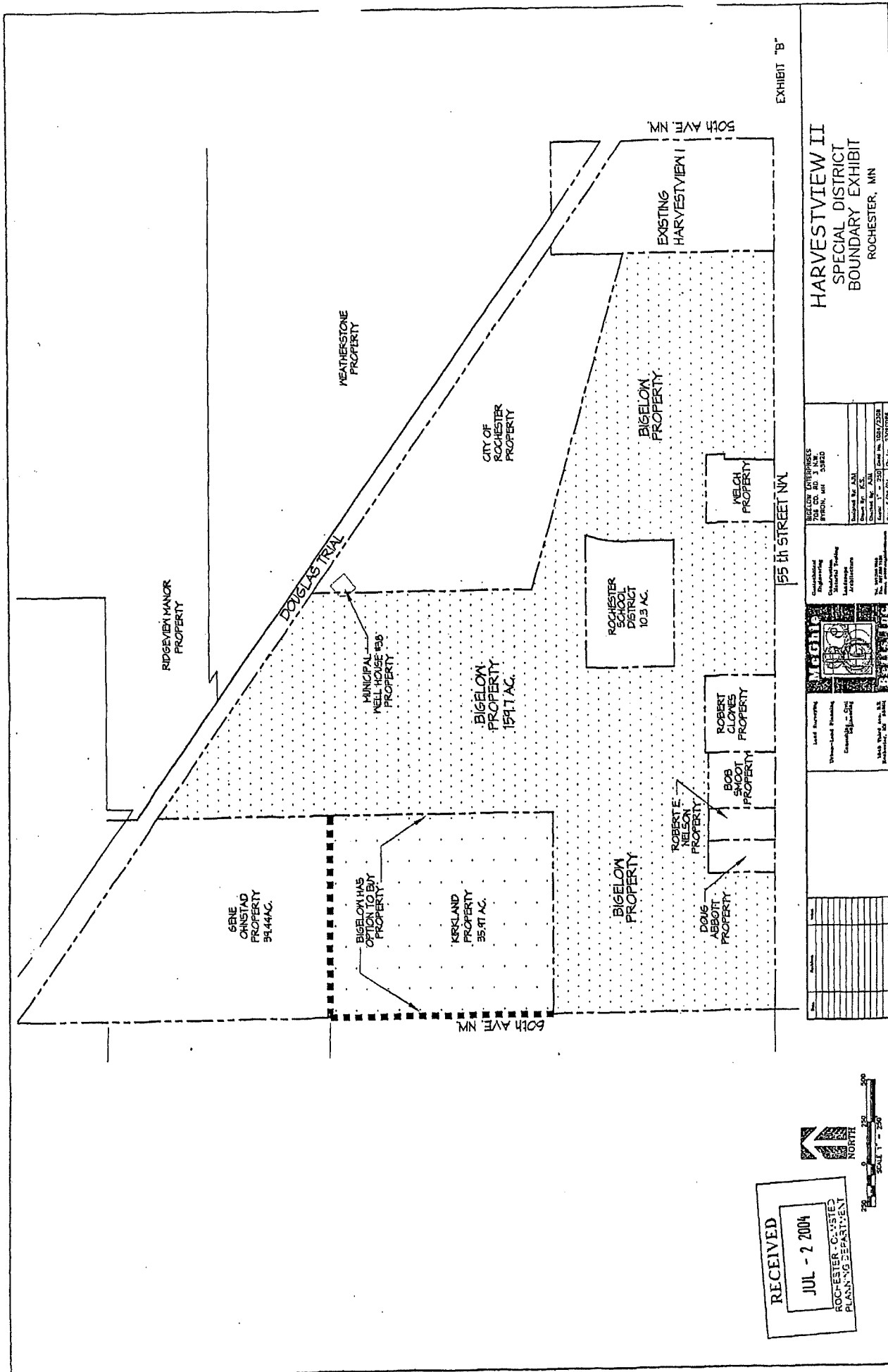
ATTEST: Valori Langseth
Deputy CITY CLERK

Dennis L. Hanson
PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS 8th DAY OF MARCH, 2005.

Walter F. Breda
MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)
Ord05/66Q.Harvestview11



RECEIVED

JUL - 2 2004

ROCHESTER, MINN.
PLANNING DEPARTMENT



SCALE - 250'



Local Recording
When-Land Transfer
Change of Ownership
MAY 1994

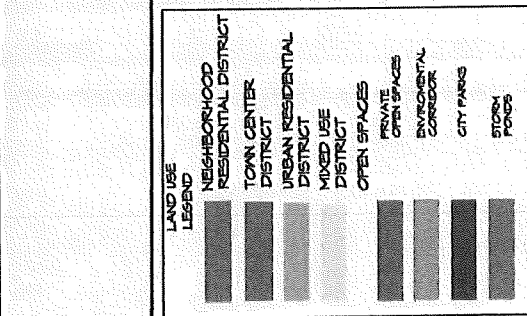
Official
Notary Public
State of Minnesota
Commission Expires 12/31/04

BIGELOW OVERSEES
705 E. 10th St. NW
Rochester, MN 55904
Phone: 781-3333
Fax: 781-3333

Created by: A.M.
Checked by: A.M.
Date: 7/2/04

HARVESTVIEW II
SPECIAL DISTRICT
BOUNDARY EXHIBIT
ROCHESTER, MN

EXHIBIT "B"



HARVESTVIEW II
LAND USE EXHIBIT
ROCHESTER, MN

BOSTON INTERLOCKS
 708 CO. RD. 3 N.W.
 SYRACUSE, MI 48620

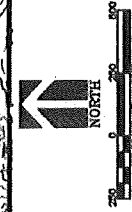
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Drawn By: K.S.	
Checked By: AJM	
Scale: 1" = 20'	East No. 1094/2308

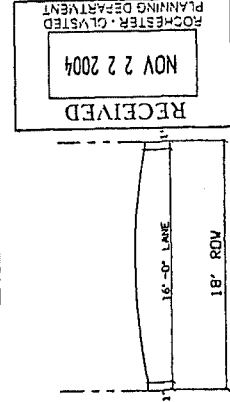
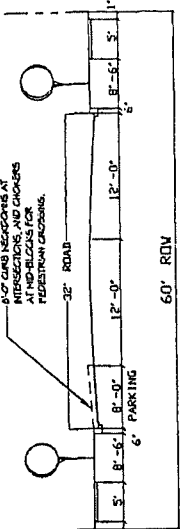
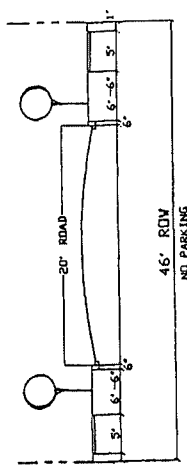
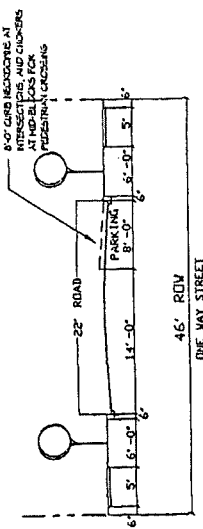
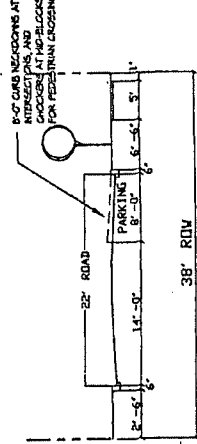
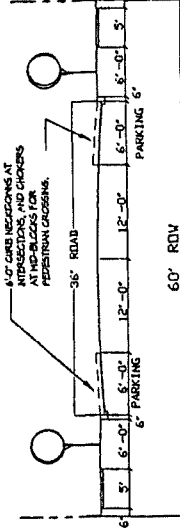
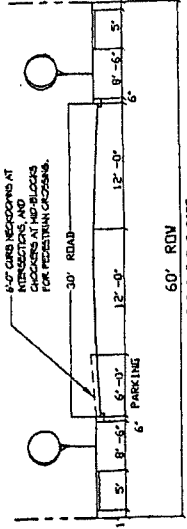
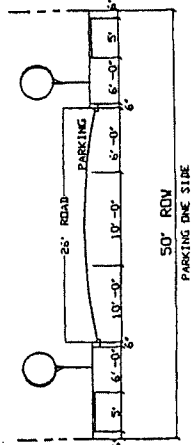
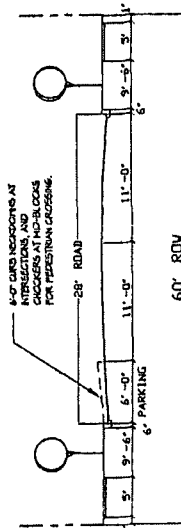
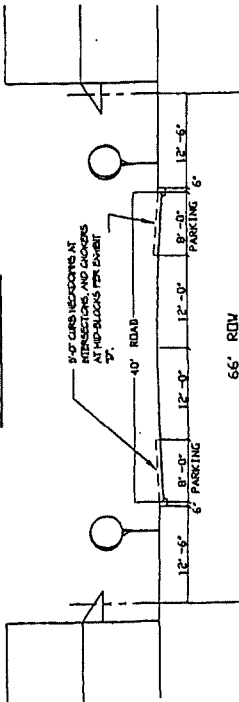
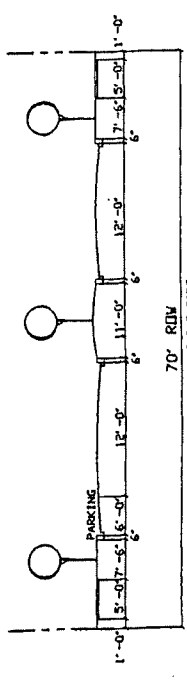
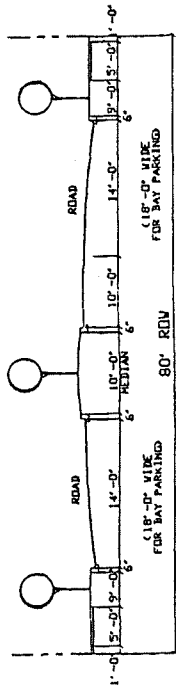
Geotechnical Engineering
Construction Material Testing
Landscape Architecture



Lead Surveying
District Lead Planning
Country - Civil

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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MECH

Land Surveying
Substation Planning
Grading/Drainage
Engineering
Structural
Mechanical
Electrical
Civil
Environmental

700 CL. RD. 1 N.W.
BIRMINGHAM, AL 35202

Phone: 205/975-7274
Fax: 205/975-7274

RECEIVED

NOV 22 2004

PLANNING DEPARTMENT
CITY OF ROCHESTER, MN

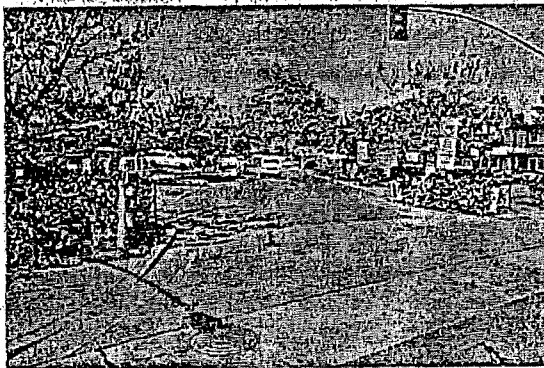
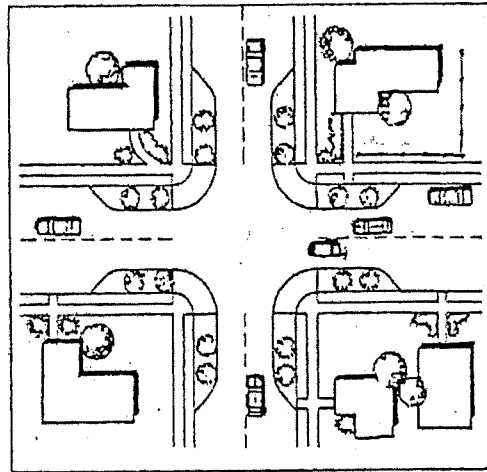
HARVESTVIEW II

