

Denmark Township Planning Commission Meeting
JC Land Co-Keene 12841 90th St S Minor Subdivision
Public Hearing September 16, 2019

Planning Commission Members Present: Steve Radke, Natalia Keene, Mike Kelz, Roger Lang, Bob Barr
Ex-officio Kathy Higgins

Absent: None

Others Present: Ryan Krzos (WSB) and Troy Gilchrist (Kennedy-Graven)

**7:00 PM Chair B Barr opened Public Hearing. JC Land Co-Keene Minor Subdivision
(PID 19.027.20.12.0003) 12841 90th St S 41.3 acres**

JC Land Co-Keene landowners- Nick & Natalia Keene present.

Property located on 90th St S- existing home on parcel address 12841 90th St S. Property is zoned
Agricultural A-2 density 1/20.

Planner- The Applicants are proposing to subdivide a 6.77 acre lot from the existing 41.3 acre parcel.
The proposed lot meets the minimum lot requirements for lot size, buildable area, and minimum public
road frontage under the Lot Averaging Subdivision requirements. No new roads are being dedicated. The
proposed 6.77 acre lot will contain the existing home and buildings. Park dedication for the newly created
lots will be required. Applicant will be required to enter into a development agreement with the Town.
Planner provided 08/27/19 Staff Report with Findings of Fact and recommends conditional approval of the
requested Minor Subdivision.

Applicant- Applicants requested clarity on whether there were any density units remaining on the 34.53
acre remaining parcel. Higgins noted that the original 80 acre parcel owned by Dwain Marshal had
previous splits from it (the two 5 acre parcels fronting on 90th St S and the parcel to the east that was split
& Lot line adjustment for Scott Marshall and the remaining 41.3 acre subject parcel and that there are
development agreements on the property. Attorney noted that if there were no density units remaining on
the subject parcel, his recommendation to the Board would be that it would not be reasonable to have a
park dedication fee or septic conditions required. Applicant noted that even if there were no density units
left on the property, he would still like to split the 6.77 acre piece to sell and he would continue to farm the
34.53 acre parcel.

Attorney will review the property in regard to determining any density units and will draft resolution prior to
the Board Meeting.

Public Comments- None.

7:13 PM JC Land Co- Keene Minor Subdivision 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 that minor subdivision request is straight forward.

**Motion M Kelz/2nd R Lang to forward the JC Land Co-Keene Minor Subdivision Application to the
Town Board with a recommendation to approve, noting that any remaining density units,
requirements for park dedication fee and septic will be determined upon legal review, based on
the Planner's 08/27/19 Findings Of Fact, subject to the following conditions:**

1. Development Agreement. The Applicant shall enter into a Development Agreement that is
prepared by the Town Attorney. More specifically, the Development Agreement shall include
provisions related to, but not limited to, payment of the park dedication fee and such other
provisions as the Town Attorney determines are appropriate.
2. Well and Septic System:
 - a. Prior to development within Parcel A, an acceptable septic site a minimum of 10,000 square
feet in size must be identified within the boundary of said lot. The Applicant shall provide the
Township with septic location and soil testing results.
 - b. A permit from the Minnesota Department of Health must be obtained prior to well construction.
 - c. Washington County Department of Public Health and Environmental must approve the
proposed septic system locations per the most recent requirements of the Washington County
Septic Code.

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3. 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;
4. The Applicant is 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;
5. Park Dedication. The Applicant shall pay a park dedication fee in lieu of land dedication. This fee shall be an amount based on fair market value of the land and shall be paid at the per lot fee as established by the Town Board as part of Township fee schedule. Park dedication shall be paid by the subdivider prior to the Township signing the development agreement.
6. 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.
7. 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.

Voting Yes- M Kelz, R Lang, S Radke, B Barr. Voting No- None. Abstaining- N Keene. Motion Carried 4-0-1.

Approval of Minutes: Motion S Radke/2nd M Kelz approval of 05/20/19 Planning Commission Herman Farms Outlot A 90th/87th St Minor Subdivision. Voting Yes- S Radke, M Kelz, R Lang, N Keene, B Barr. Voting No- None. Abstaining- None. Motion Carried 5-0-0.

Other Business: Comp Plan still working its way through the process with Met Council.

7:19 PM Motion B Barr/2nd S Radke to adjourn. With All Present Voting Yes, Motion Carried 5-0-0.

Becky Herman
Denmark Clerk/Treasurer