

## Denmark Township Memorandum

To: Denmark Township Planning Commission

Copies: Troy Gilchrist, Town Attorney  
 Cara Geheren, PE, Town Engineer, FOCUS Engineering, Inc.

From: Eric Maass, AICP, Acting Town Planner

Date: May 12, 2020  
 Planning Commission Regular Meeting for May 18, 2020

WSB Project No. 15210-000

**Requests:** **Approval of a minor subdivision subdividing one 31 acre parcel into two (2) lots. The request is for property located at 6211 Oakgreen avenue South. PID: 04.027.20.21.0007**

Applicant: Seth Haukedahl

Owner: Seth Haukedahl

Project Location: 6211 Oakgreen Ave S

Existing Land Use / Zoning: Rural Residential, RR and Shoreland Management District

Surrounding Land Use / Zoning: North: City of Afton  
 East: Rural Residential, RR and Shoreland Management District  
 South: Rural Residential, RR and Shoreland Management District  
 West: Rural Residential, RR and Shoreland Management District

Comprehensive Plan: The Denmark Township (2040) Comprehensive Plan guides this property for Rural Residential land use.

Deadline for Agency Action:

Application Date:	01-20-2020
Incomplete Letter Mailed:	01-29-2020
Additional Information Received:	04-23-2020
Complete Letter Mailed:	04-27-2020
60 Days:	06-26-2020

### REQUESTED ACTION

The applicant, Seth Haukedahl has submitted an application to subdivide his property along the northern boundary of the Township.

A minor subdivision request would subdivide one (1) 31 acre parcel into two (2) proposed parcels. One parcel "Tract A" would retain an existing home and would have access onto Oakgreen Avenue South and be 9.0 acres in size. The subdivided parcel "Tract B" would gain access via a

cul-de-sac at the end of 59<sup>th</sup> Street South which is in the City of Afton. The City of Afton has issued a driveway permit for the requested access onto 59<sup>th</sup> Street South.

**MINOR SUBDIVISION REVIEW**

Ordinance Authority

Chapter 3, Section 6 of the Denmark Township Development Code outlines the criteria for minor subdivisions within the Township. A minor subdivision is defined as “any subdivision containing three (3) or less lots fronting on an existing public street, or approved private driveway, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Comprehensive Plan, Official Map, Zoning Regulations, or these regulations.”

Zoning

The property is located within the Rural Residential – RR zoning district. It is also within the Shoreland Management Overlay district. The proposed lots meet the minimum lot requirements for lot size, buildable area, and minimum public road frontage.

	<b>Minimum Requirement</b>	<b>Tract A Proposed</b>	<b>Tract B Proposed</b>
<b>Minimum Lot Size</b>	5.0 acres	9.0 Acres	22.0 Acres
<b>Minimum Buildable Area</b>	1 acre	5.27 acres	3.19 acres
<b>Minimum Public Road Frontage</b>	300 feet	857 feet of frontage along private road*	332 feet

\*The existing access currently is provided through a shared driveway with 6209 Oakgreen Avenue South. Proposed Tract A also abuts PID 04-027-20-23-0011. This PID encompasses a private road which provides access to three adjacent properties (PID’s 04.027.20.23.0012, 04.027.20.23.0004, and 04.027.20.24.002.). While Tract A would retain the shared driveway with 6209 Oakgreen Avenue South, the parcel would meet the “frontage” requirement via frontage along the private road even though the driveway doesn’t actually connect to that private driveway. The private road parcel is 66 feet in width.

<b>Structure and on-site sewage system requirements</b>		
	<b>Minimum Requirement</b>	<b>Shoreland Overlay Requirement</b>
<b>Minimum Building Setback: Front</b>	40 feet	
<b>Minimum Building Setback: Side</b>	20 feet	
<b>Minimum Building Setback: Rear</b>	50 feet	
<b>Maximum Building Height</b>	35 feet	35 feet
<b>Top of bluff line</b>		30 feet
<b>Sewage Treatment Systems</b>		75 feet
<b>Lot Coverage</b>		25% maximum
<b>Septic setback from creek</b>		150 feet
<b>Building setback from creek</b>		200 feet

### Lot Configuration

The subdivision will subdivide one (1) lot into two (2) buildable lots. The proposed lots meet all zoning requirements for lot size, buildable area, with Tract A utilizing an existing access easement for access to Oakgreen Avenue South.

### Wetland Delineation

The South Washington Watershed District (SWWD) has reviewed the proposed minor subdivision site for the existence of wetlands. SWWD staff noted that the site for the proposed house and driveway construction is located on the bluff above Trout Brook outside of any wetland resources. As a result the SWWD concurred that no wetlands exist on the site and therefore does not require further action on the site regarding wetlands. This information was provided by Matt Moore, SWWD Administrator.

### Park Dedication Fees

Chapter 3, Section 12.1 states that “all subdivisions which create additional lots (major subdivisions, minor subdivisions and lot splits) shall either dedicate land for parks and trails or pay a park dedication fee in lieu of land dedication.”

The proposed major subdivision results in one (1) additional buildable parcel. It is Staff's recommendation that park dedication in the amount of one (1) lot be required to be paid by the Applicant.

## **PLANNER RECOMMENDATION**

Based on the analysis above, the proposed minor subdivisions conformance with the requirements of the Denmark Township Development Code, Staff recommends conditional approval of the proposed minor subdivision.

## **FINDINGS OF FACT**

Town Staff offers the following findings of fact for the Planning Commission's and Town Board's consideration:

1. The subject property is currently zoned Rural Residential and is located within the Shoreland Management Overlay;
2. Chapter 3, Section 6 permits minor subdivisions containing three (3) or less lots fronting on an existing public street, or approved private driveway, not involving any new street or road;
3. The proposed minor subdivision would subdivide one (1) lot into two (2) lots;
4. The City of Afton has granted a driveway permit to the Applicant for an access onto an existing cul-de-sac on 59<sup>th</sup> Street South.
5. The proposed minor subdivision does not dedicate any new public roads;
6. The property satisfies the minimum lot size for the proposed use;
7. The lots to be divided are in a location where conditions are well defined;

8. The newly created property lines will not cause any resulting lot to be in violation of the Development Code;
9. The proposed division was prepared by a registered land surveyor;
10. The proposed subdivision is in compliance with the Township's Comprehensive Plan.

### **PROPOSED CONDITIONS**

The following are conditions Town Staff is recommending to be included, in addition to the Town's standard conditions, as part of the Minor Subdivision approvals if approved by the Town Board:

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, required covenants, and such other provisions as the Town Attorney determines are appropriate.
2. 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.
3. Septic System. Washington County Department of Public Health and Environmental must approve the proposed septic system.
4. 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;
5. 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;
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. 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.

Aerial view of the site and neighboring properties