NEIGHBORHOOD STREET SECTIONS

ROCHESTER, MN

NECKDOWNS

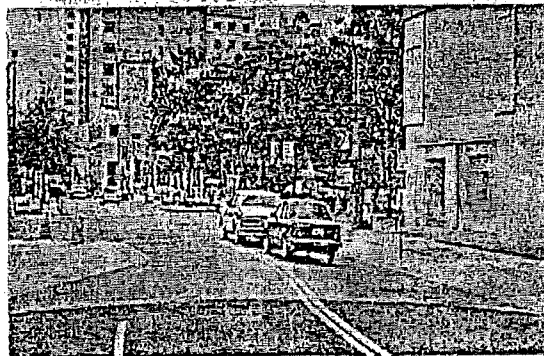
(nubs, bulbouts, knuckles, intersection narrowings, corner bulges, safe crosses)



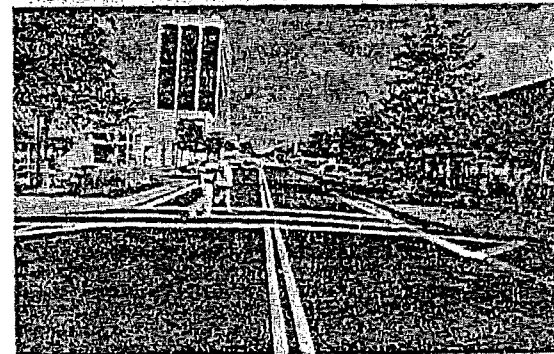
Eugene, OR



Cambridge, MA



Jacksonville, FL



Sarasota, FL

RECEIVED

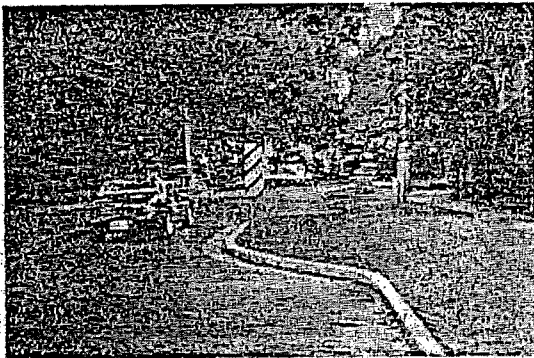
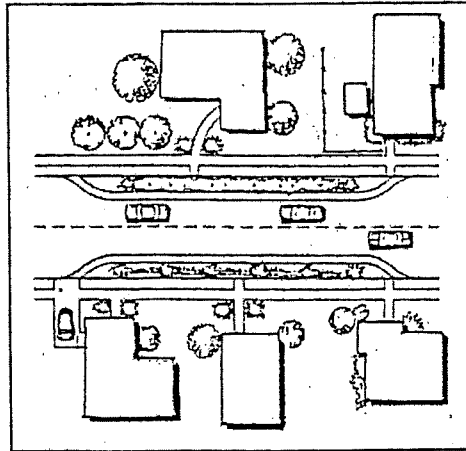
NOV 23 2004

ROCHESTER - OLMSTED
PLANNING DEPARTMENT

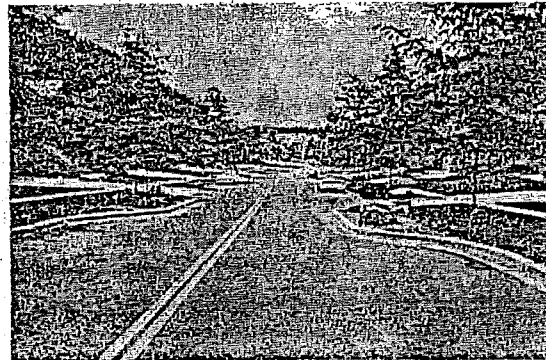
REVISED

CHOKERS

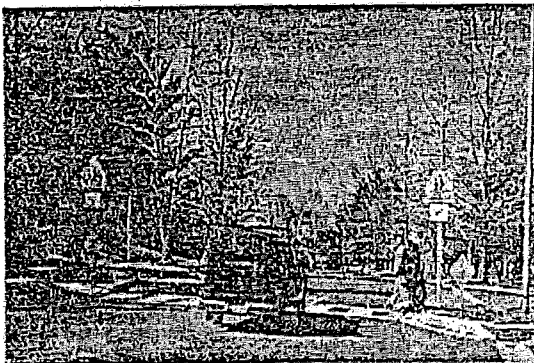
(pinch points, midblock narrowings, midblock yield points, constrictions)



