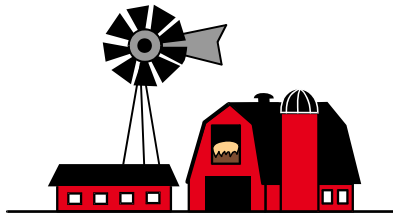


TOWNSHIP COOPERATIVE PLANNING ASSOCIATION

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-- TCPA --

Date: 09/05/2017

To: Mark Hanson
Rochester Town Board Planning Commission
Rochester Town Board

Re: CUP-17-02
Rochester Township - Section 30

Public Hearing: The Rochester Township Planning Commission will hold a public hearing at the Rochester Town Hall, 4111 11th Ave SW, Rochester, MN, on Tuesday, September 12th, 2017 after 7:00 p.m. regarding:

Request: An application for a conditional use permit 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.

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. Zoning Map
5. Flood/Hydric Soils Map
6. Applicants submittal packet

Reviewers List: Rochester/Olmsted County Planning
Olmsted County Health Department
Minnesota Pollution Control
Olmsted County Public Works
Olmsted County Assessor
Minnesota Department of Natural Resources
Rochester Fire Department
GGG Engineering

Ordinance:

Section 10.02 HOME BUSINESSES :

- A. In any zoning district where home businesses are authorized, a home business shall comply with the following regulations:
1. Said use shall occupy an area no more than twenty five (25%) percent of the total floor area of the dwelling.
 2. No home business shall require substantial interior or exterior alterations of the dwelling.
 3. No home business shall create emissions, surface or groundwater discharges, odor, dust, noise, electrical disturbances, glare, or vibrations exceeding the standards of the Minnesota Pollution Control Agency measured at the source of the emission or discharge, the property line, or within 500 feet of the nearest neighboring dwelling.
 4. Unless prohibited in the district, a business allowed as a conditional use in the RC, CS, HC, or I districts shall be considered for approval as a home business only through the conditional use permit process.
- D. A home business may be permitted as a conditional use in the A-1, A-2, A-3, or A-4 Agricultural Districts on a parcel of 35 acres or more, provided it complies with the following regulations:
1. No more than five full time equivalents (FTE) shall be employed who are not members of the household residing on the premises.
 2. Said use shall not occupy an area of more than twenty-five (25%) percent of the total floor area of the dwelling and not more than one accessory structure with a floor area of 5,000 square feet or less.
 3. Outside storage of material or equipment or display of merchandise may be permitted on an unpaved surface, provided it is managed to control dust and is screened from view from adjacent residences.
 4. The total impervious surface area devoted to the home business including outside storage, parking areas, and accessory structure shall be limited to the minimum necessary to conduct the use, but not more than 20,000 square feet or 10% of the lot area, whichever is less.
 5. Signage shall be limited to one (1) non-illuminated identifying sign measuring not more than 32 square feet in area.

Analysis:

An application for a conditional use permit 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.

History:

The owner's total contiguous ownership is comprised of 220.29 +/- acres. In January of 2017 they requested and the Town Board approved, a 14 +/- acre non-farm subdivision leaving a residual farm size parcel of 206 +/- acres.

In August of 2017 the owner/applicant Mark Hanson requested and the Town Board approved metes and bounds subdivision request RTMB-17-02 that reconfigured the above described and previously approved (14 +/- acre) metes and bounds subdivision reducing its size to a 4.35-acre non-farm parcel and then also creating a 35-acre farm parcel in the (same) SW1/4 of the SE1/4 of Section 30. At the same time applicant Austin Ryan requested and the Town Board approved the subdivision of a 21.06-acre non-farm parcel in the SE1/4 of the SE1/4 of Section 30.

The owner/applicant Mark Hanson is now – as described above – requesting a Conditional Use Permit to operate a home-based business in an accessory structure on the now existing 35-acre farm size parcel.

Location & Surrounding Zoning:

The 35-acre farm parcel lies northeast of the intersection of 55th Ave SW and 50th Street SW and is located in the SW1/4 of the SE1/4 of Section 30. The parcel is surrounded by other agricultural land zoned A-2, with farmsteads and non-farm properties located on adjacent properties to the north and northeast. A stream runs through the southern portion of the SW1/4 of the SE1/4 and creates the property line between the 35-acre farm parcel and the previously described 4.35-acre non-farm parcel.

Section 4.02

A. Criteria for Granting Conditional Uses: In granting a conditional use, the Commission shall consider the effect of the proposed use on the Comprehensive Plan and upon the health, safety and general welfare of occupants of surrounding lands. Among other things, the Commission shall consider the following:

Ordinance in regular type, Staff analysis in *italics*. Applicant comments in *red italics*. (Where Staff agrees with applicant comments there are no Staff comments.)

1. The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of such property;

Large accessory structures on agricultural properties are common throughout the Township and County and the A-2 zoning district ordinance does not limit size or number of accessory structures on farm size parcels. The ordinance does limit the use of said accessory structures with regard to home-based businesses. However, the potential for injury to the use and enjoyment of surrounding properties by an accessory structure used primarily for storage is minimal.

