**DENMARK TOWNSHIP**
**WASHINGTON COUNTY, MINNESOTA**
Resolution No. 2025-___

**RESOLUTION ISSUING A CONDITIONAL USE PERMIT FOR THE PROPERTY LOCATED AT 12570 – 127th STREET SOUTH**

**WHEREAS**, Interstate Trucking Driving School ("Applicant") submitted an application to Denmark Township ("Town") for a conditional use permit ("CUP") to operate a trucking school on property (PID No. 06.026.20.42.0006) owned by Brockman Land LLC ("Owner"), which is located at 12570 127th Street South and is legally described in the attached Exhibit A ("Property");

**WHEREAS**, in 2021 the Owner obtained a conditional use permit ("Prior CUP") from the Town for a transportation/motor freight terminal use to operate a trailer, equipment storage, and maintenance business on the Property and the adjacent property (PID No. 06.026.20.31.0022) located at 12380 127th Street South ("Adjacent Parcel");

**WHEREAS**, the Owner intends to continue to use the Adjacent Parcel for its business and the Applicant's trucking school business will be operated on the Property;

**WHEREAS**, the Applicant operates its trucking school in West St. Paul and desires to open a school on the Property to serve students who live south of the twin cities;

**WHEREAS**, on September 15, 2025, the Planning Commission held a public hearing, after due notice having been provided, heard from the Applicant and those interested in this matter, and voted to forward the application to the Town Board with a recommendation that it be approved with certain conditions;

**WHEREAS**, the Town Board considered the application at its October 6, 2025 meeting and hereby finds and determines as follows:

a. The Property contains approximately 4.5 acres and is currently used by the Owner to store truck trailers.

b. The Planner's Report ("Report") dated September 5, 2025 regarding this matter, including the findings contained therein, is incorporated herein by reference, except that the conditions proposed in the Report are superseded by the conditions contained in this Resolution.

c. The Property is located in the Town's Commercial Industrial (CI) District under the Denmark Township Development Code ("Development Code").

d. The Town Board determines that the proposed trucking school use is allowed in the C/I District as part of the transportation/motor freight terminal use with a conditional use

permit, or is allowed as a use that is substantially similar to the transportation/motor freight terminal use under Chapter Two, Part 1, Section 7.2 of the Development Code.

e. The Applicant described its intended operations on the Property as follows (collectively, the "Business"):

- Intends to use the Property as it currently exists without adding any buildings (other than portable bathrooms) or additional impervious surfaces.
- Students will come to the site to practice backing up trucks and trailers into up to five designated lanes that are 260' x 40' in size as required by law.
- The trucks used for training do not use backup beepers and are not being connected to and disconnected to the tailers as part of the training (thus not generating the noise associated with such activities). They use single axle trucks and single axle trailers.
- There will typically be two or three students on the Property at a time and lessons last approximately one hour per student.
- The training trucks will primarily remain on site, but instructors may take two or three trucks off site during a day to pick up students and to conduct training activities off of the Property. The trucks that leave the Property will leave in the morning and come back at the end of the day; there will not otherwise be truck traffic from the Property generated by the use.
- Access to the Property for both students and the training trucks leaving and entering the Property will be exclusively from the existing access from Point Douglas Drive South on the Adjacent Parcel (across from the Holiday Station Store).
- The site will be operated year-round, with snow removal operations continuing as in the past.
- Use of the Property will be limited to the training activities, the Owner will no longer use the Property for its operations. The Owner previously stored 60-80 trailers on the Property.
- The Applicant indicated the training operations will generate less noise than currently occurs on the Property and there is no intention to add lights to the Property.

f. Neighbors in attendance at the public hearing raised concerns regarding the noise that may be generated by the use and potential environmental impacts associated with the use.

g. A condition of the Prior CUP was that the Owner obtain a single PID number for the Property and the Adjacent Parcel. During the hearing the Owner indicated that he was not aware of the requirement, but that he would comply as soon as possible. Since the hearing, the Owner has taken the steps necessary to combine the properties into a single PID number and so it is not necessary to add that condition to this permit.

h. The following criteria are to be considered when reviewing a request for a conditional use permit are set out in Chapter One, Section 10.3 of the Development Code:

(A) The impact of the proposed use on the health, safety and general welfare of the occupants of the surrounding lands.

