



CASCADE --- TOWNSHIP ---

2025 75TH ST. NE
Rochester, MN 55906
www.cascadetownship.us

CASCADE TOWNSHIP, OLMSTED COUNTY
PLANNING COMMISSION MEETING MINUTES
September 19, 2017

Call to Order: 7:02 pm by acting Chairperson Cheryl Adolphson

Roll Call: Commission Members Present: Dean Hegrenes, Cheryl Adolphson, Nicole Brueck, Supervisor Lenny Laures. Absent: John Friederichs.

Pledge of Allegiance

Attendees: Cascade Clerk/Treasurer Sara Rudquist, Cascade Assistant Clerk/Treasurer Lois Freed, Supervisor Jimmy Hoss, Supervisor Arlen Heathman, one township resident

Agenda Announcement and Review

Approval of Minutes: The minutes from the August 15, 2017 meeting were briefly reviewed and discussed. A motion to approve the minutes was made by Commissioner Hegrenes and seconded by Supervisor Laures. With the exception of Commissioner Brueck who abstained (not present at August meeting), all voted in favor, and the motion passed.

Call to Audience: Cascade Clerk/Treasurer Sara Rudquist and Cascade Assistant Clerk/Treasurer Lois Freed presented the Commission with their proposed website application form to seek applicants for the Planning Commission "Associate" position. After brief discussion to clarify several points, revisions were made and the revised version posted on the Planning Commission part of the website.

CUP Maintenance review:

CUP11-01 Adult Day Care – Steve Buehler

Sara Rudquist informed the Commission that Mr. Buehler requested that his CUP review be moved to October 17.

Continuing Business

Status of CUP -07-01 Conditional Use Permit on behalf of Lisa M. Van Getson, Home Occupation in an Accessory Structure.

Supervisor Heathman and Mr. Ihrke from the TCPA visited and toured Ms. Van Getson's business on August 22. This site visit clarified that the size and features in the accessory structure comply with the CUP 07-01. The floral arrangement business in the detached garage does not involve onsite customers, does use some plant supplies grown onsite in an agriculture zone and has only one employee who lives onsite. More details in the addendum to these minutes.

Status of Dennis Kieffer CUP Application (CUP 17-01), Placement of Dwelling in an Industrial District.

The CUP was briefly discussed and signed by Commissioner Adolphson on behalf of Commissioner Friederichs.

Status of TCPA Letter to Pat Ryan regarding CUP 16-01. Home Based Car Repair Business in an Accessory Structure. Commissioner Hegrenes reported ongoing noncompliance with CUP conditions after sending Mr. Ryan a warning letter of noncompliance on June 27, 2017. Specifically, "A six (6) foot high stockade fence to surround the vehicle parking area on the south, east, and north sides shall be installed no later than November 1st, 2016." Mr. Ihrke sent a letter from the TCPA in August-2017 warning Mr. Ryan of the continued noncompliance with CUP conditions that are visible from public roads. Namely, there is no fence to screen vehicles, parking area, and business activities from public roads. As of today, the screening fencing has not been installed. The letter requested a response by

2:00 pm September 19, 2017, and none had been received at the time of the meeting. In addition, Mr. Ihrke was going to check county records for completion/inspection of the septic system for the accessory building. Because these two letters have not produced results, Commissioner Hegrenes moved that he draft a letter to the Cascade Town Board recommending the revocation of Mr. Ryan's CUP 16-01; the motion was seconded by Commissioner Adolphson; all voted in favor and the motion passed.

New Business

Town Board updates September: There were discussions regarding recent wandering/lost dog incidents, and problems with water drainage/unsightly construction debris at a residence/building site.

Board Action Regarding Commissioner David Derby's Appointment/Replacement September:

Mr. Derby's absence for 4 consecutive meetings (April, June, July and August) removed him from the Planning Commission. The Board appointed the Associate Planning Commissioner, Ms. Nicole Brueck, to the Planning Commission to begin in September.

CUP 03-01 Veit Disposal Systems 2nd cycle review and neighboring business and homeowners' letters for October 17, 2017 meeting: One condition for CUP 03-01 is an annual review that includes contacting the neighbors and is paid for by Veit. Commissioner Hegrenes drafted a postcard note that Mr. Ihrke will send out to all neighbors within the quarter mile radius of Veit Disposal Systems (5920 15th Street NW, Rochester, MN 55901).

