

# **Empire Township Planning Commission Minutes**

**November 15, 2022**

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

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

## **Public Hearing #1:**

A public hearing was opened to consider an amendment to the 2040 Comprehensive Plan Future Land Use Map, designating approximately 22.3 acres of property south of 160th Street and west of the Union Pacific Railroad from AG to Industrial, and to consider rezoning this property from AG to LI.

Jane Kansier presented a memo regarding the proposed zoning amendment. The amendment has been applied for by Enebak Construction Co. to accommodate the development of the property into an industrial use for their highway construction business. The property consists of 2 separate unplatted parcels and is currently being used as a single-family home and agricultural land. It is served by private utilities and is not within MUSA.

The Township has received comments on the proposal from the City of Rosemount, with concerns about required screening due to residential land uses to the north and the future alignment and extension of Chippendale Ave; and from the City of Lakeville regarding future intersection use at Chippendale and CSAH 46 and addressing future truck traffic.

It was noted that a Conditional Use Permit will be required for a highway construction business at this site and these concerns should be addressed at that time.

Tom Geronime, neighbor of the property, had questions about what is proposed on the site as he has not been contacted by Enebak. He would like to maintain access to the area of his property south of the large pond, and retain an easement at the front of both properties for his driveway access. He also had questions about screening for the project.

Jacob Fick, with Enebak Construction indicated that they do not plan on using the existing driveway that serves Mr. Geronime's property and it would remain undisturbed. Future buildings on the site would accommodate a future road extension for Chippendale Ave.

Jared Sachs asked why the parcel is not in the mining overlay. It was noted that due to the parcel's location and size, it was not placed in the mining overlay.

Steve Timmermar, resident to the north of the property, had concerns about the future of the Chippendale and CSAH intersection. He noted that there is a lot of noisy truck traffic that goes through there currently and is concerned about additional truck traffic coming from the site. He asked if any traffic control measures will be placed at the intersection. It was noted that it would be up to Dakota County to determine future traffic control measures at the intersection. Enebak Construction currently has a couple of semi-trucks and dump trucks. Due to weight limits, they will need to use primary roads, so would not use Chippendale Ave. north of CSAH 46.

Jared Sachs made a motion to close Public Hearing #1. Tom Kaldunski seconded. Motion passed 4-0.

Tom Kaldunski made a motion to recommend approval of the proposed 2040 Comprehensive Plan Map and Township Zoning map. Doug Clark seconded. Motion passed 4-0.

#### Public Hearing #2:

A public hearing was opened to consider an amendment to the 2040 Comprehensive Plan MUSA Staging Map to change the staging from 2030-2040 to 2020-2030 on approximately 40 acres of land for the proposed Deer Creek Subdivision.

Jane Kansier presented a memo regarding the proposed Comprehensive Plan amendment. The area in the proposed amendment is for the portion of the proposed Deer Creek Development, north of 170th Street. The property is currently agricultural in use and is proposed to be a PUD residential development. John Anderson with the proposed development noted that he expects to have a preliminary plat application submitted very soon.

Nicole Bower asked about future sewer connections. Jane Kansier noted that the future water and sewer will need to be stubbed in from an existing development to the west. Proposed infrastructure will need to be provided in the development plans and the extensions will be the responsibility of the developer.

No comments were received from adjacent jurisdictions.

Jared Sachs made a motion to close Public Hearing #2. Marla Vagts seconded. Motion passed 4-0.

Jared Sachs made a motion to recommend approval of the proposed 2040 Comprehensive Plan MUSA Staging Map. Doug Clark seconded. Motion passed 4-0.

#### Public Hearing #3:

A public hearing was opened to consider proposed amendments to Ordinance 350-B, the Water Resource Management Ordinance.

Jane Kansier presented a memo regarding the proposed amendments to Ordinance 350-B. The original ordinance was adopted in 2003 and needs to be updated periodically to comply with the Township's MS4 permit. Proposed amendments include changes to the definitions, applicability of and exemptions to excavation and grading permits and erosion control, runoff control standards, wetland management, and wetland and waterway buffer standards.

No comments were received on the proposed amendments.

Tom Kaldunski made a motion to close Public Hearing #3. Doug Clark seconded. Motion passed 4-0.

Tom Kaldunski made a motion to recommend approval of the proposed amendments to Ordinance 350-B, the Water Resource Management Ordinance. Jared Sachs seconded. Motion passed 4-0.

Robert Nassif was present to provide information on his proposal for Fissan Training Kennels to purchase the Skyview Ranch Property. Mr. Nassif explained that he is proposing that the property will be used similarly to how Skyview Ranch operates on the property, except he would focus mostly on dogs and have approximately 20 animals on the site. Jane Kansier noted that he would need an IUP to operate at the site and the application should include a site plan for the existing buildings on the site. The Planning Commission had no concerns about the proposed use and recommended submittal of an IUP application.

The Planning Commission reviewed information on the trees to be disturbed as a result of the proposed Deer Creek Subdivision on the parcel north of 197th Street. It was reported that the Zoning Ordinance calls for the replacement of healthy and desirable trees as a result of development on a "caliper inch" basis. John Anderson, with Winkler Development, noted that the Ordinance does not define what a desirable tree is and that many cities require replacement only after 25% or more of the trees on a specific property are disturbed. Replacement of all trees would not be feasible. Jane Kansier noted that her landscape architect looked at a list of trees proposed to be disturbed on the property and several of them may not be considered desirable. Mr. Anderson noted that the development proposes to replace some of the trees and use them as a buffer along 197th and Biscayne Ave. Jamie Elvestad would like to see the ordinance amended to define tree replacement more clearly. In the meantime, the Town Board can consider recommendations for tree replacement through the development and PUB application process.

The Planning Commission reviewed a proposed Comprehensive Plan Amendment from the City of Lakeville to include recently annexed properties into MUSA. Jared Sachs made a motion to recommend no comment on the proposed Comprehensive Plan Amendment from the City of Lakeville. Tom Kaldunski seconded. Motion passed 4-0.

Jared Sachs indicated concerns about potential truck traffic on 170th Street in Coates, between County Road 81 and Highway 52. The road is not meant to accommodate truck traffic and the

Township should work with businesses at the new DNH Site to make sure they are using the interchange at Highway 52 and CSAH 46 to access businesses at the site.

Meeting adjourned at 9:15 PM.