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Olmsted County, Minnesota

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

Well Certificate: _____ Received _____ Not Required
Abstr. - yes _____ no _____
Fees:

Total \$20.00

Received from/return to:
TCPA

PO BOX 339
ROCHESTER, MN 55903

PL 11810 2/1/04

**CASCADE TOWNSHIP
CONDITIONAL USE RESOLUTION
NUMBER CUP-03-02**

WHEREAS, an application for a Conditional Use Permit on behalf of, Bernard and Gary Leitzen to continue use of an impound vehicle lot, on a parcel in Cascade Township described as:

That portion of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4), Section Twenty-four (24), Township 107, Range 14, Olmsted County, Minnesota, which lies West of the Highway No. 63, excepting the South one acre of that part of the NE 1/4 of the NW 1/4 of Section No. 24, which lies West of Highway No. 63.

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 8.06 Industrial District B. 17. Other manufacturing and industrial uses, requires that a Conditional Uses Permit be applied for 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 31st Avenue NW, Rochester, MN after 6:30 pm on Tuesday September 16, 2003, 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:

*PA
TCPA*

FINDING OF FACT AND CONDITIONS:

The parcel is located within an I (Industrial District (3)

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. All vehicles must be located within a locked fenced area. The fence shall surround the existing lot(s).
2. All vehicles, including junked and damaged vehicles, will be removed from the parcel within thirty (30) days after being released by the police or insurance companies.
3. The existing buffer-tree line surrounding the property shall be maintained by the applicant and additional screening will be done along the east side (along Highway 63) next to the chain link fence.
4. No expansion of the existing impound lot(s), which is 63,825 square feet in size, shall be allowed without amending or applying for a new CUP. The impound lot is considered to be the area inside the chain link fence.
5. Install and maintain a portable toilet for employees or a Septic system that meets current Cascade Township health standards.
6. If any new lighting is added it shall be diffused or directed away from adjoining properties or public roads.
7. This CUP is not transferable; it is issued to Bernard and Gary Leitzen as the owners and Rochester Towing as the operator.
8. The township officers or its staff shall be allowed to inspect the property during regular business hours.
9. Review of Conditional Use Permit. This Conditional Use 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.

10. A Storm Water permit (MS4) shall be completed if required by the MPCA.

11. The driveway entrance must comply with the MDOT slope requirements and it is the applicants' responsibility to have the impound lot meet all applicable governmental agency codes and health requirements that may pertain to this application.

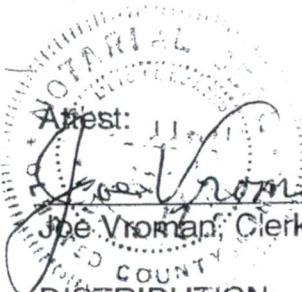
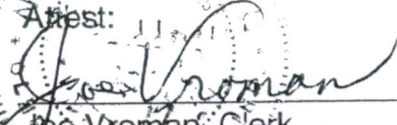
CONCLUSION:

A motion by Lenny Laures and second by Joe Vroman to approve the application, the motion carried on a 3-0 vote.

The Cascade Township Planning Commission hereby grants a Conditional Use Permit per Article IV of the Cascade Township Zoning Ordinance to allow a vehicle impound lot, on the property listed above and, according to the conditions listed above.

Passed and adopted by the Cascade Township Planning Commission this 16th day of September 2003.


Steve Nigon, Commission Chair


Attest:

Joe Vroman, Clerk

DISTRIBUTION:

County Recorder
Township Clerk
County Planning
Zoning Administrator
Applicant