Discussion on November meeting date if needed (OCTOA meeting on third Tuesday, 11/21/2017):

After brief discussion, Commissioner Hegrenes moved and Commissioner Brueck seconded a motion to decide at the October 17th Planning Commission meeting if a November meeting will be needed and if needed meet on November 14th (second Tuesday). All voted in favor and the motion passed.

Discuss Schedule for Remaining CUP Maintenance Reviews (1st cycle)

CUP 11-01 Adult Day Care – Steve Buehler → October 17th

CUP 13-02 Office/shop, nursery/garden center, mini-storage – Bryan Schoeppner →
November 14th after construction season

CUP 16-01 Home based Auto repair Business – Pat Ryan → not scheduled, not in compliance with CUP conditions, Town Board will consider revocation of CUP 16-01 at their October meeting.

Review Schedule for 2nd cycle CUP Maintenance/Compliance Review Dates: Commissioner Adolphson volunteered to tabulate a list for 2018 and 2019.

Round-the-Table: Next meeting will be October 17, 2017. Commissioners were informed of an educational presentation for Planning Commissioners on Tuesday, October 24, in Eagan MN. Costs to attend will be reimbursed. Commissioner Brueck will be transitioning into the scribe position over the next couple of months.

Second call to Audience: no replies

Adjournment: Motion to adjourn made by Commissioner Brueck, seconded by Commissioner Adolphson, all voted in favor, the motion passed, and the meeting adjourned at 8:23 pm.

Submitted: Cheryl Adolphson, Vice Chair acting as Scribe and Chair

Cheryl Adolphson, Vice Chair/Scribe

John Friederichs, Planning Commission
Chairperson

Addendum: Cascade Planning Commission Review (CUP) 07-01 granted to Lisa M. Van Getson, PIN74.11.22.070002

Cascade Planning Commission Review CUP-07-01 granted on behalf of Lisa M. Van Getson, PIN: 74.11.22.070002

June 20, 2017

Review Summary: **In Compliance** as of September 19, 2017 complete after the August 22, 2017 site visit by TCPA Roger Ihrke and Supervisor Heathman.

Action Items:

Follow up Items: Ms. Van Getson to archive water and septic results

Date For Next Review: June 2018

CUP -07-01	Comply	Not Comply	Comments
All employees including the applicant must reside on the parcel or the permit is not valid.	Yes		All practitioners are non-resident contract workers with the exception of the owner.
No more than a total of thirty (30) clients, patient or practitioners may use the property per day.	Yes		On average, 10 clients per day, but only part of the day. First Saturday of month is typically busiest day.
There shall be no more than five (5) treatment rooms located within the accessory structure.	Yes		Four upstairs rooms and one room downstairs in accessory structure (barn).
A result of a water test showing that the water supply meets current County standards.	Yes		Needs to be done annually, and keep file at business
Rest room facilities provided for customers, in the accessory building, and must be permitted by the township Septic Official.	Yes		Two restrooms are handicap accessible, one on each level , need a septic report every year.
No signage other than one non-illuminated sign measuring not more than one by one and one-half (1' x 1-1/2') feet in area shall be allowed.	Yes		Light on Hermitage Farm sign removed.
At least 16 hard surface parking spaces must be provided.	Yes		Gravel surface is compliant
No overnight business sessions allowed.	Yes		
Hours of business shall not exceed 8:00 AM to 9:00 PM Monday through Saturday.	Yes		Encourage clients and others to leave promptly after 9:00 pm
Outside lighting shall be diffused or directed away from adjoining properties or public roads.	Yes		Parking lot and other outdoor lights are off at 10pm.
The Conditional Use Permit is not transferable.			No longer enforceable

The township officers or its staff shall be allowed to inspect the property during regular business hours.	Yes		A scheduled visit was arranged with TCPA (Mr. Ihrke) and Town Board Supervisor Heathman before finalizing this Compliance Review.
No activity or storage outside of the accessory structure for the proposed use.	Yes		Drumming circle in the accessory building. Floral arrangements in detached garage reviewed below.
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. 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	Yes		<p>No formal complaints at this time. No neighborhood disruptions reported.</p> <p>Site visit on August 22, 2017, by TCPA Roger Ihrke and Supervisor Heathman noted that the accessory building (barn) was well maintained and in compliance to meet the needs of the home-based business.</p> <p>The considerations for the treatment of the home-based Floral Arrangement Business are summarized in the letter dated September 26, 2017, from Commissioner Hegrenes sent to Mr. Ihrke, the Cascade Township Board of Supervisors, to Ms. Rudquist as Cascade Clerk/Treasurer and added to this review table below.</p>
A "Certificate of Occupancy" must be issued by the Township Building Inspector prior to beginning the new use.	Yes		



