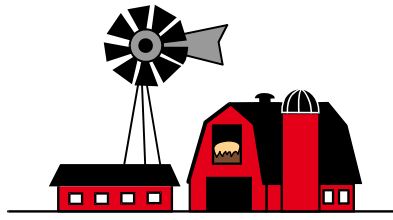


TOWNSHIP COOPERATIVE PLANNING ASSOCIATION

4111 11th Avenue SW
Room 10
Rochester, MN 55902
PH: (507) 529-0774
FX: (507) 281-6821



David Meir, Administrator
Jered Staton, Administrator

david@tcpamn.org
jered@tcpamn.org

-- TCPA --

Date: 7/6/2023

To: Cascade Township Planning Commission
Cascade Township Board

RE: Conditional Use Permit Request – Matthew Dohrmann – Crystal Clear Services

Application:

On Tuesday, July 18th, 2023 after 6:00 PM the Cascade Township Planning Commission will hold public hearings at the Cascade Town Hall, 2025 75th Street NE, Rochester, MN regarding:

Request:

An application has been submitted for a Conditional Use Permit (CUP) to operate Crystal Clear Services at Matthew Dohrmann's property located at 5610 Valleyhigh Rd. NW. Crystal Clear Services is owned and operated by Mr. Dohrmann and provides a number of services in a multi-state area. It is intended for the business to have up to 15 employees. Operating hours will vary depending on the season and snow plowing schedules.

Partial Legal Description/Location:

The property is addressed as 5610 Valleyhigh Road NW. Parcel # 741931031067- 10.00 acres located entirely in the northeast 1/4 of the northwest 1/4 of SECT-19 TWP-107 RANGE-014.

Owner/Applicant:

Matthew Dohrmann, 5610 Valleyhigh Road NW, Rochester, MN 55901

Consulting Engineer:

Short Elliott Hendrickson Inc., 717 Third Avenue SE, Suite 101, Rochester, MN 55904

Present Zoning:

A-2 Agricultural Protection District

Enclosures:

1. Application
2. Plat/Location Map
3. Aerial Photo Map
4. Zoning Map
5. Land Use Plan Map
6. Soils CER Map
7. Soil Type Map
8. City of Rochester Future Land Use Plan Map

Reviewers:	Olmsted County Planning	Olmsted County Assessor
	WHKS Engineering	Minnesota Department of Natural Resources
	Rochester/Olmsted GIS	Minnesota Pollution Control
	Olmsted County Public Works	GGG Engineering
	Olmsted County Soil and Water	Peoples Cooperative Services
	Minnesota Energy Resources	Century Link
	Rochester Fire Department	Rochester Public Utilities

Section 2.02 DEFINITIONS:

Conditional Use: A use that would not be appropriate generally but may be allowed with appropriate restrictions upon finding that certain conditions and criteria exist and that the use is compatible with the neighborhood.

Section 8.04 HIGHWAY COMMERCIAL DISTRICT (HC)

B. Conditional or Interim Uses: (See Sections 4.02, 4.03 Conditional, Interim Use)

2. Services:

- j. Home improvement trades, including electricians, plumbers, building contractor shops and services, and other similar uses.

Narrative:

The applicant, Mr. Dohrmann, was issued a grading permit by TCPA on July 9, 2018, for the construction of a driveway and pad for a pole shed. On July 18, 2022, Roger Ihrke, representing TCPA, noticed construction activities on Mr. Dohrmann’s property. Mr. Ihrke and Mr. Dohrmann discussed the project and Mr. Dohrmann was advised that an updated grading plan, produced by a licensed engineer, would be required due to the extent of the grading taking place. At this time Mr. Ihrke also noticed commercial business operations being conducted on the property. TCPA ultimately issued a letter to Mr. Dohrmann on January 4, 2023, notifying him of the unauthorized grading activities and commercial uses. The letter allowed Mr. Dohrmann 30 days to respond with intentions on how the construction and commercial uses would come into compliance with Cascade Township’s zoning ordinance.

Mr. Dohrmann’s consultant submitted a response letter and application for a Home-Based Business on March 1, 2023. The initial application intended to permit the business as a home-based business. Since the zoning ordinance restricts home-based businesses to a maximum of five (5) full-time employees not living on the property (Section 10.02.F.1), the application was considered incomplete as the number of employees proposed was listed as 12-15.

On March 2, 2023, TCPA staff informed Mr. Dohrmann’s consulting engineer the submitted application was considered incomplete and a more appropriate approach to solve Mr. Dohrmann's compliance issue was to apply for a re-zone. At the time re-zoning the property to HC was considered to be abnormal for this area and it was communicated to Mr. Dohrmann’s consultant that a re-zone would be considered but likely would not be approved.

On February 28, 2023, TCPA was notified by the City of Rochester’s Community Development Department that approximately 740 acres was being considered for an Orderly Annexation Agreement. This area included Mr. Dohrmann’s property. It was discovered during discussions with city staff that re-zoning Mr. Dohrmann’s property may be more appropriate than originally thought. Further discussions were held between the City, County and Township and it was decided to present an application for a re-zone to HC concurrently with this application of a CUP allowing Mr. Dohrmann to operate his business, Crystal Clear Services if the property is ultimately re-zoned.

Finding of Facts & Conclusions:

Section 4.02 - CONDITIONAL USE:

The purpose of a conditional use permit is to permit a use that would not be appropriate generally but may be allowed with appropriate restrictions upon a finding that 1) certain conditions as detailed in the zoning ordinance exist, and 2) the use or development conforms to the Comprehensive Plan, and 3) is compatible with the existing area.

