

Denmark Township Planning Commission Meeting
Afton Alps 6600 Pellar Ave S- Conditional Use Permit to Amend Planned Unit Development
MRB Properties 11747 Manning Ave S- Conditional Use Permit
October 15, 2012

Planning Commission members present: Charlie Grote, Don Schneider, Bob Barr, Steve Radke

Absent: Pat Lilligren

Supervisors Present: Kathy Higgins

Others Present: Attorney Corrine Heine (Kennedy Graven) and Planner Kelsey Johnson (WSB)

7:07 PM Chair Barr opened Public Hearing. Afton Alps- 6600 Pellar Ave S-Conditional Use Permit To Amend Planned Unit Development.

Afton Alps representatives Paul (Stantec), John Augustine, Dick Lempke and Joe Yasis present.

The requested amendment is to expand the current Planned Unit Development Permit to clearly identify the permitted and prohibited uses for Afton Alps property.

Existing permitted uses include skiing and associated winter activities, golf related activities in the summer, social events and dealer/vendor/distributor retreats (which may showcase sports vehicles that might be operated for show on the property by only the dealers and not the public).

New permitted uses would include outdoor sports activities and competitions such as running/obstacle/fitness courses and mountain biking.

Prohibited uses include motorized sports such as auto/motorcycle/ATV/snowmobiling races and demolition derbies. Music and entertainment will continue to be accessory uses to social events but will not be allowed as the principal use for any event. Concerts, music festivals and similar events will be prohibited. Adult uses as defined in the Township Development Code are prohibited. Any events involving the discharge of firearms, shooting ranges or similar activities are prohibited. Firework displays as part of any event will be allowed if in compliance with all applicable State, County and Township codes and ordinances.

Applicant noted that they are in agreement with Township's recently adopted large special events licensing and related ordinance that effect any large events at Afton Alps.

Planner submitted 10/10/2012 report for Commission review. Applicant in agreement with all Planner recommended conditions.

There was no Public Comment.

7:16 PM Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk.

7:17 PM Chair Barr called Planning Commission Meeting to order.

Planning Commission consensus that request and information submitted were complete and straight forward.

Motion Grote/2nd Schneider to forward Afton Alps- 6600 Pellar Ave S request to the Board with a recommendation to approve a Conditional Use Permit To Amend the Planned Unit Development, based on the Planner's 10/10/2012 Findings of Fact, subject to the following conditions:

1. **Scope of Permit. This permit allows for the continued operation of the Afton Alps Ski Area and associated uses, 18-hole golf course and associated uses, and single-family residential homes on Property subject to the limitations contained herein.**

a.) Allowed Uses. The uses allowed to occur on the Property pursuant to this permit include skiing and associated winter activities, golf and related activities, and social functions including wedding receptions, family reunions, anniversary parties, business retreats, and similar social functions. Dealer/vendor/distributor retreats with associated presentation of products are also allowed. An example of such an event includes a major manufacturer of

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snowmobiles and ATVs inviting their vendors and distributors to an event where they present new products for the year. These types of demonstrations are considered accessory to the principal activities which occur within the buildings. Music and entertainment as an accessory use to wedding receptions and similar social events as have been occurring on the Property are allowed, providing the music or entertainment does not constitute the principal use or the primary focus of the event. The display of fireworks as part of any event will only be allowed if it is in compliance with all applicable State, County, and Town codes and ordinances.

Action sports and adventure sports activities and competitions are also permitted to occur on the property under this permit. Action Sports are defined as sports that are focused on individual and team activities and include endurance sports and climbing sports. These activities take full advantage of the topography and terrain for running and obstacles, fitness course, mountain biking, and similar activities. Spectators and supporters may attend the events, but must adhere to applicable County and Town rules and regulations including, but not limited to, the Town's ordinance regulating large special events.

