

DENMARK TOWN BOARD MEETING MINUTES
December 7, 2015

SUPERVISORS PRESENT: Kathy Higgins, Joe Moore, Karen Herman

ABSENT: John Kummer

One Vacancy

STAFF PRESENT: Attorney Gilchrist (Kennedy-Graven) Engineer Cara Geheren (Focus Engineering)
Denmark Planner John Burbank (City of Cottage Grove)

CALL TO ORDER: Meeting called to order @ 7:00 PM by Chair Higgins

AGENDA APPROVAL: K Higgins added Margo Property and Vacated Board Seat. **Motion J Moore/2nd K Herman approval of agenda as amended. Voting Yes- J Moore, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.**

CONSENT AGENDA APPROVAL: K Higgins pulled Claims. **Motion J Moore/2nd K Herman, approval of Consent Agenda items which include 11/02/2015 Board Meeting Minutes, EFT payments- PERA 354227, MN Rev. Tax 1197219904, Federal Tax 20885391, payroll ending 12/01/2015 and financial reports. Voting Yes- J Moore, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.**

Pulled Claims: To revise Claim 10613 Washington County Recorder from \$138.00 to \$276.00, to include additional billing received. To add claim received from Gopher Sign Company- Claim 10629 in the amount of \$439.21, for fire sign supplies. **Motion J Moore/2nd K Herman to approve Claims 10611-10629. Voting Yes- J Moore, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.**

HEARING DECISIONS/ZONING ACTIONS: Hastings Point BNA Preliminary Major Subdivision, Preliminary Planned Unit Development, Minor Subdivision

Applicant present- Bill Wanner (BNA), Bob Barth (Applicant's Planner)
Planner Burbank presented proposed development.

Planning Commission reviewed the requests at the 11/16/15 public hearing and recommended conditional approval.

Public Comment- Letter received from Janice Zeller (adjacent neighbor) expressing concerns regarding the proposed 127th St access, and of the development in general. Applicant indicated that he would discuss concerns with Zeller.

Town Board, Town Planner, Town Attorney, Town Engineer, Applicant and Applicant's representatives reviewed and revised draft resolutions submitted by the Town Attorney. A number of changes were made to the 12/07/15 draft resolutions and the final adopted resolutions are attached hereto as addendums.

Motion J Moore/2nd K Herman to adopt Resolution 2015-14 Granting Preliminary Plat Approval For Hastings Point Subdivision, with changes as discussed.

Voting Yes- J Moore, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

Motion J Moore/2nd K Herman to adopt Resolution 2015-15 Approving A Planned Unit Development For Hastings Point Subdivision, with changes as discussed.

Voting Yes- J Moore, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

Motion J Moore/2nd K Herman to adopt Resolution 2015-16 Granting Approval For The Hastings Point Second Addition Minor Sub division, with changes as discussed.

Voting Yes- J Moore, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

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BUSINESS ITEMS:

Washington County Land Use: County has sent additional information regarding future Township responsibilities that the County would relinquish. Original proposal was initiated by the County. Board found there to be many unanswered questions as to what responsibility will be the Town's and what will be left with the County. Board consensus to forward information to Planning Commission for review/input.

2016 Development Review Schedule: Motion J Moore/2nd K Herman approval of 2016 Development Review Schedule as presented. Voting Yes- J Moore, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0. Clerk will post schedule with notice that there is always a possibility that there may be a Board quorum at any Planning Commission Meeting.

Final Pay 2016 Tax Levy Certification: Motion J Moore/2nd K Herman to certify the Payable 2016 Final Tax Levy in the amount of \$414,734.00. Voting Yes- J Moore, K Herman, K Higgins. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

Margo Avenue Property: A Wisconsin Company is interested in purchasing 3 adjoining lots in the Commercial District. Business is interested in participating in two state programs, the Job Creation Fund and another state program that offers a rebate on capital investments. Business provides various programs, canteen, and supplies which would be shipped from the business. A 30,000 sq ft building would be constructed on the site. Manufacturing would occur on the site. Initially 60 employees would be transferred to the site. Business expects to add 10-12 employees/yr for the next 3 years. They would like to discuss proposal with the Town and talk about what would be possible and whether the town would be willing to partner with them. Town would need to sign a resolution of support for the business, be a point of contact for the business inquiring about the program, work in consultation with DEED, submit the program application to DEED on behalf of the business and assist the business with yearly supports and payment requests submitted to DEED. Attorney noted that an escrow agreement could provide for support regarding reporting responsibilities. Board consensus to obtain additional information from business.

