

City of Oronoco
Special City Council Meeting
Monday, March 25, 2008, 7:00pm

I. CALL TO ORDER

Mayor Scott Keigley called the meeting to order at 7:03pm.

II. ROLL CALL

Present: Mayor Scott Keigley, Councilor Kevin McDermott, Councilor Brian Breider, Councilor Tom Novak, City Clerk Cheryl Nymann, City Engineer Joe Palen, Russ

Absent: Councilor Jackie Hall

III. LETTER FROM ALAN IHDE

City Engineer Joe Palen reported that he has had a meeting with Alan Ihde at Bonestroo, and they reviewed the project. They brought much of the data with, however the hydraulic data necessary for the review was missing, but should be available tomorrow. The issues on the letter have all been submitted, except the drainage report, and shouldn't be problematic for the City. One of the items that will be required is that grading on west side of 2nd Avenue to daylight the ditch. Mr. Palen asked Council if they wanted to approve site plan and building plan contingent on acceptance of the drainage report plan by the City Engineer. Councilor Tom Novak reported that Mr. Ihde has met twice with OACC, and final building plan not submitted yet. City Clerk Cheryl Nymann reported that Mr. Ihde will bring in the building plans tomorrow. **Mayor Scott Keigley motioned to approve site plan review pending City Engineer Joe Palen approval of site plan information no later than Friday, Councilor Kevin McDermott second; Discussion:** Building Permit will be issued after Councilor Brian Breider and Councilor Tom Novak review the building plan after it is brought in by Mr. Ihde; **all in favor, motion carried.**

IV. BRIEFING ON OPEN HOUSE FROM JOE PALEN

Presentation is 47 slides and will be about a one hour presentation with question and answer session afterwards. City Engineer Joe Palen ran through the proposal, and various portions led by Mayor/Council. The report is also on file at City Hall. The presentation included history and need for proposed water improvements, what is being proposed, estimated project costs, possible funding, tentative project schedules, and the next steps in project. City Clerk Cheryl Nymann will prepare a sign in sheet, pencils and paper for questions.

V. FINDINGS OF FACT FROM CITY ATTORNEY TOM CANAN

City Attorney Tom Canan submitted the official findings of fact from the Council meeting last week on the following applications, and are found following the minutes.:

A. Cedar Woodlands Business Findings of Fact

B. Riverwood Hills Business Findings of Fact

Mayor Scott Keigley motioned to accept the findings of facts for approval o Cedar Woodlands Business Zone Change and Land Use Amendment and denial of Riverwood Hills Business Zone Change And Land Use Amendment, Councilor Tom Novak second; all in favor, motion carried.

VI. ADJOURNMENT

Councilor Kevin McDermott motioned to adjourn at 9:35 pm, Councilor Brian Breider second; all in favor, motion carried.

Respectfully Submitted.

Scott Keigley, Mayor

Cheryl Nymann, CMC, City Clerk/Treasurer

**BEFORE THE COMMON COUNCIL
CITY OF ORONOCO, MINNESOTA**

In Re: Rezoning Request for

Oronoco Land And Cattle Company, LLC
and Order

to Rezone Land in NW ¼, Section 20,

City of Oronoco, MN

Findings of Fact,

Conclusions of Law, and J & D Oronoco Enterprises, LLC

On March 4, 2008, the Oronoco Planning and Zoning Commission convened a public hearing, with notice to the public, to hear a request by the applicant, Oronoco Land And Cattle Company, LLC and J & D Oronoco Enterprises LLC, to amend the City's comprehensive Land Use Plan and to rezone certain real property recently annexed into the City of Oronoco legally described as follows:

Legal Description- Cedar Woodlands/City of Oronoco

That part of the Northeast Quarter of Section 20, Township 108 North, Range 14 West, Olmsted County, Minnesota, described as follows;

Commencing at the northwest corner of said Northeast Quarter, thence South 00 degrees 24 minutes 09 seconds East, assumed bearing, along the west line thereof, 66.00 feet to the south right of way line of CEDAR POINT ROAD S.E. as dedicated on CEDAR WOODLANDS; thence South 89 degrees 54 minutes 13 seconds East, along said southerly line, 440.00 feet for the point of beginning; thence South 00 degrees 24 minutes 09 seconds East, 450.00 feet; thence North 89 degrees 35 minutes 51 seconds East, 250.00 feet; thence South 36 degrees 37 minutes 43 seconds East, 193.69 feet; thence South 00 degrees 24 minutes 29 seconds West, 320.00 feet; thence South 89 degree 35 minutes 31 seconds East, 395.18 feet to the southwesterly corner of said CEDAR POINT ROAD S.E. (the next three courses are along the westerly and southerly right of way lines of said ROAD); thence North 00 degrees 24 minutes 29 seconds East, 455.66 feet; thence northerly and westerly 736.11 feet along a tangential curve, concave to the southwest radius of 467.00 feet and a central angle of 90 degrees 18 minutes 44 seconds; thence North 89 degrees 54 minutes 15 seconds West, tangent to said curve, 298.65 feet to the point of beginning.