b.) Prohibited Uses. Uses not identified or described as allowed uses in this permit shall not be allowed to occur on the Property unless the use is allowed as a matter of right as a permitted use in this zoning district or an amendment to this permit is approved by the Town Board to expressly allow the use. Avoiding uses that generate excessive noise or that may be disruptive to neighboring property owners is a goal of both the Applicant and the Town. In order to help provide clarification of the types of uses that are specifically not allowed on the Property, and without expanding the scope of this permit beyond it only allowing the types of uses specifically identified herein as being allowed, the following is a nonexclusive list of the types of uses that are prohibited: motorized sports such as auto, motorcycle, ATV, or snowmobiling races; demolition derbies; tractor pulls; use of motorized vehicles for mud bogging, mud racing, mud running, mud drags, or mudding; concerts, music festivals, or similar music or entertainment focused events; adult uses, adult uses-accessory, adult uses-principal, as those terms are defined in the Denmark Township Development Code; and any event involving the discharge of firearms, shooting ranges, or similar activities.

2. Applicable Provisions. This permit is subject to the requirements of the Town's ordinances and the Applicant is required to comply with all applicable federal, state, and local laws, rules, regulations, and ordinances, and to obtain such other permits and permissions as may be required.
3. No Waiver. A failure by the Town to take action with respect to any violation of any condition, covenant or term of this permit shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant, or term.
4. Grading, Drainage and Erosion Control. Any proposed minor modification or change to the existing grade, drainage, or erosion control structures or devices on the Property must be submitted to the Town Engineer for review and may be approved administratively by the Town Engineer. Major modifications or changes to grade, drainage, or erosion control on the Property as designated by the Town Engineer shall require review and approval by the Town Board.
5. Landscaping / Screening Plan. Any proposed minor modification or change to the existing landscaping / screening plan on the Property must be submitted to the Town Planner for review and may be approved administratively by the Town Planner. Major modifications or changes to

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the landscaping / screening plan on the Property as designated by the Town Planner shall require review and approval by the Town Board.

6. Signage. Design, locations and specifications of signs shall conform to the Washington County Zoning Ordinance and Denmark Township Development Code and are subject to the approval of the Zoning Administrator. All signs shall require a sign permit to be issued by the Town.
7. Sewage Disposal. The Applicant shall conform with all individual sewage disposal requirements according to Washington County Individual Sewage Treatment System Ordinance related to all buildings on the property.
8. Lighting. The Applicant shall conform to the lighting regulations of the Ordinance.
9. Fees. The Applicant shall pay all planning, engineering and legal fees and costs incurred by the Towns 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.
10. 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 permit. Prior notice to inspect the Property is not required in the event of an emergency.
11. 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.
12. Binding Effect. 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 terminated or 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.
13. Only Permit. This permit supersedes and replaces any other permits previously issued by the Town for the PUD use as a ski area and associated uses, golf course and associated uses, and single-family residential development on this Property, and all such previous permits have been repealed by the Town Board by separate action.
14. 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.
15. Amended Permit. 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 permit, shall not be permitted unless an amended conditional use permit is obtained from the Town. All In Favor. Motion Carried 4-0.

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7:20 PM Chair Barr opened Public Hearing. MRB Properties-11747 Manning Ave S-Conditional Use Permit Applicant Mike Banaszewski present. Applicant owns Maher Well Drilling and Suburban Towing and is owner of the property located at 11747 Manning Ave. S.

Applicant is requesting a Conditional Use Permit for a well drilling, towing and recovery, impound lot and auto repair business at 11747 Manning Ave. S. Currently, there are no permits for business operations on the subject property.

Planner Summary

Well Drilling Business- storage of equipment/vehicles related to well drilling and repair of wells. Estimate 5 calls per week. Well drilling vehicles/equipment will be stored on site when not out on a call.

Towing- 24 hour operation to the sight. Impounding repossessed vehicles to the Manning property.

Auto repair-Majority of repair work intended to be for applicant's vehicles consisting of tow trucks, well drilling equipment and semi tractor/trailer and minimal repair of customer's vehicles. Estimate of 75 tows per week, most are towed to destinations other than the impound lot. Impound lot, estimated 25-30 impounded vehicles per year. Customers will pick up impounded vehicles on the site, no sales of vehicles on the site.

Six employees are proposed for the site.