Vacant Board Seat: Seat #3, vacated on 09/08/2015 was declared a vacancy by the Board on 10/12/2015. Board members were to bring recommendations for appointments to December Board Meeting. Appointment Committee- 3 Board Members and Town Clerk. K Higgins is recommending the appointment of John Strohfus. **Motion J Moore/2nd K Herman to appoint John Strohfus to fill the vacancy of Seat #3.** Voting Yes- J Moore, K Herman, K Higgins, B Herman. Voting No- None. Abstaining- None. Motion Carried 4-0-0. Appointment will be to 01/02/2017 (1st Monday of January) 2017. Seat will be on the November 2016 ballot for a 4 year term.

LEGAL UPDATES

Mendel Ave- Town Attorney has been in touch with the property owner's attorney. Title work will be done to see who actually has free and clear ownership of the property.

10:26 PM **Motion J Moore/2nd K Herman to adjourn.** Voting Yes- J Moore, K Herman, K Higgins
Voting No- None. Abstaining- None. Motion Carried 3-0-0.

Becky Herman

Denmark Township Clerk/Treasurer
Addendum Resolutions 2015-14, 2015-15, 2015-16

Denmark Township Chair

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DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2015-14

**RESOLUTION GRANTING PRELIMINARY PLAT
APPROVAL FOR HASTINGS POINT SUBDIVISION**

WHEREAS, BNA Realty, LLC, on behalf of John and Kathleen Kummer, and Donald R. Lick (collectively, the “Applicants”), have made an application for a Major Subdivision to allow the subdivision of approximately 26.39 for commercial development (“Development”);

WHEREAS, the property to be subdivided is located at the intersection of northeast corner of State Highways 10 and 61, and is legally described in Exhibit A (“Property”) which is attached hereto and made part of this Resolution;

WHEREAS, the proposed development involves creating one commercial lot and two outlots with the intention of further subdividing and developing the two outlots for commercial purposes in the future as shown on the preliminary plat attached hereto as Exhibit B (“Development”);

WHEREAS, the Applicants have represented that they have clear title ownership of the Property;

WHEREAS, the Planning Commission reviewed the request at a duly noticed public hearing held on November 16, 2015, and has recommended approval of the preliminary plat with certain conditions;

WHEREAS, the Town Board hereby finds and determines as follows:

- a. The Property is zoned Commercial/Industrial, and the proposed commercial uses are allowed in the zoning district;
- b. The number of lots proposed to be created and developed on the Property necessitated that this subdivision be reviewed as a Major Subdivision;
- c. Chapter 2, Zoning Regulations, and Chapter 3, Subdivision Regulations, of the Denmark Township Development Code (“Ordinance”) regulate the development of major subdivisions;
- d. The Town’s Planner has reviewed the request for consistency with Chapters 2 and 3 of the Ordinance and has determined the proposed plat satisfies the requirements of the Ordinance;
- e. The Town’s Planner prepared a report dated November 11, 2015 (“Planner’s Report”), which addressed the requests from the Applicants, including the Major Subdivision. The Planner’s Report is incorporated in and made part of this Resolution, except for the proposed conditions which are superseded by those contained herein;
- f. The proposed lot meets minimum lot size requirements;
- g. The proposed plat was submitted to the Minnesota Department of Transportation for review and the Town received preliminary comments by letter dated November 12, 2015;
- h. The proposed lots and outlots of the Development will be part of a planned unit development, which was separately applied for, defining structure setbacks, lot frontage requirements, buildable area requirements, and impervious area requirements; and
- i. The Applicants are also seeking Minor Subdivision approval for Hastings Point Second Addition which they are proposing for property located across Highway 10.