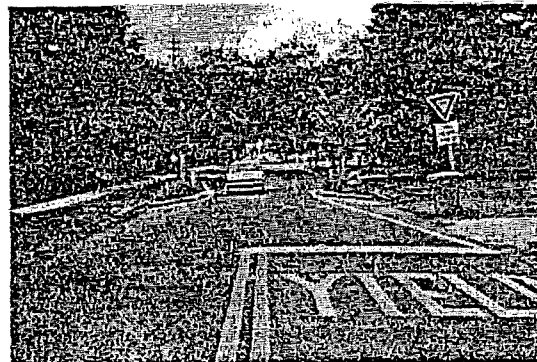
Winter Park, FL



Montgomery County, MD



Howard County, MD



Sarasota, FL

RECEIVED

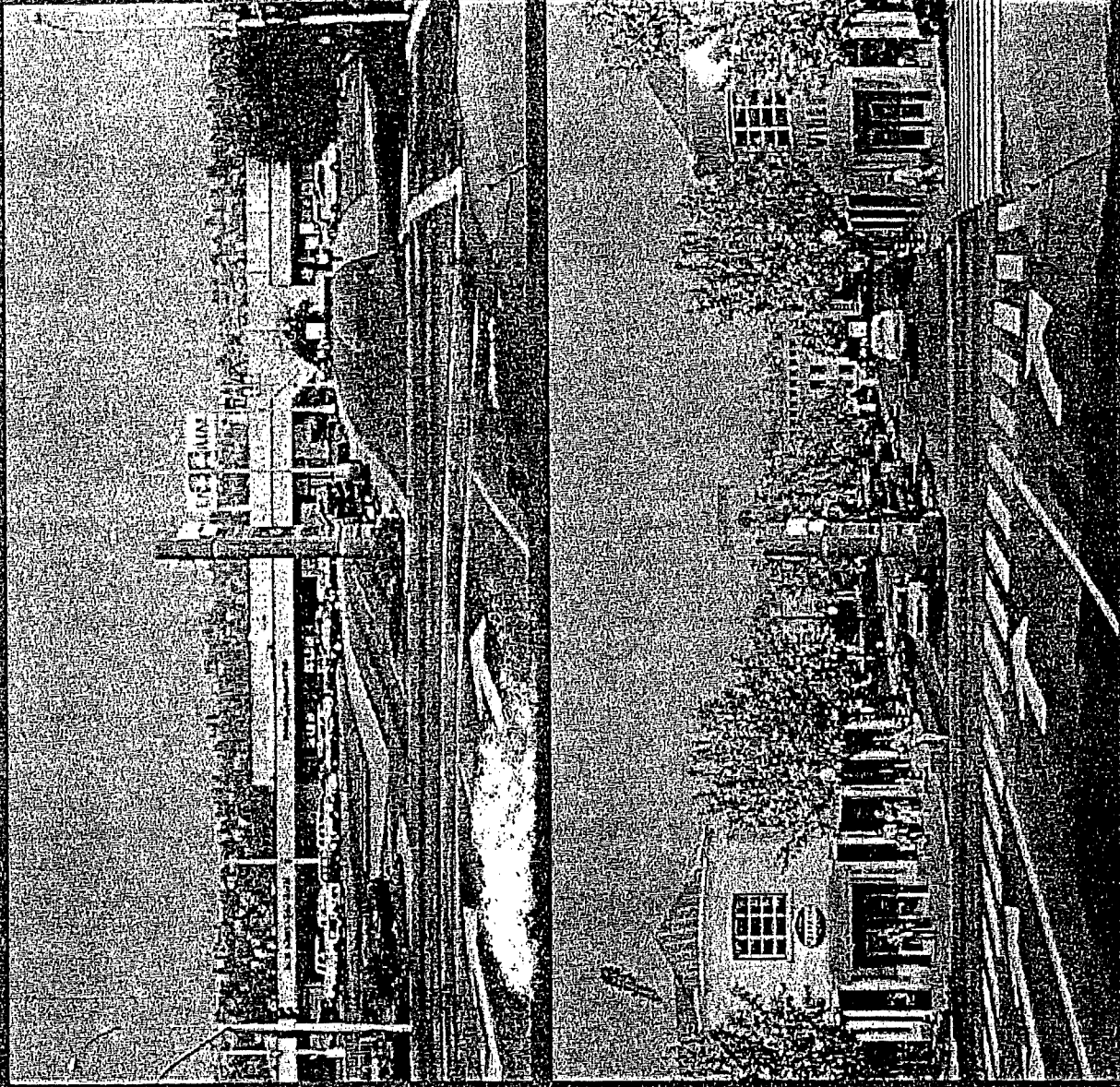
NOV 23 2004

ROCHESTER • OLMSTED
PLANNING DEPARTMENT

TRADITIONAL CENTER LOOK

NEW TOWN CENTER LOOK

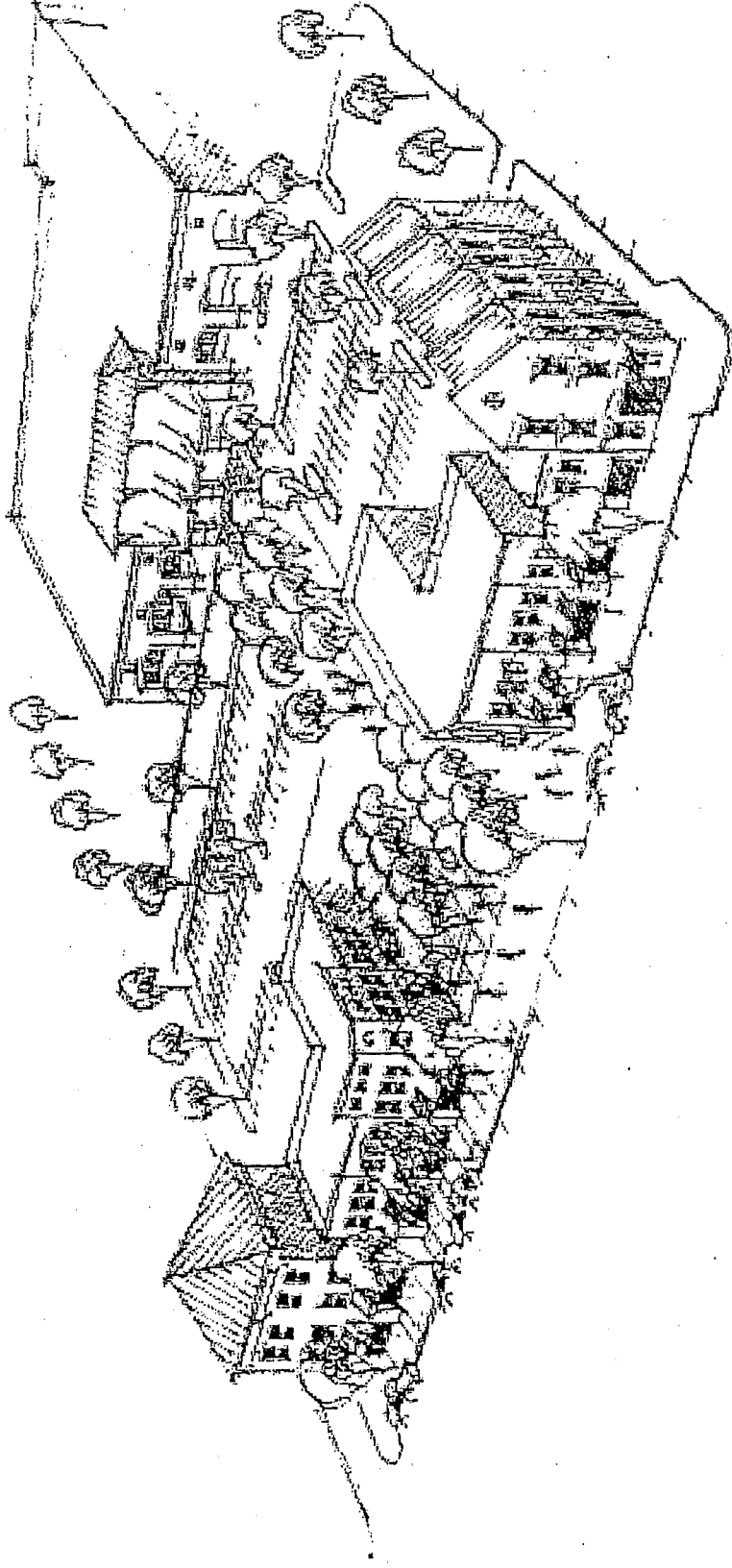
Shopping center development options



Mixed-use architecture, zebra striped crosswalks, street trees, street lamps

Neighborhood Center

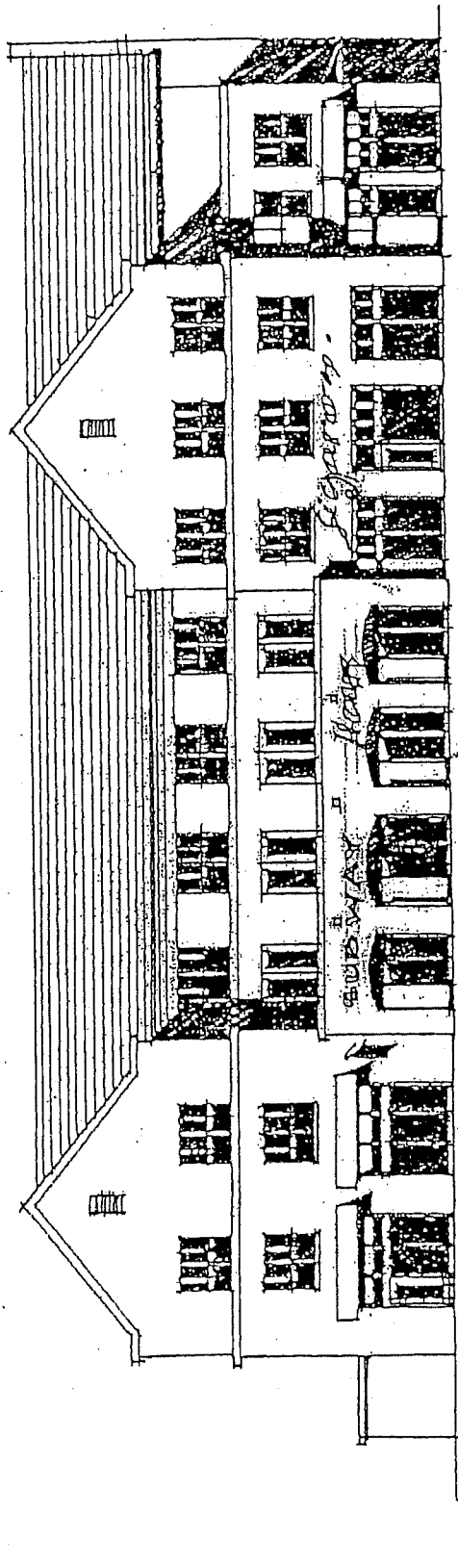
NEIGHBORHOOD CENTER



A conventional shopping center redesigned as a pedestrian-scale neighborhood center

David Malushizky-The Lawrence Group

704.500.1000



Mixed Use

TOWN CENTER

WILLAR AFTER INTENT IMAGES

EXHIBIT

"F"



Fall 2003

Featured Project:

At the Park, Multifamily Housing, St. Louis Park, MN

Products Used:

36,000 Sioux City Charleston Tudor Utilities, 10,000 closures

Contractor:

Weiss Builders, St. Paul, MN

Architect:

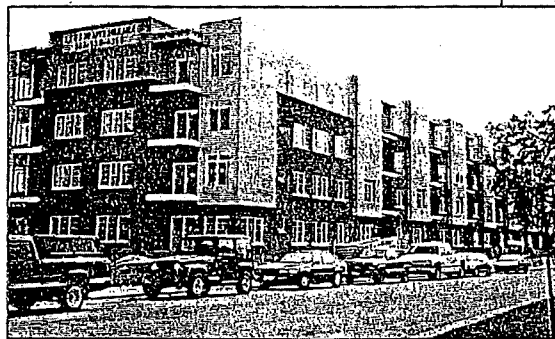
Walsh-Bishop Assoc.,
Minneapolis, MN

Mason Contractor:

Crosstown Masonry, Inc.,
Ham Lake, MN

Brock White Sales Rep.:

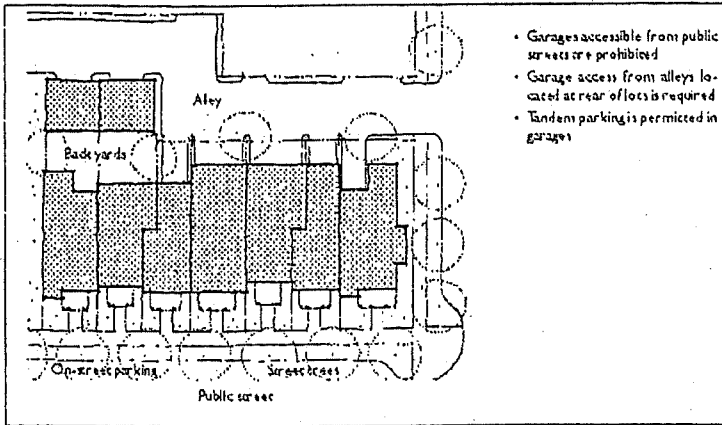
Greg Johnson, Brock White
Company-Eagan



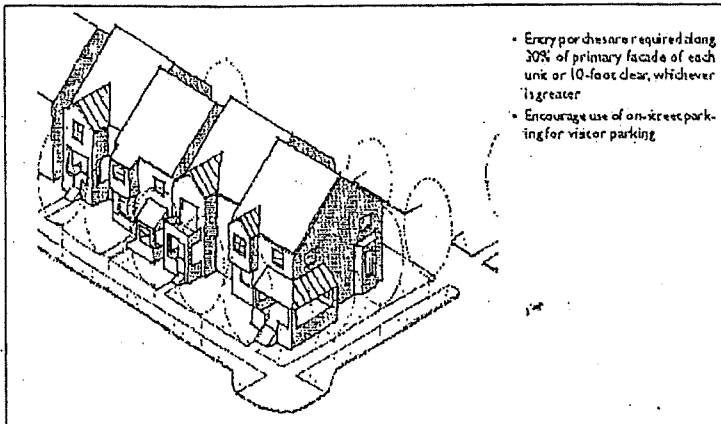
MULTI-FAMILY CHARACTER

EXHIBIT 11

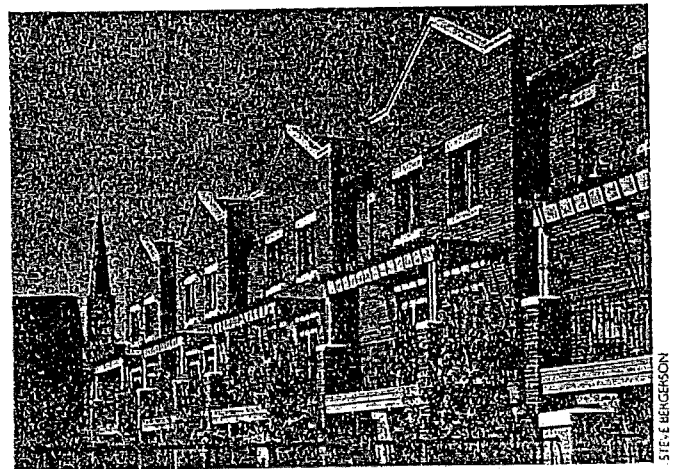
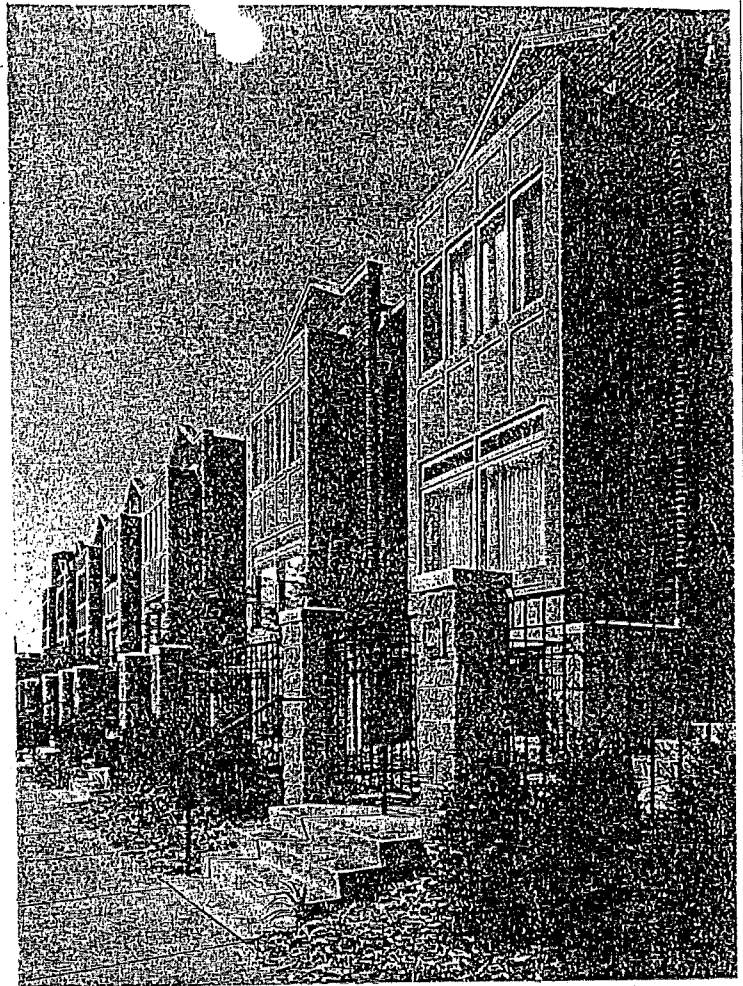
Townhouse/Rowhouse



