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Olmsted County, Minnesota

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DANIEL J. HALL – County Recorder, by _____ Deputy.

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pt. NW NW 24-107-14

Received from/return to:
TCPA

PO BOX 339
ROCHESTER, MN 55903

**CASCADE TOWNSHIP
CONDITIONAL USE RESOLUTION
NUMBER CUP-05-01**

WHEREAS, an application for a Conditional Use Permit on behalf of, Don and Sue Kirckof to allow the construction and use of a netted paintball field on a parcel described as:

Commencing at the SE corner of the NW ¼ of the NW ¼ then N 66 feet to a point of beginning, thence left 367.80 feet thence right 355.30 feet thence right 367.80 feet to easterly line NW ¼ NW ¼ thence right 355.30 feet to beginning. Section 24, T107N-R14W, Cascade Township, Unplatted, Olmsted County MN. Containing three 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, Cascade Township Zoning Ordinance Section 1.28 **NON-CONFORMING USES**:

The lawful use of land or structures existing at the time of the adoption of this zoning ordinance may be continued although such use does not conform with the district provisions herein, subject to the following provisions.

J. Expansion Of Non-Conforming Use: Non-conforming commercial, industrial or institutional uses in any nonresidential district and any residential uses in any residential district may be modified or expanded in certain situations subject to approval as a Conditional Use. **In acting on an application for modifying or expanding a non-conforming use, the Township Planning Commission shall use the Section 1.28, I. criteria to**

TCPA *ApL*
11-7-05

determine the impact of modifying or expanding the non-conforming use.

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 31st Avenue NW, Rochester, MN after 6:30 pm on Tuesday July 19, 2005, 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:

The parcel is located within an I (Industrial District) and presently has a non-conforming use and proposed to expand the non-conforming use with a temporary paintball field. The field will be constructed on approximately one acre of the three acre lot.

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:

1. No parking shall be allowed on the roadway and a parking plan should be approved prior to the paintball airfield beginning to operate.
2. Any outside lighting shall be directed down and away from any neighboring properties.
3. If a new owner or change of business a new or an amended permit must be applied for.
4. The field must be enclosed with netting so no paintballs may land outside the field. No netting over the top of the play area is required.
5. The business may be inspected at any reasonable time by township officials.
6. A septic compliance review must be completed and the increased use shall be reviewed by the Township Septic Inspector. Appropriate measures as recommended by the Inspector shall be taken if the additional use requires additional water usage in the restroom areas. Sanitary facilities must be handicapped accessible.
7. The applicable building permits must be obtained for any structures to be located on the property.


8. The applicant must comply with Health Department regulations for the safety and water quality for any drinking water that may be available to the Public.
9. This permit is good for two years. After the two years the applicant must re-apply to request an extension of the CUP.
10. 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.

CONCLUSION:

A motion was made by Daniel Frissora and seconded by Arlen Heathman 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 a paintball field and its uses, on the property listed above and, according to the conditions listed above.

Passed and adopted by the Cascade Township Planning Commission this 19th day of July 2005.

Attest:

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


Steve Nigon, Commission Chair