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NOW, THEREFORE, BE IT RESOLVED, that the Town Board, based on the Planner's Report, the record of this matter, and the findings and determinations made herein, does hereby approve the Preliminary Plat proposed by the Applicants, subject to the following terms and conditions which must be met:

1. The Applicants shall file a final major subdivision application with the Town for review and approval prior to the subdivision being released for recording with Washington County;
2. That a final plat be prepared which is consistent with the preliminary plat, the Ordinance, state law, and shall incorporate the changes indicated in this Resolution;
3. The plat shall be submitted to and approved by Washington County under its regulations prior to recording the final plat;
4. Prior to submitting a request to the Town for final plat approval, the Applicants must submit the preliminary plat, revised in accordance with the Town's preliminary approval, to Washington County for review and at least comment in an effort to reduce the need for changes after final approval is sought from the Town;
5. The approval granted herein is expressly conditioned on the Applicants' submittal of the revised preliminary plat to MnDOT in accordance with MnDOT's guidelines for review and comment within 4 business days of the adoption of this Resolution;
6. The Applicants shall enter into a development agreement with the Town for the Major Subdivision no later than 60 days from the granting of the final plat approval. The development agreement shall identify the minimum requirements for development of future phases;
7. The Applicants are required to enter into an agreement with the Town regarding maintenance of the access road within the Development;
8. The Applicants shall be required to enter into an agreement with the Town regarding maintenance and the drainage improvements;
9. The Applicants shall submit the revised plat to MnDOT for further review in accordance with the requirements of its Local Government Guide. The Applicants shall be responsible for incorporating the recommended changes into the plat before presentation for final approval;
10. The final plat shall include all public access outlots, easements and stormwater easements as required by the Town Engineer. Temporary easements shall also be granted as the Town Engineer determines are needed to address stormwater on the outlots until they are developed;
11. The final plat shall include an outlot dedicated for public access within the Development. The outlot will not be accepted as a public road, but instead will be a private road maintained by the property owners;
12. The final plat shall include an easement dedicated for drainage improvements within the Development. The easements will be maintained by the property owners in accordance with the stormwater maintenance agreement the Applications shall enter into with the Town;
13. The access roads within the plat shall be built to at least the minimum standards identified in the development agreement;
14. All parcels identified in the Major Subdivision are included in the PUD approval;
15. A park dedication fee of \$50,000 shall be paid to the Town prior to the plat being released for recording;
16. That all representations, written and oral, made by the Applicants and their agents and representatives to the Town contained in and concerning the application must have been true, complete, and accurate at the time they were made;

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17. That the Applicants satisfactorily complete any and all requirements after final review of the final plat;
18. That the Applicants are in compliance and will remain in compliance at all times with all applicable laws, rules, and regulations concerning the property for which this approval is granted;
19. That all Engineering Considerations described in the staff report dated November 2, 2015 are resolved to the satisfaction of the Town Engineer; and
20. That all fees, including professional fees incurred by the Town, and escrow amounts are paid.

Adopted this 7th day of December 2015. **BY THE TOWN BOARD**

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2015-15**

**RESOLUTION APPROVING A PLANNED UNIT
DEVELOPMENT FOR HASTINGS POINT SUBDIVISION**

WHEREAS, BNA Realty, LLC, on behalf of John and Kathleen Kummer, and Donald R. Lick (collective, the “Applicants”) have made an application for a planned unit development (“PUD”) to develop approximately 26.39 acres for the proposed Hastings Point development;

WHEREAS, the property to be a part of the PUD is located at the intersection of southeast corner of State Highways 10 and 61, and is legally described in Exhibit A (“Property”) which is attached hereto and made part of this Resolution, and which is being platted as Hastings Point (“Development”);

WHEREAS, the Applicants have represented that they have clear title ownership of the Property;

WHEREAS, the Planning Commission reviewed the request at a duly noticed public hearing held on November 16, 2015, and has recommended approval of the PUD with certain conditions;

WHEREAS, the Property is located within the Commercial Industrial District (CI) of the Denmark Development Code (“Ordinance”);

WHEREAS, the proposed Development will take place in multiple phases with the initial phase including a 6,300 square foot gas and convenience station with a stand-alone car wash (“Phase I”).

