



OFFICE OF COUNTY RECORDER  
Olmsted County, Minnesota

I hereby certify that this document was filed in this office  
on 5/25/2005 at 8:00:00 AM and was duly  
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**DANIEL J. HALL** – County Recorder, by \_\_\_\_\_ Deputy.

Well Certificate: \_\_\_\_\_ Received \_\_\_\_\_ Not Required \_\_\_\_\_p

Abstr. – yes \_\_\_\_\_ no \_\_\_\_\_

Fees:

Total \$19.50

Received from/return to:

TCPA

PO BOX 339  
ROCHESTER, MN 55903

**CASCADE TOWNSHIP  
CONDITIONAL USE RESOLUTION  
NUMBER CUP-04-02**

**WHEREAS**, an application for a Conditional Use Permit on behalf of, Whiting Nursery and Garden Center by Jim Whiting, to allow for a nursery business on a parcel in Cascade Township described as:

The NW ¼ of the SW ¼ except Olmsted County Right of Way Plat 80-1 and 80-2 and east of County Road 22 and all of the SW ¼ of the SW ¼ north of the DM&E Railroad, T107N-R14W, Olmsted County, Minnesota

Parcel contains approximately 50 acres

**WHEREAS**, the applicant(s) are asking the Cascade Township Planning Commission of the County of Olmsted, State of Minnesota, to be granted a Conditional Use Permit per Article IV of the Cascade Township Zoning Ordinance and.

**WHEREAS**, the matter has been reviewed by the Zoning Administrator and he has submitted his report to the Planning Commission concerning the Conditional Use and.

**WHEREAS**, a public hearing on the proposed Conditional Use was duly noticed and held by the Cascade Planning Commission at the Rochester Covenant Church, 4950 31<sup>st</sup> Avenue NW, Rochester, MN after 6:30 pm on Tuesday, July 20, 2004, at which hearing all interested persons were given the opportunity to be heard.

**NOW, THEREFORE**, be it resolved by the Cascade Township Planning Commission as follows:

FINDING OF FACT AND CONDITIONS:

TCPA  
P.O. Box 339  
Roch.  
- 20-05

The parcel is located within an AgRC Agricultural Resource Commercial District

The applicant meets the "Criteria for Granting Conditional Uses" of the Cascade Township Zoning Ordinance and the applicant, has acknowledged and agreed to the following:

CONDITIONS:

1. That the signage be limited to one sign no greater than 30 square feet in size, which is to be located outside of any public right-of-way.
2. All storage must be a minimum of 25 feet from the property lines and/or road right of way.
3. Rest room facilities provided for employees and customers. If a portable toilet system is used it should include hand washing facilities.
4. Septic system must be approved by township septic inspector (compliance check).
5. A conditional use permit is not transferable.
6. Any outside lighting including illuminated signs, must be directed away from public roads and neighboring properties.
7. That the retail sales be limited to plant material and the growing of plants and landscaping materials including but not limited to plants, seeds, pots, soil, landscape rock, mulch, fertilizers, pesticides and garden tools.
8. All commercial activity will be confined to the hours between 7:00 AM and 9:00 PM.
9. Any or all applicable Federal, State, or local permits must be obtained.
10. A compliant water test must be submitted to the Township on an annual basis.
11. That there are 30 parking spaces for the retail building, the same number of spaces as employees who park onsite and one for each company vehicle.
12. That the parking be at least 10 feet from the road right-of-way.
13. No additional road accesses are allowed with out the proper permits from the road authority.
14. That any additional buildings or greenhouses must be issued building permits prior to construction.
15. That a grading permit is required before any future grading is allowed.
16. Shoreland regulations must be followed for any areas of the parcels that are located within the shoreland area.
17. Annual review by the Cascade Township Planning Commission.
18. Dwelling must remain on the same parcel as the accessory building that is used for the sales business.
19. The business may be inspected at any reasonable time by township officials.
20. Additional Review of Conditional Use Permit. This CUP includes, at the discretion of the Town Board, a periodic review to determine compliance with the conditions of the permit, and whether changed circumstances or conditions require changes to the permit. The Town Board may also elect, upon adoption of an appropriate resolution following verification of a complaint that a condition has been violated, to conduct a review of the permit. Said review



shall only take place following written notice to the owner of the subject property and a duly noticed public hearing. Following such hearing, the permit may be amended based on changed conditions and experiences with the site.


21. The conditional use permit is approved subject to compliance with the applicable Government requirements, including, but not limited to the Minnesota and Olmsted County Health Departments and Minnesota Pollution Control Agency.
22. Any hazardous wastes reclaimed or generated at the site shall be disposed of according to Minnesota Pollution Control Agency guidelines and/or requirements. All appropriate waste generation permits shall be applied for and shall be forwarded to Township Planning Department.
23. Any structures within the road right-of-way must be moved to meet the ordinance regulations and conditions as listed in this permit.


CONCLUSION:

A motion by Jay Hesley and second Dan Frissora to approve the application, the motion carried unanimously.

The Cascade Township Planning Commission hereby grants a Conditional Use Permit per Article IV of the Cascade Township Zoning Ordinance.

Passed and adopted by the Cascade Township Planning Commission this 20th day of July 2004.

  
Steve Nigon, Commission Chair

  
Joe Vroman, Clerk  
DISTRIBUTION:  
County Recorder  
Township Clerk  
County Planning  
Zoning Administrator  
Applicant