

Denmark Township Planning Commission Meeting  
Ostertag Minor Subdivision  
Universal Services Conditional Use Permit  
Public Hearings July 17, 2017

Planning Commission members present: Bob Barr, Mike Kelz, Roger Lang, Charlie Grote  
Ex-officio Kathy Higgins  
Absent: Steve Radke  
Supervisors Present: K Herman  
Others Present: Attorney Troy Gilchrist, Planner Eric Maass

❖ **7:04 PM Chair Barr opened Public Hearing Ostertag Minor Subdivision**

Gene and Erik Ostertag present. Minor Subdivision of a 49.37 acre parcel located at 10700 St Croix Tr S, creating a 5.41 acre lot for a single family home for his son Erik. Irregular shape of the 5.41 lot is due to Applicant's desire to preserve agricultural area/operations and trees. Because of the slope on the property, the driveway access to the new lot would be on the north side. Driveway would not be a shared driveway.

Planner provided the Planning Commission and Applicant with 7/12/17 staff report. Planner noted that the proposed parcel meets the minimum lot requirements for lot size, buildable area, and minimum public road frontage.

Applicant will be required to enter into a development agreement prepared by the Town Attorney.

Public Comment: None

**7:12 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.

Higgins recommended adding additional conditions that Applicant obtain driveway access permit from Washington County and a Building Permit to construct the new single family home.

**Motion Lang/2<sup>nd</sup> Grote to forward the Ostertag Minor Subdivision Application to the Town Board with a recommendation to approve the request based on the Planner's 7/12/2017 Findings Of Fact, and subject to the following conditions:**

1. **Development Agreement.** The Applicant shall enter into a Development Agreement that is prepared by the Town Attorney.
2. **Minor Subdivision.** The Minor Subdivision shall be recorded with Washington County upon final approval by the Town Board. The Applicant is required to make such adjustments and to provide such additional information as may be required by the County in order to record the minor subdivision.
3. **Well.** The Applicant shall obtain a permit from the Minnesota Department of Health prior to well construction.
4. **Septic.** The Applicant shall obtain approval of the proposed septic system from Washington County Department of Public Health and Environmental prior to construction.
5. **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;
6. **Compliance.** The Applicants shall comply with the requirements of the Development Code, the terms, conditions, and requirements contained within the development agreement, and shall comply with, and obtain all other permits required by, all other applicable federal, state, and local laws, rules and regulations.
7. **Fees.** The Applicant shall pay all planning, engineering and legal fees and costs incurred by the Towns for processing this approval 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.
8. **Inspections.** The Town, its officers, and consultants may enter the Property, after providing reasonable notice to the Applicant or Owners, 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.
9. Applicant shall obtain a driveway access permit from Washington County.
10. Applicant shall obtain a building permit for the new single family home.

With All Present Voting Yes, Motion Carried 4-0-0.

❖ **7:16 PM Chair Barr opened Public Hearing Universal Services Conditional Use Permit (CUP)**

Owner Dan Hartung present. 12151 120<sup>th</sup> St S

Applicant is requesting an expansion to the existing CUP on the property.

Applicant proposes to move fence out to create more storage and employee parking area. Planner submitted 7/12/17 review which included required plan revisions, Findings Of Fact and recommended conditions.

Driveway Accesses- There are currently 3 driveway accesses off Margo Ave onto the site. The center access will be concreted from the road to 10 ft past (east) of the fence (T 25 ft). This would help eliminate anything from being tracked onto the road. Planner recommended center drive access be restricted to traffic entering only. Applicant in agreement to dedicate the center drive for an entrance only.

Parking- The ISP and finishing crew will be moving to the St Paul location, so the existing north concrete area (24 spots) which had been used will now be available for other parking. Traffic will be reduced due to ISP/Finishing crew move. There are 45-50 company vehicles at the site, 15 of which do not return to the site at night when on a job, and many of the 35 remaining trucks are kept inside the garages at night. Generally, 12 are parked in the southern existing building. Seventy-five employees work in the facility and 24 will be moved to the St Paul site. No parking will occur along the road. In front of the southern existing building, 6 additional parking stalls are proposed to be added for a total of 14 stalls. Use of Minnesota Coaches parking lot will be eliminated. Code requires 38 parking spaces based on # of employees, plus 35 spaces for business vehicles- Total of 73 parking spaces required. A revised Parking plan showing 73 parking spaces and driving aisles for the parking areas will be required. Number of employees needs to be updated.