WHEREAS, future phases are anticipated to include 47,200 square feet of general retail and restaurant use on portions of the Property currently being platted as outlots;

WHEREAS, development of the additional proposed sites on the outlots and their final lot size and site configuration will be dependent on subsequent platting and site review by the Town;

WHEREAS, Chapter Two, Part 3, Section 5 of the Ordinance specifically allows for the establishment of PUDs. PUDs are only allowed when they will result in a public benefit over strict adherence to the standards of the zoning district;

WHEREAS, the Applicants have supplied all the information required in the Ordinance and as requested by the Town in order to provide preliminary review of the Development;

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WHEREAS, the Town Board hereby finds and determines as follows:

- a. PUDs are intended to provide design flexibility in land development by incorporating design modification as a part of a PUD. Modifications, if granted, shall be fully consistent with the general intent and purpose of the Ordinance related to land use, subdivision and development. The design modifications will result in an improved design, natural resource preservation and benefit to the public. It is not the intent of a PUD to increase overall density. As such, the Town is authorized to allow flexibility in the application of the Ordinance to the Development as it determines is appropriate. The proposed PUD will not have a negative impact on the health, safety, and general welfare of the occupants of the surrounding lands;
- b. The proposed PUD can adequately handle the anticipated traffic and parking and will not have a negative impact on the streets of adjacent properties;
- c. The PUD will not have a negative impact on utility and school capacities;
- d. The proposed PUD will not have a negative effect on the property values and scenic views in the surrounding area;
- e. The proposed PUD can adequately meet the standards of the Ordinance;
- f. The proposed PUD has a net public benefit over a conventional development plan through improved design, facilities, access, and circulation;
- g. The Applicants will need to provide additional information to the Town in order to obtain the specific approvals required herein; and
- h. The Town's Planner prepared a report dated November 11, 2015 ("Planner's Report"), which addressed the requests from the Applicants, including the PUD. The Planner's Report is incorporated in and made part of this Resolution, except the proposed conditions which are superseded by the conditions contained herein;

WHEREAS, the Town Board determines that with the conditions listed below, the proposed PUD will not be detrimental to the health, safety, or general welfare of the Town, and the use is in harmony with the general purpose and intent of the Ordinance and the Comprehensive Plan;

WHEREAS, because additional review and approvals are required before developing the later phases of the Development, the Town intends this approval to constitute both preliminary and final approval of the PUD.

NOW, THEREFORE, BE IT RESOLVED, the Town Board, based on the Planner's Report, the record of this matter, and the findings and determinations made herein, does hereby issue a conditional use permit granting preliminary and final approval of a general planned unit development for the Property subject to the following terms and conditions, which must be complied with by the Applicants:

1. General Plan of Development. The Town Board approves the general plan of development as shown in the attached Exhibit B for the Property as presented by the Applicants, subject to the limitations contained herein and those portions of the Ordinance made applicable to the Development herein. The Applicants shall submit the additional information required by the Ordinance, this Resolution, the development agreement, the major subdivision approval, and such additional information as reasonably required by the Planner to carry out the intent of this approval and the Ordinance. The Planner is authorized to determine if the additional information is sufficient and, if not, the changes or additional information needed to make it sufficient. The Planner may, but is not required to, bring one or more specific items before the Town Board for action. Development of the outlots shall require platting, site plan review, and obtaining such conditional use permits and other permits required by the Ordinance.
2. Permits. Prior to the release of any building permit for individual sites within the PUD, all applicable permits required by the Town, County or State shall be obtained by the Applicants.

