

Denmark Township Planning Commission Meeting
Haines 12590 127th St S Conditional Use Permit
Ordinance Solar Electric Systems
Ordinance Temporary Family Health Care Dwellings
Public Hearing
January 19, 2017

Planning Commission members present: Roger Lang, Charlie Grote, Mike Kelz, Steve Radke

Ex-officio Kathy Higgins

Absent: Bob Barr

Supervisors Present: Karen Herman

Others Present: Attorney Troy Gilchrist, Planner Eric Zweber

>>7:00 PM Vice Chair Lang opened Public Hearing for **Robert Haines (Manufacturing Engineering Resource, Inc.) 12590 127th St S Conditional Use Permit PID 06.026.20.42.0005 Applicant Bob Haines present.**

Applicant request is for a conditional use permit to allow for offices, light manufacturing, warehousing and distribution uses. Applicant's current company is in Inver Grove Heights. Business is industrial automation and produces equipment specific for other manufacturing businesses. Intent would be to double company's workforce in the future. All work is done inside the building. Small machine shop, mechanical design work, design work, engineering work, testing of equipment, any work for painting is sent out, product is shipped to the client. Outside would be delivery truck and pick up, possible flatbed trailer. Can use building as is, but would like to remodel at some time. Occasional traffic to pick up or drop off materials. Current owner will be required to bring up the septic/well to code per the purchase agreement in the spring. Environmental review has been done on the property, no issues. Applicant intends to add bushes/shrubs/trees on property. Required landscape plan must be provided to the Town for review. Applicant had not received the staff report from planner, but received/reviewed report with planning commission at public hearing.

Planner- Planner provided 01/11/17 report with Findings of Fact and recommended conditions. Planning staff is recommending conditional approval of requested conditional use permit.

Public Comment-None

7:28 PM Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk. Planning Commission Meeting Opened.

Planning Commission consensus to recommend approval of application to the Board.

Motion C Grote/2nd S Radke to forward Robert Haines (MER) 12590 127th St S Conditional Use Permit application to the Town Board with a recommendation to approve, based on the 01/11/17 Planner's Finding of Facts and subject to the following conditions:

1. **Use:** The uses allowed are warehousing, distribution, light manufacturing and offices to allow for operation of Manufacturing Engineering Resource. Accessory uses associated with light manufacturing on the site may also include a retail sales room, loading area on the west side of the structure, and outdoor storage of vehicles as stated below in #4. Accessory structures may be constructed with the appropriate building permit, per those permitted in Chapter Two, Part 3, Section 1.2 (4). Any alteration of the use of the Property, or of any plans submitted related to those uses, including, but not limited to, expansion of the use beyond what is allowed by this CUP, shall not be permitted unless an amended Conditional Use Permit is issued by the Town Board.
2. **Permits.**
 - a. Any Federal, State, County and local permits shall be obtained, including a building permit, if future changes are proposed to the interior of the building.

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- b. This includes approval of the septic system for the proposed use from Washington County. A copy of the system compliance inspection report from Washington County shall be submitted to the Town.**
- 3. Landscaping.** A landscape plan shall be submitted, demonstrating compliance with the landscaping and screening requirements of Chapter Two, Part 3, Section 1.10 *Screening*.
- 4. Outdoor Storage.** Outdoor storage shall be limited to vehicles utilized by the company and shall not include other materials used in the operation.
- 5. Signage:** Before putting up any signage, the Applicant must obtain a permit from the Town and the sign must conform to Ordinance requirements.
- 6. Lighting.** The facility shall be lighted in accordance with the Denmark Township Performance Standards related to lighting.
- 7. Waste:** The waste receptacle for the facility shall be located inside the structure or enclosed with an opaque fence.
- 8. Fees.** The Applicant shall pay all planning, engineering and legal fees and costs incurred by the Town for processing this permit 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 permit shall terminate automatically upon recording of a Notice of Nonpayment by the Town.

With all present voting yes, Motion Carried 4-0-0.

>>7:30 PM Public Hearing open for An Ordinance Amending The Denmark Township Zoning Ordinance Regarding Solar Electric Systems.

