

Empire Township Planning Commission Minutes

September 6, 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, Jenni Faulkner, Charles Seipel-Teng, and liaison Jamie Elvestad.

The meeting was opened to a public hearing for the preliminary plat application submitted by DNH Empire LLC, subdividing an area approximately 54.8 acres for commercial and industrial uses near the intersection of Highway 52 and CSAH 46. Jane Kansier presented a memo outlining the preliminary plat.

The preliminary plat calls for 5 lots to be used for industrial and commercial purposes. There are two outlots on the north side of the plat to be used for future CSAH 46 Right-of-way. Access to the lots in the plat is provided by CR 81. At some time in the future, CR 81 will be realigned and reverted back to the Township. The plat accounts for the future realignment of CR 81 and plans have been reviewed by the Dakota County Highway Department and Plat Commission. The plat calls for the creation of two new streets, labeled A & B on the plat map.

The Planning Commission reviewed a map showing proposed alignment, and future alignment once CR 81 is realigned, with the newly created streets.

The site will be served by private utilities, including private wells and septic systems. The site is designed to drain from the north to stormwater ponds located along the south side of the plat.

The recommendation for approval contains the following conditions:

The plans must be revised to address the comments in the Engineer's memo, dated August 31, 2022; The plans must be revised to address the comments in the Dakota County Plat Commission memo, dated September 2, 2022; The final plat must include names for streets A & B; The final plat must be submitted within one year of preliminary plat approval; At the time of final plat approval, the applicant must enter into a development agreement with the Township for the construction of the required public improvements, fees and performance guarantees; Subject to approval by the Township Engineer, the applicant may apply for and receive a grading permit to begin initial site grading prior to the final plat approval. Site work shall be subject to an independent application and approval for a stormwater permit according to Township ordinances and procedures and a NPDES general construction permit; No building permits will be issued until the final plat is approved and recorded, and the CUP for Nitti Sanitation's facility has been approved and recorded.

Dave Domack with Nitti Sanitation noted that DNH understands the conditions of approval.

Jared Sachs made a motion to close the public hearing for the preliminary plat application as submitted by DNH Empire LLC. Trent Larson seconded. Motion passed 5-0.

Trent Larson made a motion to recommend approval of the preliminary plat as submitted by DNH Empire LLC, subject to the conditions as outlined in the Preliminary Plat Memo. Tom Kaldunski seconded. Motion passed 5-0.

John Anderson with Winkler Land Co. provided an update on the concept plan for the proposed Deer Creek development. The lots on the south 40 acres are at 12,000 sq. ft. and shows three cul-de sacs. The street layout shown is what the developer would like to go with. It was the consensus of the Planning Commission that the concept plan looks good. Mr. Anderson stated that he will be putting together a preliminary plat, with likely submission this coming fall or winter.

The Planning Commission reviewed sample golf cart ordinances from other cities. It was reported that under the current nuisance ordinance, golf carts are not permitted to be operated on streets in the MXR District. There have been concerns from law enforcement about how to enforce the ordinance. There are concerns from residents about kids and unlicensed drivers driving the carts on streets. There are also concerns about the number of people riding on some of the carts. It was noted that electric bikes are becoming more common, but those are still considered bikes under state law. The Planning Commission recommended drafting an ordinance for the operation of golf carts on streets in the MXR District. The ordinance should require that operators of golf carts be a licensed driver and that the cart be insured. Documentation of such should be provided to the Township through an annual permit application.

The Planning Commission reviewed a proposed comprehensive plan amendment from the City of Rosemount for property east of Highway 52 to be rezoned for SKB Environmental. The Planning Commission had no comment on the proposed comprehensive plan amendment.

It was reported that Empire Township has received an order for incorporation and an order for annexation from the State Law Judge. The annexation of the parcels in the OAA were annexed into Farmington as of 8/31/2022. A special election for Council and Mayor will be held on February 14, 2023. At this week's EFPAC Meeting, a joint letter to go to the parcel owners in the OAA and street maintenance of roads in the OAA will be discussed.

The Planning Commission recommended that a joint Town Board and Planning Commission Meeting be scheduled to discuss the incorporation.

The upcoming EFPAC meeting will be held on Thursday, September 8th, 6:00 PM at Empire Town Hall.

It was reported that an open house on the Hastings DWSMA will be held on Wednesday, September 14th.

Meeting adjourned at 9:10 PM.