

**CASCADE TOWNSHIP
OLMSTED COUNTY – MINNESOTA
PLANNING COMMISSION MEETING MINUTES**

18 June 2013

Commission members present were: Chairman Dan Frissora, Commissioner Kevin Lenz, Commissioner Chuck Masog, and Commissioner Arlen Heathman (acting scribe) Commissioner (Scribe) Michael Brown was absent.

Guests were Roger Ihrke (TCPA), Dave Meir (TCPA), Nels Pierson and Nicole Pierson (Applicants), 32 Township Residents as listed on the attached attendance log sheets dated 18 June 2013, Minnesota Congressman Duane Quam, and Sheriff's Deputy Chad Miller.

Correspondence and paperwork that were available the night of the meeting for review were as follows:

1. The TCPA report with attachments dated 6/10/13. Attachments included were copies of the application, a site sketch (unknown author), Plat Map, Aerial Photo Maps, Zoning Map, Soils Map, Letter from Daniel Zemke of McGhie and Betts dated 23 May, 2013 concerning septic, Letter dated 30 November 2012 from the Minnesota Historical Society, Letter dated 31 May 2013 from Gary Keast & Mrs. Katie Hae Leo (in favor) Letter from Karen Morrow dated 31 May 2013 (in favor), Letter from Senator David Senjem dated 10 Jun 2013 ((in favor of rehabilitation of the barns), Letter from Gary and Devin Moore dated 6 May 2013 (in opposition), Letter from Audrey Tipka dated 14 June 2013 (adamantly against), Letter from Michael Brown dated 14 Jun 2013 (denial recommendation with explanations)
2. Email from Jean Newcomer dated 18 Jun 2013 (in opposition)
3. Letter from Representative Duane Quam (support of the rehabilitation of the barns)
4. Letter dated 18 Jun 2013 from Chuck and Connie Rochford (in opposition)
5. Copies of a collection of photos taken and distributed by Nels Pierson of the barns.
6. A site sketch showing layout of the proposed use (author unknown, but given to the commission by the Pierson's)
7. Letter from Chris and Traci Prindle dated 17 Jun 2013 (in favor).
8. Letter from Beth Ebnet dated 18 June 2013 (in favor)
9. Letter from Teresa McCormack, AIA, dated 17 June 2013 (in favor). This letter is from the Urban Studio architectural firm where Nicole Pierson works.
10. A shared well, septic, and driveway declaration, and dedication of easement dated 27 August 2011 for the property.

Call to order by Chairman Dan Frissora at 7:00 p.m. All in attendance recited the Pledge of Allegiance.

Commissioner Lenz moved to approve the minutes of the previous Planning Commission Meeting on 18 December 2012 as published. Seconded by Commissioner Masog. All voted in favor. Motion carried.

Chairman Frissora introduced the subject of the meeting as an evaluation of a Conditional Use Permit application for the St. Mary's Hills barns to be used as a Community Center on an R-1 zoning lot in the St. Mary's Hills development.

Roger Ihrke, Zoning Administrator for Cascade Township reviewed the CUP for all present. This lot is listed as Lot 3, Block 1, or St. Mary's Estates. It is zoned R-1. The lot is surrounded by properties zoned RA and to the west across 60th Avenue in Kalmar Township, the zoning is listed as A-3.

The CUP that is proposed is not to be intrusive to the rest of the properties in the development. A CUP could include a number of conditions set for its use as a community center. The use would be as a private community center building. Some of the entities listed as Reviewers on the TCPA report have not responded with any comments as of this date.

One issue to be evaluated is access. There are three properties including the barns which now use a shared residential driveway, which is gravel. The driveway is mostly on the property to the south of the barns. Easement is allowed for residential use. The agreement for the driveway was listed on a document handed out at the meeting which also includes the shared well and septic agreements.

One of the items in the report was a Drain field preliminary design from Mr. Dan Zemke, P.E. of the firm McGhie and Betts. It noted a drain field design, its placement and the use of a large holding tank for sewage. The township septic inspector recommends limiting the usage to 640 gallons/day with a maximum of 75 people in attendance at an event based on the septic design submitted. The septic inspector also offered the option of a holding tank and pumping arrangement. The inspector strongly recommends against the use of portable units for an event. The use at this time does not include installation of the septic system. Portable units are being proposed.

There was no response available from Olmsted County on the roads or access. The use of the barns may require by-pass or a turn lane into the access. Parking was shown that would allow 255 people attending based on 5 persons/car and the parking layout submitted.

Noise may be an issue. There was nothing in the report that reflects addressing this issue at this time. The applicant later stated some type of noise suppression (non acoustic).

Additional considerations included a section on Non-conforming use and a list of 9 items to be considered.

The TCPA at this time recommended denial of the CUP based on the information. Mr. Ihrke then explained the appeal process to the commission if the permit was denied. The appeal would go to the Cascade Town Board and if no satisfaction was gained, it can then go to court.

The applicant, Mr. Nels Pierson then spoke. He stated that there seems to be an issue of trust between the neighborhood and himself. He thanked the TCPA and the Commission and to those who attended a previous open house on site, and to those attending the meeting this nite.

Plans were altered that changed times of operation from 8 a.m.-midnite to 9 a.m. - 9 p.m. The venue will be ceremonial and not for reception parties. He mentioned the reception venues at Somerby, Rochester Golf and County, and the Ramada Inn rather than at this site.

