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Olmsted County, Minnesota

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W MARK KRUPSKI-Co Recorder, by _____ Deputy

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Fees:

Total \$46.00

Received from/return to:
TCPA

PO BOX 339
ROCHESTER, MN 55903

**CASCADE TOWNSHIP
CONDITIONAL USE RESOLUTION
NUMBER CUP-09-01**

WHEREAS, an application for a Conditional Use Permit to allow for the operation of a home based animal grooming and boarding business, on behalf of the owners, Rick and Anne Wing, 5959 Valleyhigh Rd NW, Rochester, MN and legally described as:

Sect-19 Twp-107 Range-014 2.53 AC N220FT W500FT S1/2 NW1/4 SEC 19-107-14. The parcel ID number is: 74.19.23.075220.

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 (CUP) per Article IV of the Cascade Township Zoning Ordinance.

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

WHEREAS, a public hearing on the proposed CUP was duly noticed and held by the Cascade Planning Commission at the Calvary Evangelical Free Church, 5500 25th Avenue NW, Rochester, MN after 6:30 pm on July 21, 2009, 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 A-2, Agricultural District. The applicant applied for a building permit to construct an addition onto an accessory building. During the process of issuing a building permit it was determined that the applicant's parcel was not in conformance with the zoning ordinance, since he was operating a home based business in an accessory building without a CUP. Rick and Anne Wing applied for a CUP in an attempt to bring their kennel/grooming business into conformance with the zoning ordinance.

TCPA
X
10/20/09

The applicant has 25 kennels located in the accessory building(s) on the parcel, which is between two and three acres in size.

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. The applicant must obtain all applicable permits that are required by federal, state, and local agencies.
2. Outside lighting shall be diffused or directed away from adjoining properties or public roads.
3. A building permit must be issued prior to construction of any structures on the parcel.
4. No more than fifty (50) dogs/household pets will be allowed on the parcel at any time.
5. No dog shall be kept that habitually barks or cries between the hours of 8:00 PM and 6:00 AM.
6. The dogs are not to be allowed to "run at large" at any time. ("Run at large" is defined as being off the premises of the property owner).
7. Hours of operation open to the public shall not exceed 6:00 AM to 8:00 PM.
8. An impervious area must be provided for parking spaces for customers. A sufficient "turn-around" area must be provided on the parcel for vehicles. No parking allowed on the public road or easement and no vehicles are allowed to back onto the public road.
9. A result of a water test showing that water supply meets current County standards and that the existing well meets County's standard per Article V Section 5.00 of the County's Well Ordinance. Or bottled water may be provided to customers and employees as an alternative to drinking well water.
10. One sign may be placed on the property up to 32 square feet in size to note the location of the business.
11. Dust control will be provided for the parking lot. If the Town Board receives complaints, additional dust control may be required.
12. The business may not exceed the equivalent of one full time employee.

13. If the property is transferred or leased the new operator/owner must meet with the Town Board formally before taking over operation of the business.
14. 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.
15. Vaccines must be current for the following: distemper, rabies and kennel cough. Documentation must be kept on site for each animal.

CONCLUSION:

A motion was made and seconded to approve the applicants' request, the motion carried on a unanimous vote.

The Cascade Township Planning Commission hereby grants a Conditional Use Permit per Article IV of the Cascade Township Zoning Ordinance to allow an animal kennel to continue to operate in Cascade Township at the address noted above.

Passed and adopted by the Cascade Township Planning Commission this 21st day of July 2009.


Daniel Frissora, Commission Chair



8/18/09

DISTRIBUTION:
County Recorder
Township Clerk
County Planning
Zoning Administrator
Applicant