Attorney provided Commission with 1-5-17 draft solar ordinance. Commercial Solar is currently prohibited as the Ordinance does not expressly allow it. In 2016, the Town received an application to amend the ordinance to allow commercial solar. Before a final decision was rendered the applicant withdrew the request. Residents spoke both in favor and against the amendment. The Board adopted a moratorium to review the solar issue. The Town reviewed other municipality's ordinances and sent a survey to Denmark property owners. Personal use, whether on residential or commercial property is allowed (accessory solar systems). Attorney reviewed ordinance amendment in detail with Planning Commission.

Discussion regarding the total area covered by the accessory electric system that would be allowed. Consensus that 200 sq ft would not be large enough. Planner will find out how large of a solar system (KW) would be needed to provide the average home power. Radke and Lang believe the size of allowed use should be tied to consumption. Planner recommended having a maximum, with the Town Board having the discretion to allow a larger coverage area. Radke and Grote noted that they were in support of commercial solar farms.

Public Comment- comments made that actual electricity generated by the solar panels is sold to the energy company and the homeowner would get credit for what is generated. Comments made that MN sun or lack of it does not benefit MN property owners.

8:11 PM Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk. Planning Commission Meeting Opened.

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Motion S Radke/2nd M Kelz to table solar ordinance amendment until receipt of more information. Attorney noted that the moratorium will expire, and the 60 day clock for action on the amendment will require the Board to act. Attorney recommended that the Planning Commission make a recommendation for approval or for denial, so the moratorium won't expire before the Board can act on it. Radke withdrew the motion.

Motion S Radke/2nd C Grote to forward the Ordinance Amending The Denmark Township Zoning Ordinance Regarding Electric Systems to the Board with a recommendation not to adopt.

Discussion: Radke- Based on today's economy, a landowner should have the opportunity to do with his land what is best for him or her and their family. Radke also questioned whether or not the Planning Commission recommended approval or denial of the amendment, would the changes discussed by the Planning Commission still be forwarded to the Board. Attorney noted that anything going forward to the Board would include recommended revisions of the amendment that were made by the Planning Commission.

Radke- Should different zoning areas be considered differently, rather than a Town wide prohibition on commercial solar?

Lang- Resident concern is that commercial solar farm is a power plant. Property no longer is the field/trees scenery, but all panels.

Kelz- Residents that want to keep ag land natural are not the ones who have to keep paying the taxes and come up with the money to keep the ag property.

Public Comment- At what point in time does a property owners rights become an imposition on social structure.

Voting Yes- S Radke, C Grote, M Kelz. Voting No- R Lang. Abstaining- None. Motion Carried 3-1-0.

8:24 PM Public Hearing open for Ordinance Amending The Denmark Development Code To Opt-Out Of The Requirements Regarding Temporary Family Health Care Dwellings

Attorney provided Commission with 11-7-16 draft ordinance.

Legislature has instituted a provision in State Code which mandates Towns and Cities to allow temporary home health care units, unless a municipality opts out. Board has determined that the Town should opt out of the provision.

Public Comment- If in the future, the Town would like to allow Temporary Healthcare Dwellings on an individual basis, would that still be possible? Attorney noted that this would be possible, and at this time, the Town does have code that addresses family healthcare dwellings.

8:29 PM Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk. Planning Commission Meeting Opened.

Planning Commission consensus to recommend approval of Ordinance Amending The Denmark Development Code To Opt-Out Of The Requirements Regarding Temporary Family Health Care Dwellings.

Motion S Radke/R Lang to forward the Ordinance Amending The Denmark Development Code To Opt-Out Of The Requirements Regarding Temporary Family Health Care Dwellings to the Board with a recommendation to adopt. With all present voting Yes, Motion Carried 4-0-0.

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OTHER BUSINESS:

APPROVAL OF MINUTES-

Motion C Grote/2nd M Kelz approval of Minutes 12/19/16 Planning Commission/ Peopl Minor Subdivision, Heinbuch Minor Subdivision, Homestead (Granley) Replat. With all present voting yes, Motion Carried 4-0-0.

Possible February Planning Commission Meeting- Public Hearing for Ordinance Amendment regarding Not requiring platting for minor subdivisions.

8:34 PM Motion M Kelz/2nd S Radke to adjourn. With all present voting yes, Motion Carried 4-0-0.

Becky Herman

Denmark Township Clerk/Treasurer