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Olmsted County, Minnesota

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W MARK KRUPSKI - Co Recorder, by _____ Deputy

Well Certificate: _____ Received _____ Not Required

Abstr. - yes _____ no _____

Fees: \$46.00

Received from/return to:

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-13-02 AMENDING CUP-12-01**

WHEREAS, an application has been submitted by Bryan Schoeppner for an amended Conditional Use Permit (CUP) in Cascade Township. The proposed amended Conditional Use permit – on a 3.34 acre parcel of property in a RSD; Rural Service Center District - would allow the operation of a building contractor's sales office and shop, a tenant nursery/garden center business and, a mini storage business with up to 172 storage units.

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 an amended 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 and a half. The parcel was rezoned to RSD; Rural Service Center District in 2012 and;

*9-13
+TCPA
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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, July 30th, 2013, at which time all interested persons were given the opportunity to be heard, and;

WHEREAS, Staff has reviewed this request, in accordance with the applicable standards and provisions, as included in their report. Based upon this review Staff recommends approval of this application for an amended Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED, by the Cascade Township Planning Commission that Bryan Schoeppner be granted an amended Conditional Use Permit on a 3.34 acre parcel of property in Cascade Township that is zoned RSD; Rural Service Center District, to allow a building contractor's sales office and shop, a tenant nursery/garden center business and a mini-storage business with up to 172 storage units, with the following conditions;

1. The site plan provided by McGhie and Betts, Inc. dated 7/3/13 shall be marked as "Exhibit A" and will become a part of this conditional use permit.
2. 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. In addition, the applicant shall provide security lighting within the storage area and provide adequate measures to assure that said security lighting does not disturb the neighboring properties.
3. The applicant must obtain and maintain all applicable permits and licenses that are required by federal, state, and local agencies. Any amendment to the Town's MS-4 permit, which may be required because of this development, shall be paid for by the developer.
4. The business may be inspected at any reasonable time by township officials to ensure compliance with this Conditional Use Permit.
5. Impervious parking area must provide for at least one parking stall per employee and ample parking area for customers. There shall be no parking in the street or on the road right-of-way. Additionally, a large enough area must be kept free from traffic and other obstructions for delivery vehicles to turn around in without backing out onto US Highway 63.
6. 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.

7. The septic holding tank alarm, that alerts the existence of high effluent levels, be kept in working order.
8. Storage unit lease(s) shall be revised to include the Olmsted County Sheriff's office Best Practices language.
9. Based on flow rates outlined in the septic code the number of employees on-site shall be limited to 17 full-time equivalent employees.
10. The applicant shall have the water tested annually, or provide bottled water, to assure safe drinking water for employees and clients.
11. 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.
12. 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. No outside storage of any kind will be allowed within storage unit area. Access aisles within storage unit area shall be kept free and clear of debris and storage. Access aisle width shall be maintained at the distance indicated on the plan or greater. All garbage must be controlled in dumpsters and picked up regularly.
13. This Conditional Use Permit allows the primary business of a building contractor's sales office and shop; a self storage business; and 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.
14. Schoeppner Construction; self storage; 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.

15. The owner shall provide fencing around the entire storage unit area and in addition, Buffer Zone C or greater – as defined in the Cascade Township Zoning Ordinance - along the entire west side of the storage unit area.
16. The applicant will obtain an approved access plan from the Minnesota Department of Transportation.
17. The applicant will allow the owners of adjacent properties to review security camera recordings of the storage unit area to confirm preservation of privacy.


A motion by Michael Brown and was seconded by Kevin Lenz 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 30th day of July 2013.


Daniel Frissora, Commission Chair

Attest:


Michael Brown, Clerk

DISTRIBUTION:
County Recorder
Township Clerk
County Planning
Zoning Administrator
Applicant