Planner recommends requesting verification of location of the well/septic location on the property and inspection of it.

Parking recommendations for a typical auto repair business, based on the Development Code would require 21 parking spaces. The applicant's proposed use is not a typical auto repair shop; therefore, the Planner is suggesting reducing the requirement to 7-11 spaces. Spaces would need to be striped and ADA compliant. In the commercial/Industrial district, all parking areas for storage/parking must be asphalt, concrete or reasonable substitute. Millings would not be considered as a reasonable substitute.

Asphalt or concrete curbs would need to be installed.

Requested clarification of what will be stored inside and/or outside of buildings. Additional consideration should be given for storage of large equipment, to ensure that proper screening from neighbors can be achieved.

Applicant Comments

Well business would be a 24 hr service, dictated by customer issues and emergencies.

Storage of impounded vehicles-high value vehicles would be stored inside, but the others would be outside.

Storage of well drilling equipment-vehicles are large and would not be able to be stored inside.

Applicant stated that the Building Inspector was recently at the site on 07/18/12 and that the Inspector indicated that there were a number of items that would need to be addressed.

Applicant currently rents a shop in Inver Grove Heights where impounds are received.

No auto sales will occur-no need to include automotive dealership in uses.

Screening areas-Trees south of the building are tall enough to screen tall vehicles.

Concerned regarding June 30, 2012 deadline date for a number of conditions-Planning commission consensus that the 06/30/12 date is reasonable as applicant intends on operating business as soon as possible.

Applicant installed the well about 4 years ago.

Any damaged vehicles with leaking fluid would be dropped off inside the shop.

Discussion regarding continuance if applicant feels he needs more preparation. Applicant would prefer to proceed rather than to continue.

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Commission/Applicant/Planner reviewed the Planner's 10/10/2012 report and the conditions were revised as follows:

1. Scope of Permit. This permit allows for the operation of an office with storage of well drilling equipment and vehicles, ~~automotive dealership~~, motor vehicle repair, and outdoor storage, ~~towing and Impound~~.
2. Site Improvements.
 - a.) The existing rear gravel area shall be paved in asphalt or concrete, or reasonable substitute if approved by the Town Engineer, and completed by June 30, 2013
 - b.) Asphalt or concrete curbs 6" in height must be provided between all driving / parking surfaces and landscaped areas, and shall be constructed by June 30, 2013, to separate the parking area from the landscaped area as required and approved by the Town Engineer. "Landscaped areas" are all areas of the property not devoted to parking or building areas.
 - c.) Eleven ~~(11)~~ (7) parking spaces shall be provided, adequately striped and handicapped parking identified. No portion of the parking may occur on any portion of the septic system (including the drain field). All parking shall be setback ten (10) feet from any street right-of-way or property line. The Applicant shall provide a parking plan to the Town, and all parking and paint markings shall be installed by June 30, 2013.
3. Individual Sewage Treatment System. The individual sewage treatment system must meet all Washington County Department of Public Health and Environment code requirements. Any parking surfaces created and/or paved must not cover any portion of the septic system. ~~Septic area will be fenced or delineated with ballard style fixtures~~.
4. Well. The well must be properly hooked up to provide water service to the buildings, and maintained and inspected as may be necessary from time to time, and shall comply with the Minnesota Department of Health rules and regulations relating to wells. All water hook-ups shall be inspected by the Town prior to occupancy of the building.
5. For – Sale Vehicles. There shall be no "for-sale" vehicles displayed on site.
6. Motor Vehicle Repair. Motor vehicle repair of any kind must be conducted entirely inside the building.
7. Impounded and Reposed Vehicles. All parking of impounded or repossessed vehicles shall be done entirely inside the building ~~or in the south property line area~~. ~~Maximum 20 cars may be stored for up to 45 days. All parking must be on a hard surfaced area.~~
8. Towing and Well Drilling Vehicles and Equipment. Towing and well drilling vehicles and associated equipment shall be located ~~entirely within the building in the southwest corner of the lot for screening purposes~~. No parking of tow trucks, well drilling trucks or equipment, tractors, trailers, and the like, shall be parked in the front parking area ~~at any time in excess of two hours~~. ~~All parking must be on a hard surfaced area.~~
9. Hours of Operation. Hours of operation ~~when the business is open to the public~~ shall be 8:00AM to 6:00PM, Monday through Saturday. Operations after those hours ~~are limited to the dropping off of impounded vehicles and tow truck repairs must be conducted with minimal noise, within the building with the doors closed~~. Flashing lights associated with tow trucks and well drilling trucks and equipment shall not be used once located on the Property. Sounding alarms associated with backing up movements shall be kept to a minimum outside hours of operation.
10. Abandoned Vehicles. The Applicant shall not keep, park, or abandon any motor vehicle on site that is not in operating condition, that is partially dismantled, used for repair of parts or as a source of repair or

