

Denmark Township Planning Commission Meeting  
Valley Lawn & Garden Inc Conditional Use Permit  
AT&T/New Cellular Wireless Conditional Use Permit and Variance  
Public Hearings July 18, 2011

**Planning Commission Members Present:** Charlie Grote, Pat Lilligren and Don Schneider

**Absent:** Steve Radke and Bob Barr

**Board Supervisors Present:** Kathy Higgins

**Others Present:** Planner Sherri Buss, Planner Nolan Wall

**7:00 PM** Vice-Chair Grote called Planning Commission Meeting to order.

**7:03 PM** Public Hearing for **Valley Lawn & Garden Inc** (127<sup>th</sup>/Hwy 10 PID06.026.20.42.006) Conditional Use permit opened.

Chad Grave, owner and operator of Valley Lawn & Gardens Inc., present. Request is for a conditional use permit to establish an office and operate a retail business on a 4.48 acre vacant parcel located adjacent to and west of 12590 127<sup>th</sup> St S. Phase 1 will include construction of a 1500-2000 sq ft shop/storage building and establishing driveway access to the parcel. Phase 2 will include construction of a future office/retail building with a fenced storage area. Valley Lawn & Garden is a landscape design business which currently has 2 employees.

The proposed driveway meets the driveway policy for distance from the property line; however, the location raises safety concerns due to its proximity to the adjacent driveway and Hwy 10. Planner recommends sharing the existing driveway with the adjacent property as the preferred option. There is an existing driveway on the adjacent parcel to the east.

Planner requested a revised site plan identifying the shared driveway access and a signed easement agreement between the applicant and the owner of the adjacent parcel to the east. Applicant submitted revised site plan identifying the shared driveway access and the fenced storage area. Applicant is working with the adjacent property owner regarding a shared driveway.

Most of the existing trees will remain. Some not so good trees will be removed to accommodate the storage area. Applicant plans on planting the grounds with garden designs.

Planner submitted 07/11/11 review and recommends conditional approval of the request.

**Public Comment:** None

**7:16 PM** Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk.

**7:17 PM** Planning Commission meeting resumed.

Planning Commission consensus to forward application to the Board with the Planner's recommendations. [Adding screening requirement note on condition #5.]

**Motion Lilligren/2<sup>nd</sup> Schneider to recommend approval of Valley Lawn & Garden Inc. Conditional Use Permit subject to the following conditions:**

- 1. The Applicant shall provide evidence that he has purchased the property.**
- 2. The proposed building shall be in substantial compliance with the Phase I plans dated June 20, 2011. Plans for future phases and buildings must meet all requirements of the Township's Development Code, and shall be verified with the building permit application.**

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3. **The Applicant shall submit the Percolation Report that describes site suitability for septic systems to Washington County.**
4. **The Applicant provided a revised Site Plan (07/18/11) identifying the shared driveway access. The applicant shall provide and signed easement agreement between the Applicant and owner of Parcel A, as identified on the Site Plan, regarding the shared use and maintenance of the existing driveway.**
5. **The Applicant submitted a revised site plan (07/18/11) which included the location and extent of the exterior storage area and fencing that meets ordinance requirements. [Majority of the trees shall be preserved for screening.]**
6. **The Applicant must obtain a sign permit for any proposed signage on the parcel. Signage must meet the requirements of the Township ordinance.**
7. **Expansion of the impervious surface beyond the areas shown for the first and second phases on the site plan dated June 20, 2011 shall require an amendment to the Conditional Use permit.**
8. **The Applicant must obtain a Certificate of Compliance from Washington County for the proposed use.**
9. **The Applicant shall pay all fees and escrow for this application. All In Favor. Motion Carried 3-0.**

**7:20 PM** Public Hearing for AT&T/New Cingular Wireless (Afton Alps location)  
Conditional Use permit opened.

Steve Stultz, agent for AT&T present. Request is for a conditional use permit to allow construction of a 150 ft monopole telecommunications tower and a shelter for communications equipment within a fenced compound.

Applicant is also requesting a variance from the ¼ mile setback requirement from the Afton State Park boundary. Proposed location is 700 ft short of meeting the setback requirement at 1 corner. The topography of the property limits potential location for the proposed tower within the required setbacks. Alternate sites that meet all of the setbacks may actually cause the proposed tower to be more visible from the river, park, roads, and surrounding residences.