Containing 11.31 acres more or less.

That part of the Northeast Quarter of section 20, Township 108 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the northwest corner of said Northeast Quarter, thence South 00 degrees 24 minutes 09 seconds East, assumed bearing, along the west line thereof, 66.00 feet to the south right of way line of CEDAR POINT ROAD S.E. as dedicated on CEDAR WOODLANDS for the point of beginning; thence South 89 degrees 54 minutes 13 seconds East, along said southerly line, 440.00 feet; thence South 00 degrees 24 minutes 09 seconds East, 450.00 feet; thence North 89 degrees 35 minutes 51 seconds East 250.00 feet; thence South 36 degrees 37 minutes 43 seconds East, 193.69 feet; thence South 00 degrees 24 minutes 29 seconds West, 320.00 feet; thence North 89 degrees 35 minutes 31 seconds West, 639.64 feet to the easterly right of way line of TRUNK HIGHWAY NO. 52 as defined on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 55-89; thence northwesterly 244.41 feet along said easterly right of way and along a nontangential curve, concave to the northeast, radius of 1357.39 feet, central angle of 10 degrees 18 minutes 59 seconds and the chord of said curve bears North 41 degrees 18 minutes 12 seconds West, 244,08 feet to the west line of the Northeast Quarter of said Section 20; thence North 00 degrees, 24 minutes 09 seconds West along said west line, 736.98 feet to the point of beginning.

Containing 12.72 acres more or less

The two parcels which are adjacent to each other together consist of 24.03 acres. This property is located east of Minnesota Ave./East Frontage Road Highway 52 and south of Cedar Point Road S.E. The applicant sought approval to amend the land use plan to designate the northeastern 11.31 acres from Agricultural to Residential and to rezone the northeastern 11.31 acres of the parcel from an IR to an R-2 zoning classification. The applicant also sought approval to amend the land use plan to designate the southwestern 12.72 acres of the entire parcel from Agricultural to Commercial and to rezone the southwestern 12.72 acres from IR to a B-2 zoning classification. After receiving input from the applicant through its engineer, Mr. Bill Tointon of McGhie and Betts, Inc. and from the public, the Commission recommended approval of the request on a 4-0 vote with member Nathan Hartung abstaining due to a potential conflict of interest.

On March 17, 2008, the Oronoco City Council considered the Planning and Zoning Commission's recommendation for approval of the request to amend the City's comprehensive Land Use Plan and to rezone the parcel as requested by the applicant. Dan Fitzpatrick and Bill Tointon appeared in support of the request. During the meeting, the Council received and considered the application including a petition, land use plan amendment and zoning amendment exhibits and a proposed concept plan for this area (attached and identified as Exhibit A). It also considered the comments which were received during the public hearing, recommendations made by the Planning and Zoning Commission concerning these requests and input from interested property owners residing nearby the proposed development (attached and identified as Exhibit B).

Following the public meeting, the Council considered the matter and, based upon the evidence presented at the hearing, made the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. The Oronoco City Council considered this request to amend the City's Land Use Plan and to rezone the property under the authority provided to it by Article XXI, Article VIII and Article VI of the City of Oronoco Planning and Zoning Ordinances.

2. Article XXI, Section 21.02 provides that "the Planning Commission shall receive petitions from individual property owners or groups of property owners requesting district changes or amendments. . .to said Zoning Ordinance

in such form as it prescribes by motion. . .The Planning Commission may recommend modification of the proposed amendment as it affects the comprehensive zoning plan and regulations of the City and as it reflects the interest of adjacent property and of the community as a whole."

3. Article XXI, Section 21.03 provides that for any proposed zoning amendments, the City is to consider "development of property uses, nature of population trends, commercial and industrial growth both actual and prospective and affect upon the community as a whole in view of the comprehensive plan of the city and how much proposed change, sensibly, systematically, and according to a coordinated plan, may be made within and in promotion of the zoning objective of planning".

