

Empire Township Planning Commission Minutes

October 18, 2022

The Empire Township Planning Commission meeting was called to order by Tom Kaldunski at 8:00 PM.

Present were: Tom Kaldunski, Trent Larson, Jared Sachs, Doug Clark, Marla Vagts, Jane Kansier, Brad Fisher, Charles Seipel-Teng, and liaison Jamie Elvestad.

Jane Kansier presented a memo regarding the final plat for the DNH Empire Addition. The plat subdivides approximately 54.8 acres into three lots for industrial uses, along with four outlots. The plat includes road right-of-way for 165th Street East and Claiborne Avenue. On September 13, 2022, the Town Board approved the preliminary plat with several conditions and the Dakota County Plat Commission approved the final plat on September 28, 2022. Jared Sachs made a motion to recommend approval of the final plat for DNH Empire Addition to the Town Board with the following conditions: The plat must address comments from the Township Engineer; The applicant enter into a development agreement with the Township for construction of the required public improvements, fees and performance guarantees; The final plat be filed with Dakota County within sixty days of approval; No building permits issued until the final plat and CUP for facilities on the plat are approved and recorded. Trent Larson seconded. Motion passed 5-0.

The meeting was opened to a public hearing regarding the request to rezone 7 acres of land south of CASH 46 and East of CR 81, from Agricultural (AG) to Highway Commercial (HC) and to consider an application for CUP to allow outdoor storage for equipment associated with Nitti Sanitation Offices and Shops in the proposed DNH Empire Addition. Charles Seipel-Teng read the public hearing notice and noted that the Township has received a letter from the City of Coates opposing the Nitti Sanitation facility.

Jane Kansier presented a memo outlining the rezoning request from Nitti Sanitation. The request includes rezoning approximately 7 acres from Agricultural Protection (AG) to Highway Commercial (HC). The property to be rezoned is currently vacant, agricultural land and it is designated for commercial use in the Future Land Use Plan. Tom Kaldunski made a motion to recommend approval of the request to rezone the property from AG to HC. Jared Sachs seconded. Motion passed 5-0.

Chris Gores, a City Council member with the City of Coates, highlighted a letter that was sent by the City of Coates opposing the CUP for Nitti Sanitation. Mr. Gores highlighted concerns regarding the potential for odors, ground water pollution, soil pollution, and garbage debris that would result from the outdoor storage and potential waste transfer facility and negatively impact properties in the City of Coates. Riley Tarrant, owner of the House of Coats, expressed

concerns regarding potential orders from the site as well as the increased truck traffic that will impact his business and property owners in the City of Coates.

Dave Domack, with Nitti Sanitation, indicated that the current CUP application is strictly for a transportation and office facility. The facility needs to follow strict MPCA guidelines where water will be pumped separately and treated, trucks need to be loaded in an underground and enclosed space, wastewater from the facility will be discharged into a separate tank and hauled off site, and no garbage will be handled overnight.

Jane Kansier presented a memo regarding the proposed Nitti Sanitation facility. Nitti has applied for a CUP to allow outdoor storage as a part of their solid waste and recycling hauling facility. Outdoor storage is a permitted CUP in the Light Industrial District. The applicant proposes the following improvements on the approximately 20-acre site: 23,108 sq. ft. of shop area; 4,900 sq. ft. of storage; 6,324 sq. ft. of office; 59 truck stalls; other paved area for equipment; employee and customer parking. The proposed improvements meet or exceed the required setbacks, and meets the lot coverage, building height, landscaping and parking space requirements. The applicant is allowed one access to CR 81 and to 165th Street. The plan shows two future access points on CR 81, which do not meet spacing requirements. Outdoor storage extends to the east of the proposed building and the applicant has not proposed any walls or fencing to screen the storage. A lighting plan still needs to be included.

Discussion took place on landscaping. Landscaping will be covered under a two-year warranty for new plantings. Tom Kaldunski asked about landscaping after the two-year period. Robert Nitti stated that they want the facility to look good and serve as an entrance to Empire and guaranteed that trees and shrubs will be maintained. It was reported that failure to maintain landscaping would be a violation of the CUP. If there are any issues that arise as a result of the business operations, the applicant will be required to address them.

Dave Domack reported that he is concerned about the requirement to remove truck parking from the area that extends to the east of the proposed building. Nitti Sanitation needs the space to accommodate their growing business. Mr. Domack provided aerial photo examples of other facilities in the immediate area that provide for outdoor storage that is not directly behind the building. He indicated that the plans call for screening of the outdoor storage by the installation of a berm and trees and shrubs to the east and evergreen trees to the south.

After discussion, the Planning Commission indicated that they consider the front of the facility to face north, and any storage to the south of the building would be considered as being located behind the facility.

Kurt Quaintance recommended that the Township's ordinance be updated to include clear driveway spacing requirements. Access spacing of 400' for future entrances would not be adequate to meet the needs of this site.

Trent Larson made a motion to close the public hearing on the rezoning and CUP application for Nitti Sanitation. Marla Vagts seconded. Motion passed 5-0.

Trent Larson made a motion to recommend approval of the CUP for the Nitti Sanitation facility, with the removal of conditions 1.a and 1.b as outlined in the CUP memo. Doug Clark seconded. Motion passed 5-0.

It was reported that Fissan Training Kennels was interested in purchasing the Skyview Ranch property. Fissan would need to apply for a new IUP to operate at the site. They would like to come to a future Planning Commission meeting to discuss their plans.

The Planning Commission reviewed a memo regarding chickens in the MXR District. They are not permitted in the MXR District.

It was reported that the 50-day probationary period for the Holcim Inc. aggregate mine on Biscayne Ave. is set to expire on November 2nd. To date, the Township has not received any concerns regarding the mining operations.

Meeting adjourned at 9:25 PM.