*The proposed Business will likely involve more regular use of the Property than the current trailer storage operation, but it will be at a much smaller scale than the current use. The proposed use of backing up at most five trucks at a time, done in accordance with the conditions imposed on this permit, is anticipated to have fewer impacts than the backing up and storage of up to 80 truck trailers that may currently occur on the Property. This is in the commercial/industrial area and is next to highway corridors with very high volumes of traffic. The proposed Business is not anticipated to have any impacts that exceed those of the existing use or to generate noise that is different from, or greater than, the adjacent highway traffic noise.*

(B) Existing and anticipated traffic conditions, including parking facilities on adjacent streets and lands.

*The Business will generate relatively little traffic. The Applicant indicated that up to a total of 27 students may visit the Property in a day in their personal vehicles. Up to three trucks may leave the site in the morning and return at the end of the day. This amount of traffic will be less than the traffic generated by the existing use and the traffic accessing the neighboring Holiday store. There is adequate parking on the Property to accommodate instructor and student parking.*

(C) The effect of the proposed use on utility and school capacities.

*The Business is not anticipated to impact either utilities or schools.*

(D) The effect of the proposed use on property values and scenic views in the surrounding area.

*The Business is not anticipated to have any greater impacts to property values than the existing use of the Property. There is currently some screening around the Property, except on the side facing Point Douglas Drive South. The Applicant will be required to develop and submit for approval a screening plan to add additional screening around the Property.*

(E) The effect of the proposed use on the Comprehensive Plan.

*The Business is not inconsistent with the Comprehensive Plan. This is a commercial use in the appropriate district, that is similar to the existing use of the Property.*

(F) The ability of the proposed use to meet the standards of this Development Code.

*The standards for transportation/motor freight terminals are set out in Chapter Two, Part 3, Section 2.45 of the Development Code. The Property was required to meet these standards for the previously authorized use.*

(G) The affects of the proposed use on groundwater, surface water and air quality.

*The Applicant indicated the trucks used for training are equipped with the required exhaust filters and so do not create any air quality issues beyond those created by the nearby highway traffic. Operating trucks on the Property is already allowed under the existing permit and the Town has not identified any particular threats to groundwater, surface water, or air quality associated with the use. If anything, those impacts should be lessened by the proposed Business.*

(H) That the proposed use is allowed with a Conditional Use Permit in the designated zoning district in which it is proposed.

*The use is allowed in the CI District with the issuance of a conditional use permit. While truck driving training is not expressly contemplated in the Development Code, the transportation/motor freight terminal use necessarily involves the driving of trucks as part of the use. Backing trailers for training is a lesser included use of backing and pulling trailers as part of a storage use. The Town Board determines the driving of trucks by a few students at a time is well within the scope of the allowed use and is certainly substantially similar to the expressly allowed use for it to be allowed under Chapter Two, Part 1, Section 7.2 of the Development Code.*

i. The Business satisfies the criteria for the issuance of the requested conditional use permit and supports issuance of the requested CUP.

**NOW, THEREFORE, BE IT RESOLVED,** that the Town Board, based on the record of this matter, the Report, and the findings contained herein, hereby approves and issues the requested conditional use permit conditioned on compliance with all of the following conditions:

1. Scope. The CUP granted by this Resolution allows the Applicant to operate the Business, as described above, on the Property, subject to the conditions and restrictions contained in this Resolution. The Applicant shall have a maximum of five parking ranges on the Property.

2. Hours of Operation. The Business may only operate from 8:00 a.m. to 5:00 p.m. on Monday through Friday, and from 10:00 a.m. to 2:00 p.m. on Saturday.

3. Access. Access to the Property shall be limited to the existing driveway access on the Adjacent Parcel. The Applicant shall obtain such permissions from the Owner as may be required to ensure the Applicant can access the Property across the Adjacent Parcel for the Business. The access from the Property to 127th Street South shall only be used as an emergency exit for the Property.