4. After reviewing all of the evidence, the Council finds the following facts.

5. The property is identified as being devoted to Agricultural uses under the current City Land Use Plan, though the Land Use Plan for this area has not been updated since it was annexed into the city limits. The applicant sought approval to amend the land use plan to designate the northeastern 11.31 acre parcel from Agricultural to Residential and to rezone the northeastern 11.31 acre parcel from IR to an R-2 zoning classification. The applicant also sought approval to amend the land use plan to designate the southwestern 12.72 acres of the entire parcel from Agricultural to Commercial and to rezone the southwestern 12.72 acres from an IR to a B-2 zoning classification.

6. The applicant provided a concept plan for public comment at the meeting before the Planning and Zoning Commission and the City Council which depicted a development of approximately 40 townhomes on the portion of the parcel to be rezoned to R-2. This would be a permitted type of use under Article VI of the City's Planning and Zoning Ordinances. The

applicant provided a concept plan for public comment at the meeting before the Planning and Zoning Commission and the City Council which depicted a development consisting of a possible restaurant, convenience store and retail store on the portion of the parcel to be rezoned to B-2. This would be a permitted type of use under Article VIII of the City's Planning and Zoning Ordinances.

7. These types of proposed land uses are consistent with the requirements of the City's Land Use Plan which anticipates that this area is suited for Agricultural types of land uses pending development of this area, but that some commercial development would eventually occur given the excellent visibility and proximity of this site to State Highway 52.

8. There is good access to the parcels to be rezoned from Minnesota Ave/East Frontage Road off of Highway 52 and the 100th St. N.W. highway interchange and as a result, it is expected there will be little additional traffic burden placed on nearby existing city streets such as Cedar Point Dr. S.E.

9. Given the parks which were recently added to the area in the River Park and Cedar Woodlands subdivision, the added park usage created by the addition of 24 townhomes in the northeastern 11.31 acre parcel is not expected to place much of an additional burden on the City's parks in this area.

10. The City Council finds that the proposed zone change of the northeastern 11.31 acre parcel from IR to R-2 and the development of this area with townhomes will be compatible with existing residential developments which are located to the north and east of this property, and will act as a buffer zone between the single family homes to the north and

east and the commercial development to be located on the southwestern portion of this parcel.

11. The request to amend the City's Land Use Plan and to rezone in different ways the northeastern and southwestern portions of this parcels were submitted in one petition for rezoning. This leads the City Council to believe that the applicant had intended both requests to amend the Land Use Plan and to rezone the northeastern and southwestern portions of this property to be considered together as one application and not independently. Therefore, both requests will be considered together and not in isolation from each other.

CONCLUSIONS OF LAW

1. This matter is properly before the Council pursuant to Article XXI, Section 21.02, and 21.03 and Article VIII and Article VI of the City of Oronoco Planning and Zoning Ordinances.

2. By the greater weight of the evidence and testimony presented at the hearing, the Oronoco City Council hereby determines that the applicant has established a basis to amend the City's Land Use Plan and to rezone the northeastern 11.31 acre parcel and the southwestern 12.72 acre parcel, when considered as one application, in this case. Therefore, the request to amend the City's Land Use Plan and to rezone the northeastern 11.31 acre parcel and the southwestern 12.72 acre parcels should be approved.

ORDER

The Oronoco City Council, pursuant to Article XXI, Section 21.02 and 21.03 of the Oronoco Planning and Zoning Ordinances does hereby order that the request to amend the land use plan to designate the northeastern 11.31 acres of this parcel from Agricultural to Residential and to rezone the northeastern 11.31 acres of the parcel from IR to an R-2 zoning classification is approved. The applicant's request to amend the

land use plan to designate the southwestern 12.72 acres of this parcel from Agricultural to Commercial and to rezone the southwestern 12.72 acres from an IR to a B-2 zoning classification. is also approved.

Dated at Oronoco, Minnesota this _____ day of _____, 2008.

