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TCPA

4111 - 11TH AVENUE SW. RM 10
ROCHESTER MN 55902

pt NE-NE → 1-107-14
74.01.11.065575

**CASCADE TOWNSHIP
CONDITIONAL USE RESOLUTION
NUMBER CUP-12-01**

WHEREAS, an application has been submitted for a Conditional Use Permit (CUP) in Cascade Township. The proposed CUP would allow the operation of a building contractor's sales office and shop and a tenant nursery/garden center business located in an RSD; Rural Service Center District.

The property is legally described as:

Sect-01 Twp-107 Range-014 3.72 AC TH PT NE1/4 NE1/4 DES AS FOL COM NECOR NE1/4 TH S 90 DEGREE 00'00"W AL THE N LN SD NE1/4 435.14FT FOR THE PT OF BEG TH S 02 DEGREES 22'00"E 591.30FT TH S 82 DEGREES 18'00"W 89.84FT TH N 37 DEGREES 23'00" W 355.27FT TH N 00 DEGREES 08' 00"W 320.54FT TO THE N LN SD NE1/4 TH N 90 DEGREES 00'00"E AL SD N LN 281.08FT TO THE PT OF BEG SEC 1-107-14. Parcel pin # of 74.01.11.065575.

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 parcel previously had a nursery/landscaping business located on-site since 1998 and has been operated as a building contractor's sales office with a nursery/garden center tenant business, for the last year. The parcel was recently rezoned to RSD; Rural Service Center District and;

WHEREAS, the matter has been reviewed by the Zoning Administrator and thus submitted a report to the Planning Commission concerning the Conditional Use request with recommendations and;

WHEREAS, a public hearing on the proposed Conditional Use was duly noticed and held by the Cascade Planning Commission at the Cascade Town Hall, 2025 75th Street NE, Rochester, MN after 7:00 pm on Tuesday, December 18th, 2012, at which hearing all interested persons were given the opportunity to be heard.

NOW, THEREFORE, be it resolved by the Cascade Township Planning

✓ TCPA
LW

Commission as follows:

FINDING OF FACT:

1. The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of such property;

The subject property area is considered a neighborhood in transition. Within the area there is a mixture of uses including, but not limited to, vacant land, agricultural, residential, a mobile home park, a landscaping/nursery business, storage facility and light industrial business.

The subject buildings, one built in 1988 and one in 1998, have in the past housed a landscaping/nursery business started by the Hinz family, which eventually sold to another party.

The proposed use, as a building contractor's sales office, would not be considered any more intensive a use than the previous landscaping/nursery occupant. Considering the nature of the businesses – building contractor's sales office versus landscaping/nursery business – the contractor's sales office is likely less intense with respect to client traffic.

Because the subject property has existed as a commercial use for more than ten years, the fact that the use is changing – to a contractor's sales office – will have minimal if any affect on the use, enjoyment and value of the surrounding properties.

Considering the above it is determined that the proposal meets this criterion.

2. The proposed use will not impede the normal and orderly development and improvements of the surrounding property;

The proposed use of the subject property may actually help the normal and orderly development of the surrounding property.

As described in #1 above the subject property area is a neighborhood in transition comprised of a variety of land uses. The owner initiated the zone change of the subject property, from A-3; Agricultural Protection District to R.S.D.; Rural Service Center District.

That zone change designates the area described as being; from the east line of Cascade Township, west to the Salley Hill Subdivision and from 75th Street south to the Salley Hill Subdivision as being eligible for Rural Service Center District zoning.

R.S.D. zoning allows single family residential homes, of which there are many in the subject neighborhood. However, this zoning change also gives each of the properties in the subject neighborhood the benefit of having their individual property rezoned for potential development.

Considering the above the proposal meets this criterion.

3. Adequate utilities, parking, drainage and other necessary facilities will be provided;

As described in the analysis of this proposal, the subject property water is provided by a shared well that is located on the subject property. Also as described in that same analysis, the property utilizes a 1600 gallon holding tank for its septic needs.

Per the aerial photo site map provided by McGhie & Betts there are a total of 16 designated parking spaces on the subject property. Three of those spaces are allocated to the tenant business; In-Bloom Lawn & Garden.