There will be no use of the well for this venue as it is a well for residential only. The lower level of the barns will be for bridal preparation only. Events would probably be 9 a.m. till 5 p.m. Monday thru Friday. He sensed that this didn't seem to be a concern for those who attended the

meeting held at the Town Hall previously. The proposed venue ceremonies would take place in the west barn only.

He said that a septic holding tank could be used and could be set as a condition for the CUP. It would have to meet the building codes. He was hesitant to apply for any access till they know how many people would be attending. There would be no amplified music and the applicant's rental agreement would have to be signed to control this.

He proposes to follow all buffer ordinances, and proposed a gate to protect the driveway. As this is the only historic registry site in Cascade Township the emphasis would be to protect the site. He hoped to be up and running under this CUP next summer (2014). Mr. Pierson brought up other examples of this type of use, the Stoppel Farm, Mayowood's Stone Barn, and the Plummer House. He argued that property values did not decrease by having these venues as the area would hold a higher value because of the historical significance.

Engineering firms have been hired and Contractors contacted for the Solid Waste Issue. He mentioned that all solid waste from the Stone Barns is removed after the ceremony.

The Land Use Plan of Olmsted County requires each lot to be used with minimal alteration.

Commissioner Lenz asked if he would consider a temporary permit and how long Mr. Pierson would want if that were the case. Mr. Pierson replied 3-5 years is he thought was reasonable. The length of course is up to the Planning Commission of any temporary permit use.

Driveway access was discussed. The easement allows access but cannot be blocked. There are two drives into the barn once a vehicle or truck is at that point. The Piersons stated that they would take 100% responsibility for the driveway. Mr. Pierson noted it is a shared driveway and not an easement. His impression is that it is an implied residential use but not stated as such in the agreement for residential use only.

A discussion of penalty funds for any loud music that drew a complaint would be kept by the Piersons.

Motion to open the public input meeting and limit the speakers to two minutes by Heathman, Frissors seconded. All voted in favor. Motion carried.

Jim and Ruth Weispfenning spoke about the easements. They live to the north and other access should be available.

Stan Schwarze wanted to know the status of serving liquor at the events. Mr. Pierson responded yes, as there may be the need to pop champagne. Mr. Schwarze thought the estimate of 5 people per car was unrealistic and was concerned about people parking on adjacent streets, property and people walking across yards to get to the event.

Janet Schwarze wondered if the preservation only included half of the barn, and wondered about the east half as the Piersons talked about only using the west half. Mr. Pierson responded that funds were available for restoration was limited. Bathrooms can be put in without presenting how it was used. There would be no decks or patios off the back.

Sandy Hoss recited section 10.04 of the Cascade Ordinances that does not allow parking in the front yards. Barns are a non-conforming use. The guidelines for remodeling were based on restrictions to the actual assessed value of the structure.

Roger Ihrke stated that the Cascade Board of Adjustment would have to grant a variance to allow more than 50% rehabilitation of the assessed value. This is a non-conforming use proposed and there could be a debate on the parking area shown on the site sketch as front or side yard.

Char Brown referred to the last four pages of the TCPA report. The 50% rule for Historical Rehabilitation is a Minnesota State Law. The assessor's value of approximately \$26,000 would only allow \$13,000 worth of rehabilitation. Mr. Pierson replied that he would need the variance.

Jared Menzel who share the driveway do not want to share it with 250 people during a venue. The agreement for the driveway implies residential use and should be residential only. The fact that this is proposed is opposite the Plummer House which existed and was used before the neighborhood developed around it. This is the other way around. Mr. Menzel says they didn't buy their house located where it is to be shared with a commercial business (applause).

Jim Hoss stated that the houses around the Stone Barns not losing value is speculation only. Would the barns require a permit for upgrading the roof? Mr. Hoss stated that he didn't think this is the proper definition of a community center.

Connie Rochford wondered about security. Would we have to have more deputy sheriff coverage? She sits on her deck close by and wants the quiet after normal working hours at 5 p.m. She wondered how sanitary it would be without handwashing facilities.

There was a brief moment where Mr. Pierson apologized to Ruth Weispfenning that no negotiations have been initiated with owners to buy them out. He only wants to be a good neighbor.

Joe Adamson wants the barns restored to a historical landmark. He stated that part of this swampland was turned into homes.

Judy Hvamstad wanted to know if this use would be outdoor or indoor. The Pierson's website states 20,000 square foot available as well as outside. Mr. Pierson replied that they would be allowed to use whatever the CUP conditions might say. There would be no tents, no bands and would take this area use off the website. They would insulate the roof of the barns to abate the noise.

Joe Buckhold wanted to know how people would be kept off his property. He runs chainsaws during the weekend and doesn't want to be stifled from doing that because a wedding is taking place. Is this a good idea for the neighborhood (applause). Is the intent that the driveway would be shared by 100's of people using it as well as the existing shared driveway owners?

Chuck Rochford has one of the earliest homes built in the development. The covenants are restrictive, and based on residential. According to Roger Ihrke, there are no covenants in force. There is no active homeowners association.

Commissioner Lenz moved to close the public hearing portion of the meeting. Masog seconded. All voted in favor. Motion carried.

Because of the quantity of input and the lateness of the hour a **motion by Lenz to table the CUP review to the July 16th meeting of the Cascade Township Planning Commission was made. Seconded by Masog. All voted in favor. Motion carried.**

A request from Mr. Ihrke to extend the review period to 120 days which requires a letter to be sent to the applicant for a 60 day extension beyond the original 60 days was approved by Chairman Frissora.

Meeting was adjourned at approximately 9:30 p.m. on a motion by Masog, seconded by Frissora. All voted in favor. Motion carried.