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Olmsted County, Minnesota

I hereby certify that this document was filed in this office
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W MARK KRUPSKI - Co Recorder, by _____ Deputy

Well Certificate: _____ Received _____ Not Required

Abstr. - yes _____ no _____

Received from/return to:

TCPA

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

**CASCADE TOWNSHIP
CONDITIONAL USE RESOLUTION
NUMBER CUP-11-01**

WHEREAS, an application for a Conditional Use Permit has been applied for that would allow an adult day care program on a parcel of land owned by Steve Buehler. The program will allow up to twelve adults with disabilities in a single family residential home located in an A-4, Agricultural-Urban Expansion Zoning District. The parcel of land is legally described as:

Sect-03 Twp-107 Range-014 7.23 AC THE N744.99FT OF THE FOL DES PROPERTY BEG AT A PT ON THE S LN NW1/4 742.50FT WLY OF SECOR W1/2 NW1/4 TH NLY TO A PT ON THE N LN 742.50FT WLY NECOR W1/2 NW1/4 TH WLY AL N LN TO NWCOR NW1/4 TH SLY AL W LN TO SWCOR NW1/4 TH ELY AL S LN NW1/4 TO THE PT OF BEG EXCEPTING THEREFROM THE E66FT & THE N665FT OF THE W100FT SEC 3-107-14. Parcel pin # of 74.03.22.056358.

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, Cascade Township adopted language into their A-4 zoning district to allow the proposed use as a conditional use which conforms to Minnesota State Statutes and that the County of Olmsted has agreed that such language should be added to conform to State Law.

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.

WHEREAS, a public hearing on the proposed Conditional Use was duly noticed and held by the Cascade Planning Commission at the Calvary Evangelical Free Church, 5500 25th Avenue NW, Rochester, MN after 7:00 pm on Wednesday, February 16, 2011, 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

TCPA
2085
4/1/11

follows:

FINDING OF FACT AND CONDITIONS:

The applicant meets the "Criteria for Granting Conditional Uses" of the Cascade Township Zoning Ordinance in the A-4 Zoning District. The applicant and his "representative at the meeting" have acknowledged and agreed to the following conditions:

CONDITIONS:

1. The use shall not create odor, dust, noise, electrical disturbances, glare, or vibrations noticeable outside of the structures, nor may the occupation constitute a neighborhood nuisance. Any outside lighting must be directed away from public roads and neighboring properties.
2. The uses shall not exceed either of the following: the state licensed residential facility may include six (6) or fewer residents; and the licensed day care facility may include twelve (12) or fewer non-residents. Each must be classified and counted separately from the other.
3. The applicant must obtain and maintain all applicable permits and licenses that are required by federal, state, and local agencies.
4. The business may be inspected at any reasonable time by Township Officials to ensure compliance with this Conditional Use Permit.
5. An impervious parking area must be provided for at least one parking stall per employee and an ample parking area for residents and visitors. There shall be no parking in the street. The permit holder shall also provide adequate impervious surface, on the permit holder's property, for service delivery vehicles to turn around, and shall instruct service and delivery drivers not to turn around in the public road or right-of-way.
6. The applicant shall contact the Township Septic Inspector for review of the sizing and compliance of the present waste water system prior to establishing this use. Approval by the Septic Inspector is required.
7. The applicant shall have the water system reviewed and approved by any applicable authority(s), which includes at least Olmsted County Environmental Department and the Olmsted County Health Department. This may include water sampling and testing.
8. 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. 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 notice to the owner of the subject property and duly noticed public hearing.

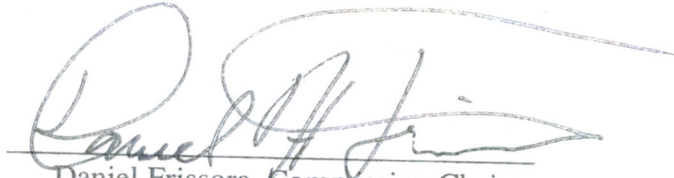
9. The permit holder shall provide the Town Board, through the Town Clerk, an annual report of average occupancy numbers and census information.

CONCLUSION:

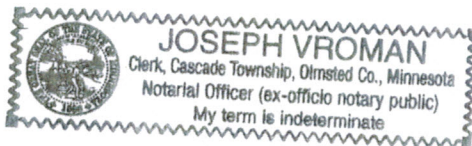
A motion by Kevin Lenz and was seconded by Mike Brown to approve the application with conditions as listed above, the motion carried with all votes in favor of said motion.

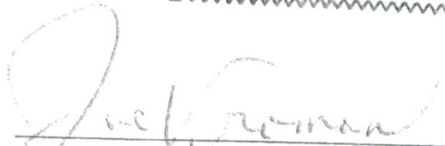
The Cascade Township Planning Commission hereby grants a Conditional Use Permit per Article IV of the Cascade Township Zoning Ordinance.

Passed and adopted by the Cascade Township Planning Commission this 16th day of February 2011.


Daniel Frissora, Commission Chair

Attest:




Joe Vroman, Clerk

DISTRIBUTION:

County Recorder
Township Clerk
County Planning
Zoning Administrator
Applicant