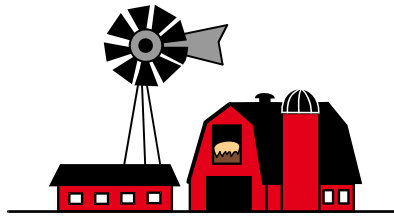


# TOWNSHIP COOPERATIVE PLANNING ASSOCIATION

4111 11<sup>th</sup> Avenue SW  
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-- TCPA --

Date: 9/18/2020

To: Reviewers

Re: CUP-17-02 amended and renumber to CUP-20-01  
Rochester Township - Section 30

Public Hearing: On Tuesday, October 6, 2020 after 7:00 pm the Rochester Planning Commission will hold an in-person public hearing with call in option, at the Rochester Town Hall, 4111 11<sup>th</sup> Ave SW, Rochester, MN. Social distancing will be required and participation in the meeting via teleconference will also be available. The phone number is: **(551) 240-6019**.

Request: An application to amend conditional use permit RTCUP-17-02 , which allows the owner to operate a home-based business to store materials and equipment pertinent to the owner's land development business, in an accessory structure on a 35-acre farm size parcel in an A-2; Agricultural Protection District.

The amendment was triggered because the applicant desires to reconfigure the parcel, keeping it 35 acres in size but the lot lines are proposed to change.

Owner & Applicant: Mark Hanson – 2314 Scenic Park Place SW – Rochester, MN 55902

Location: Located primarily in the Southwest quarter of the Southeast quarter of Section 30 in Rochester Township. At the southwest corner of 50th Street and 55th Avenue SW.

Current Zoning: A-2 (Agricultural Protection District)

Attachments:

1. Application
2. Location/Plat Map
3. Aerial Photo Map
4. Flood/Hydric Soils Map
5. Applicants submittal
6. Previous CUP Report
7. Final CUP - unsigned

Reviewers List:

Rochester/Olmsted County Planning	Olmsted County Assessor
Olmsted County Health Department	Minnesota Department of Natural Resources
Minnesota Pollution Control	Rochester Fire Department
Olmsted County Public Works	GGG Engineering
Olmsted County Soil and Water	Peoples Cooperative Services
Rochester/Olmsted GIS	Salem Township Clerk

Staff Review:

The attached certificate of survey shows Parcel "A" and Parcel "B". Parcel B contains lands which are currently zoned A-2 Agricultural Protection District. Parcel "A" was included in the recent zone change to R-1 Low Density Residential District and contains Mr. Hanson's residence which is currently under construction.

Parcel "B" includes a structure that was the original farm dwelling owned by the Christopherson's. The owner would like to rehab that dwelling and allow it to be the residence for the home-based business. The accessory structure referred to in the conditional use permit is located just off the intersection of 55<sup>th</sup> Ave SW and 50<sup>th</sup> Street SW.

Since the building and the dwelling structure must stay together in order for the conditional use permit to continue, the owner of the property must be the same as the owner of the business, thus the dwelling must be occupied by the operator of the business or a rental property. The person living in the home should be associated with the business.

Complaints:

Our office did get some complaints from people living long 55<sup>th</sup> Ave SW after the business was established at this location. The complaints centered around the increased traffic and the speeds. Those complaints were forwarded onto Mr. Hanson and seemed to have been taken care of. Notices were sent out to the people living along 55<sup>th</sup> Ave SW so if issues still linger, we will possibly hear about them either before or at the hearing.

Recommendation:

Since this is a new application, the commission has the right to add or change any conditions it sees fit or deny the permit altogether since conditions have changed. Mr. Hanson utilizes the property in two ways, one to hold staging furniture used in the marketing of homes and secondly to house equipment for his landscaping plantings which he utilizes in the landscaping of homes he has constructed and is now marketing.

Both he and his partner in Rymark Homes, Ryan Ruskell, have homes on adjoining parcels of property. Since the application does not meet the exact standards of the ordinance; a change should be considered. Since a conditional use permit runs with the property and does not terminate, and an interim use permit does, this commission should consider working with the applicant on switching the permit to an interim use permit, with the added condition that if Mark Hanson sells the 35-acre parcel or reconfigures it, the interim use permit is dissolved and use of the accessory structure for a landscaping and home staging business is no longer allowed.