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3. Development Agreement. No later than 60 days from the date of this Resolution, the Applicants must enter into a development agreement with the Town, which the Town will draft. Furthermore, the Applicants, their heirs, successors, and assigns, shall comply with the terms and conditions of the development agreement as well as all applicable laws, rules, and ordinances;
4. Allowed Uses. The allowed uses in the PUD shall be consistent with those uses allowed in the CI District in the Ordinance. In addition, those uses allowed as a conditional use under the Ordinance shall be allowed in the PUD upon the granting of a conditional use permit.
5. Grading. The Phase I grading plan and stormwater management plan for the Development shall meet the approval of the Town Engineer and the South Washington Watershed District. The grading plan and site grading of the property shall be consistent with the approved surface water management plan and the PUD approvals. Prior to the release of the grading permit, a \$10,000 grading escrow to secure all required site restoration and engineering inspections related to permit and erosion control compliance shall be posted with the Town for the duration of construction activity. The development agreement shall include language on the provision of any additional escrows that may be required during grading or construction. Prior to the release of the grading permit, an NPDES permit shall be obtained by the Applicants. All grading plans related to the PUD shall include a detailed erosion control plan meeting the Best Management Practices for Stormwater Management Handbook requirements. The Applicants shall be responsible for the demolition and proper disposal of the structures currently located on the Property. The Town shall not in any way be responsible for the cleanup of any ground contamination or hazardous materials that may be encountered during such work or in the development of the Property.
6. Maximum Height. All structures to be constructed in the Development shall be limited to a total height of 45 feet. Height shall be measured and otherwise restricted as provided in the Ordinance.
7. Access Road. An access road, which is being platted as an outlot, shall be constructed by the Applicants through the Development as shown in the attached Exhibit B. The Applicants shall convey to the Town and to each lot owner an undivided interest in the outlot established for the access road. The access road shall be a private road and the Town shall in no way be responsible for the construction, maintenance, repair, improvement, or rebuilding of the road. The Applicants shall enter into an agreement with the Town regarding the access road and obligating the Applicants to establish such covenants and agreements as may be needed to memorialize the right to use and the obligation to maintain the road among all lot owners in the Development.
8. Parking. Curb and gutter is required on all bituminous drives and parking areas. Handicapped parking is required per State statutes and the Building Code. Parking shall be prohibited on the private common access road. No certificate of occupancy shall be issued prior to the first lift of asphalt being installed on any parcel in the PUD.
9. Exterior Lighting. A light metric study shall be completed for all parcels as a part of any building permit applications within the PUD. All outdoor lighting shall be downward directed.
10. Signs. A comprehensive sign package and guidelines for the entire PUD shall be submitted with the first building permit for the Development. Dynamic message signs shall be allowed within the PUD, provided such signs comply with any restrictions imposed by the development agreement executed for the Development.
11. Landscaping. A general landscaping plan for the PUD, and a final detailed landscape plan for Phase I of the Development, must be submitted with any building permit application and shall meet the approval of the Town Planner. A financial guarantee equivalent to 125 percent of the landscaping cost estimate shall be submitted to the Town with any building permit application. Said guarantee will be held for one year to ensure the completion and survival of the required plantings. Upon completion of the landscaping requirements, the Applicants must inform the Town in writing that said improvements have been completed, and the financial surety may be reduced by 50 percent. All developed green space areas within the PUD shall be irrigated.

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12. Fencing. Any fencing on the site shall be constructed with ornamental fencing meeting the Planner's approval. Fences shall be constructed of black vinyl-clad chain link fencing or other material depending on its intended use and as approved by the Planner.
13. Building Materials. The exterior finish materials of the structures within the PUD shall be approved by the Town Board and consistent throughout the Development, and the architectural guideline standards included within the required development agreement.
14. Storage. Exterior storage and display is prohibited except in areas designated on the final site plan approved by the Town Board. Trash and recycling containers shall be contained in enclosures that are constructed with frost free footings and of materials consistent with the principal structure. All mechanical equipment and general storage shall be screened from public view as reviewed and approved by the Town Building Official.
15. Right-of-Way Use. A permit shall be obtained from MNDOT for any construction activity impacting public right-of-ways. If the existing septic line is to remain under the MNDOT right-of-way for Highway 10, the Applicants shall be required to obtain an easement or such other permission from MNDOT as may be required. The Applicants and other benefited owners, not the Town, shall be responsible for any signalization costs on Highway 10 related to the access road. The costs may be shared among the lot owners pursuant to the covenants and agreements the Applicants develop for sharing maintenance costs, as well as other benefited owners as is appropriate.
16. Future Plats. Any proposed re-platting or reconfiguration of the approved plat of the PUD shall be subject to and may only occur in accordance with the provisions of the Ordinance, and the development agreement.
17. Amendments. Any amendments to this PUD, including any significant site plan modifications, shall require an amended PUD issued pursuant to the Ordinance. The Town's Planner shall determine if a proposed site plan modification is significant, but the Planner may seek a decision on a particular proposed modification from the Town Board.
18. Covenants. The Applicants shall develop and record covenants and/or agreements against the Property requiring purchasers/developers of the Property to comply with the PUD and imposing such other conditions and requirements as the Applicants determine are necessary to ensure development of the Property in accordance with the vision, goals, and standards of the PUD. All properties within the PUD shall be included in a recorded easement or outlot covering joint parking, access, stormwater conveyance, stormwater management, and maintenance of all common areas and the access road. A maintenance agreement is required to ensure the Applicants, or designated property owner, are responsible for the maintenance of the new stormwater basin in conformance with the approved grading plan at all times.
19. Stormwater Improvements. The Applicants shall construct all stormwater improvements within the Development in accordance with the applicable standards and requirements as determined by the Town Engineer.
20. Plans. As-built surveys shall be provided to the Town for every lot within the PUD prior to the issuance of a permanent certificate of occupancy.
21. Costs. The Applicants shall fully reimburse the Town for its costs, including professional fees, to process and act on the request for a PUD and to conduct any subsequent reviews and inspections. If the escrow amount the Applicants submitted to the Town is not sufficient to fully reimburse the Town's costs, the Town shall invoice the Applicants for such additional amounts that the Applicants shall pay in full within 30 days. Any escrowed amount remaining after the Town has fully reimbursed itself shall be returned to the Applicants.
22. Application of the Ordinance. The Property and the Development remain subject to the provisions of the Ordinance, including future amendments, except to the extent such Ordinance provisions are inconsistent with the express terms of, or the general flexibility granted within, this PUD. Applicability of specific provisions of the Ordinance to the Property and the Development that occurs within it shall be determined by the Planner as provided in the following section.