By: _____

Scott Keigley, Mayor

Attest: _____

Cheryl Nymann, City Clerk

BEFORE THE COMMON COUNCIL

CITY OF ORONOCO, MINNESOTA

In Re: Rezoning Request for

Findings of Fact,

J & D Oronoco Enterprises, LLC
20, _____ and Order

Conclusions of Law, to Rezone Land in NW ¼, Section

City of Oronoco, MN

On March 4, 2008, the Oronoco Planning and Zoning Commission convened a public hearing, with notice to the public, to hear a request by the applicant, J & D Oronoco Enterprises LLC, to amend the City's comprehensive Land Use Plan and to rezone certain real property recently annexed into the City of Oronoco legally described as follows:

City of Oronoco/Riverwood Hills Addition

That part of the Northwest Quarter of Section 20, Township 108 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southwest corner of said Northwest Quarter, thence North 01 degree 09 minutes 06 seconds West, assumed bearing, along the west line thereof, 1751.04 feet; thence North 88 degrees 50 minutes 54 seconds East, 188.00 feet for the point of beginning; thence South 01 degree 09 minutes 06 seconds East, 205.00 feet; thence South 88 degrees 50 minutes 54 seconds West, 155.00 feet; thence South 01 degree 09 minutes 06 seconds East, 706.50 feet; thence North 89 degrees 05 minutes 36 seconds East, 494.18 feet; thence North 01 degree 09 minutes 06 seconds West, 913.61 feet; thence South 88 degrees 50 minutes 54 seconds West, 339.18 feet to the point of beginning.

containing 9.62 acres more or less.

That part of the Northwest Quarter of Section 20, Township 108 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southwest corner of said Northwest Quarter, thence North 01 degrees 09 minutes 06 seconds West, assumed bearing, along the west line thereof 1751.04 feet; thence North 88 degrees 50 minutes 54 seconds East, 188.00 feet; thence South 01 degree 09 minutes 06 seconds East, 205.00 feet; thence South 88 degrees 50 minutes 54 seconds West, 155.00 feet; thence South 01 degree 09 minutes 06 seconds East, 706.50 feet for the point of beginning; thence North 89 degrees 05 minutes 36 seconds East, 494.18 feet; thence South 01 degree 09 minutes 06 seconds East, 750.57 feet to the northerly line of Parcel 414D as defined on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 55-85 (the next two courses are along said northerly line): thence South 89 degrees 05 minutes 36 seconds West, 439.93 feet; thence North 38 degrees 36 minutes 34 seconds West, 89.20 feet; thence North 01 degree 09 minutes 06 seconds West, 680.00 feet to the point of beginning.

Containing 8.47 acres more or less

The two parcels put together consist of 18.09 acres. This property is located east of 3rd Ave. S.W. and north of County Road 12 also known as 100th St. N.W. The property was zoned Agricultural pending completion of its annexation into the city limits. The applicant sought approval to amend the land use plan to designate the northern 9.62 acres from Agricultural to Residential and to rezone this northern section of the parcel from

Agricultural (and the IR zoning designation the property would normally have after completing annexation, now) to a R-2 zoning classification. The applicant also sought approval to amend the land use plan to designate the southern 8.47 acres of the entire parcel from Agricultural to Commercial and to rezone this area from Agricultural (and IR as noted above) to a B-2 zoning classification. After receiving input from the applicant through its engineer, Mr. Bill Tointon of McGhie and Betts, Inc. and from the public, the Commission recommended approval of the request on a 3-2 vote.

On March 17, 2008, the Oronoco City Council considered the Planning and Zoning Commission's recommendation for approval of the request to amend the City's comprehensive Land Use Plan and to rezone the parcel as requested by the applicant. Dan Fitzpatrick and Bill Tointon appeared in support of the request. During the meeting, the Council received and considered the application including a petition, land use plan amendment and zoning amendment exhibits and a proposed concept plan for this area (attached and identified as Exhibit A). It also considered the comments which were received during the public hearing, recommendations made by the Planning and Zoning Commission concerning these requests and input from interested property owners residing nearby the proposed development(attached and identified as Exhibit B).

Following the public meeting, the Council considered the matter and, based upon the evidence presented at the hearing, made the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. The Oronoco City Council considered this request to amend the City's Land Use Plan and to rezone the property under the authority provided to it by Article XXI, Article VIII and Article VI of the City of Oronoco Planning and Zoning Ordinances.

2. Article XXI, Section 21.02 provides that "the Planning Commission shall receive petitions from individual property owners or groups of property owners requesting district changes or amendments. . .to said Zoning Ordinance in such form as it prescribes by motion. . .The Planning Commission may recommend modification of the proposed amendment as it affects the

comprehensive zoning plan and regulations of the City and as it reflects the interest of adjacent property and of the community as a whole.”

3. Article XXI, Section 21.03 provides that for any proposed zoning amendments, the City is to consider “development of property uses, nature of population trends, commercial and industrial growth both actual and prospective and affect upon the community as a whole in view of the comprehensive plan of the city and how much proposed change, sensibly, systematically, and according to a coordinated plan, may be made within and in promotion of the zoning objective of planning”.