Surrounding property will not be affected.

The proposal meets this criterion.

2. The proposed use will not impede the normal and orderly development and improvements of the surrounding property;

As described above the area is currently developed with large agricultural tracts intermixed with smaller suburban acreages. The north portion of the subject parcel is currently under consideration as a large lot suburban subdivision. The presence of an accessory structure used primarily for storage for a home-based business will not affect the normal and orderly development of the surrounding properties.

Surrounding property will not be affected.

The proposal meets this criterion.

3. Adequate utilities, parking, drainage and other necessary facilities will be provided;

Property has all necessary facilities.

The proposal meets this criterion.

4. Adequate ingress and egress will be provided to minimize traffic congestion in the public streets;

Access to public streets is in place and provides a safe sight distance. Use will not have a lot of traffic so congestion or abuse to public streets is not a concern.

The proposal meets this criterion.

5. The traffic generated by the proposed use can be safely accommodated on existing or planned street systems; and the existing public roads providing access to the site will not need to be upgraded or improved by the Township or County in order to handle the additional traffic generated by the use.

As described earlier there is an existing driveway that serves the dwelling and building site. Per the applicant there are no plans for regularly scheduled deliveries as the use is for storage of materials and furniture used in the applicant's development business.

Traffic generated will be sporadic as there is no manufacturing or scheduled deliveries.

The proposal meets this criterion.

6. Adequate measures have been taken or proposed to prevent or control offensive odor, fumes, dust, noise, vibration, or lighting which would otherwise disturb the use of neighboring property.

The potential for the above will be mitigated by the conditions of this permit if approved.

No unordinary odors, noises, dust ext. will be created by the uses.

7. The special criteria or requirements indicated in Article X, General Regulations, are complied with.

The property complies with Article X General Regulations.

8. The water and sanitary systems are or would be adequate to prevent disease, contamination and unsanitary conditions.

Sanitary systems and wells are in compliance. The use will not have negative impacts on the adjacent stream. The building site is outside the flood districts.

When deciding on conditional uses to the Floodway, Flood Fringe (FFA and FFB) and the Flood Plain Districts, the following additional factors shall also be considered:

Items 9 through 20 are not applicable to this conditional use permit request as there are no flood soils on the subject property in the vicinity of the proposed use.

When deciding on a conditional use to the A-1, A-2, A-3, and A-4 Agricultural Districts, the following additional factors shall be considered.

21. The amount of prime agricultural land with a crop equivalent rating of 60 or above that would be taken out of production as a result of the use.

Not applicable – the area of the shop was not in row crop agriculture use. All other agricultural lands are still in row crop or tree farm rotations.

22. The need for new public roads or the need for improvement to existing public roads is minimal.

The use will not increase the traffic or maintenance required.

The proposal meets this criterion.

23. A thorough evaluation of the water body and topographic, vegetation, and soils conditions on the site must be made to ensure:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

Construction is complete and the soil that was disturbed has been seeded and stabilized.

2. The visibility of structures and other facilities as viewed from waters are limited;

The site is not visible from public waters.

3. The site is adequate for water supply and on-site sewage treatment.

The site is served by a well and an on-site sewage treatment system which was designed specific to the uses listed.

4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercrafts.

Not applicable – watercrafts will not be accessible.

B. Additional Conditions: In permitting a new conditional use or the alteration of an existing conditional use, the Planning Advisory Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which the Planning Advisory Commission considers necessary to protect the best interest of the surrounding area or the County as a whole. These conditions may include, but are not limited to the following:

1. Controlling the location and number of vehicle access points.
2. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby proper
3. Limiting the hours of operation.
4. Limiting the length of time for which the conditional use may exist.
5. Increased setbacks from the ordinary high water level.
6. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
7. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

Staff Recommendations:

Staff has reviewed this request in accordance with the applicable standards and provisions as included in this report. Based upon staff review and analysis included above, staff recommends the following conditions if the permit is approved:

1. The applicant must obtain all applicable permits that are required by federal, state, and local agencies.
2. Outside lighting shall be diffused or directed away from adjoining properties or public roads.

3. No parking allowed on the public road or easement.
4. Bottled water must be provided for employees.
5. There will be no advertising signage.
6. Hours of operation shall be limited to 7:00 am to 7:00 pm Monday through Saturday.
7. There shall be no retail-type use on the property that involves customers or clients coming to the facility.
8. Dust control will be provided for the parking lot. If the Town Board receives complaints, additional dust control may be required.
9. The business may not exceed the equivalent of five full time employee.
10. The total impervious surface area devoted to the home business including outside storage, parking areas, and accessory structure shall be limited to the minimum necessary to conduct the use, but not more than 20,000 square feet.
11. Home business use of the accessory structure is limited to 5,000 sq.ft.. The balance of the structure may be used for agricultural purposes or personal storage.
12. Any potential outside storage of material or equipment or display of merchandise may be permitted if screened from view from adjacent residences.
13. No more than 25% of the floor area of the dwelling may be used for the business.
14. 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 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.