Plan

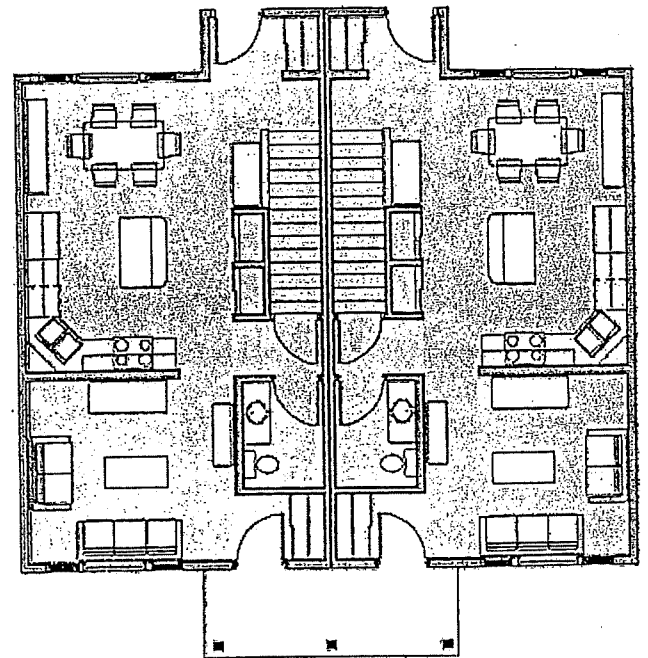
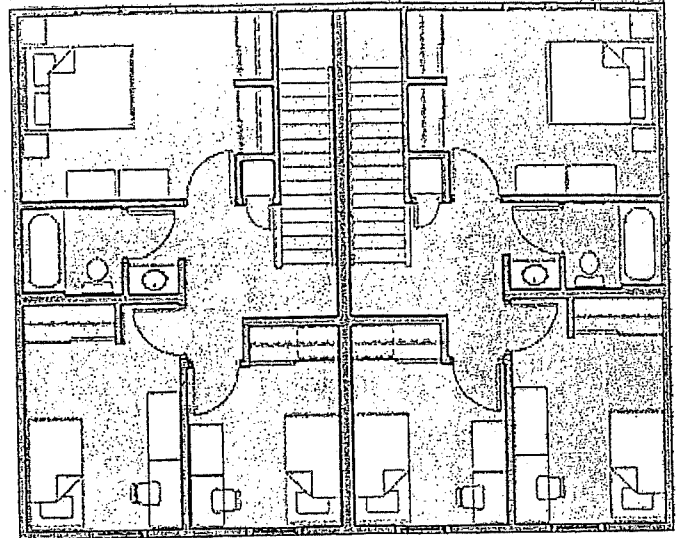
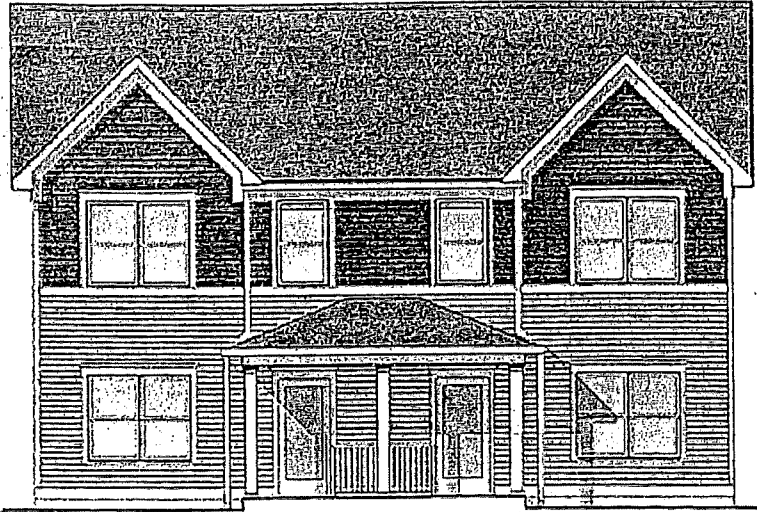


Axonometric



URBAN RESIDENTIAL DISTRICT:
ROWHOUSE TOWNHOME

EXHIBIT "C"

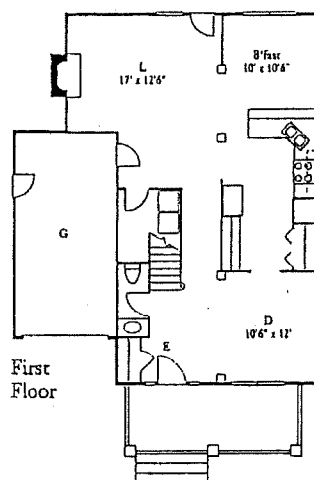
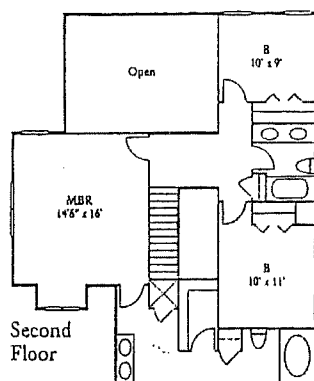


TOWN HOUSE CHARACTER INTENT IMAGES

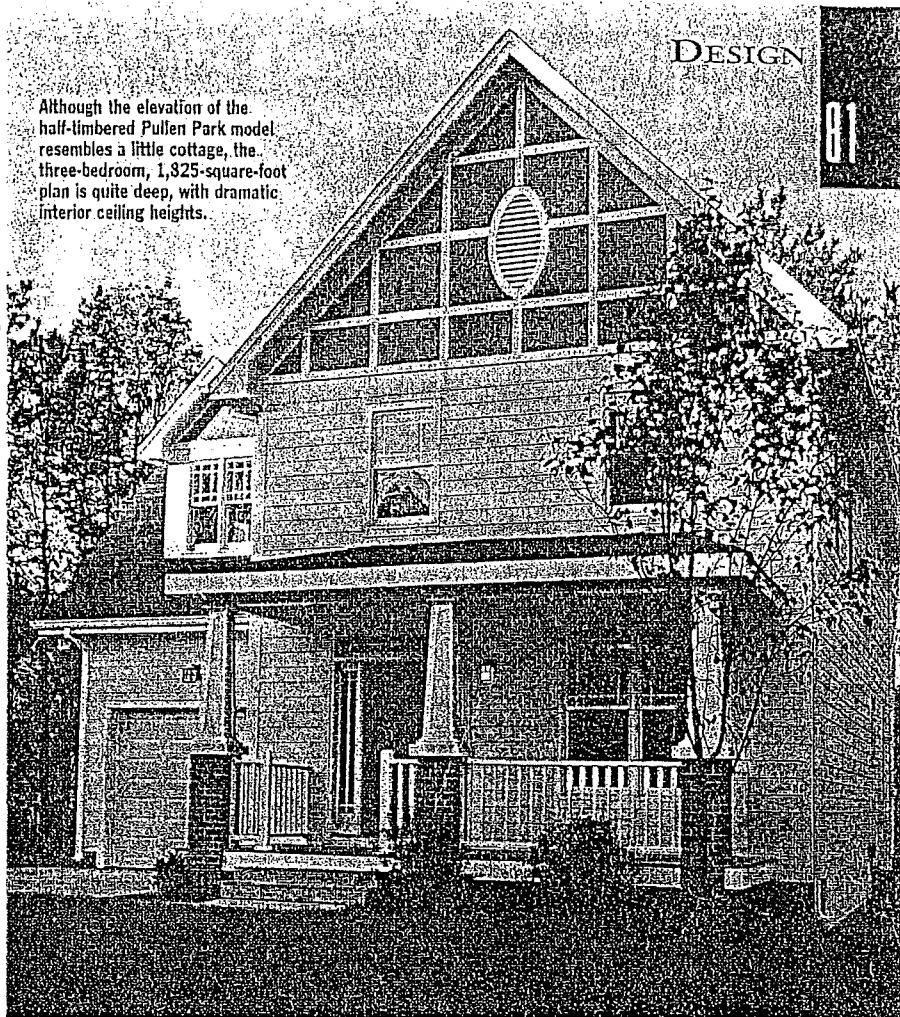
EXHIBIT "F"



Preservation Homes' best seller is the 1,960-square-foot Five Points classic bungalow, named after an old Raleigh, N.C., neighborhood.



Although the elevation of the half-timbered Pullen Park model resembles a little cottage, the three-bedroom, 1,325-square-foot plan is quite deep, with dramatic interior ceiling heights.





CLARNDON

A north arrow pointing upwards with the word "NORTH" written below it. Below the north arrow is a scale bar labeled "SCALE IN FEET" with markings for 0, 100, and 200 feet.

HARVESTVIEW II
STORM WATER MANAGEMENT PLAN
ROCHESTER, MN

EXHIBIT "G"

ORDINANCE NO. 3771

AN ORDINANCE AMENDING AND REENACTING SECTION 64Q.100, AND SUBDIVISIONS 3, 4 AND 5 OF SECTION 64Q.230 OF THE ROCHESTER CODE OF ORDINANCES, RELATING TO THE HARVESTVIEW II SPECIAL DISTRICT.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Section 64Q.100 of the Rochester Code of Ordinances is hereby amended and reenacted to read as follows:

64Q.100. **BOUNDARIES OF THE LAND.** This ordinance shall apply to the following described property located within the City of Rochester, County of Olmsted, State of Minnesota:

That part of Section 7, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southeast corner of said Section 7; thence North 89 degrees 44 minutes 40 seconds West, assumed bearing, along the south line thereof, 656.00 feet to the southwest corner of the East Half of the Southeast Quarter of the Southeast Quarter of said Section 7 for the point of beginning; thence North 00 degrees 15 minutes 39 seconds West, along the west line of said East Half of the Southeast Quarter of the Southeast Quarter, 897.87 feet; thence North 74 degrees 13 minutes 55 seconds West, 2049.61 feet to the west line of the East Half of said Section 7; thence North 00 degrees 20 minutes 24 seconds West, along said west line, 1065.54 feet; thence North 40 degrees 49 minutes 14 seconds West, 34.82 feet; thence North 00 degrees 20 minutes 24 seconds West, 45.65 feet; thence North 49 degrees 10 minutes 46 seconds East, 29.72 feet to the west line of the East Half of said Section 7; thence North 00 degrees 20 minutes 24 seconds West, along said west line, 143.04 feet to the southerly line of the Douglas Trail (formerly the WISCONSIN, MINNESOTA & PACIFIC RAILROAD COMPANY); thence North 54 degrees 55 minutes 28 seconds West, along said southerly line, 1601.48 feet to the west line of the East Half of the Northwest Quarter of said Section 7; thence South 00 degrees 14 minutes 09 seconds East, 1021.89 feet to the northeast corner of the Northwest Quarter of the Southwest Quarter of said Section 7; South 00 degrees 14 minutes 09 seconds East, along the east line of the Northwest Quarter of the Southwest Quarter of said Section 7, a distance of 1319.64 feet to the northeast corner of the Southwest Quarter of the Southwest Quarter of said Section 7; thence North 89 degrees 51 minutes 06 seconds West, along the north line of said Quarter Quarter, 1189.15 feet to the northwest

corner thereof; thence South 00 degrees 19 minutes 07 seconds East, along the west line thereof, 1318.02 feet to the southwest corner thereof; thence South 89 degrees 46 minutes 23 seconds East, along the south line thereof, 704.24 feet to the west line of the east 483.00 feet of said Quarter Quarter Section; thence North 00 degrees 14 minutes 09 seconds West, along said west line, 396.00 feet; thence South 89 degrees 46 minutes 23 seconds East, 483.02 feet to the west line of the Southeast Quarter of the Southwest Quarter; thence South 89 degrees 46 minutes 23 seconds East, 330.11 feet; thence North 00 degrees 14 minutes 09 seconds West, 19.00 feet; thence South 89 degrees 46 minutes 23 seconds East, 450.00 feet; thence South 00 degrees 14 minutes 09 seconds East, 415.00 feet to the south line of the Southwest Quarter of said Section 7; thence South 89 degrees 46 minutes 23 seconds East, along said south line, 531.78 feet to the southwest corner of the Southeast Quarter of said Section 7; thence South 89 degrees 44 minutes 40 seconds East, along the south line thereof, 370.00 feet; thence North 00 degrees 26 minutes 47 seconds West, 408.03 feet; thence South 89 degrees 44 minutes 40 seconds East, 400.00 feet; thence South 00 degrees 15 minutes 20 seconds West, 110.00 feet; thence North 89 degrees 44 minutes 40 seconds West, 30.00 feet; thence South 00 degrees 15 minutes 20 seconds West, 298.00 feet to the south line of said Southeast Quarter; thence South 89 degrees 44 minutes 40 seconds East along said south line, 1233.00 feet to the point of beginning.

