

Denmark Township Planning Commission Meeting  
Law's Valley View Major Subdivision  
Public Hearings November 20, 2017

Planning Commission members present: Mike Kelz, Roger Lang, Charlie Grote, Bob Barr  
Ex-officio Kathy Higgins  
Absent: Steve Radke  
Others Present: Attorney Troy Gilchrist (Kennedy-Graven), Planner Eric Maass (WSB)

**7:02 PM Chair Barr opened Public Hearing. Law's Valley View Major Subdivision  
PID07.026.20.22.0001 & 06.026.20.33.0001**

Applicants Scott Esler & Susan Jelks are proposing to subdivide the approximately 60 acres into twelve residential lots and three outlots. Each lot would have its own well/septic and would be serviced by a quarter mile cul-de-sac off of Maycrest Ave S.

Planner provided 11/16/17 review of request which includes 11/15/17 Engineering review. Property is located in the Single Family Estate District, density of one dwelling unit per 3 acres. The proposed lots meet the minimum lot requirements for lot size, buildable area and minimum public road frontage. A portion of the property is located within the Shoreland management district. The Planner is requesting that the applicant revise the preliminary plat so that it shows the extent of the Shoreland overlay district as it relates to the boundaries of the proposed plat.

Lots 9-12 would front the proposed street and back up to 131<sup>st</sup> St Ct S, so would be considered double frontage lots. At the 06/05/17 Board Meeting, the Board determined that the subject property is a unique shape and the double frontage lots were acceptable as long as the development agreement stated that no accesses off of 131<sup>st</sup> St Ct would be permitted.

Outlot B (0.9 acres) is intended to be sold to the Tree House. Staff is recommending that the applicant combine outlots A (17.2 acres) & C (3.0 acres) into a single outlot due to their proximity and the existence of two accessory structures that have been used by the B&B Tree Company, which is being discontinued. Plat has been submitted to the DNR and to Washington County for comments. Plat has been submitted to SWWD for recommendations.

Stormwater Pond- The applicant is proposing to utilize the existing stormwater pond near the subject property. The existing stormwater pond is located east of the plat. Attorney noted that since the pond is not on the subject property, there should be an agreement or easement between the pond owner and the applicant for its use.

In lieu of a homeowner's association, the covenants/development agreement could address aspects of stormwater management. The existing pond belongs to the Township. Applicant noted that the hydrology report indicated that the changing of the property by the development, would create lower runoff than exists now. Attorney recommends that a stormwater district be created for the protection of the Town's interest in the pond. A stormwater district would identify the area, for stormwater purposes, that would be responsible for maintenance/improvement of the pond. Attorney will request Engineer review of what area would be included in the district.

Discussion re: eroding ravine/culvert issue on 131<sup>st</sup> St Ct S. The south culvert drains across a private lot to the south of lots 10/11 and discharges to an actively eroding ravine. SWWD had previously designed a ravine stabilization project but was not able to complete due to lack of permission from the landowner. Applicant indicated that the culvert is functioning well, and noted that the property has changed hands and current owner would be willing to participate in project if the Town/watershed is interested.

Public Comment: None

**7:29 PM** Law's Valley View 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.

In order to give the applicant's time to revise the preliminary plat to reflect outlot combination and to identify shoreland overlay district, and for time to legally publish and notice for a stormwater district, the applicants and staff have determined that the preliminary plat approval will be forwarded to the January 2018 Board Meeting. The 60 day timeline will be extended.

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Revisions to conditions

Easement or License Agreement for use of the existing pond. Establishment of a stormwater district.  
Combination of outlots A & C into one outlot.

**Motion Barr/2<sup>nd</sup> Grote to forward the Law's Valley View Major Subdivision Preliminary Plat to the Town Board with a recommendation to approve the request based on the Planner's 11/16/17 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. More specifically, the Development Agreement shall include provisions related to, but not limited to, constructing the planned public improvements in accordance with the approved plans, providing the Town financial security for the construction of such improvements, the maintenance of public improvements and under which circumstances the Town will assume maintenance of the roads being built, payment of the park dedication fee, required covenants, and such other provisions as the Town Attorney determines are appropriate.
  - a. The development agreement shall state that no accesses shall be permitted off of 131st Street Ct S for those parcels which abut right-of-way for that roadway.
2. Plat. The Final Plat shall be submitted within one year which meets the following:
  - a. A final plat be prepared which is consistent with the preliminary plat, the Denmark Township Development Code, and state law;
  - b. The Applicant satisfactorily completes any and all requirements after final review of the final plat;
3. All Engineering Considerations described in the staff report dated November 16 are met;
4. ~~Review of the proposed plat by the Minnesota DNR;~~
5. Stormwater:
  - a. Approved NPDES Construction Stormwater Permit shall be provided, when available.
  - b. The Applicant must provide for the on-going maintenance of the storm water ponds if any are constructed within the plat by creating a homeowner's association and making it responsible for such maintenance or by some other method acceptable to the Town Board.
  - c. A Stormwater Maintenance Agreement that details operation and maintenance schedules and responsibilities must be provided for Township and SWWD review. The Town will record this final approved agreement along with the Development Agreement.
  - d. Culverts in the street and storm sewer shall be Reinforced Concrete pipe. Driveway culverts may be CMP.
6. Streets.
  - a. The proposed Town Road shown as "proposed road" must be constructed in accordance with the town's standards.
  - b. The proposed Town Road shown as "proposed road" must be reviewed and approved by Washington County per the Washington County Uniform Street Naming System.
  - c. As outlined in the Township Standards for New Roadway Construction, a geotechnical report including a recommendation from a geotechnical engineer for the proposed roadway section shall be provided. The typical section provided outlines the minimum section.
7. Well and Septic Systems.
  - a. The Applicant shall obtain a well permit from the Minnesota Department of Health prior to well construction.
  - b. 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.
8. Park Dedication. The Applicant shall pay a park dedication fee in lieu of land dedication. The 2017 fee on a per lot basis is \$2,000 and only collected for the number of additional lots that are created. The Applicant has proposed eleven (11) additional lots in addition to the one (1) existing lot for a total park dedication fee of \$22,000. Park dedication shall be paid by the Applicant prior to the Township signing the final plat and/or development agreement.
9. 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.

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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 approval. Prior notice to inspect the Property is not required in the event of an emergency.

11. An estimate of construction costs for the proposed improvements must be provided for review. This amount will determine the security requirement for the Developer's Agreement.

12. 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;

13. 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.

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

**Motion Lang/2nd Kelz to approve minutes of 09/18/2017 Planning Commission/Wagner Variance, Olsen/Marty CUP, Minnesota Coaches CUP. With All Present Voting Yes, Motion Carried 4-0-0.**

**Comprehensive Plan 2040**

Planning has updated the demographics and population/growth figures. Town has more land guided/zoned to develop more lots than are required by the Met Council by 2040.

Steps going forward.

Planning Commission members and Board received goals/policies for review and input for any edit recommendations they may have.

Public hearing with the Planning Commission and Board adoption of the plan by May 2018. Comp plan to be sent to adjacent communities for comment by 6/30/18. Submittal to Met Council is 12/31/2018.

Joint group consisting of Planning Commission and Board Members to review the current comp plan.

Joint meetings will be coordinated between the Planning Commission and Board beginning in January 2018.

**Planning Commission Workshop**

Tentative workshop- A Thursday 5PM in January.

**7:57 PM Motion Lang/2nd Radke to adjourn. With All Present Voting Yes, Motion Carried 4-0-0.**

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Becky Herman  
Denmark Clerk/Treasurer