A conditional use is allowed only after a petition for a permit has been approved by the Planning Commission, except when there is an appeal to the Commission decision; then, only after the approval of the Township Board.

A. Criteria for Considering a Conditional Use Application: In granting a conditional use, the Cascade Township Planning 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:

(Staff comments and findings are in italics.)

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;

Most of the surrounding property is undeveloped. The proposed business would be most intrusive to the adjacent property to the west, owned by Theodore Rahlf. Mr. Rahlf's property is classified as residential while most of the property is being used for straight row crops. The proposed business on Mr. Dohrmann's property may provide some buffer between Mr. Rahlf and the solar field to the east. Mr. Rahlf's property is also located within the proposed annexation area and has also been identified as Mixed-Use Transit Oriented Center in the City of Rochester's Future Land Use Plan.

Considering the above, the proposal meets this criterion.

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

Since this area will likely be included in an orderly annexation agreement, it is not anticipated that the proposed business will impede any orderly development or improvements of the surrounding properties.

Considering the above, the proposal meets this criterion.

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

It is believed that Mr. Dohrmann has been operating his business on this property for several years without any issues in regard to utilities, parking and drainage. Mr. Dohrmann's consultant has submitted a preliminary site plan for the grading activities which will ultimately resolve any drainage and grading concerns. Approval of the finalized grading plan will be a condition of this permit.

Considering the above, the proposal meets this criterion.

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

Ingress and egress will be reached via the existing driveway on Valleyhigh Rd NW. It is not anticipated that the traffic generated by the proposed business will cause traffic congestion.

Considering the above, 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.

The current access to the property is achieved from a county road. A review of access has been requested from the county and will be presented with this application, if received. The traffic generated by the proposed business is considered insignificant and should not impact public infrastructure.

Considering the above, 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.

Any nuisances created by the proposed business shall be mitigated and will be a condition of approval. It is the business owner's responsibility to control odor, fumes, dust, noise, vibration and lighting to not disturb neighboring properties. Excessive complaints or complaints not remedied in a timely manner will subject the permit to revocation.

Considering the above, the proposal meets this criterion.

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

At the time of this writing, the submitted application conforms to Cascade Township Zoning Ordinance. Please note that it is the responsibility of the permit holder, owner, and/or manager to ensure compliance with all aspects of the appropriate ordinance.

Considering the above, this criterion is met.

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

The property is currently being served by one well and individual septic treatment. The applicant has not proposed any modifications to the existing system. There is no reason to believe the current system is not functional and adequate.

Considering the above, this criterion is met.

Items 9 through 20 are applicable "When deciding on conditional uses to the Floodway, Flood Fringe, (FFA and FFB) and the Flood Plain Districts, the following additional factors should also be considered."

The property is not located within any of the above districts.

Conclusion: Staff has reviewed this request in accordance with the applicable standards and provisions, as included in this report. Based upon review and analysis included above, Staff recommends approval of this application for a Conditional Use Permit with the following conditions.

Conditions: The Commission may want to consider the following recommended conditions if they decide to issue this conditional use permit. Conditions may be added, changed, deleted or amended at the discretion of the Commissioners.

1. Approval of this CUP is contingent upon approval of re-zoning Mr. Dohrmann's parcel to Highway Commercial.
2. The applicant must obtain and maintain all applicable permits and licenses that are required by federal, state, and local agencies.
3. Any fuel or chemicals kept on site must be stored using acceptable methods in approved containers and properly permitted by the appropriate regulating agency.
4. Potable water and restroom facilities must be provided for employees and customers. Please refer to OSHA Standard Number 1910.141 for guidance.
5. A passing well test is required. If the current well is not suitable for human consumption, bottled water must be provided.
6. A septic compliance check is required.
7. Approval of this CUP is contingent on submittal and approval of a grading plan.
8. Any business, other than Crystal Clear Services, occupying space on this property must be identified and their uses explicitly defined in a letter from the applicant. Any new business intending to lease space on this property must be communicated to the Township. A review of this CUP will be prompted when a new tenant is proposed at this property.
9. 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.
10. The business may be inspected at any reasonable time by township officials to ensure compliance with this Conditional Use Permit.
11. No junk, unused vehicles and equipment, or salvage material may be stored on site.
12. All garbage must be contained in dumpsters and policed regularly.
13. No parking is ever allowed along Valleyhigh Rd NW.
14. Review of Conditional Use Permit: This Conditional Use includes, at the discretion of the Township, a periodic review to determine compliance with the conditions of the permit and whether changed circumstances or conditions require changes to the permit. The Township 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 a hearing, the permit may be amended based on changed conditions and experiences with the site.
15. Violation of the terms of the conditional use permit is subject to the provisions of the CUP and the Township CUP ordinances. Applicants shall have the rights and remedies provided in the CUP. Violations of the CUP may result in revocation of the CUP and the Township shall have all remedies available to it pursuant to its ordinances or otherwise available to it in law or equity. Notwithstanding the foregoing, in the event that the applicant fails to perform any terms and conditions of the CUP, the Township shall provide the applicant, in writing, a notice of default and the parties shall hold an initial meeting within ten (10) days following notice of such default for purposes of attempting to resolve the default on an amicable basis unless the Township determines that threat to health, safety or property require a shorter notice period. If the parties cannot resolve the matter, the Township may issue a notice of violation to the applicant setting forth, in detail, the action(s) that must be taken to remedy the alleged default and a reasonable time period for curing the default.

16. Reimbursement of township costs: If a permit is revoked, the permittee shall also reimburse the township for the township's reasonable costs, including restoration costs and costs of collection and reasonable attorney's fees incurred in connection with such revocation.