

Denmark Township Planning Commission Meeting
Hastings Point BNA Planned Unit Development/Major Subdivision/Minor Subdivision
Public Hearing
November 16, 2015

Planning Commission members present: Roger Lang, Don Schneider, Charlie Grote, Bob Barr and ex-officio Kathy Higgins

Absent: Steve Radke

Board Members Present: Joe Moore

Others Present: Attorney Troy Gilchrist (Kennedy-Graven), Engineer Cara Geheren (Focus Engineering) Planner for Denmark John Burbank (Cottage Grove)

7:00 PM Chair Barr opened public Hearing.

Applicants present- Bill Wanner (BNA Properties) Bob Barth (WSB)Planner

Hastings Point BNA Planned Unit Development (PUD)/Major Subdivision/Minor Subdivision Hwys 61/10

Currently 10 parcels make up the approximately 23 acres involved in the proposed redevelopment area. BNA Realty is proposing a redevelopment of the County Point Property located at Highways 61 and 10. The applicant has submitted applications for a PUD, Major Subdivision and Minor Subdivision for the construction of a Holiday gas and convenience station (6300 sq ft), diesel area, car wash and general retail and restaurant use. Applicants would likely retain ownership of some of the outlots and may sell some to other retail businesses.

The development is planned to occur in 2 or more phases with Phase 1 construction of the gas station convenience store being planned for 2016. The development of additional proposed sites on the property and their lot size and site configuration would be dependent on subsequent platting and site review brought before the Board.

Fuel tanks will be removed with the construction of the new gas station/store. Existing apartments and structures will be demolished.

Access points- The applicants have had discussions with MnDOT regarding proposed access points. A traffic study has been done.

Access on Hwy 10 is a stop sign. There have been discussions regarding a roundabout or signal light at this access.. A Signal Light may be warranted sometime in the future, but MnDOT's position is that it is not warranted at this time.

Right in/right out on Hwy 61, is not preferred by MnDOT, but is grandfathered in. BNA has discussed conforming the geometry of this access to make it difficult for truck use, to discourage trucks from pulling out at a slow speed into traffic heading north on Hwy 61.

Hastings Point Second Addition (north side of Hwy 10)-Minor Subdivision

Minor subdivision property line would be the future right of way that would line up with the Holiday Hwy 10 access. As far as the cell tower gravel road access, that may have to be done as the road project progresses. Engineer noted that MnDOT has indicated that the cell tower access can remain at this time, but when development occurs on the north side of Hwy 10, it will need to be relocated.

Prior to development of the parcels included in the second addition, access to the two parcels located directly to the west of the minor subdivision will need to be addressed prior to the final approval.

Applicant will likely change the proposed plans to the Town Board to show that the existing septic on the north side of Hwy 10 will remain as a secondary septic site if needed in the future. The existing septic system was designed for the restaurant and the Holiday, so it is adequate for future use of the Holiday. At this time, applicant is working with MnDOT, in conjunction with their upcoming Hwy 10 road project, to remove/replace the existing septic pipe under the roadway.

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The proposed plan identifies direct access to 127th St. No improvements will be required as a part of this application, but the applicants will be responsible for all costs associated with improvements within the Right Of Way.

The road running through the development- This was proposed to be a private road. Attorney is recommending that the road be platted as an outlot, which would require a road agreement, to make clear to any subsequent buyers of the lots for sale, that they are also required to maintain it. The Town also maintains a right to step in should the need arise. With the road being platted as an outlot, there should be some minimum road standards imposed.

MnDOT (has an easement for the Park & Ride area)intends to take the pavement off the Park & Ride to do some landscaping that BNA has indicated to MnDOT that they would like to take part in.

Additional notes on the process- Phase 1 construction of the gas station/store- developer will need to apply to the Town for a Conditional Use Permit for operations. Any development of the outlots would require applications related to their use, such as change of configuration of the lots, specific business use of the lots.

Required will be Resolutions and Development Agreements for the Minor and Major Subdivisions, Road Agreement, Stormwater Maintenance Agreement and a Resolution of Approval for the PUD. Attorney will draft for Board Review.

Public Comment-

Paul Morlock/Maycrest Ave- Inquired on projected construction start date. Applicants plan to start moving dirt in 2016 in conjunction with the MnDOT road project. MnDOT road project planned to begin June 2016. Janis Zeller/ 127th St- Requested clarification of whether 127th would be an access for the proposed development. Asked how long the applicant's expected the project to take from inception to completion. Applicant' speculation would be 2-5 years, dependant on demand and prospects received from buyers. Gas station likely will be shut down 6-8 months for the new construction.

Chad Grave/127th St- inquired whether a roundabout or Signal Light would be at 127th/Hwy 10. Business owner indicated that with the heavy flow of traffic on Hwy 10 now, it is difficult to enter Hwy 10 from 127th St. Applicants originally asked for a Signal Light on Hwy 10 access (near Hwy 61) but were denied. MnDOT's intent is to measure future traffic and then assess whether the Hwy 10 or 127th St accesses would warrant a signal light.