Excepting there from the following described property.

Commencing at the southwest corner of the Southeast Quarter of said Section 7; thence North 00 degrees 20 minutes 24 seconds West, assumed bearing, along the west line of said Southeast Quarter, 568.84 feet for the point of beginning; thence South 90 degrees 00 minutes 00 seconds West, 504.16 feet; thence North 00 degrees 00 minutes 00 seconds East, 553.42 feet; thence North 90 degrees 00 minutes 00 seconds East, 841.27 feet; thence southerly 219.71 feet along a non-tangential curve, concave easterly, central angle of 19 degrees 31 minutes 03 seconds, radius of 645.00 feet and the chord of said curve bears South 09 degrees 45 minutes 31 seconds West, 218.65 feet; thence South 00 degrees 00 minutes 00 seconds East, tangent to said curve, 337.93 feet; thence South 90 degrees 00 minutes 00 seconds West, 300.04 feet to the point of beginning.

TOGETHER with Lot 1, Block 2, HARVESTVIEW FIRST REPLAT, Rochester, Minnesota.

Containing 163.90 acres more or less.

Section 2. Subdivisions 3, 4 and 5 of Section 64Q .230 of the Rochester Code of Ordinances is hereby amended and reenacted to read as follows:

Subd. 3. Urban Residential District (URD). The following regulations apply within the area identified as "Urban Residential District " on the Harvestview II General Development Plan. The URD consists of three land uses: "Townhomes", "Rowhouse-Style Townhomes" and "Multi-Family". Residential uses shall include rowhouse style townhomes, townhomes, multi-family buildings (apartments or condos) units, and senior housing.

A. Townhomes

(1) The "Townhome" area shall conform to R-2 zoning with the following modifications:

- (a) Fifteen-foot front yard setback. A minimum of 50% of the house shall be built to the front setback. Covered porches and garage sidewalks may be counted. Garages shall be setback a minimum of 20', unless side loaded, then the minimum setback is 15'.
- (b) Five-foot minimum side yard setback.
- (c) Side street yard setback shall be 11'-0".
- (d) Front yard setback on private streets shall be measured from face of curb for both "access roadways" and "limited access roadways."
- (e) Class "A" exposure setback shall be 20'.
- (f) Lots without alleys or rear-loaded garages, driveway curb cuts will be no greater than 12' width for a 2 car garage and 16' width for a 3 car garage.
- (g) Lots that have an alley will not be permitted a curb cut to the public street in their front or side yard.
- (h) Street trees of a minimum 1-1/2" caliper size are required at approximate 35' intervals in all grass boulevard areas of public streets.
- (i) Trees and landscaping (shrubs, perennials, groundcover or turf) are required in all street median islands. Median street trees shall be a minimum of 1-1/2" caliper spaced approximately 35' on center or ornamental tree species that shall be a minimum of 1" caliper spaced approximately 15' on center.

B. Rowhouse Style Townhomes

- (1) The "Rowhouse Style Townhomes" shall conform to R-3 zoning with the following modifications:
 - (a) Front yard setbacks shall be 15'. A minimum of 50% of the buildings shall be built to the front setback.
 - (b) Private patios, enclosed with fence/columns are allowed in the front yard setback.
 - (c) Side street yard setback shall be 12'-0".
 - (d) Class "A" exposure setback shall be 20'.
 - (e) Street trees of a minimum 1-1/2" caliper size are required at approximate 35' intervals in all grass boulevard areas of public streets.
 - (f) Trees and landscaping (shrubs, perennials, groundcover or turf) are required in all street median islands. Median street trees shall be a minimum of 1-1/2" caliper spaced approximately 35' on center or ornamental tree species that shall be a minimum of 1" caliper spaced approximately 15' on center.

C. Multi-Family

- (1) The "Multi-Family" area shall conform to R-3 zoning with the following modifications:
 - (a) Front yard setback shall be 15'-0". A minimum of 50% of the buildings shall be built to the front setback. Steps, eaves, decks, and fence hedges for courtyards are permitted to encroach within the setback.
 - (b) Rear yard setback shall be 20'-0" minimum.
 - (c) Side yard setback shall be 10'-0" minimum.
 - (d) Side street yard setback shall be 12'-0'.
 - (e) Maximum of five stories.
 - (f) Street trees of a minimum 1-1/2" caliper size are required at approximate 35' intervals in all grass boulevard areas of public streets.
 - (g) Trees and landscaping (shrubs, perennials, groundcover or turf) are required in all street median islands. Median street trees shall be a minimum of 1-1/2" caliper spaced approximately 35' on center or ornamental tree

species that shall be a minimum of 1" caliper spaced approximately 16" on center.

Subd. 4. Town Center District. The "Town Center" permitted uses and appearance control standards shall comply with Section 62.310 for the B-1 Zoning District, unless regulated in this Special District.

- A. Site Development Plan and Site Plan Review: A site development plan for uses in the Town Center shall be prepared and submitted for review in accordance with the standard requirements of the existing Zoning Ordinance and Land Development Manual for the City of Rochester. The City Planning Commission will conduct a site plan review without a public hearing for uses within the Town Center to determine whether the plans are consistent with the overall architectural standards and character of this Special District. Proposed uses in the Town Center shall be reviewed in terms of the extent to which they comply with standards of this district established for architecture, signage, parking and landscaping.
- B. Except for drive-in facilities, convenience retail (with fuel sales) and medical facilities, a minimum of 50% of the building's front façade shall be within 11 feet of the street right of way. Where necessary to accommodate spread footings and overhangs, the building setback may be increased only to the extent necessary.
- C. Convenience, retail and drinking and entertainment uses shall be exempt from the hours of operation requirements of the B-1 Zoning District.
- D. Stacking requirements for drive-in facilities shall be reduced to five in-bound and one out-bound space per lane.
- E. Parking shall be on the side or to the rear of the retail uses. Besides on-street parking, no parking in front of the retail uses shall be allowed. On street parking in front or on the side of the lot shall count toward fulfilling the parking requirements.
- F. Except for restaurants, drive-in facilities and convenience retail (with fuel sales), a minimum two-story façade is required.

- G. Office, personal service, and residential uses are also allowed on the upper levels. One off-street parking stall per residential unit is required and must be reserved.
- H. Underground parking and parking structures (maximum five stories) shall be allowed.
- I. Permitted uses shall include the following:
 - (1) All Type I uses permitted in the B-1 District with the exception of the following uses:
 - (a) Manufactured Home Park
 - (b) Sales & Storage Lots
 - (c) Parking Facility (as a principle use)
 - (d) Sand or Gravel Excavation
 - (e) Auto Center
 - (f) Trade Shops
 - (g) Use of Storage Containers
 - (2) Additional uses permitted in the Town Center shall be as follows:
 - (a) Residential – condos, and/or apartments at grade, or above retail/commercial.
 - (b) Congregate Housing.
 - (c) Convenience Stores.
 - (d) Day Care facilities.
 - (e) Drinking and Entertainment.
 - (f) Bed and Breakfast.
 - (g) Car washes accessory to a convenience retail use or automotive maintenance service.
 - (h) Veterinary Services.
 - (i) Emergency Services.
 - (j) Temporary uses – art fairs, farmer's market, flea markets, neighborhood gatherings.
- J. Limitation on permitted uses:
 - (1) Not more than one convenience retail use that includes sales of automotive fuels may be permitted in each Town Center District.
 - (2) With the exception of transient accommodations (hotels), grocery stores and medical facilities, individual businesses shall not exceed 20,000 square of floor area on the ground floor.

K. Lot Development Standards

- (1) Facilities for refuse disposal and recycling shall be enclosed by solid fence or walls, and landscaping shall be installed around the perimeter (except in underground parking).
- (2) Utility boxes and water backflow prevention devices shall be located so they are visually unobtrusive and screened with landscaping as allowed.
- (3) Buildings shall be oriented to face the street with entrances and display windows at the street level. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade. A revocable permit will be required by the City whenever a canopy or awning extends into the public right of way. Restaurants shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right of way and in courtyards provided that pedestrian circulation and access to store entrances are not impaired.
- (4) Bicycle-locking stands are required in each Town Center area. One stand, which holds a minimum of six bicycles, shall be provided for every 20,000 square feet of gross leaseable space. These stands must harmonize with the architectural of the retail area.
- (5) Street trees are required along the public streets of all mixed-use buildings at a minimum spacing of 35' on center. These trees shall be planted in tree grates or planting beds with a minimum size of 30 square feet and a minimum dimension of 5'-0".
- (6) Over-story trees will be required along all private streets and the rear of the buildings (facing parking lot) at a minimum spacing of 40' intervals. These trees shall be planted in open turf areas or in planting beds with a minimum size of 30 square feet and a minimum dimension of 5'-0".

L. Parking

- (1) Parking requirements for the Town Center District, shall use business center parking standards of the Rochester Zoning Ordinance and Land Development Manual only when the building has multiple uses in it or there are multiple buildings using one parking lot. Otherwise, parking requirements for the use as listed in the B-1 zoning district apply.
- (2) In commercial or office uses, which have shop fronts adjacent to sidewalks and streets, on-street parking directly in front of the lot shall count toward fulfilling the parking requirement.
- (3) Parking lot screening:
 - (a) All parking areas containing more than six spaces (if not screened by the building from public roads and not including angle or perpendicular parking adjacent to public or private roads) must be screened with a hedgerow, or a 36" high berm, or a low wall (42" minimum height). These landscaped areas must be a minimum of 3'-0" wide. Where angle or perpendicular parking is adjacent to these areas, then the minimum width shall be 5'-0". Hedgerows shall be planted at a maximum of 4'-0" on center and shall reach a minimum height of 36" and a maximum height of 6'-0".
 - (b) Parking lots for apartments/multi-family units will not be required to be screened with a hedgerow. A landscaped area of trees and shrubs shall be provided to draw attention away from the parking area.
- (4) Parking Lot Landscaping:
 - (a) Parking areas containing more than 15 spaces and containing more than two contiguous or parallel rows of parking shall have internal landscaping within the parking area equal to at least five percent of paved area of the lot (including drive aisles plus driveways).

- (b) Paved areas do not include sidewalks, patios, or other paved areas not associated with vehicle parking or circulation. Planting areas must be distributed throughout the parking areas. They must have a minimum width of at least eight feet and be at least 100 square feet in area.
- (c) Each 100 square feet of required landscape area must contain at least one canopy tree or two understory trees (minimum size for canopy trees in 1-1/2" caliper and minimum size for understory tree is one inch caliper). The landscape islands shall not be used for snow storage and any planting must be maintained in a healthy condition and appearance. These areas may contain external standard lighting fixtures.

M. Signs

- (1) Signs should add interest to the street level environment. They can only unify the overall architectural concept of the building, or provide unique identity for a commercial space within a larger mixed-use structure. Signage shall be appropriate for the scale, character and use of the project and surrounding area. Signs should be oriented and scaled for both pedestrians on sidewalks and vehicles on streets. The following sign types satisfy these requirements:
 - (a) Pedestrian-oriented blade and window signs.
 - (b) Marquee signs and signs on over-head weather protection.
 - (c) Appropriately sized neon signs.
- (2) Type B sign standards shall be used with the following modifications:
 - (a) Free standing sign – maximum height 15'.
 - (b) Projecting sign – maximum area – 20 square feet, maximum height – 12 feet.
 - (c) Graphics sign – maximum area of 10% of wall.
 - (d) Auxiliary sign – maximum height – 6'.