4. Screening Plan. The Applicant shall develop and submit for Town Board approval a screening plan to add additional screening to the Property. The goal of the plan is to add additional trees or fencing as may be needed to ensure compliance with the screening standards in Chapter Two, Part 3, Section 1.10.

5. Building. The existing building on the Property may be used as part of the Business, but the additional 7,200 square foot building contemplated as part of the Prior CUP shall not be constructed on the Property while this CUP remains in effect.

6. Additional Express Restrictions. Without limiting the other requirements and restrictions contained within this CUP and all applicable laws, the Applicant shall comply with each of the following additional restrictions regarding use of the Property and the operation of its Business:

   (a) The trucks used for the Business shall not have backup alarms or beepers;
   (b) Headlights shall not be used during the practice operations;
   (c) No more than four trucks associated with the Business shall leave the Property during a day;
   (d) No new lights shall be added to the Property;
   (e) No additional buildings may be added to the Property as part of the Business, other than portable bathrooms;
   (f) No more than five parking ranges may be utilized on the Property; and
   (g) All parking associated with the use shall be accommodated on the Property.

7. Setbacks. No truck, vehicle, or other items shall be parked or stored within 20 feet of the side lot lines on the Property.

8. Signage. Any additional signage will require a sign permit submitted in compliance with the Development Code and approved by the Zoning Administrator.

9. Representations. All representations, written and oral, made by the Applicant and the Applicant's 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.

10. Compliance. The Applicant shall comply, and remain in compliance at all times, with all applicable federal, state, and local laws, rules, regulations, and ordinances concerning the development of the Property and operation of the approved uses. The Applicant shall also be required to obtain and comply with all other permits and permission that may be required.

11. Costs. The Applicant shall pay all planning, engineering, and legal fees and costs incurred by the Towns for processing its application. In the event any fees are outstanding they will be paid by the Applicant within fourteen (14) days of receiving a bill from the Town. In the event the fees are not paid, this approval shall terminate automatically upon recording of a Notice of Nonpayment by the Town.

12. Inspections. The Town, its officers, and consultants may enter the Property, after providing reasonable notice to the Applicant, at all reasonable times to conduct inspections for the purpose of ensuring compliance with this approval. Prior notice to inspect the Property is not required in the event of an emergency.

13. Prior CUP. The Prior CUP issued for this Property shall be superseded by this CUP while this CUP is in effect. This CUP does not limit the Owner's ability to continue its business operations under the Prior CUP on the Adjacent Parcel, except that the Owner must allow the Applicant to access the Property through the Adjacent Parcel. If this CUP is terminated, the Owner may resume the uses allowed under the Prior CUP on the Property, provided the Prior CUP is still in effect at the time this CUP terminates.

14. Revocation. The violation of any terms or conditions of this permit including, but not limited to, violation of any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of this permit. The Applicant shall be given written notice of any violation and reasonable time to cure the violation before a revocation of the permit may occur. Adherence to the terms of this permit shall be monitored on a complaint basis.

15. Binding. This permit and its conditions are binding on the Applicant and the Owner, including their successors and assigns, and shall run with the Property, and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership, until the permit is revoked as provided herein. The obligations of the Applicant under this permit shall also be the obligations of the current and any subsequent owners of the Property.

16. Acceptance of Conditions. Utilization of the Property for any of the uses allowed by this permit shall automatically be deemed acceptance by the Applicant and Owner of, and agreement to, the terms and conditions of this permit without qualification, reservation, or exception.

17. Amendments. Any alteration or expansion of uses authorized by this permit, or the alteration of any plans submitted related to those uses, shall not be allowed unless an amended conditional use permit is obtained from the Town.

Adopted on the 6th day of October 2025.

**BY THE TOWN BOARD**

_____
John Strohfus, Chairperson

Attest:_____
Jessica Maurer, Clerk-Treasurer

**EXHIBIT A**

Property Legal Description