Don Lick/127th St- inquired whether the entire property will be cleared in Phase 1. Applicant's intention is to clear all the existing apartments/structures on the site during Phase 1.

Denmark Planner reviewed the application and provided the Planning Commission with detailed report dated 11/11/15 and recommended conditional approval of the Preliminary PUD, Preliminary Major Subdivision and Minor Subdivision.

8:03 PM Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk. Planning Commission Opened.

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PC Member Schneider noted that the development private road platted as an outlot could be problematic if there ends up being not enough businesses on the road to support its maintenance, etc.

Preliminary Major Subdivision

Motion Grote/2nd Schneider to forward Hastings Point Preliminary Major Subdivision Application to the Board with a recommendation to approve the preliminary plat for the Major Subdivisions based on the Planners 11/11/15 Findings, and subject to the following Planners 11/11/15 recommended conditions:

1. The applicant shall file a final major subdivision application with the Township for review and approval prior to the subdivision being released for recording with Washington County.
2. The plat be submitted to and approved by Washington County.
3. Prior to submitting a request to the Township for final plat approval, the Applicant must submit the preliminary plat, revised in accordance with the Township's preliminary approval, to Washington County for review and at least comment in an effort to reduce the need for changes after final approval is sought from the Township.
4. The Applicant shall enter into a development agreement with the Township for the major subdivision no later than 60 days from the granting of the final plat approval. The development agreement shall identify the minimum requirements for development of future phases.
5. The major subdivision final plat shall include all public access outlots, easements and stormwater easements as required by the Township Engineer.
6. The access roads within the plat shall be built to at least the minimum standards identified in the development agreement.
7. All parcels identified in in the Major Subdivision are included in the PUD approval.
8. A park dedication fee of 10 percent of the pre-development market value or such value as identified in the approved development agreement shall be paid to the Township prior to the plat being released for the issuance of buidling permits for each individual lot.

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

Minor Subdivision

Lang inquired about future access to the 2 parcels located directly to the west of the Minor Subdivision. Attorney noted that since the access can't be determined at this time, it will be addressed and provided for in the Development Agreement.

Motion Lang/2nd Barr to forward Hastings Point Minor Subdivision Application to the Board with a recommendation to approve the Minor Subdivision based on the Planners 11/11/15 Findings, and subject to the following Planners 11/11/15 recommended conditions:

1. The applicant shall file a final minor subdivision application with the Township for review and approval prior to the subdivision being released for recording with Washington County.

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2. Prior to submitting final subdivision application with the Township, the land use and zoning review for the project shall be completed by Washington County.
3. Prior to submitting final subdivision application with the Township, The plat review for the subdivision shall be completed by Washington County Surveyors Office.
4. The Applicant shall enter into a development agreement with the Township for the minor subdivision within 60 days of final approval.
5. The minor subdivision final plat shall include all public access outlots, easements and stormwater easements as required by the Township Engineer.
6. The property in the minor subdivision is not included in the PUD approval.
7. Development of either lot within the Hastings Point Second Addition will require additional review before the Township.
8. The development agreement for the plat shall include a section detailing that the full dedication of the north-south right-of-way bisecting the plat shall be dedicated upon the development of either parcel.
9. Prior to development of the parcels included in the second addition, access to the two parcels located diectly to the west of the minor subdivision will need to be addressed.
10. A park dedication fee of 10 percent of the pre-development market value or such value as identified in the approved development agreement shall be paid to the Township prior to the plat being released for the issuance of any building permits for each individual lot.

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

Preliminary Planned Unit Development

Changed 11/11/15 Planning Report Condition- Planned Unit Development Condition #9- Based on discussion with the Applicants regarding their intent to keep the septic system on the north side of Hwy 10 for a secondary system if needed, Planning Commission consensus to delete condition #9 (The septic field north of Highway 10 shall be abandoned per County and State requirements).

Motion Lang/2nd Schneider to forward Hastings Point Preliminary Planned Unit Development Application to the Board with a recommendation to approve the preliminary plat for the Planned Unit Development based on the Planners 11/11/17 Findings, and subject to the following Planners 11/11/15 recommended conditions, with elimination of Condition #9 and the understanding that the existing septic system on the north side of Hwy 10 will be addressed by the Applicant prior to final approval:

1. A final site plan review shall be filed with the Township for each lot within the approved PUD.
2. Prior to the release of any building permit for individual sites within the PUD, all applicable permits required by the Township, County or State shall be obtained by the Property owner.
3. All previous resolutions of approval and all legal and illegal nonconforming approvals or statuses for the subject properties be revoked and rescinded in conjunction with the approvals related to this project.