The Cascade Township zoning ordinance, Section 10.04 – Parking Requirements - indicates required parking – for office buildings - of one space per 400 sq.ft. of floor area. For warehouses the requirement is one space per employee.

Per information provided by McGhie & Betts there are ten full-time employees of Schoeppner Construction and one to three employees of the tenant business, In-Bloom Lawn & Garden. Total size in square feet of the subject buildings – excluding greenhouses – is 6,365 sq.ft..

Applying either parking requirement – number of employees or building size – indicates that the subject property meets the parking requirement.

The subject site is level around the front sloping gently to the rear providing adequate drainage. Again, per information provided by McGhie & Betts and supported by Olmsted County Soils maps, there are no wetlands within the area that might cause a drainage issue.

Considering the above information the proposal meets this criterion.

4. Adequate ingress and egress will be provided to minimize traffic congestion in the public streets;

The subject property fronts on 75th Street NE and all ingress and egress from the property is via a driveway from the subject property onto 75th Street NE. The property is surrounded on all other sides by residential, vacant or agricultural land; there are no local public streets within the neighborhood.

Considering the above information the proposal meets this criterion.

5. The traffic generated by the proposed use can be safely accommodated on existing or planned street systems; and the existing public roads providing access to the site will not need to be upgraded or improved by the Township or County in order to handle the additional traffic generated by the use;

As described in the analysis of this proposal the subject property has been utilized as a commercial business for many years. Also, as described the proposed use as a building contractor's sales office is likely to be less intense – with respect to in and out traffic - than that of the previous use as a landscaping/nursery business.

Additionally, this proposal was submitted for review to; Olmsted County Planning, Olmsted County Public Works, and the Minnesota Department of Transportation. At the time of this report no comments had been received from any of the above entities.

Considering the above information the proposal meets this criterion.

6. Adequate measures have been taken or proposed to prevent or control offensive odor, fumes, dust, noise, vibration, lighting or storm water runoff, which would otherwise disturb the use of neighboring property;

The subject property has been used as a commercial property for many years and for the last year as Schoeppner Construction. There have been no complaints about any of the above.

Considering the above information the proposal meets this criterion.

7. The special criteria or requirements indicated in Article X, General Regulations, are complied with;

The following Sections from Article X, General Regulations, found applicable to this proposal, have been considered;

Section 10.04 - Parking Requirements:
Addressed in #3 above.

Section 10.06 – Loading Requirements:

As may be noted on the aerial site plan as provided by McGhie & Betts, more than half of the subject site is impervious surfaced – either concrete or crushed rock. The buildings are situated in a way that allows delivery vehicles to deliver to the front or the back. They are able to drive around the buildings with no need for backing up or turning around. There should be no need for any delivery or client vehicle to turn-around on a public roadway.

Section 10.10 – Exterior Storage and Vehicles:

This will be met with the conditions of the permit if approved.

Section 10.14 – Noise, Heat, Glare, Vibration, Smoke, Toxic Waste, and Noxious Fumes:

This will be met with the conditions of the permit if approved.

Section 10.16 – Exterior Lighting:

This will be met with the conditions of the permit if approved.

Section 10.18 – Traffic Visibility Zone:

The subject property is not located on a corner/intersection of two or more roads so this section is not applicable.

Section 10.20 – Soil Erosion, Sedimentation, Runoff, and Slope Stability Controls:

The subject property is fully developed with more than half of the total site having impervious surfacing – either concrete or crushed rock. There is no future expansion planned so this section is not applicable.

8. The water and sanitary systems are or would be adequate to prevent disease, contamination and unsanitary conditions;

As described in the analysis of this proposal the subject property is served by a shared well which is located on the subject property.

Also as described the subject property septic needs are met by a 1600 gallon holding tank. A condition of this Conditional Use Permit will be a signed holding tank maintenance agreement between the owner/applicant and a local septic service. That agreement, also as described earlier, will require the holding tank to be pumped annually and more often if needed.