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23. Interpretations. The Planner is authorized to interpret the provisions of the PUD, determine the applicability of specific provisions of the Ordinance to the Development, and such other matters related to the official controls of the Town as may be required to administer the Ordinance and the PUD as the Property is developed over time. Such interpretations of the Zoning Administrator are subject to appeal as provided in Section Chapter 1, section 6 of the Ordinance.
24. Nonconforming Approvals. All previous resolutions of approval and all legal and illegal nonconforming approvals or statuses for the Property shall be deemed revoked and rescinded effective as of approval of the development agreement for the Development.
25. Engineer Review. The comments included in the memorandum from Focus Engineering dated 11/02/15 shall be resolved to the satisfaction of the Town Engineer prior to presentation of the final plat to the Town Board.
26. Other Approvals. All land use and zoning conditions required by Washington County shall be complied with or addressed before recording the plat. All conditions required by MNDOT shall be complied with or addressed prior to presentation of the final plat to the Town Board. All conditions required by the South Washington Watershed District shall be complied with or addressed prior to presentation of the final plat to the Town Board.
27. Septic. The septic field north of Highway 10 may be retained, provided it is in compliance with applicable requirements. All septic sites within the PUD must meet the approval of Washington County and be permitted and installed per State and County requirements.
28. Wells. All wells within the PUD shall meet the approval of the Minnesota Department of Health and be installed per State requirements. All abandoned wells on the site shall be capped per State and County requirements.
29. Future Phases. The construction of new structures in future phases of the PUD shall be in conformance to the commercial architectural standard guidelines approved for Phase I of the PUD. Any additional expansion on the site for future phases of the PUD shall require subdivision and site plan review before the Town Board. Conditional use and other permits may be required for development of the individual lots. Development of future phases shall also require compliance with all applicable requirements including, but not limited to, approval of plans for grading, landscaping, and any access or related improvements. The Applicants are required to, as part of the site plans proposed for the individual lots, identify and address pedestrian crossings and pedestrian access among the lots as is needed to safely accommodate pedestrian traffic.
30. Permits. All applicable permits (i.e.; building, electrical, grading, mechanical, right-of-way) must be completed, submitted, and approved by the Town prior to the commencement of any construction activities. Detailed construction plans must be reviewed and approved by the Town Planner, Town Building Official, or Town Engineer.
31. Fire Suppression. Fire suppression infrastructure and design will be required to meet the approval of the Building Official and Fire Marshal.
32. Miscellaneous Provisions.
- a. No Waiver. A failure by the Town to take action with respect to any violation of any condition, covenant or term of this PUD shall not be deemed a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant or term.
 - b. Compliance. The Applicants and any purchasers/developers shall comply with all applicable federal, state and local laws, rules and ordinances, and obtain such other permits as may be required.
 - c. Inspections. The Town may inspect the Property at all reasonable times for purposes of ensuring compliance with the terms and conditions of this PUD.