Graveled Lots- Applicant stated that much of the existing gravel area is recycled asphalt. Applicant indicated that with the weight and movement of the trucks and equipment, the area if paved would be ruined as heavy trucks, directional drills and skid steers turn (zero turns) around on it. Thick cementing price is very expensive. Applicant indicated that he would pave a portion of the gravel, but is proposing that the existing gravel and the expanded gravel area be surfaced with recycled asphalt, which packs hard. Unlike paved asphalt, the damage from turning on it is easily repaired by packing it down again. This area is also used for parking work vehicles and trailers. Planner noted that the ordinance requires the parking areas to be impervious (paved). The Applicant has the opportunity to demonstrate to the Town Board why paving would create a hardship on the owner.

Trees- Total of 69 Degroot's Sire trees, 5-6 ft tall when installed will be planted. Eight ft fence will be installed and each gate would be screened with slat screening.

Hours of Operation- currently start at 5-6M and stop between 6-7PM. Some employees do get back to the business late. There is also night service, should a facility have a need, which is usually only 1 employee with a bucket truck. Original CUP hours are 6AM-9PM.

Fuel Tanks- Tanks are located south of the northern concrete parking lot and west of the northern existing building. Fuel tanks are not a permitted use in the existing CUP. The old fuel tanks on the site were replaced with double walled tanks 3-4 months ago and are surrounded with concrete spill containment. Planner noted that the Town Ordinance classifies fuel tanks as a hazardous material and must be setback a minimum of 100 ft from a well, and must have a secondary containment system suitably sealed that will hold 110% of the tanks capacity, Planner will check volume requirements. Commission asked what the minimum setback is for the septic system. Planner unsure, will check. Should add condition that fuel is not for retail or offsite customer use, just for the business. Planner noted that the fuel area should be pervious and should have dust control.

Septic System- Drainage system for collection of hazardous materials is required. Planner requested detail on the existing maintenance facility to make sure the floor traps are in.

Applicant stated that the existing concrete curb and gutter at the south driveway will not be removed.

Attorney- paved vs. gravel. This ordinance change was made to allow an Applicant to request a waiver from the impervious requirement, because of circumstances which would cause a hardship to the Applicant.

If the current CUP request is approved, all prior CUP's will be revoked. Attorney will draft resolution and send out to Applicant prior to Board Meeting for review.

Public Comment: Joe Engler (120<sup>th</sup> St neighbor)- asked for clarification regarding access, and clarification that there would be no access from business onto 120<sup>th</sup> St S. Engler noted that dust has never been an issue there. Engler requested that the loud vac trucks not be used late at night. Owner will address with employees.

Letter received from Mark Chambers (Stephens Self Storage, adjacent business). Expressed concerns regarding the disruption of soil close to the fence line causing damage to the fencing and retaining blocks on Stephens Self Storage property. Would like assurance that Universal Services will fix the fence where it is bowed out and/or damaged along their property line. Dan Hartung spoke with Mark regarding Hartung creating a swail to keep Universal's property from washing onto the neighboring property. Will contact neighboring business regarding fixing the fence/wall.

**8:20 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 additional recommended conditions:

- Verify fuel tank setback distance from well and septic.
- Washington County review of septic system/hazardous traps for compliance with uses on property.
- Recycled asphalt to be used for impervious surface areas with dust control measures if needed.
- Hours of operation (6AM-9PM) to include language to allow occasional night time service, but to restrict the use of loud equipment after 9PM.
- Center drive will be limited to entrance only and will be concreted 25 ft into the site (from the road to 10 ft inside of the new fence).
- Applicant to provide fuel tank volume calculations to evaluate proper capacity of containment tank.
- Fuel provided for the business purposes only and not for retail or public use.
- Repair of adjacent property owner's fence and retaining wall.
- Site restoration where the mobile office trailer had been removed.

Applicant noted that they would provide an updated drawing that shows the fuel tank location, parking stalls throughout the site, both employee and equipment parking, gravel storage area.

Applicant was asked to provide the additional items requested advance of the August Board Meeting so that the Planner would have time to review and comment/make recommendations to the Board.

