

# **Empire Planning Commission Meeting Minutes**

**February 7, 2023**

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, Jenni Faulkner, Brad Fisher, and liaison Jamie Elvestad.

The meeting was opened to public hearing #1, to Consider an Amendment to the Zoning Ordinance Relating to Outdoor Storage Requirements. Jenni Faulkner read the public hearing notice and presented a memo outlining the proposed amendment. The proposed ordinance amendment, Ordinance 400-O, would add a definition of fleet vehicles and associate them with a permitted CUP in Neighborhood Commercial, Highway Commercial, and Light Industrial Districts. It amends outdoor storage regulations and provides for fleet vehicle parking to be located in areas of the property similar to outdoor storage as they are both provided with proper screening. The ordinance amendment also adds housekeeping changes to building design and parking standards.

With no public comment, Jared Sachs made a motion to close the public hearing. Trent Larson seconded. Motion passed 5-0.

Jared Sachs made a motion to recommend the approval of Ordinance No. 400-0 to the Town Board. Marla Vagts seconded. Motion passed 5-0.

Tom Kaldunski left the meeting.

The meeting was opened to public hearing #2, to Consider an Amendment to the Zoning Ordinance Relating to Access Spacing Requirements. Jenni Faulkner read the public hearing notice and presented a memo outlining the proposed amendment. The proposed ordinance amendment, Ordinance 400-P, provides for driveways and access spacing guidelines in the Neighborhood Commercial, Highway Commercial, and Light Industrial Districts. The ordinance amendment provides for the City Engineer to modify spacing based on specific criteria, including speed.

With no public comment, Doug Clark made a motion to close the public hearing. Jared Sachs seconded. Motion passed 4-0.

Jared Sachs made a motion to recommend the approval of Ordinance No. 400-P to the Town Board. Marla Vagts seconded. Motion passed 4-0.

The meeting was opened to public hearing #3, to Consider an Application for CUP Amendment to Allow Additional Parking Stalls and Outdoor Storage at the Property of Nitti Sanitation Inc. Jenni Faulkner read the public hearing notice and presented a memo outlining the proposed amendment. The proposed amendment would permit additional storage space for roll-off bins and additional garbage truck parking stalls. The outdoor storage space for the roll-off bins will be located behind the setback line of the office building, and no closer to either street than the building. They will be placed on crushed rock pads. Truck parking will be located on stalls to the south of the building. Screening from the original CUP will remain in place. Outdoor storage cannot exceed a height of 20'.

Jared Sachs made a motion to close the public hearing. Marla Vagts seconded. Motion passed 4-0.

Doug Clark made a motion to recommend the approval of the CUP Amendment for Nitti Sanitation to the Town Board. Marla Vagts seconded. Motion passed 4-0.

The meeting was opened to public hearing #4, to Consider an Application for a Franchise of Cable Communications System from Hiawatha Broadband Communications (HBC). Charles Seipel-Teng read the public hearing notice and presented a memo outlining the proposed amendment.

Notice was posted and published for the submission of applications for a cable franchise agreement, with a deadline of February 1. The application from HBC was the only application received. HBC is proposing to install a fiber cable network to homes in the MXR District, with future expansion into the AG District. The network is currently being installed in Farmington. Currently, Empire Township has an existing franchise agreement with Charter Communications. The agreement, entered into in 2021, runs for 10 years, with an option for an automatic 5 year extension. The franchise fee is currently collected at 3% of gross revenues. According to the Township's attorney, the franchise agreement with HBC would need to be identical to the agreement with Charter. Both agreements would expire at the same time in order to provide the City of Empire with the opportunity to renegotiate agreement terms or amend the franchise ordinance prior to renewal. Daniel Pecarina was present to answer questions. Mr. Pecarina noted that the fiber network in the ROW will be 3' deep and each home will have the option to have a network drop installed to their home. Drops of less than 500' in length will be installed for free. They will be responsible for restoration in the ROW.

Jared Sachs made a motion to close the public hearing. Marla Vagts seconded. Motion passed 4-0.

Marla Vagts made a motion to recommend the approval of the franchise agreement with HBC to the Town Board. Doug Clark seconded. Motion passed 4-0.

Tom Schmit, with Holcim Inc., presented information on future mineral extraction plans within Empire. Currently Holcim Inc. is in talks with neighboring properties to a proposed new mine to

the east of Biscayne Ave. The proposed plan will be to construct a conveyor under Biscayne Ave. to limit the amount of truck traffic that would go to the site. They are proposing to work on obtaining mining permits for the site in Q2 of 2023, with tunnel installation in Q3 of 2023. Mr. Schmit estimates that the mine would operate for approximately 8-10 years, based on market conditions.

Lucy Simon requested information about the possibility of constructing an in-law residential unit on her property in the AG District. The Planning Commission indicated that the unit would need to be constructed as an addition to the existing single-family structure with a shared entrance. The Commission was concerned that if they amended the ordinance to grant the construction of such structures, there would be concerns about what happens to the structures when they are no longer used. They would want to prevent the possibility of having separate vacant or rental units in the AG District.

Trent Larson made a motion to adjourn. Doug Clark seconded.

Meeting adjourned at 9:05 PM.