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replacement parts for other vehicles, kept for scrapping, dismantling, or salvage of any kind, or which is not properly licensed for operation within the state. **Any vehicle leaking fluid must be housed in the shop.**

11. Oil Water Separator. The Applicant must provide proof of plans for an oil water separator for the proposed garage repair that is in compliance with the Minnesota State Plumbing Code to be reviewed and held on file at Town Hall;
12. Holding Tank and Waste Trap. The holding tank connected to the floor drain must meet all Washington County Department of Health and Environment code requirements. The holding tank and the flammable waste trap must be inspected and a copy of the inspection report shall be provided to the Town **by June 30, 2013 immediately**. The Applicant shall contact the Town at least 10 days prior to the inspection so the Town's inspector may be present during the inspection.
13. Hazardous Waste. Storage and disposal of hazardous waste must conform to Minnesota Pollution Control requirements. The Applicant will annually provide the Town a copy of the hazardous waste disposal report it submits to the Minnesota Pollution Control Agency.
14. Building Code Requirements. The facility shall meet all **applicable** building code requirements, including those specific to conducting motor vehicle repair and auto body repair.
15. Painting of Vehicles. Painting of vehicles, including personal vehicles, may only occur on the Property if it is within a paint booth that complies with all applicable federal, state, and local rules and regulations and then only after the Town's inspector has inspected the booth.
16. Exterior Storage. No exterior outdoor storage of tires, equipment, **well-drilling equipment**, tools, and other automotive parts is permitted.
17. All areas of the property not devoted to building or parking areas must be maintained in landscaping, and the trees must be maintained and replaced as needed.
18. Fencing. The fence and gate must be maintained in good condition at all times to provide screening and security. Any missing, torn, or damaged portions of the fence as of the date of this Permit shall be installed and / or corrected by June 30, 2013.
19. Easements. The easement area at the southern property line must remain clear of vehicles, landscaping, equipment, tools, and other materials that become a barrier to access. Such barrier shall be removed by the Applicant or at the Applicant's expense.
20. Trash Disposal. All trash disposal must be contained within the building. No exterior trash dumpster shall be located on the site unless screened, landscaped, and approved by the Town Board.
21. Applicable Provisions. This permit is subject to the requirements of the Town's ordinances and the Applicant is required to comply with all applicable federal, state, and local laws, rules, regulations, and ordinances, and to obtain such other permits and permissions as may be required.
22. No Waiver. A failure by the Town to take action with respect to any violation of any condition, covenant or term of this permit shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant, or term.
23. Grading, Drainage and Erosion Control. Any proposed minor modification or change to the existing grade, drainage, or erosion control structures or devices on the Property, as shown in the plans prepared by Folz, Freeman, Erickson, Inc. dated 9-17-12, must be submitted to the Town Engineer for review and may be approved administratively by the Town Engineer. Major modifications or changes to

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grade, drainage, or erosion control on the Property as designated by the Town Engineer shall require review and approval by the Town Board.