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4. The comments included in the memorandum from Focus Engineering dated 11/02/15 shall be complied with prior to presentation of the applications to the Town Board.
5. All land use and zoning conditions required by Washington County shall be complied with or addressed before recording the plat.
6. All conditions required by MNDOT shall be complied with or addressed prior to presentation of the applications to the Town Board.
7. All conditions required by the South Washington Watershed District shall be complied with or addressed prior to presentation of the applications to the Town Board
8. The designated septic and drain field locations shall be identified on the grading plan, cordoned off and protected during construction.
- ~~9. The septic field north of Highway 10 shall be abandoned per County and State requirements.~~
10. The construction of the new structures in Phase II of the PUD shall be in conformance to the commercial architectural standard guidelines approved for Phase I of the PUD.
11. Any additional expansion on the site for future Phase II of the PUD shall require subdivision and site plan review before the Town Board. Conditional use and other permits may be required for development of the individual lots.
12. The Phase I and Phase II site plans shall include coordinated and linking internal sidewalk connections.
13. Curb and gutter is required on all bituminous drives and parking areas. Handicapped parking is required per State Statutes and the Building Code.
14. All properties within the PUD shall be included in a recorded easement or outlot covering joint parking, access, stormwater conveyance, stormwater management, and maintenance of all common areas.
15. All applicable permits (i.e.; building, electrical, grading, mechanical, right-of-way) must be completed, submitted, and approved by the Township or the City of Cottage Grove prior to the commencement of any construction activities. Detailed construction plans must be reviewed and approved by the contracted Planner, contracted Building Official, or contracted Engineer.
16. Fire suppression infrastructure and design will be required to be meet the approval of the Building Official and Fire Marshal.
17. A comprehensive sign package guidelines for the entire PUD shall be submitted with the first building permit for the project.
18. Any fencing on the site shall be constructed with ornamental fencing meeting the Township's approval or be constructed of black vinyl-clad chain link fencing.

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19. Exterior storage and display is prohibited except in areas designated on the final site plan approved by the Township Board.
20. Parking shall be prohibited on the private common access road.
21. No certificate of occupancy shall be issued prior to the first lift of asphalt being installed on any parcel in the PUD.
22. A final detailed landscape plan must be submitted with any building permit application and shall meet the approval of the contracted Planner.
23. A financial guarantee equivalent to 125 percent of the landscaping cost estimate shall be submitted to the township with any Building permit application. Said guarantee will be held for one year to ensure the completion and survival of the required plantings. Upon completion of the landscaping requirements, the applicant must inform the Township in writing that said improvements have been completed, and the financial surety may be reduced by 50 percent.
24. All developed green space areas within the PUD shall be irrigated.
25. The exterior finish materials of the structures within the PUD shall be consistent with the Phase I construction materials, and the architectural guideline standards included within the required development agreement.
26. Trash and recycling containers shall be contained in enclosures that are constructed of materials consistent with the principal structure.
27. All mechanical equipment and general storage shall be screened from public view as reviewed and approved by the contracted Building Official.
28. A permit shall be obtained from MNDOT for any construction activity impacting public right-of-way.
29. A light metric study shall be completed for all parcels as a part of any building permit applications within the PUD.
30. All outdoor lighting shall be downward directed.
31. All septic sites within the PUD must meet the approval of Washington County and be permitted and installed per State and County requirements.
32. All wells within the PUD shall meet the approval of the Minnesota Department of Health and be installed per State requirements.
33. All abandoned wells on the site shall be capped per State and County requirements.
34. The final grading plan and stormwater management plan shall meet the approval of the Township's contracted engineer and the South Washington Watershed District.

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35. A maintenance agreement is required to ensure the Applicant, or designated property owner, is responsible for the maintenance of the new stormwater basin in conformance with the approved grading plan at all times.
36. The developer agreements shall include a stormwater management section.
37. The grading plan and site grading of the property shall be consistent with the approved surface water management plan.
38. Prior to the release of the grading permit, a \$15,000 grading escrow to secure all required site restoration and engineering inspections related to permit and erosion control compliance shall be posted with the Township for the duration of construction activity. The development agreement shall include language on the provision of any additional escrows that may be required during grading or construction.
39. Prior to the release of the grading permit, a NPDES permit shall be obtained by the applicant.
40. All grading plans related to the PUD shall include a detailed erosion control plan meeting the Best Management Practices for Stormwater Management Handbook requirements.
41. As built surveys shall be provided to the Township for every lot within the PUD prior to the issuance of a permanent certificate of occupancy.
42. Any violations of the approving resolution may trigger review of the use by the Township Board and be cause for possible amendments to or revocation of the PUD approval.

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

Attorney will draft Resolutions regarding the Planning Commission recommendations.

APPROVAL OF MINUTES-

Motion Grote/2nd Schneider approval of Minutes 09/21/15 Planning Commission/Erin Glen 6680 St Croix Trail S Major Subdivision. With all present voting yes, Motion Carried 4-0-0.

8:22 PM Motion Barr/2nd Lang to adjourn. With all present voting yes, Motion Carried 4-0-0.

Becky Herman
Denmark Township Clerk/Treasurer