- (e) Advertising signs (billboards) will be prohibited.
- (f) All wall signage should be uniform in size.

N. Architectural Standards.

(1) Standards for all uses:

- (a) Floor Area Ratio (F.A.R.) of 1.0 shall be allowed with a maximum building height of five stories with a landscape area of 20%.
- (b) Each building shall avoid long, monotonous-uninterrupted walls or roof planes. The façade of a building should be divided into distinct modules, no longer than 150 feet.
- (c) Mechanical equipment, electrical and communication transformers, cabinets and service areas shall be located out of public view where feasible or screened from public view with fences, walls or landscaping.
- (d) Dwellings and parking shall not occupy more than five floors above ground of any structure.

(2) Standards for Convenience Retail Uses

- (a) Convenience retail uses shall locate automotive fuel service and drive-in service areas away from residences and toward the perimeter streets on the General Development Plan (60th Avenue NW and 55th Street NW).
- (b) Light from lighting fixtures and signage, and sound from sound-producing equipment shall be deflected away from residences. Music from sound producing equipment shall be prohibited on the exterior of the building.
- (c) Foundation landscaping (4' minimum planting bed width) and windows shall be provided along all building sides that are open to view from public streets.
- (d) Perimeter landscaping at least five feet in depth shall be provided along public and

private roads between sidewalks and driveway or parking areas. Landscape berming is strongly encouraged.

- (e) Pedestrians must be able to safely access the building from public sidewalks on visually prominent crosswalks within drive areas to the building's front door.
- (3) Standards for Other Uses: Uses shall meet the intent of similar character represented in Exhibit "F" and shall be reviewed in accordance with the standards of this special district in addition to the following standards:
- (a) All sides of the building façade shall be designed to provide architectural and visual interest.
 - (1) A minimum of 50% of the building along a street right of way at ground level must be clear or lightly tinted windows, doors, or other treatment that are sufficiently transparent to provide pedestrian views into the building.
 - (2) Awnings, covered walkway, open colonnades, or similar weather protection must be provided by at least 50% of the commercial (retail & service) uses that front the right of way.
 - (3) Doorways, windows and other openings in the façade of a building shall be proportioned to reflect pedestrian scale and movement, and to encourage interest at the street level.
 - (4) Except for drive-in-facilities, a minimum two-story façade is required.
 - (5) Exterior materials shall include brick, architecturally treated concrete, stone, tile, stucco, stucco-like panels and other cultured stone, and similar high quality architectural materials.
 - (6) Buildings shall be oriented to face the street with entrances and display windows at the street level. Extended awnings, canopies or large umbrellas

shall be permitted and located to provide shade. A revocable permit will be required by the City whenever a canopy or awning extends into the public right of way. Restaurants shall be permitted to operate outdoor cafes on sidewalks, including area within the public right of way and in courtyards provided that pedestrian circulation and access to store entrances are not permitted.

Subd. 5. Mixed Use District:

- A. The "Mixed Use District" permitted uses and appearance control standards shall comply with Section 62.330 for the B-5 Zoning District, unless regulated in this Special District.
- B. Site Development Plan and Site Plan Review: A site development plan for uses in the Mixed Use District shall be prepared and submitted for review in accordance with the standard requirements of the existing Zoning Ordinance and Land Development Manual for the City of Rochester. The City Planning Commission will conduct a site plan review without a public hearing for uses within the Mixed Use District to determine whether the plans are consistent with the overall architectural standards and character of this Special District. Proposed uses in the Mixed Use District shall be reviewed in terms of the extent to which they comply with standards of this district established for architecture, signage, parking and landscaping.
- C. A minimum of 50% of the building's front façade shall be within 11 feet of the street right of way. Where necessary to accommodate spread footings and overhangs, the building setback may be increased only to the extent necessary.
- D. Parking shall be on the side or to the rear of the uses. Besides on-street parking, no off-street parking in front of the uses shall be allowed. On street parking in front or on the side of the lot shall count toward fulfilling the parking requirements.

- E. Except for restaurants, a minimum two-story façade is required.
- F. Office and residential uses are also allowed on the upper levels. One off-street parking stall per residential unit is required and must be reserved.
- G. Underground parking and parking structures (maximum five stories) shall be allowed.
- H. Maximum size for a restaurant use is 6,000 square feet.
- I. Alcohol sales are permitted.
- J. The height allowed for a two-story building shall be 35 feet.
- K. Lot Development Standards
 - (1) Facilities for refuse disposal and recycling shall be enclosed by solid fence or walls, and landscaping shall be installed around the perimeter (except in underground parking).
 - (2) Utility boxes and water backflow prevention devices shall be located so they are visually unobtrusive and screened with landscaping as allowed.
 - (3) Buildings shall be oriented to face the street with entrances and display windows at the street level. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade. A revocable permit will be required by the City whenever a canopy or awning extends into the public right of way. Restaurants shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right of way and in courtyards provided that pedestrian circulation and access to store entrances are not impaired.
 - (4) Street trees are required along the public streets of all mixed-use buildings at a minimum

spacing of 35' on center. These trees shall be planted in tree grates or planting beds with a minimum size of 30 square feet and a minimum dimension of 5'-0".

- (5) Over-story trees will be required along all private streets and the rear of the buildings (facing parking lot) at a minimum spacing of 40' intervals. These trees shall be planted in open turf areas or in planting beds with a minimum size of 30 square feet and a minimum dimension of 5'-0".

L. Parking requirements for the Mixed Use District shall use standards of the Rochester Zoning Ordinance and Land Development Manual for the use as listed in the B-5 zoning district standards.

(1) Parking lot screening:

- (a) All parking areas containing more than six spaces (if not screened by the building from public roads and not including angle or perpendicular parking adjacent to public or private roads) must be screened with a hedgerow, or a 36" high berm, or a low wall (42" minimum height). These landscaped areas must be a minimum of 3'-0" wide. Where angle or perpendicular parking is adjacent to these areas, then the minimum width shall be 5'-0". Hedgerows shall be planted at a maximum of 4'-0" on center and shall reach a minimum height of 36" and a maximum height of 6'-0".

(2) Parking Lot Landscaping:

- (a) Parking areas containing more than 15 spaces and containing more than two contiguous or parallel rows of parking shall have internal landscaping within the parking area equal to at least five percent of paved area of the lot (including drive aisles plus driveways).

- (b) Paved areas do not include sidewalks, patios, or other paved areas not associated with vehicle parking or circulation. Planting areas must be distributed throughout the parking areas. They must have a minimum width of at least eight feet and be at least 100 square feet in area.
- (c) Each 100 square feet of required landscape area must contain at least one canopy tree or two understory trees (minimum size for canopy trees in 1-1/2" caliper and minimum size for understory tree is one inch caliper). The landscape islands shall not be used for snow storage and any planting must be maintained in a healthy condition and appearance. These areas may contain external standard lighting fixtures.

M. Signs

- (1) Signs should add interest to the street level environment. They can only unify the overall architectural concept of the building, or provide unique identity for a commercial space within a larger mixed-use structure. Signage shall be appropriate for the scale, character and use of the project and surrounding area. Signs should be oriented and scaled for both pedestrians on sidewalks and vehicles on streets. The following sign types satisfy these requirements:
 - (a) Pedestrian-oriented blade and window signs.
 - (b) Marquee signs and signs on over-head weather protection.
 - (c) Appropriately sized neon signs.
- (2) Type A sign standards shall be used with the following modification:
 - (a) Signs can be internally lit.

N. Architectural Standards.

(1) Standards for all uses:

- (a) Each building shall avoid long, monotonous-uninterrupted walls or roof planes. The façade of a building should be divided into distinct modules, no longer than 150 feet.
- (b) Mechanical equipment, electrical and communication transformers, cabinets and service areas shall be located out of public view where feasible or screened from public view with fences, walls or landscaping.
- (c) Dwellings and parking shall not occupy more than five floors above ground of any structure.
- (d) All sides of the building façade shall be designed to provide architectural and visual interest.

(1) A minimum of 50% of the building along a street right of way at ground level must be clear or lightly tinted windows, doors, or other treatment that are sufficiently transparent to provide pedestrian views into the building.

(2) Awnings, covered walkway, open colonnades, or similar weather protection must be provided by at least 25% of the commercial (retail & service) uses that front the right of way.

(3) Doorways, windows and other openings in the façade of a building shall be proportioned to reflect pedestrian scale and

movement, and to encourage interest at the street level.

- (4) Exterior materials shall include brick, architecturally treated concrete, stone, tile, stucco, stucco-like panels and other cultured stone, and similar high quality architectural materials.
- (5) Buildings shall be oriented to face the street with entrances and display windows at the street level. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade. A revocable permit will be required by the City whenever a canopy or awning extends into the public right of way. Restaurants shall be permitted to operate outdoor cafes on sidewalks, including area within the public right of way and in courtyards provided that pedestrian circulation and access to store entrances are not permitted.

Section 3. . This Ordinance shall become effective on and after the date of its publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 5th DAY OF JUNE, 2006.

ATTEST: Tadley K. [Signature]
CITY CLERK

[Signature]
PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS 6th DAY OF JUNE, 2006.

[Signature]
MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

Ord05/64Q.100 et seq

ORDINANCE NO. 3901

AN ORDINANCE AMENDING AND REENACTING SECTION 64Q.400 OF THE ROCHESTER CODE OF ORDINANCES, RELATING TO THE EXHIBITS FOR THE HARVESTVIEW II SPECIAL DISTRICT.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Section 64Q.400 of the Rochester Code of Ordinances is hereby amended and reenacted to read as follows:

64Q.400 **EXHIBITS**

The following documents shall be submitted with the Special District application and included as exhibits of this Ordinance:

- A. Harvestview II General Development Plan, Exhibit A.
- B. Special District Boundary Plan, Exhibit B
- C. Land Use Plan, Exhibit C.
- D. Neighborhood Street Standards, Exhibit D.
- E. Neighborhood Street Sections, Exhibit E
- F. Character Intent Images, Exhibit F.
- G. Preliminary Storm Water Management Plan, Exhibit G

Section 2. This Ordinance shall become effective on and after the date of its publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF ROCHESTER, MINNESOTA, THIS 15th DAY OF DECEMBER, 2008.

