

Denmark Township Planning Commission Meeting
Ace Trailer/RCM Specialties Amended Conditional Use Permit
Crashed Toys Amended Conditional Use Permit
Public Hearings April 18, 2011

Planning Commission members present: Steve Radke, Charlie Grote, Don Schneider, Pat Lilligren and Bob Barr (7:25 PM)

Absent: None

Supervisors Present: None

Others Present: Planner Berry Farrington, Planner Nolan Wall, Attorney Troy Gilchrist

7:00 PM Chair Radke called Planning Commission Meeting to order.

7:02 PM Public Hearing for **Ace Trailer/RCM Specialties** (12090 Margo Ave S) Amended Conditional Use permit opened.

Frank Connelly (RCM Specialties) and Steve Teitjen (Ace Trailer) present. RCM is requesting to amend the existing CUP, which is for the operation of Ace Trailer. Request is to allow RCM to lease part of the property and operate its roadway repair service business on the parcel (Lot 2) in addition to Ace Trailer sales business. RCM also proposes a new accessory structure on the parcel to be used for storing paving and patching material. The building would be 1800 sq ft and would be constructed of a concrete base with a covered metal truss, and its design would allow for easy removal if required.

Discussion regarding options: The allowable maximum lot coverage in the C/I District is 65% of the lot. The existing conditions on Lot 2 result in an estimated lot coverage of approximately 82%. The northwest quadrant of the site is currently an impervious surface (gravel) where road patching materials are stored. The current condition of Lot 2 does not conform to the approved site plan. The request is to put a building on the northwest quadrant of the site, where the road patching materials are currently stored, which would also result in lot coverage of approximately 82%. Lot 2 as requested exceeds the maximum lot coverage standard.

The property owner owns both Lots 2 and 3, and requests that the Town consider both Lots 2 and 3, with a total of 5.34 acres as one lot, in order to meet the lot coverage standard. He suggested that the CUP include a condition requiring removal of the accessory building if the two lots came under separate use or ownership. Owner stated that there was a previous CUP (for the sale of recreation vehicles on lot 2 that allowed for the gravel area in the northwest corner and that putting a building on that gravel would not increase the impervious surface. Applicant proposal and plans were based on what he believed to be the existing footprint (graveled area in northwest corner). Planner/Barr stated that if there was a previous CUP for auto sales, the proposed use of the property may not be the same as the previous allowed use and may not apply.

Putting building on lot 3- property owner stated it would not be feasible.

Planner recommendation- Planner submitted 04/12/11 review of the request. Planner suggested that considering Lots 1 and 2 as one lot could set a precedent and result in future CUP's where the Town would hold a greater responsibility in terms of enforcement when property changes owners or uses.

Legal recommendation- Recommends combining of Lots 1 and 2, and if at some time owner wanted the lots split again, he would need to remove the structure so the lots conform, rather than have the Town consider the 2 lots as 1 lot for the purpose of meeting the coverage requirement, and then maybe need to enforce removal of the structure should the property

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change uses or owners. Approval of considering the 2 lots as 1 lot without combining them would not be compliant with the Town's ordinances, as Lot 2 would still exceed maximum coverage standard.

Public Comment: None

8:10 PM Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk.

8:11 PM Planning Commission meeting resumed.
Commission requested further review of files for previous CUP's that may have been on the property and that Attorney review legalities of option 4.

Motion Grote/2nd Lilligren to recommend approval (option 4) of the amended conditional use permit, with conditions, by considering Lots 2 and 3 as one lot for the purpose of meeting the lot coverage requirement, since they are both under the same ownership and both are used as Ace Trailer, subject to staff finding this is a viable option. All In Favor.
Motion Carried 5-0.

8:15 PM Public Hearing for **Crashed Toys** (12260 Margo Ave S) Amended Conditional Use permit opened.
Bud Honn (property manager) and Paul Heuer (Bonestroo) representing Crashed Toys present. Applicant requests to amend its CUP to add a parcel to the business operation, to construct a storage building, to build a parking lot enclosed with a fence to store vehicles on the lot. The subject 3.46 acre parcel is currently under different ownership and the applicant plans to purchase the parcel.
Per the proposed plans, all dimensional standards are met. Maximum lot coverage in C/I District is 65% of the lot. Proposed coverage of approximately 57% meets the standard. Proposed building would be 9800 sq ft with no running water/bathroom facility. The parking lot surface will be bituminous. Proposed fencing meets the fencing performance standards. Additional parcel will have a 36 ft wide driveway onto Margo with a double swinging gate. A 30 ft gravel driveway from the existing parking lot will connect to the proposed additional parcel.
Applicant stated that the stormwater calculations were done last fall to comply with the LSCWMO rules and requested those plans be acceptable. Attorney and Planner stated that the LSCWMO has been dissolved and the SWWD rules were put into place before the current application was submitted.
Planner- Planner submitted 04/14/11 report. The planner recommends conditional approval of the amended CUP.
Recommends a submittal of an inventory storage plan that shows where inventory may and may not be stored. The purpose of this would be to ensure that fire access lane locations for both parcels are identified and approved by the Fire Marshall. A revised grading, drainage and erosion control plan that addresses the Engineer's 04/14/11 memo should be submitted.

Public Comment: None

8:30 PM Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk.

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8:31 PM Planning Commission meeting resumed.

Planning Commission consensus to forward application to the Board with the Planner's recommendations.

Motion Radke/2nd Barr to recommend approval of the Conditional Use Permit, but that the Board not grant approval until:

- 1. The Applicant submits an inventory storage area plan showing inventory storage areas and fire access lane locations for both parcels, approved by the fire marshal. The plan will identify where inventory may and may not be placed.**
- 2. The Applicant submits a revised Grading, Drainage and Erosion Control Plan that addresses the Engineer's April 14, 2011 memorandum.**

And, once the above plans are received by the Town and they are found adequate, the CUP should be subject to the following conditions. These conditions are in addition to the conditions placed upon Crashed Toys, Inc. by the CUP issued in 2009 (Resolution 2009-04).

- 1. The subject parcel must be purchased by QSCA/Crashed Toys.**
- 2. Inventory storage must comply with the inventory storage plan.**
- 3. The drainfield area must be protected from compaction during construction.**
- 4. If the owner seeks to add a bathroom or other water usage improvements to the building, the owner must install a septic system and obtain a septic system permit from Washington County. The septic system must be sited in the drainfield location as shown on the approved site plan. The owner must obtain any necessary building permits to make the improvement to the building.**

All In Favor. Motion Carried 5-0.

APPROVAL OF MINUTES:

Motion Barr/2nd Radke approval of 10/18/10 Planning Commission/Denmark Township Zoning Ordinance Amendments-Comp Plan Amendment-Fee Schedule Public Hearing Minutes. All In Favor. Motion Carried 5-0.

Planning Commission Appointments: Town Board has reappointed both Steve Radke and Charlie Grote to the Planning Commission for 3 year terms ending March 31, 2014.

Election of Chair/Vice-Chair: Grote nominated Radke Chair. Barr nominated Grote Vice-Chair. **Motion Barr/2nd Lilligren to appoint Steve Radke as Chair and Charlie Grote as Vice-Chair. All In Favor. Motion Carried 5-0.**

Planner Farrington will be leaving TKDA and introduced Planner Nolan Wall who will be assisting with Township Planning.

8:40 PM Motion Radke/2nd Barr to adjourn. All In Favor. Motion Carried 5-0.

Becky Herman
Denmark Township Clerk/Treasurer