Expected coverage is 2-4 miles. After this tower is established to give exact location, areas around it are identified to place additional towers for coverage expansion. Applicant has reviewed existing towers for possibility of co-location. Closest tower is a 247 ft tower located 1.8 miles to the south. It currently has many collocation towers on it already and because of its location, the coverage would be lower and was found to be not co-locatable.

DNR has been notified, but has not commented at this time. Proposed tower is not in a migratory bird path.

Planner submitted 07/08/11 review and recommends conditional approval of the Conditional Use Permit and Variance, based on the Findings related to the variance application.

Town Planner and County have been on site and found that the proposed location, even with a variance from 1 of the setbacks would be a better option than placing the tower in a location that meets all the setbacks yet is more highly visible to the surrounding areas. Overall, the proposed

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location would be in better harmony with the whole code, having less impact than if located where all setbacks are met.

Applicant has reviewed Township Planner's report and is in agreement with the outlined conditions.

**Public Comment:** None

**7:40 PM** Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk.

**7:41 PM** Planning Commission meeting resumed.  
Planning Commission consensus to forward application to the Board with the Planner's recommendations. [Adding reporting requirement note on condition #8.]

**Motion Lilligren/2<sup>nd</sup> Schneider to recommend approval of AT&T/New Cingular Wireless (Afton Alps location) Conditional Use Permit and Variance for State Park setback as submitted on plans, subject to the following conditions:**

1. **The final plans and specifications shall substantially comply with the preliminary plans and specifications dated 2/17/11, including the size, design, and location of the proposed tower and related facilities.**
2. **The Applicant shall comply with all the rules and regulations of the FCC and FAA that apply to the proposed communications facility. If new, more restrictive standards are adopted, the antenna installation shall be brought into compliance with the new standards by the owner and operator of the antenna and tower.**
3. **The structural design, mounting and installation of the tower and antennas shall be in compliance with manufacturer's specifications. Final plans shall be approved and certified by a registered professional engineer.**
4. **If this conditional use permit is revoked, or use of the tower ceases for 12 months, the tower and all accessory structures shall be removed and the site restored to its original condition within 120 days. If the Applicant fails to do so, the Township will complete removal and restoration, and the Township's cost shall be assessed against the property.**
5. **The tower shall be painted a light grey or similar color that is as visually inconspicuous as possible. The equipment building shall be painted an earth-tone color that is inconspicuous from the roadway and surrounding properties. The proposed colors shall be reviewed and approved by the Township.**
6. **No lights, reflectors, flashers, daytime strobes, night time red lights or other illuminating devices shall be attached to the tower, unless required by the FAA or FCC.**
7. **No advertising or identification signs shall be placed on the tower or antennas.**

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8. **The Applicant shall conduct an annual inspection of the facilities to insure continuing compliance with the Township's development code and this permit. [Inspection reports shall be submitted to the Township on an annual basis.]**
9. **The Applicant shall install and maintain a 9' chain link fence with 1' barbed wire around the monopole and shelter structures, with a gate that is locked at all times.**
10. **The tower owners shall lease space to other users if requested so long as there is no disruption in the existing service provided by the tower's existing users and no negative structural impact on the tower. The Town Board reserves the right to act as arbiter in determining if the tower owner is acting in good faith in leasing to other tenants. The tower shall be constructed to allow for the co-location of at least three additional antennas.**
11. **The Applicant shall obtain insurance so that all antennas and towers are adequately insured to cover injury and property damage caused by collapse or other catastrophic failure.**
12. **The Applicant shall pay all fees and escrows associated with this application.**

All In Favor. Motion Carried 3-0.

**APPROVAL OF MINUTES:**

**Motion Schneider/2<sup>nd</sup> Lilligren approval of 04/18/11 Planning Commission/Ace Trailer-RCM Specialties Amended Conditional Use Permit/Crashed Toys Amended Conditional Use Permit Public Hearing Minutes. All In Favor. Motion Carried 3-0.**

**Business Items:**

Supervisor Higgins informed commission that there may be a public hearing in August regarding an Interim Use Permit for a Kennel, and in September regarding amendments to the Comp Plan due to Metropolitan Council updates and amendments to the Ordinances addressing legislative changes to the variance language and lot combination provisions.

**7:55 PM Motion Schneider/2<sup>nd</sup> Lilligren to adjourn. All In Favor. Motion Carried 3-0.**

Becky Herman  
Denmark Township Clerk/Treasurer