ATTEST:

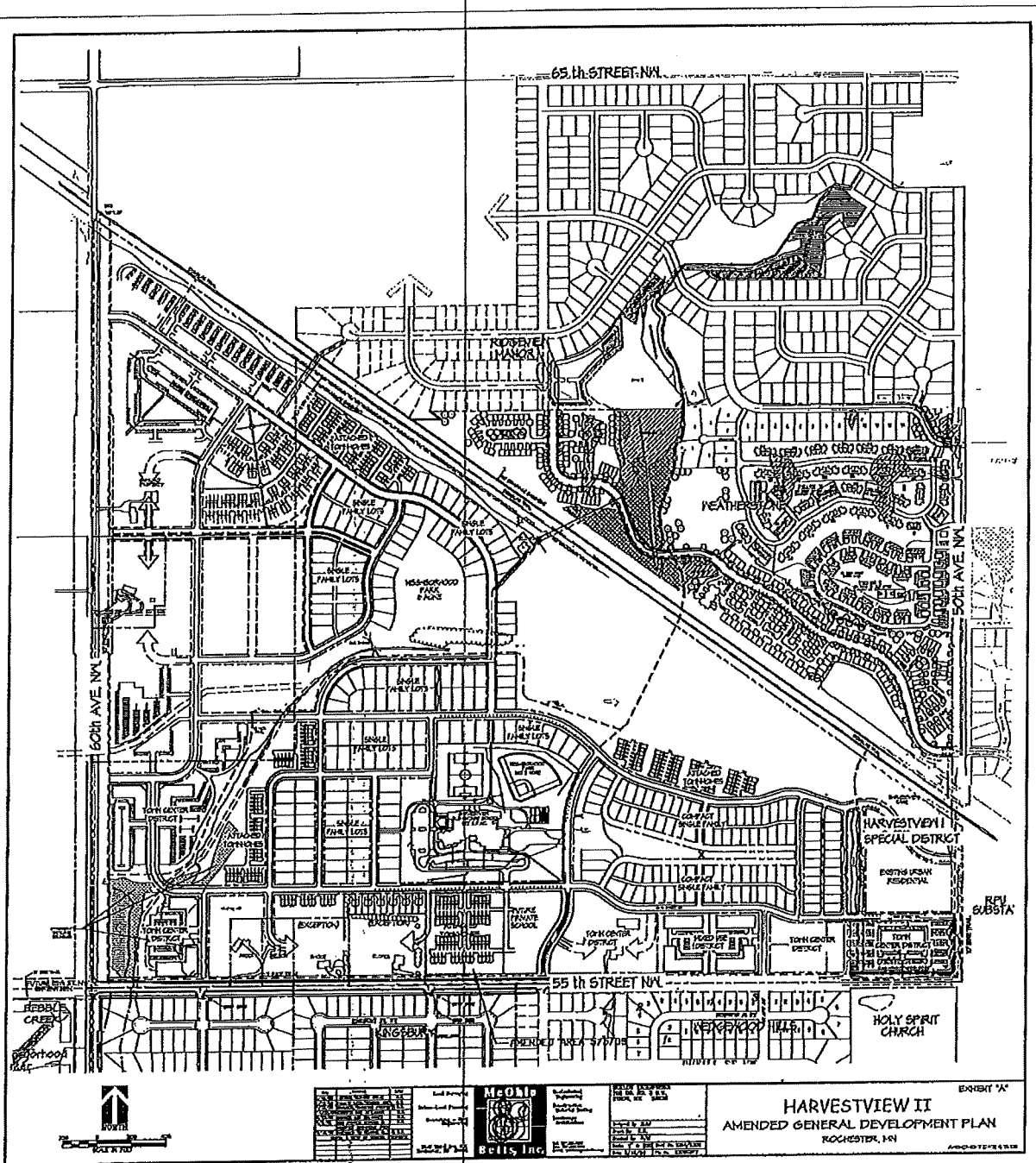
Molly Kay Shew
CITY CLERK

James J. Hansen
PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS 16th DAY OF DECEMBER, 2008.

Arnell F. Brade
MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)
Ord05/64Q.400



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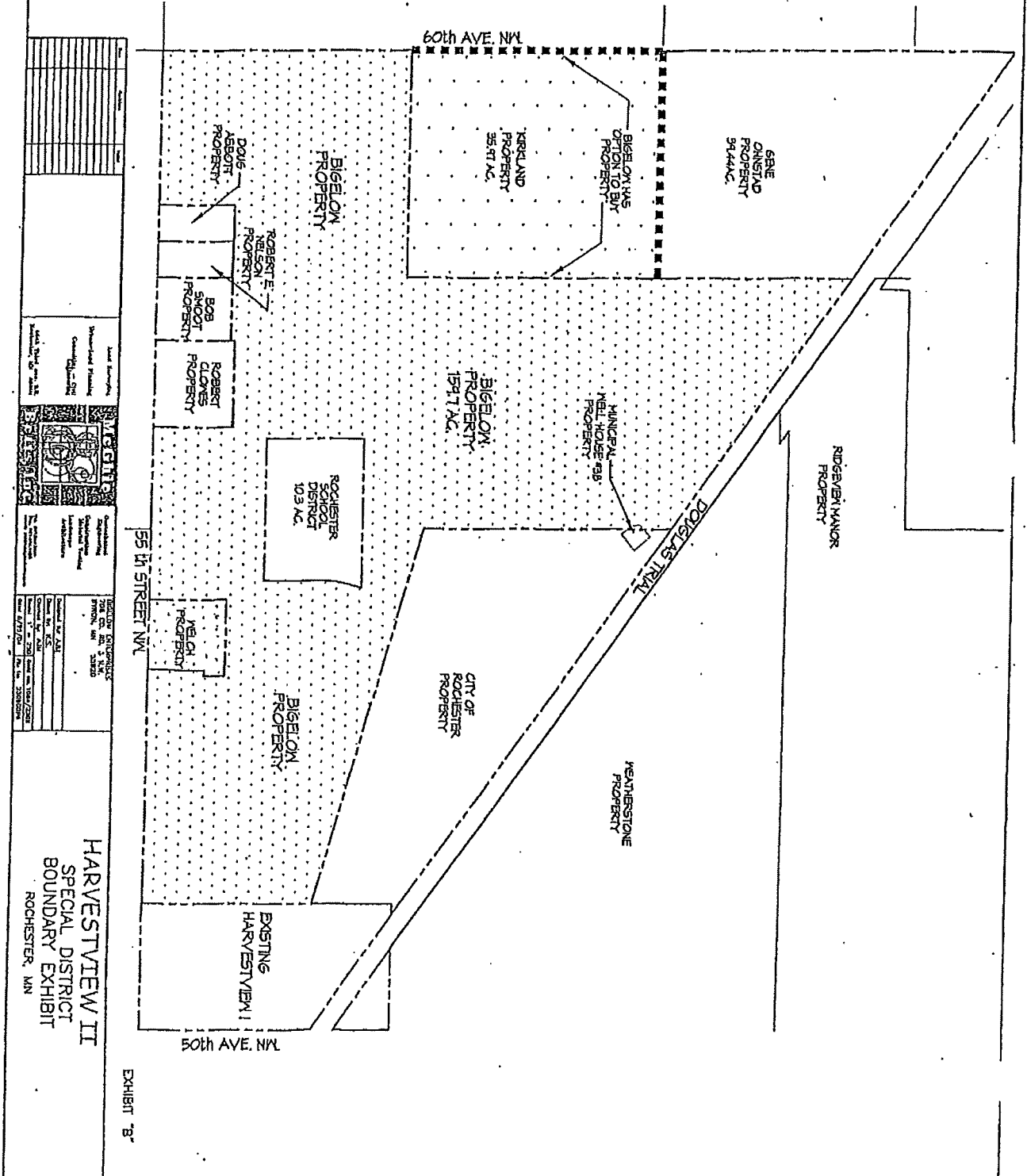
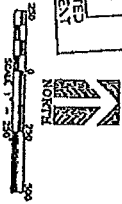
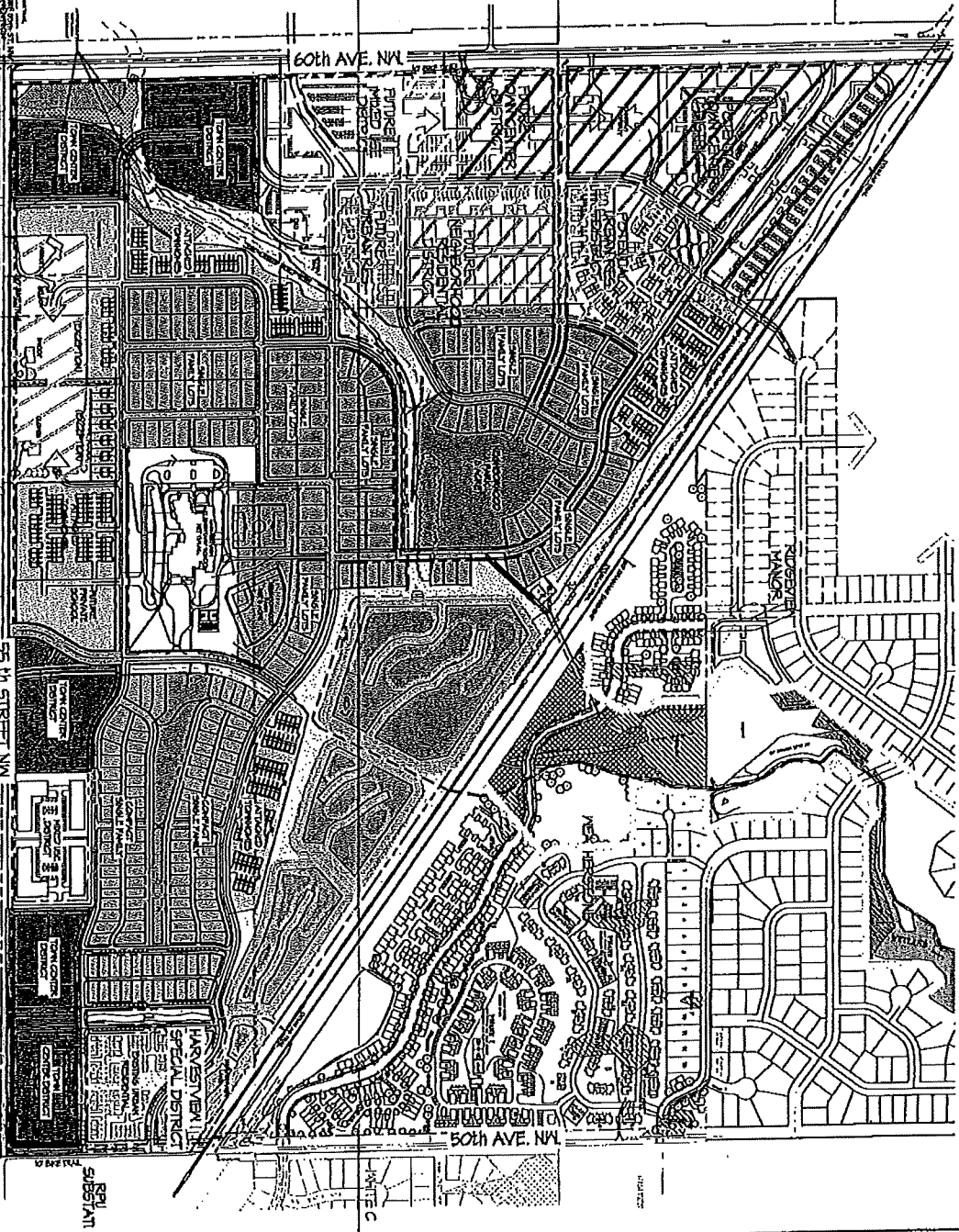
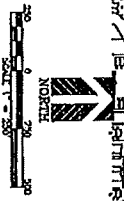


EXHIBIT "B"

