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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

pts. SWSE 31-107-14

**CASCADE TOWNSHIP
CONDITIONAL USE RESOLUTION
NUMBER CUP-04-01**

WHEREAS, an application for a Conditional Use Permit on behalf of, Brogan Heating and Air/Conditioning by Thomas Brogan, to construct an addition onto a storage building that will exceed 10,000 square feet of total building area on a parcel in Cascade Township described as:

E 450 feet, W 1220 feet of that part SW ¼ of SE ¼ of Section 31 and E 134 feet, W 770 feet N 480 feet that part of SW ¼ of the SE ¼ section 31 north of trunk Highway # 14, T107N-R14W, Olmsted County.

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 8.04 Highway Commercial District A. Permitted Uses 2. Services: (j) home improvement trades including electricians, plumbers, building contractor shops and services, and other similar uses. B. Conditional Uses (1) any permitted retail or service use over ten thousand (10,000) square feet of floor area.

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 January 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

*4/28/04
DJD
TCPA*

Commission as follows:

FINDING OF FACT AND CONDITIONS:

The parcel is located within an HC (Highway 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. At least one parking space per employees.
2. Any outside lighting must be defused and directed downward and away from public roads and neighboring properties.
3. 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.
4. 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 received prior to completion of the addition. Copies of these permits shall be forwarded to Township Planning Department.
5. A compliance check for the septic system shall be provided prior to issuing building permit. Should plumbing be added to any of the buildings a septic permit will be required.
6. Results of a water test showing that the water supply meets current County standards shall be submitted to the Township Zoning Administrator.
7. The Conditional Use Permit is not transferable.
8. No storage of materials or trucks within 25 feet of neighboring parcels.
9. The applicant shall keep all gravel surfaces on the property in a dust-free condition.
10. The applicant must meet the applicable building code requirements prior to expanding the use upon the property.
11. Review of Conditional Use Permit: The Conditional Use Permit 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.

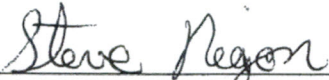
12. The applicants' are allowed up to 13,560 square feet of total gross floor area, any proposal to exceed this amount would require a new or amended CUP to be approved by the Township prior to construction.

CONCLUSION:

A motion by Jay Hesley and second Lenny Laures 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 to allow the total floor area up to 13,560 square feet, on the property listed above and, according to the conditions listed above.

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


Steve Nigon, Commission Chair

Attest:


Joe Vroman, Clerk

DISTRIBUTION:

County Recorder
Township Clerk
County Planning
Zoning Administrator
Applicant