4. After reviewing all of the evidence, the Council finds the following facts.

5. The property is identified as being devoted to Agricultural uses under the current City Land Use Plan. The property was zoned Agricultural pending completion of its annexation into the city limits. The applicant seeks approval to amend the Land Use Plan to designate the northern 9.62 acres from Agricultural to Residential and to rezone the northern 9.62 acres from Agricultural (and the IR zoning designation the property would normally after completing annexation) to an R-2 zoning classification. The applicant provided a concept plan for public comment at the meeting before the Planning and Zoning Commission and the City Council which depicted a possible 40 unit assisted living facility on the northern portion of this parcel to be rezoned to R-2. This would be a permitted type of use under Article VI of the City’s Planning and Zoning Ordinances.

6. The applicant seeks approval to amend the Land Use Plan to designate the southern 8.47 acres of the entire parcel from Agricultural to Commercial and to rezone the southern 8.47 acres from Agricultural to a B-2 zoning classification. The applicant provided a concept plan for public comment at the meeting before the Planning and Zoning Commission and the

City Council which depicted a possible personal service business and a storage warehouse on the southern portion of this parcel to be rezoned to B-2. These uses would be permitted uses under Article VIII of the City's Planning and Zoning Ordinances.

7. There is concern by the City Council that the future use of the southern portion of this property for B-2 type commercial uses is not consistent with the requirements of the City's Land Use Plan which anticipates that this area is best suited for future residential types of land uses.

8. The City is currently forced due to a lack of financial resources to permit large number of motor vehicles to use 3rd Ave. S.W. as a substitute frontage road for motorists who wish to access properties located on the west side of State Highway 52 running through the City. This situation will not improve until the City is able to install a west frontage road along Highway 52 and it is unknown when this will occur. While the road surface was recently improved, this road was originally designed to serve as a township road with far less traffic than it is currently carrying. There are serious concerns that commercial development on this property will make the traffic situation worse which could endanger motorists and pedestrians who currently use 3rd Ave. S.W. Providing access to commercial development on the southern end of this property off of County Road 12 to alleviate concerns about added traffic on 3rd Ave. S.W. is not an option because of controlled access restrictions already put in place by Olmsted County along the right of way.

9. The City Council finds that the proposed zone change of the southern end of the property from Agricultural to B-2 and the added traffic and noise caused by this development will be incompatible with existing

residential developments which are located to the northwest and northeast of this property, given the lack of a proper buffer zone.

10. The request to amend the City's Land Use Plan and to rezone in different ways the northern and southern portions of this parcels were submitted in one petition for rezoning. This leads the City Council to believe that the applicant had intended both requests to amend the Land Use Plan and to rezone the northern and southern portions of this property to be considered together as one application and not independently. Therefore, while the request to amend the Land Use Plan and to rezone the northern portion of this property is consistent with the current City Land Use Plan, because it is linked to the request to amend the City Land Use Plan and to rezone the southern portion of this property which is not consistent with the current City Land Use Plan, both requests will be considered together and not in isolation from each other.

CONCLUSIONS OF LAW

1. This matter is properly before the Council pursuant to Article XXI, Section 21.02, and 21.03 and Article VIII and Article VI of the City of Oronoco Planning and Zoning Ordinances.

2. By the greater weight of the evidence and testimony presented at the hearing, the Oronoco City Council hereby determines that the applicant has not established a basis to amend the City's Land Use Plan and to rezone the northern and southern portion of this parcel, when considered as one application, in this case. Therefore, the request to amend the City's Land Use Plan and to rezone the northern and southern portions of this property should be denied.

ORDER

The Oronoco City Council, pursuant to Article XXI, Section 21.02 and 21.03 of the Oronoco Planning and Zoning Ordinances does hereby order that the request to amend the Land Use Plan to designate the northern 9.62 acres of this parcel from Agricultural to Residential and to rezone the northern 9.62 acres from Agricultural (and the IR zoning designation the property would normally after completing annexation) to an R-2 zoning classification is hereby denied. The applicant's request to amend the Land Use Plan to designate the southern 8.47 acres of the entire parcel from Agricultural to Commercial and to rezone the southern 8.47 acres from Agricultural to a B-2 zoning classification is also hereby denied.

Dated at Oronoco, Minnesota this _____ day of _____, 2008.

By: _____

Scott Keigley, Mayor

Attest: _____

Cheryl Nymann, City Clerk