**Motion Barr/2<sup>nd</sup> Kelz to forward to the Board the Universal Services Application for a Conditional Use Permit with a recommendation to approve, based on the Planner's 7/12/17 Findings Of Fact, subject to the following conditions:**

1. Scope. Universal Services currently operates out of three (3) detached structures totaling approximately 30,175 square feet all of which are located at 12151 120<sup>th</sup> Street S. Universal Services currently employs approximately 15 office staff and 60 field staff. Employees park, fuel, clean, and maintain vehicles and equipment to service the communication construction industry. In addition, Universal Services stores materials such as duct, peds, cable and electronic parts both outside and inside on the property. Employees park their personal vehicles at the location and take work vehicles out for the day and return at the end of the day with all work vehicles.
2. Landscape Plan. Submission and approval by Township Staff of a revised landscaping plan which accurately reflects the total number of coniferous shrubs that will be installed.
3. Vehicle Servicing. Submission and approval by Township Staff of a revised site plan showing the locations and all relevant information related to the fueling and servicing of vehicles on site.
4. Hours of Operation. The hours of outside operation shall be from 6:00 a.m. to 9:00 p.m. Applicant shall submit to the Town Board any changes in the hours of operation which the Town Board reserves the right to approve or disapprove.

5. Waste Receptacle. Waste receptacle(s) for the facility shall be located inside a structure or enclosed with an opaque fence.
6. Parking Plan. Submission and approval by Township Staff of a revised site plan showing one parking spot for each company vehicle, as well as an additional twenty-four (24) striped parking spaces measuring nine (9) feet wide by eighteen (18) feet long.
7. Site Restoration. Restoration of vegetation of the area currently covered by the temporary structure
8. Staff Reports. Compliance with all requirements listed in the Planning and Engineering Staff review reports.
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 must at all times comply with all applicable federal, state, and local rules, regulations, and ordinances and shall obtain such other permits as may be required.
11. Costs. The Applicant shall pay all planning, engineering and legal fees and costs incurred by the Towns for processing this approval 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. Inspection. 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.
13. Revocation. The violation of any terms or conditions of this permit including, but not limited to, any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the 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.
14. Binding. The permit and its conditions are binding on the parties, 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.
15. Only Permit. This permit supersedes and replaces any other permits previously issued by the Town, and all such previous permits shall be repealed by the Town Board by separate action.
16. Acceptance of Conditions. Utilization of the Property for any of the uses allowed by this permit shall automatically be deemed acceptance of, and agreement to, the terms and conditions of the permit without qualification, reservation, or exception.
17. Amendments. Any alteration or expansion of Proposed Uses, or the alteration of any plans submitted related to the Proposed Uses, shall not be allowed unless an amended conditional use permit is obtained from the Town.
18. Verify fuel tank setback distance from well and septic.
19. Washington County review of adequacy of current septic system/hazardous traps for compliance with uses on property.
20. Recycled asphalt to be used for impervious surface areas with dust control measures if needed.
21. Hours of operation (6AM-9PM) to include language to allow occasional night time service, but to restrict the use of loud equipment after 9PM.
22. Center drive will be limited to entrance only and will be concreted 25 ft into the site (from the road to 10 ft inside of the new fence).
23. Applicant to provide fuel tank volume calculations to evaluate proper capacity of containment tank.
24. Fuel provided for the business purposes only and not for retail or public use.
25. Repair of adjacent property owner's fence and retaining wall.
26. Site restoration where the mobile office trailer had been removed.

**With All Present Voting Yes, Motion Carried 4-0-0.**

**Motion Grote/2nd Lang to approve minutes of 4/17/2017 Planning Commission/St Croix Knoll Stables Minor Subdivision & CUP, Meath Variance, Little Beginnings Minor Subdivision & CUP, Minnesota Coaches CUP. With all present voting Yes, Motion Carried 4-0-0.**

Planning Commission workshop scheduled for Thursday September 21, 2017 at 5:30PM.  
Two vacancies on the Planning Commission will be publicly noticed in the paper and on the website.

**8:49 PM Motion Barr/2nd Lang to adjourn. With all present voting Yes, Motion Carried 4-0-0.**

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Becky Herman  
Denmark Clerk/Treasurer