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September 26, 2017

Mr. Roger Ihrke, TCPA Planning Administrator
Cascade Township Board of Supervisors
Sara Rudquist, Cascade Clerk / Treasurer

References:

1. Cascade Township Conditional Use Permit (CUP) 07-01 granted on behalf of Lisa M. Van Getson: Home Occupation in an Accessory Structure.
2. CUP 07-01 Maintenance Review at the June 20, 2017, Planning Commission Meeting.
3. CUP 07-01 Site Visit by Roger Ihrke, TCPA, and Supervisor Arlen Heathman, Cascade Town Board on August 22, 2017.
4. September 19, 2017 Cascade Planning Commission Meeting.

This Planning Commission Letter is being sent to summarize the recommendation of the Planning Commission regarding the subject CUP 07-01. This is a follow-up of the initial Maintenance Review (ref 2.), Site Visit (ref. 3), TCPA verbal report to the Board at their September 11, 2017, Meeting, and the TCPA and Arlen Heathman verbal reports to the Planning Commission on its September 19, 2017, Meeting.

The Maintenance Review surfaced a question regarding a Floral Arrangement Business mentioned as being done on a part time basis in the garage that is on property. It was not a part of the original business, is not conducted in the same accessory building, is using a part of the detached garage built at a later date, and is being conducted primarily by a household resident niece of Ms. Van Getson. The subsequent on-site visit by Roger Ihrke and Arlen Heathman was requested and occurred on August 22, 2017, accompanied by Ms. Van Getson. The review addressed both the overall Business in the accessory building, the total square footage occupied, and the situation with the Floral Arrangement business and location.

Overall, the site visit review of the original CUP for home business in an accessory building went very well, and there were positive comments about the building setup and administration of programs. That visit confirmed what was reflected in the Maintenance Review Summary earlier. Square footage was well within the Ordinance allowable area for this CUP, even if including the Flower Arrangement Business in the garage.

There were a number of factors that were taken into account when Planning Commission received the direction from the Town Board to decide on the treatment of the Floral Arrangement Business. Ms. Van Getson reiterated to TCPA her willingness to cooperate by initiating another CUP application if that were the recommendation / decision of the Township. The factors considered by Planning Commission were a combination of review of Ordinance, Maintenance Review results, Comments from

participants in the site visit, and Guidance in discussion with TCPA. These **factors** form the basis for the decision and recommendation in an area that is not specifically defined in the Ordinance: They are:

1. The Floral Arrangement Business is not an on-site retail activity. It is a business that makes floral arrangements in connection with Mayo Clinic events, funerals, weddings, or other events that are prearranged and do not drive any retailing or additional traffic onto the site by customers of this business.
2. The business is run by a niece of Ms. Van Getson who lives on the property in the residence home. There are no paid employees in the business.
3. The business exists in a part of one stall of the detached garage where there is a working area and a walk-in cooler for short term flower and accessories storage to support the business. [As a note, if this was an attached garage rather than detached, it would normally be considered a part of the non-farm home and would fall under allowable home based business guidelines of the ordinance. However, the garage in this case was built later than home and it was architecturally influenced in its current design and detachment]
4. The Floral business takes up a very small percentage of the space allowed (almost in a storage capacity perspective).
5. There is no advertising, lighting, or signage on site specific to this business activity.
6. The floral arrangement business derives part of its supply (estimated to be around 15%) from plants grown on site in the Agricultural (A-3) District.
7. There have been no neighborhood comments or complaints ever brought forward since the original CUP was granted. The recent Maintenance review and site visit found the owner to be in compliance with the Conditions stated in the CUP.

Although this Floral Arrangement Business, as it currently exists in conjunction with the original CUP 07-01 business in an accessory structure, is not specifically covered under the provisions of the Cascade Township Zoning Ordinance, the Ordinance was used as a guide to making the determination and recommendation based on the factors involved as summarized above. Specifically the following sections of the Ordinance were consulted: Sections 4.02, 5.02, 5.04, Article X: Section 10.02, specifically item 10.02 C.v.

After deliberation and discussion, in summary, the Planning Commission recommendation to the Board was to allow this business without an additional CUP under the current CUP 07-01 and as a separate home based business as long as it is reviewed under the CUP 07-01 Maintenance Reviews and continues to exist within the **factors** considered above.

Respectfully,

Dean Hegrenes
Cascade Township Planning Commission