CONDITIONS:

Staff has reviewed this request in accordance with the applicable standards and provisions, as included in this report. Based upon review and analysis included above, Staff recommends approval of this application for a Conditional Use Permit allowing the operation of a building contractor's sales office and shop as well as a landscaping/nursery business operated as a tenant business on the subject site.

1. The use shall not create odor, dust, noise, electrical disturbances, glare, or vibrations noticeable outside of the structures. Any outside wall mounted lighting must be directed away from public roads and neighboring properties.

2. The applicant must obtain and maintain all applicable permits and licenses that are required by federal, state, and local agencies.

3. The business may be inspected at any reasonable time by township officials to ensure compliance with this Conditional Use Permit.
4. Impervious parking area must provide for at least one parking stall per employee and an ample parking area for customers. There shall be no parking in the street or on the road right-of-way.
5. That the applicant maintain and forward to the Township, a contract with a licensed service provider to have the 1600 gallon septic holding tank pumped annually and/or more often as needed. There will also be annual reporting on the system condition and pumping needs to monitor the potential need for a larger holding tank or an actual septic system.
6. The septic holding tank alarm, that alerts the existence of high effluent levels, be kept in working order.
7. Based on flow rates outlined in the septic code the number of employees on-site shall be limited to 17 full-time equivalent employees.
8. The applicant shall have the water tested annually, or provide bottled water, to assure safe drinking water for employees and clients.
9. This CUP includes, at the discretion of the Town Board, a periodic review to determine compliance with the conditions of 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.
10. No junk, unused vehicles, or salvage material may be stored on site. Construction materials, if stored outside, must be kept neat in appearance. Outside storage of construction equipment will be limited to any three pieces of equipment. Any additional outside storage of equipment will require screening to block the view of said equipment from adjacent properties and the street. All garbage must be controlled in dumpsters and picked up regularly.
11. This Conditional Use Permit allows the primary business of a building contractor's sales office and shop as well as the tenant business of a landscape nursery/garden center. If the landscape nursery/garden center should cease to operate for 12 months or more, that use will no longer be allowed under this Conditional Use Permit. If the owner/applicant wishes to rent the tenant space to a different landscape/nursery business – as long as there has been no more than a 12 month break in the use – he may do so. If the owner/applicant wishes to rent that space to a different type of business the owner/applicant must come before the Planning and Zoning Commission for approval of that use change. No matter what type of business occupies the tenant space, the total number of employees on the site – between both businesses – shall not exceed 17 full-time equivalent employees.
12. Schoeppner Construction and In-Bloom Lawn & Garden Center – or any other business that may in the future be approved for this site – shall limit their hours of

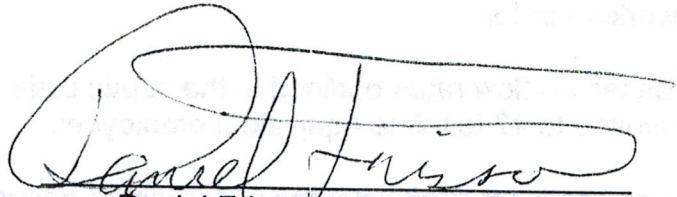
operation from 6:00 am to 9:00 pm.

13. The owner shall provide Buffer Zone C – as defined in the Cascade Township - along the western and southwestern borders of the property.

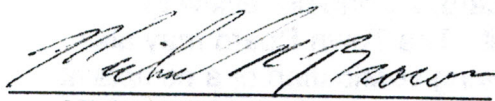
A motion by Mike Brown and was seconded by Dan Frissora to approve the application with conditions as listed above, the motion carried with all votes in favor of said motion.

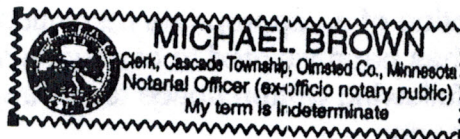
The Cascade Township Planning Commission hereby grants a Conditional Use Permit per Article IV of the Cascade Township Zoning Ordinance.

Passed and adopted by the Cascade Township Planning Commission this 18th day of December 2012.


Daniel Frissora, Commission Chair

Attest:


Michael Brown, Clerk



DISTRIBUTION:

County Recorder

Township Clerk

County Planning

Zoning Administrator

Applicant