24. Landscaping / Screening Plan. Any proposed minor modification or change to the existing landscaping / screening plan on the Property, as shown in the plans prepared by Folz, Freeman, Erickson, Inc. dated 9-17-12, must be submitted to the Town Planner for review and may be approved administratively by the Town Planner. Major modifications or changes to the landscaping / screening plan on the Property as designated by the Town Planner shall require review and approval by the Town Board.
25. Signage. Design, locations and specifications of signs shall conform to the Washington County Zoning Ordinance and Denmark Township Development Code and are subject to the approval of the Zoning Administrator. All signs shall require a sign permit to be issued by the Town.
26. Lighting. The Applicant shall conform to the lighting regulations of the Ordinance. No change in outdoor lighting may be made without prior approval of the Town Board.
27. Fees. The Applicant shall pay all planning, engineering and legal fees and costs incurred by the Towns 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.
28. 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 permit. Prior notice to inspect the Property is not required in the event of an emergency.
29. 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.
30. Binding Effect. 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 terminated or 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.
31. Only Permit. This permit supersedes and replaces any other permits previously issued by the Town, and all such previous permits have been repealed by the Town Board by separate action.
32. 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.
33. Amended Permit. 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 permit, shall not be permitted unless an amended conditional use permit is obtained from the Town.

Township received faxed copy of the City of Hastings documents related to the denial of a special use permit to operate a Towing and Auto Repair business in Hastings. Fax received on 10/15/12 from S.E. Towing of Hastings.

Planning Commission expressed concerns regarding the City of Hastings denial of a special use permit to operate business in Hastings, noting that the denial was based on numerous health and safety concerns.

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Applicant stated that Hastings requested him to obtain a special use permit for a doing business. Applicant worked on towing trucks in his shop. There is already an impound lot in Hastings and no rezoning would be allowed to accommodate one on the applicant's property. He was advised that if he did not send in for a permit, he would be shut down. He added that he was not operating a towing business from his property, just working on his trucks in his shop on his property. Regarding complaints that he had inoperable/unlicensed vehicles, repair of vehicles outside the shop, and exterior storage of miscellaneous debris, the applicant did say that although some of those things did occur, they would not happen on the Manning site. Applicant added that he has been in his Hastings shop for 15 years operating a trucking business, with no complaints until he purchased Suburban Towing.

Planning Commission noted that prior code violations by the previous business/property owner at the Manning site have substantially impacted the Township.

Public Comment:

Lonnie Rowgowski-Automotive business owner in Cottage Grove. Spoke in support of Applicant's request to operate business on Manning Ave.

Fran Schneider-neighboring business property owner of Manning Ave Site. Spoke in support of Applicant's request to operate business on Manning Ave.

Jane Snyder-Hastings resident-Spoke in support of Applicant's request to operate business on Manning Ave. and attended Hastings City Council Meeting on behalf of Applicant.

9:10 PM Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk.

9:12 PM Chair Barr called Planning Commission Meeting to order.

Planning Commission consensus that additional information was needed before making a recommendation to the Board. The Commission determined that for the benefit of the Commission, the Applicant and the Board, it would be necessary to continue the hearing in order to review the revised conditions, obtain additional information on the Applicant's operations in Hastings and Inver Grove Heights, obtain inspections/ reports from the Building Inspector detailing the required improvements to the site, obtain reports from Washington County evaluating the existing septic system and the holding tank/ flammable waste trap.

Applicant agreeable to a continuance.

Motion Radke/2nd Grote to extend the time requirements of the 60 Day Rule to continue MRB Properties hearing to 11/19/2012 to obtain additional information to consider the applicant's request. Planner to prepare extension letter to include the additional items requested by the Commission. All In Favor.

Motion Carried 4-0.

APPROVAL OF MINUTES-

Motion Grote/2nd Radke approval of Minutes 09/17/12 Planning Commission/GLG Properties Amended Conditional Use Permit and Ordinance Amendment to Allow Composting As An Accessory To A Plant Nursery. All In Favor. Motion Carried 4-0.

OTHER BUSINESS-

Planning Commission requested staff reports be made available to Commission members and Applicants earlier than they have been receiving them.

9:38 PM Motion Grote/2nd Radke to adjourn. All In Favor. Motion Carried 4-0.

Becky Herman
Denmark Township Clerk/Treasurer