

Empire Township Planning Commission, Meeting Minutes

September 21, 2021

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

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

The notice for the public hearing was read and the public hearing for a Request for an Interim Use Permit to Allow a Telecommunications Pole in the 197th Street Right-Of-Way was opened.

Jane Kansier presented a memo that explained that an IUP has been applied for by Minnesota Energy Resources to allow the construction of a 45' telecommunications pole in the 197th Street ROW, located just south of 3281 197th Street. The pole will be shared with Xcel Energy and the new equipment will be used to read meters of local customers. The proposed project will replace an existing utility pole and be similar in construction. The Planning Commission reviewed a photo of what the proposed pole will look like.

It was recommended that the IUP be issued for a term of 25 years. The project will still need a ROW permit and must be constructed according to all applicable ordinances.

No comment was received from the public.

A motion by Trent Larson to close the public hearing. Tom Kaldunski seconded. Motion passed 4-0.

A motion by Trent Larson to recommend approval of an IUP for Minnesota Energy Resources Corp for a Wireless Communication Tower in the 197th Street Right-of-Way, South of 3281 197th Street. Bob Bjerke seconded. Motion passed 4-0.

The property owners at 3773 205th Street presented a request for information on a potential variance application. The owners are proposing the construction of a storage garage on the property and would be seeking a variance from Section 4.12 of the Zoning Ordinance, that limits square footage of accessory structures to 800 sq. ft., with a maximum of two accessory buildings. It was the consensus of the Planning Commission that the proposed project would not meet the conditions to grant a variance.

The property owners at 21690 Blaine Ave. were present to discuss the storage of commercial air conditioning units at their property. The owners stated that the units will be removed from the property in the next week. Going forward, there will be some units stored inside of a storage shed on the property once the concrete floor in the shed is poured. It is anticipated that the concrete floor will be poured in the next month. The Planning Commission expressed

concerns that a business may be operating on the property. Property owners stated that they and some friends will be dismantling the units inside of the storage shed as a side job. It is anticipated that trucks would be coming to the property three times per month. The Planning Commission recommended that this issue be revisited at the first Planning Commission meeting in November.

The Planning Commission reviewed a memo that outlined draft language on a potential zoning ordinance amendment that would permit certain activities for a limited duration on parcels of a certain size in the Mineral Extraction Overlay District. Jane Kansier reported that the proposed amendment would expand potential uses, but they would still be limited to contractors' yards, outdoor storage, trucking companies, and mining related businesses. These uses would be granted by a 10-year IUP. The IUP can be extended. Parcels would need to be less than 10 acres. This applies to a total of seven parcels in the ME overlay. The point of the amendment would be to expand potential uses of these properties but limit them to more temporary structures and uses as to help prevent conflicting uses in the future when the land is either mined or developed.

The property owners for three of these parcels, on Chippendale Ave., were present to discuss their concerns. They wish to sell their properties, but do not know yet who will be interested. The Planning Commission stated that they would like to work with these property owners but are hesitant to incorporate specific language into the zoning ordinance at this time without knowing what the desired use for the property will be. It was the consensus of the Planning Commission that any proposed use should be aligned with the mining industry. The Planning Commission recommended that the property owners come to the Commission if they have a potential buyer for the properties, and the proposal can be discussed at that time. In the meantime, the Planning Commission will continue to discuss potential options over the winter.

It was reported that language in the Zoning Ordinance requires that residential building rights be transferred to a legal lot of record, with public street access and suitability for ISTS, or a parcel pending subdivision approval by the Township. It was the Planning Commission's understanding that a residential building right can only be transferred to a parcel that is intended to serve as the site for the construction of a rural residential structure. Once it is moved to that parcel, it cannot be transferred to another. It was further discussed, that unless a parcel in the Ag District is being subdivided to serve as a site for a rural residential use, parcels cannot be subdivided to a size smaller than 20 acres.

The Planning Commission reviewed the proposed template agreement for the transfer of residential building rights. Language was added that stated that the agreement would not be in effect until it is recorded with the Dakota County Recorder's Office.

Trent Larson made a motion to recommend approval of the building rights agreement template. Tom Kaldunski seconded. Motion passed 4-0.

The Planning Commission reviewed the proposed long term parking ordinance (No. 250-B). It was noted that the proposed ordinance was reviewed by the Town Board and includes all types of vehicles that could possibly be parked or stored in the public right of way in the MXR District. Long term parking is limited to no more than 72 hours. The draft ordinance references the seasonal overnight parking ordinance (No. 240-B). It was the consensus of the Planning Commission that the ordinance should apply only to the MXR District.

It was recommended that a public hearing be set for the proposed long term parking ordinance.

The Planning Commission reviewed the list of responses from the developer of the Brookshire residential development on 170th Street in the City of Lakeville.

It was reported that a public open house has been scheduled for Tuesday, September 28th for a proposed new interchange at Highway 52 and Highway 66. Brad Fisher will try to attend the open house.

The Planning Commission Meeting adjourned at 9:30 PM.