

Planning Commission / Continuation of Town Board Meeting Minutes November 19, 2019

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

Present were: Tom Kaldunski, Jared Sachs, Trent Larson, Bob Bjerke, Chris Williamson, Jane Kansier, Charles Seipel, and liaison Ed Gerten. From the Town Board, Supervisors Terry Holmes and Jamie Elvestad were present.

The meeting was opened to a public hearing for the request of an IUP at 20485 Chippendale Avenue to allow automobile sales in the MXR District. Ed Gerten read the public hearing notice as well as a letter from the property owner at 20515 Chippendale Avenue requesting that a 6' high privacy fence be erected to ensure privacy and safety if the expansion of an IUP is granted.

Jane Kansier presented a memo that highlighted the proposed changes to the property from the existing IUP, the proposed findings of fact, and recommendations. The proposed changes from the existing IUP include the number of vehicles located on the site to increase from 30 to 60 and allowing boats to be stored on the property until May 31, 2020.

Trent Larson stated that the applicant has not been in compliance with the existing IUP since it was first issued due to boats being stored on the property and vehicles and boats being parked in front of the fence. The property owner reported that the vehicles and boats have been moved behind the fence. There are still boats on the property as the property is still partly owned by the previous owner. The contract for deed for the purchase allows partial ownership by the previous owner until May 31, 2020.

After some discussion, it was recommended that the current IUP be extended until June 30, 2020 and the proposed IUP be denied. This recommendation was made due to the fact that the applicant has not been in compliance with the existing IUP and the fact that boat storage on the property was in the purchase agreement with the previous owner, but this was not disclosed to the Township. Boats can continue to be stored on the property, however the storage of vehicles and boats on the property under the existing IUP cannot exceed 30.

Jared Sachs made a motion to close the public hearing for the request for an IUP at 20485 Chippendale Ave. Chris Williamson seconded. Motion carried 5-0.

Jared Sachs made a motion to recommend the extension of the existing IUP for automobile sales at 20485 Chippendale Avenue until June 30, 2020. Trent Larson seconded. Motion carried 5-0.

The continuation of public hearing for the request of an IUP at 2735 Vermillion River Trail for the construction of a monopole communications tower was opened.

Jane Kansier presented an updated memo that provided the Planning Commission with the following information on the proposed project: proposed fence design; information and sketch of the proposed equipment shelter; landscaping plan; information on the generator proposed to be installed at the site, including data on the sound that would be generated; simulated photos of what the proposed tower will look like from different vantage points; and maps that show existing cellular coverage in the area and anticipated coverage with the construction of the proposed tower.

Karyn O'Brien, a representative for the project reported that one additional site that was considered was the Township owned property, located to the west of the proposed project. Town Board Supervisor Ed Gerten stated that he does not recall the Township being approached for this project in the past.

Discussion was held on the need to provide space for an additional structure on the property in the event that an additional provider sets up equipment on the tower. Karyn O'Brian stated that there will be space available on the site for an additional equipment shelter.

Residents in attendance voiced their concerns with the visual impacts of the proposed tower for other nearby residential properties and the tower's close proximity to other, neighboring structures.

The Planning Commission was presented with a petition signed by the property owners of three residential properties located near the proposed project.

Tom Kaldunski made a motion to close the public hearing for the request of an IUP at 2735 Vermillion River Trail for the construction of a monopole communications tower. Trent Larson seconded. Motion carried 5-0.

After discussion, it was recommended that the findings of fact for the IUP request be amended to include the following:

The proposed setback for the tower does not equal the height of the tower. Further, there is not enough space on the property for which the proposed project is to be located to allow for the tower to meet these setbacks. Section 6.17 of Empire Township's Zoning Ordinance states that setbacks may be reduced to a distance agreed upon by the Township, if the tower applicant furnishes a registered engineer's certification that the tower is designed to collapse or fall within a distance or zone shorter than the total tower height. However, the Township has set the precedence of ensuring that the height of structures do not exceed the setbacks for the structure. The Planning Commission is concerned that if the tower does collapse, it is not

certain that the tower will collapse within the fall zone and may impact adjacent properties and structures.

The proposed tower would impact the aesthetics and enjoyment of other residential properties within close proximity to the project. Because of the tower's height, there is no way to screen the project and mitigate the visual impacts of the proposed tower.

The proposed project is in close proximity to existing residential properties. It is likely that the proposed tower will negatively impact these properties. Further, because there are still open areas near the proposed project, and these areas are adjacent to existing residential areas, it is anticipated that the number of residential units in the area will increase in the coming years. This includes the possibility that property directly to the west of the proposed project will someday be subdivided and developed for residential purposes.

An IUP for this type of project would require a decommissioning bond in favor of the Township in order to cover the cost of dismantling the tower if that became necessary.

There may be impacts on adjacent wetlands from the proposed project. A wetland delineation will need to be done and the results of said delineation provided to Dakota County.

There is a possibility that the generator associated with the proposed project will generate excessive noise in the evening and become a nuisance to residential properties in close proximity to the project.

The IUP will not be assignable or transferable to a new owner.

The findings of fact will be presented at the November 26th Town Board Meeting.

Trent Larson made a motion to recommend that the IUP for the proposed monopole tower at 2735 Vermillion River Trail be denied. Tom Kaldunski seconded. Motion carried 5-0.

The property owner at 17373 Biscayne Ave was present to inquire about the possibility of splitting 10 acres from a farmed parcel surrounding his property. The proposed 10-acre parcel split would be directly to the west of the currently owned parcel. The new parcel would not have frontage to a public right of way. The Planning Commission advised that the ordinance requires all parcels in the Township to have frontage on a public roadway, therefore the proposed parcel split would need to be incorporated into the existing parcel. The property owner would need to submit a survey of the proposed parcel split and could be considered at the next Town Board meeting. If the split is approved, the Clerk would provide the property owner with a letter approving the split.

Jared Sachs made a motion to approve the proposed parcel split of 10 acres from PID #120080001015 to PID # 120080001016. Trent Larson seconded. Motion carried 5-0.

Jane Kaniser reported that last week's EFPAC meeting went well. The following items were discussed: The new trial to be constructed on the west side of Highway 3, crossing the Vermillion River; the Sapphire Lake development taking place in Farmington East, consisting of 130 housing units; and a proposed water tower to be constructed by the City of Farmington, near Highway 3. At the meeting, it was recommended that the City of Farmington and Empire Township look into the possibility of collaborating on a water supply study that shows the impacts of the new tower as well as the possibility of entering into a joint agreement for use of the water tower on a temporary basis. Empire Township would need to construct its own new water tower in the future.

The next EFPAC meeting will be held on Tuesday, January 28, 2020, 6:30 PM at Empire Town Hall.

Meeting adjourned at 10:00 PM.