

# **City of Empire Planning Commission Meeting Minutes**

**July 18, 2023**

The City of Empire Planning Commission meeting was called to order by Jared Sachs at 8:00 PM.

Present were: Jared Sachs, Doug Clark, Gina Maunu, Julie Stulz, Jenni Faulkner, Charles Seipel-Teng, and Mayor Trent Larson. Elizabeth Haas was absent.

Public Hearing #1- The Planning Commission Meeting was opened to a public hearing to consider an amendment to Ordinance No. 450- Mineral Extraction Ordinance. Charles Seipel-Teng read the notice and noted that the city had not received comment prior to the hearing. Jenni Faulkner reported that the ordinance amendment has been requested by Holcim Inc. and if adopted, the amendment would permit 0' setbacks for mineral extraction facilities with common mining lot lines. There was no public comment on the proposed amendment.

Doug Clark made a motion to close public hearing #1. Gina Maunu seconded. Motion passed 4-0.

Julie Stulz made a motion to recommend approval of the proposed amendment to Ordinance No. 450. Doug Clark seconded. Motion passed 4-0.

Public Hearing #2- The Planning Commission Meeting was opened to a public hearing to consider an amendment to the Holcim Inc. IUP for the Brand Mine to allow 0 ft. setbacks. Charles Seipel-Teng read the notice and noted that the city had not received comment prior to the hearing.

Jenni Faulkner reported that Holcim Inc. has applied for an IUP amendment for its Brand mine to allow a 0' setback along the common mining boundary line (north boundary) with the McNamara Berg mine. The current setback in the IUP is 50'. It was reported that reclamation plans for mines that have a 0's setback would need to account for conditions of the adjacent mine at the time of reclamation. There was no public comment on the proposed IUP amendment.

Julie Stulz made a motion to close public hearing #2. Doug Clark seconded. Motion passed 4-0.

Julie Stulz made a motion to recommend approval of the amendment to the IUP for the Brand Mine. Gina Maunu seconded. Motion passed 4-0.

Public Hearing #3- The Planning Commission Meeting was opened to a public hearing to consider an amendment to Empire Zoning Ordinance, No. 400 to allow solid waste transfer facilities.

Charles Seipel-Teng read the notice and noted that the city had not received comment prior to the hearing.

Jenni Faulkner reported that Nitti Sanitation has requested the proposed amendment ordinance amendment. A solid waste or trash transfer station is a central facility where garbage is consolidated into larger trucks for delivery off-site. The amendment would permit such a facility in the Light Industrial District as a CUP or IUP. In addition to a CUP or IUP from the city, the company seeking to construct a trash transfer station will also need to be permitted by the MPCA and Dakota County. The County license is typically for a two-year period.

With no comment from the public, Doug Clark made a motion to close public hearing #3. Gina Maunu seconded. Motion passed 4-0.

The Planning Commission addressed the applicant with questions about a trash transfer facility. The facility would have garbage removed daily. There would be no organics or yard waste on the site. Wastewater is collected in a 7,500-gallon tank and then removed from the site. There is no discharge into the drain field. Nitti Sanitation will need to go through an extensive checklist with the MPCA and Dakota County to be permitted. The city can be more strict than the County. Trent Larson noted that the trash transfer facility operated by DSI in Lakeville doesn't seem to produce odor. The Planning Commission recommended that the ordinance amendment list trash transfer facilities as an IUP so that probationary terms can be assigned to the permit.

Gina Maunu made a motion to recommend approval for the amendment to Ordinance No. 400, Empire Zoning Ordinance with trash transfer facilities permitted as an IUP in the Light Industrial District. Doug Clark seconded. Motion passed 4-0.

Public Hearing #4- The Planning Commission Meeting was opened to a public hearing to consider an amendment to Empire Zoning Ordinance, No. 400 to allow insulated/textured metal panels for building exteriors.

Charles Seipel-Teng read the notice and noted that the city had not received comment prior to the hearing.

Jenni Faulkner presented information on what other cities in the area allow in regard to building exteriors in the Light Industrial District. Most cities have limitations on metal curtain walls ranging from 0-60%. The ordinance does permit steel/aluminum curtain walls on facades not facing the street. Because the maximum allowed building height in the Light Industrial District is 50 feet and the buildings can be highly visible, staff is not recommending approval of the proposed amendment.

The applicant noted that there is a facility in Blaine that has a similar facade to what they would propose in Empire. Nitti Sanitation noted that this would not be a pole barn structure. The applicant would like to have the proposed facade because this is a pre-engineered building.

The proposed facility would have a concrete push wall approximately 14' tall. The Planning Commission tabled the recommendation on the proposed ordinance amendment until they can personally see the facility in the City of Blaine.

The Planning Commission reviewed a request from Cushman & Wakefield for the wooded property to the northeast of the intersection of Highway 3 and 66. The property owners are interested in selling it and were wondering if the city would have interest in buying it. The property is almost entirely located in the floodplain so activity would be limited to park and trail space. The Planning Commission determined that this parcel is not in the City or County long term trail plans. If purchased, the city would be responsible for controlling the weeds in the area and the low elevation would make this an expensive section of trail to maintain. The Planning Commission recommended that the City not consider purchasing the property.

Mr. Royal from Independent Black Dirt and Hugh Fischer were present to discuss future zoning in the area along Highway 3, south of the Empire water tower. The Planning Commission discussed the possibility of rezoning the area to Light Industrial at their last meeting because there was a potential developer that wanted to place a storage rental facility on the Fischer parcel. This would require rezoning the area. To prevent spot zoning, the entire area, including the Independent Black Dirt property, would need to be rezoned. This would also require a comprehensive plan amendment. Mr. Royal indicated that he does not have immediate plans for the property but would like to keep his options open. A rezoning of the area would require an application from both property owners to initiate the rezoning process.

The property owner at 2336 210th Street requested information on a proposed driveway that he would like to construct for a future home on the property. The city indicated to him that the driveway would need to be 50' from the property line and 50' from the culvert. Because of the elevations on the property, this would be problematic to constructing the driveway. Brad Fischer will visit the site with Jerod Waltman to work with the property owner on possible driveway locations.

It was reported that Xcel Energy has plans for new infrastructure at their substation on 210th Street. The city has not yet received applications for the location of new ROW work at the site.

Residents opposed to the proposed Kwik Trip store expressed concerns about crime, environmental issues from the gas tanks, traffic concerns, and a decrease in property values that the store may bring to the area. They were not aware that the area was zoned for a gas station store. They requested that access be granted off of 190th Street and that Empire consider rezoning the lot to keep the area as a park and residential space. Trent Larson noted that the City cannot rezone a property without the property owner's consent. It was noted that prior to approval of the Kwik Trip they would need to apply for a plat of the property, site plan review, and CUP for the car wash.

The Planning Commission recommended that once the city receives the application for the site plan, a community meeting with Kwik Trip be scheduled for the plan review. Residents in the

neighborhood, west of Claremont Drive, and the Farmington Planning Commission would be invited to the meeting.

Julie Stulz made a motion to adjourn. Doug Clark seconded.

Meeting adjourned at 9:40 PM.