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- d. Provisions are Binding. The terms and conditions of this PUD run with the Property and shall not in any way be affected by the subsequent sale, lease or other change from current ownership of the Property and all references to Applicants herein shall include all heirs and assigns
- e. Violations. Any violations of the approving resolution may trigger review of the use by the Town Board and be cause for possible amendments to or revocation of the PUD approval.

Adopted this 7th day of December 2015. **BY THE TOWN BOARD**

**DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2015-16**

**RESOLUTION GRANTING APPROVAL FOR THE
HASTINGS POINT SECOND ADDITION MINOR SUBDIVISION**

WHEREAS, BNA Realty, LLC, on behalf of John and Kathleen Kummer, (“Applicants”) have made an application for a minor subdivision to allow the subdivision of approximately 9.48 acres to create two commercial lots;

WHEREAS, the property to be subdivided is located at the intersection of northeast corner of State Highways 10 and 61, and is legally described in Exhibit A (“Property”) which is attached hereto and made part of this Resolution;

WHEREAS, the proposed minor subdivision is to be named HASTINGS POINT SECOND ADDITION and the survey of said plat is attached hereto as Exhibit B;

WHEREAS, the Applicants have represented that they have clear title ownership of the Property;

WHEREAS, the Planning Commission reviewed the request at a duly noticed public hearing held on November 16, 2015, and has recommended approval with certain conditions;

WHEREAS, the Town Board hereby finds and determines as follows:

- j. The Property is zoned Commercial/Industrial, and the proposed commercial uses are allowed in the zoning district;
- k. The proposed minor subdivision is subject to the requirements of the Denmark Township Development Code (“Ordinance”), Chapter Three, Section 6;
- l. The proposed subdivision of the Property qualifies as a minor subdivision under Section 6.1 of the Ordinance;
- m. The Town’s Planners have reviewed the request for consistency with the Ordinance and has determined the proposed plat satisfies the requirements of the Ordinance;
- n. The Town’s Planners prepared a report dated November 11, 2015 (“Planner’s Review”), which addressed the requests from the Applicants, including the Major Subdivision. The Planner’s Report is incorporated in and made part of this Resolution, except that the proposed conditions are superseded by the conditions in this Resolution;
- o. Because the minor subdivision results in two new lots, a park dedication fee by the Development Code must be paid;

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- p. The Applicants are required to enter into a development agreement with the Town as required by Chapter 3, Section 6.2 of the Development Code;
- q. The proposed lots meet minimum lot size requirements; and
- r. The Applicants are also seeking major subdivision and planned unit development approvals for Hastings Point, which they are proposing for property located across Highway 10.

NOW, THEREFORE, BE IT RESOLVED, that the Denmark Town Board, based on the Planner's Report, the record of this matter, and the findings and determinations made herein, does hereby approve the above described minor subdivision of the Property as proposed in the plat attached hereto as Exhibit B, conditioned on compliance with all of the following:

- 21. The plat must be submitted and approved by Washington County;
- 22. The Applicants shall enter into a development agreement with the Town for the minor subdivision no later than 60 days from the granting of the final plat approval. The development agreement shall identify the minimum requirements related to future development of the lots;
- 23. Development of either lot within the minor subdivision will required additional review and approval by the Town;
- 24. The Applicants shall dedicate to the public a north-south right-of-way bisecting the plat upon the development of either parcel;
- 25. Development of the lots in the minor subdivision shall not be allowed unless access is guaranteed to the parcels located directly to the west of the minor subdivision or some other means of addressing the lack of access to the lots is provided for in a manner approved by the Town Board as part of the replatting approval for the Property;
- 26. A park dedication fee in the amount of \$10,000 shall be paid to the Town prior to the plat being released for recording;
- 27. That all representations, written and oral, made by the Applicants and their agents and representatives to the Town contained in and concerning the application must have been true, complete, and accurate at the time they were made;
- 28. That the Applicants are in compliance and will remain in compliance at all times with all applicable laws, rules, and regulations concerning the property for which this approval is granted;
- 29. That all Engineering Considerations described in the staff report dated November 2, 2015 are resolved to the satisfaction of the Town Engineer;
- 30. That all fees, including professional fees incurred by the Town, and escrow amounts are paid.

Adopted this 7th day of December, 2015.

BY THE TOWN BOARD