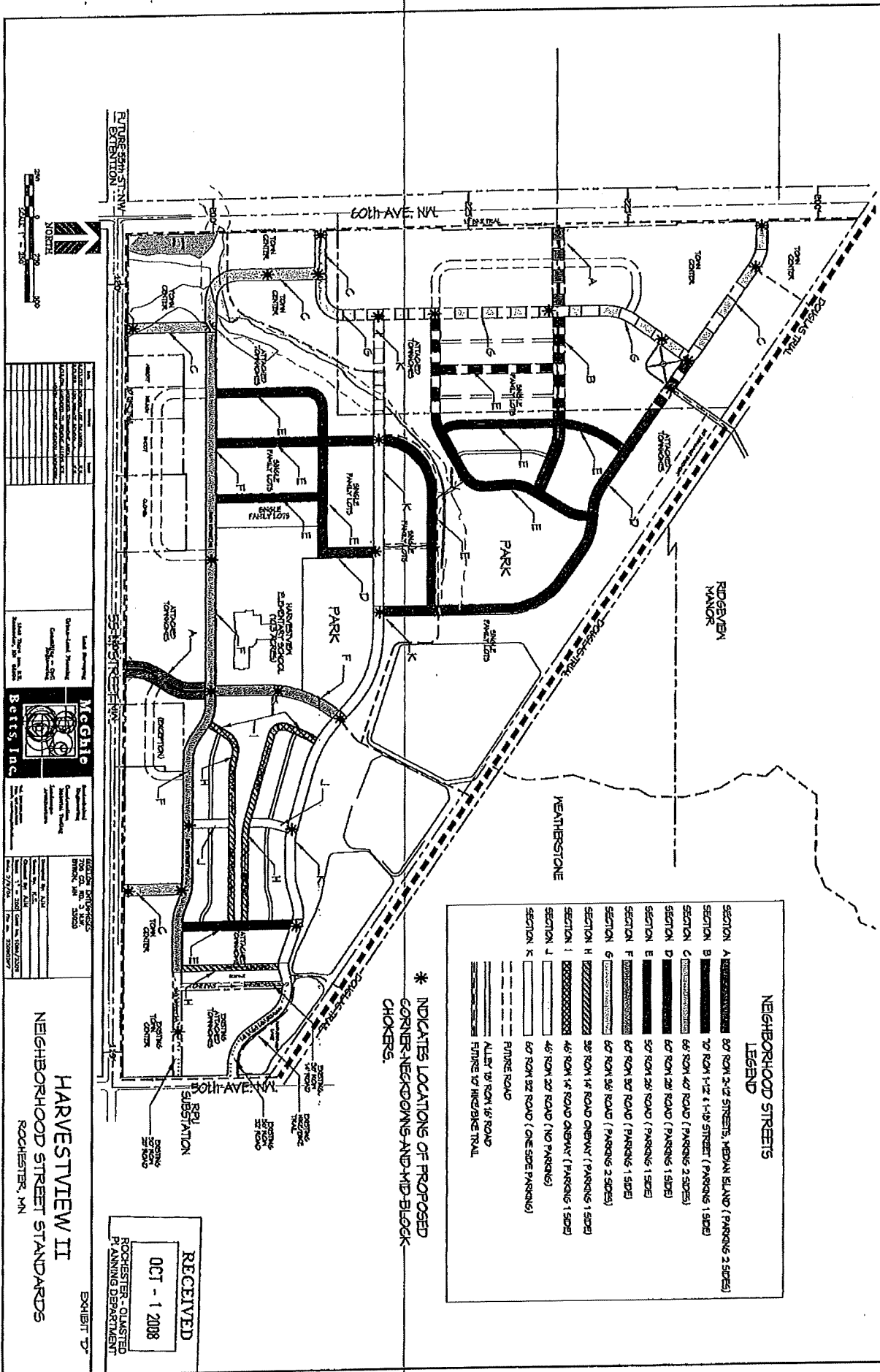
LAND USE	
LEGEND	
NEIGHBORHOOD RESIDENTIAL DISTRICT	26,87 AC.
TOWN CENTER DISTRICT	2,731 AC.
URBAN RESIDENTIAL DISTRICT	36,173 AC.
MIXED USE DISTRICT	733 AC.
OPEN SPACES	14,624 AC.
PRIVATE OPEN SPACES	30 AC.
BIODIVERSITY CORRIDOR	26.34 AC.
CITY PARKS	414 AC.
STORM PONDS	105 AC.
	40.15 AC.
TOTAL 160,771 AC.	

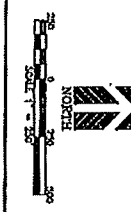
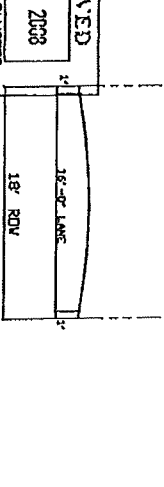
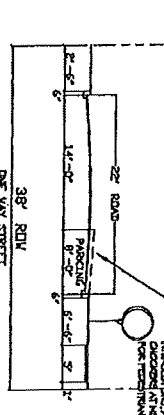
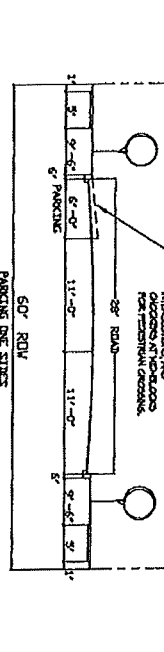
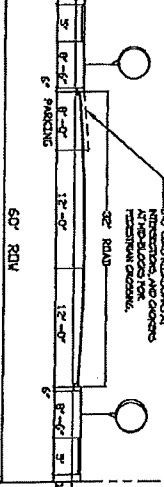
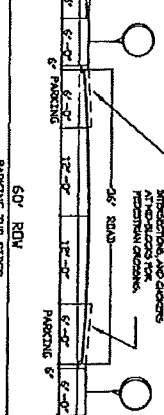
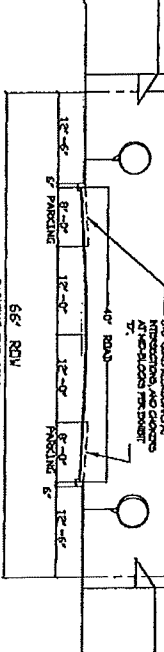
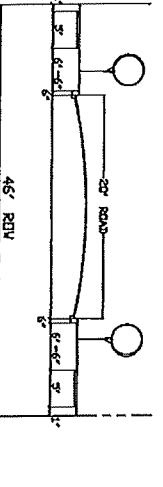
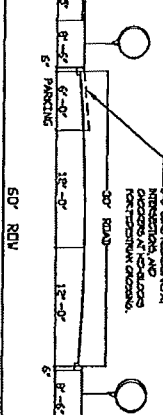
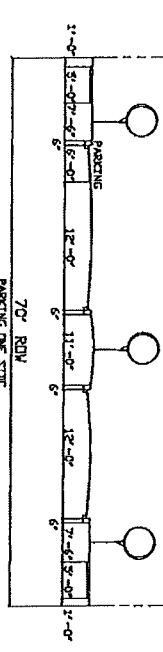
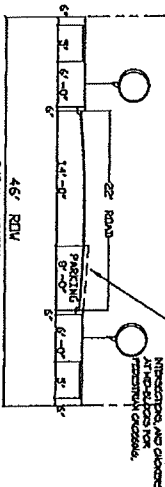
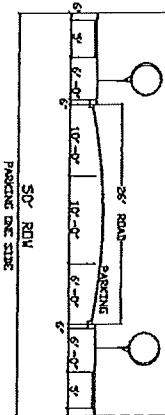
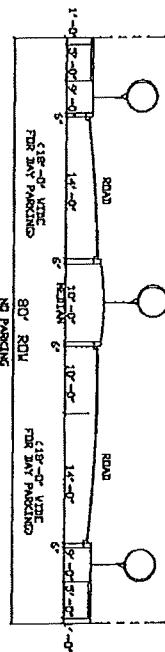
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PROJECT: HARVESTVIEW II LOCATION: HARVESTVIEW II PREPARED BY: McGraw-Hill Construction DATE: 10/1/2008	SCALE: 1" = 200' NORTH
DESIGN: McGraw-Hill Construction CHECKED: McGraw-Hill Construction APPROVED: McGraw-Hill Construction	McGraw-Hill Construction 1221 Avenue of the Americas New York, NY 10020-1095 Tel: 212 512 2000 Fax: 212 512 2001 Email: mcgraw-hill@mcgraw-hill.com

HARVESTVIEW II
LAND USE EXHIBIT
ROCHESTER, MN





Section	Width	Notes
SECTION A	15'-0"	NO PARKING FOR BAY PARKING
SECTION B	15'-0"	PARKING ONE SIDE
SECTION C	15'-0"	PARKING TWO SIDES
SECTION D	15'-0"	PARKING ONE SIDE
SECTION E	15'-0"	PARKING ONE SIDE
SECTION F	15'-0"	PARKING ONE SIDE
SECTION G	15'-0"	PARKING TWO SIDES
SECTION H	15'-0"	ONE SIDE PARKING
SECTION I	15'-0"	ONE SIDE PARKING
SECTION J	15'-0"	NO PARKING
SECTION K	15'-0"	PARKING ONE SIDE

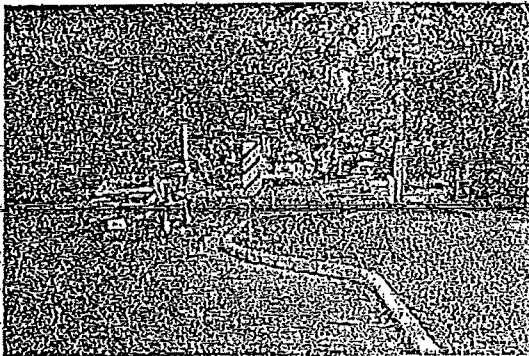
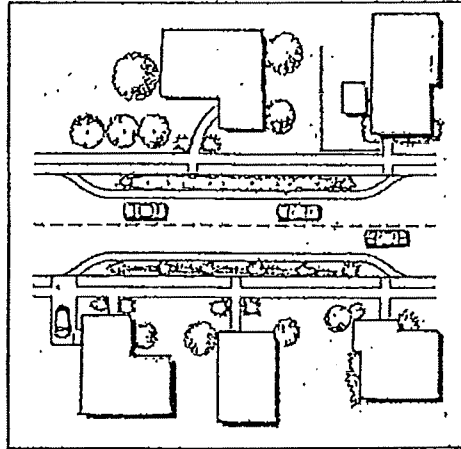
McGraw-Hill Construction Information Group

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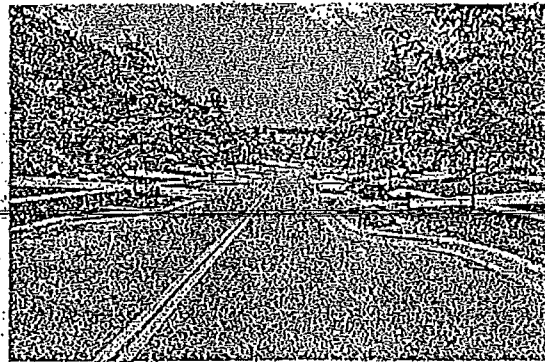
HARVESTVIEW II
 NEIGHBORHOOD STREET SECTIONS
 ROCHESTER, MN

CHOKERS

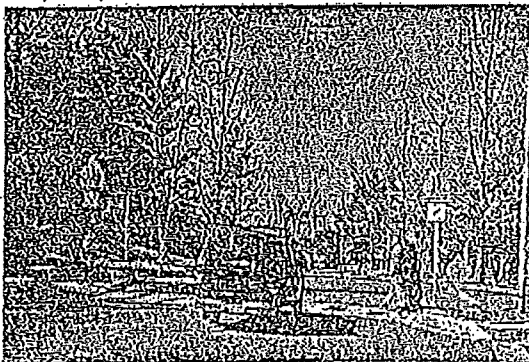
(pinch points, midblock narrowings, midblock yield points, constrictions)



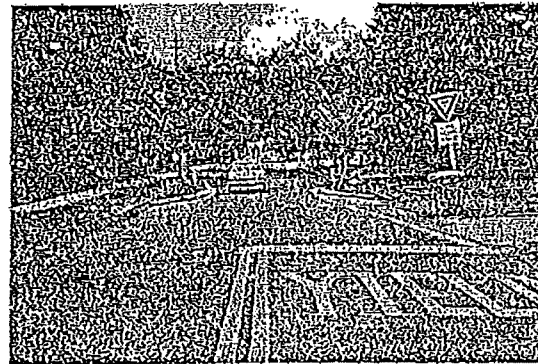
Winter Park, FL



Montgomery County, MD



Howard County, MD



Sarasota, FL

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