



Doc No. A- 1414358
OFFICE OF COUNTY RECORDER
OLMSTED COUNTY, MINNESOTA

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W. MARK KRUPSKI - Co. Recorder by deputy: ms
Well Certificate: _____ Abstract: _____ Fee: \$46.00

TCPA
4111 - 11TH AVENUE SW, RM 10
ROCHESTER, MN 55902

*pt SW-NW → 11-107-14
74.11.23.057724*

**CASCADE TOWNSHIP
CONDITIONAL USE PERMIT
RESOLUTION NUMBER CUP-16-03**

WHEREAS, an application has been submitted by City of Rochester's Parks Department for a Conditional Use Permit (CUP) in Cascade Township. The proposed Conditional Use Permit – on a 25.74-acre parcel of property in an R-1; Low Density Residential District - would allow the operation of public park. The park would include a dog park and community gardens in addition to normal park uses. Additionally the application is to allow for fill to be placed within the floodplain for access.

The property is legally described as:

Parcel #: 74.11.23.057724
Part of the SW ¼ of the NW ¼ of Section 11, T107N-R14W, lying west of the centerline of Olmsted County 133 aka West River Road NW. Located northwest of the intersection of 62nd Street NW and West River Road NW.

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, 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, October 18, 2016, at which time all interested persons were given the opportunity to be heard, and;

WHEREAS, the matter has been reviewed by the Zoning Administrator, in accordance with the applicable standards and provisions, as included in their report.

(A 4600)

*TEPT
12/22/16*

Based upon this review Staff recommends approval of this application for a Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED, by the Cascade Township Planning Commission that the City of Rochester be granted a Conditional Use Permit on a 25.74 acre parcel of property in an R-1; Low Density Residential District allowing the operation of a public park; including a dog park and community gardens and roadway(s), with the following conditions:

1. The applicant must obtain all applicable permits that are required by federal, state, and local agencies including the appropriate well and septic permits.
2. Outside lighting shall be diffused or directed downward and away from adjoining properties or public roads.
3. A building permit must be issued prior to construction of any structures.
4. Hours of operation must be posted at the park entrance.
5. Park rules must be posted at the entrance and any public parking area.
6. Any signage other than directional or informational signs larger than 2 feet by 4 feet will require a building permit.
7. Impervious parking areas must be provided. All overflow parking must be handled internally. (No parking is allowed on the public roads).
8. 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.
9. All water provided for human consumption shall meet the state and county standards for drinking water.

10. Access permits from the appropriate road authorities are required prior to the beginning of the use. Access permits may include road improvements and signage on or along the roadway.
11. Any structure constructed within the park which is serviced by well water must also have a compliant septic system.
12. No fill may be brought into the flood plain unless an engineering report is submitted and approved by the Township Engineer regarding impact to the flood plain. An alternative to an engineer's report would be to remove an equal amount of fill from the flood area as is placed within the flood area. If using the alternate method, only enough fill may be moved within the flood area as is required to construct the driveway within the flood plain.
13. The City shall keep the fences and gates for the dog park in good working order.
14. Hours of operation shall not exceed from sunrise to sunset.
15. Screening of portable toilets is required.
16. No roadway connection between the dog park parking area and the garden area.
17. By the initiation of the applicant, a public hearing will be held in 2018 (approximately 2 years) at which time the conditions of the permit will be reviewed. The hearing will allow for conditions to be added or removed.
18. Neutral colored fencing shall be used in garden area. No bright orange colored fencing allowed.

A motion was made by Lenny Laures and seconded by David Derby 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 18th day of October 2016.

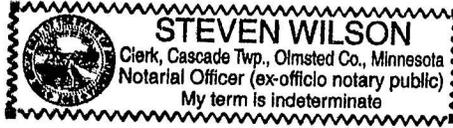
Dean Hegrenes

Dean Hegrenes, Commission Chair

Attest:

Steve Wilson

Steve Wilson, Clerk



DISTRIBUTION:

County Recorder

Township Clerk

County Planning

Zoning Administrator

Applicant