

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
JUNE 15, 2015**

AGENDA ITEM 1. Call to Order, Roll Call and Approval of Minutes.

Chair Vanderheyden called the meeting to order at 7:00 p.m.

Present at roll call were Commissioners: Vanderheyden, Gonzalez, Ramy, Iverson, Gruber, and Gnos. Absent and excused was: Commissioner Young. Director of Planning and Building Gadow and City Attorney David Schelzel were also present.

Chair Vanderheyden stated the minutes to be reviewed are from the June 1, 2015 meeting.

Commissioner Gonzalez made a motion, Seconded by Commissioner Gruber, to approve the June 1, 2015 meeting minutes. The motion carried. 5-Ayes and 1-Abstain (Vanderheyden).

AGENDA ITEM 2. Workshop Items:

a. Update on Telecommunications Ordinance

Mr. Gadow stated for the last few years the City Council and the Planning Commission have been working on updating the City's Telecommunications Ordinance in order to better regulate the location of new cellular towers and related equipment. He reviewed the working draft of the Ordinance. The City Council has been working with the neighborhood adjacent to the water tower, and has been working to relocate the telecommunications facility located there. There are still areas Staff, the City Attorney, and the telecommunications consultant SEH are getting information on in order to finalize the draft Ordinance and determine feasible locations for new cellular towers. The City Council has also asked Staff to prepare a policy statement that would go in tandem with the Ordinance, and this would be brought forward to the Commission when it is available. The key changes to the latest version of the draft Ordinance are in Section 4, and this will continue to change as the public policy questions are answered. He reviewed the conditional use permit process and those areas where telecommunications facilities would be permitted. There has been new technology in the area of micro sites and there would need to be additional work to the Ordinance to incorporate and clarify this technology. The goal would be to have a final draft of the Ordinance available for the Commission to review and hold a public hearing later this summer and have the City Council review and possibly adopt after that. Currently there is a moratorium in place for new telecommunications facilities that expires at the end of September.

Commissioner Gonzalez stated section 1.D requires co-location of telecommunication towers and antenna but in a different section of the Ordinance, placing antenna on existing poles is reviewed. She asked how these were reconciled.

1 Mr. Gadow stated these sections are not in conflict and Staff would clarify Section 1.D. to
2 identify these as towers and antenna constructed by the vendor versus using public owned poles
3 or towers for antenna.

4
5 Commissioner Gonzalez stated the Planning Commission had forwarded a draft to the City
6 Council previously and the Council had determined the Ordinance was too restrictive. She asked
7 if any of the City Council's objections had been addressed in the current draft Ordinance.

8
9 Mr. Gadow stated the Council's major objections had been in Section 4 and this has been
10 clarified with the new telecommunications facilities and the Conditional Use Permit process.
11 Staff is continuing to work on this section to ensure it adequately addresses the Council's
12 concerns.

13
14 Commissioner Gonzalez asked why they did not require a CUP at the Public Works building as
15 well. This would allow the City to attach reasonable conditions to new antennas.

16
17 Mr. Gadow explained if the City would like to have vendors move off other facilities to the
18 Public Works building the vendors would like this process to be as streamlined as possible.
19 From a policy standpoint, the City has identified the Public Works building as the preferred site
20 for these facilities.

21
22 Chair Vanderheyden clarified it was legally required for the City to allow these facilities in the
23 City. He asked if a CUP would be a reasonable request.

24
25 City Attorney Schelzel stated it would be if the CUP process were administered in an fair,
26 objective and reasonable manner, and the restrictions did not preclude anyone from being able to
27 locate in the City. The way the Ordinance is currently written the City has identified a preferred
28 location that does not require a CUP process. The City is the landowner and can set any location
29 specific requirements in the leasing process, and in those areas that are not identified by the City
30 as preferred locations, a CUP would be required. The CUP would give the City more control
31 over these facilities, similar to the control the City would have for the preferred location.

32
33 Commissioner Iverson stated she would like to add schools and churches to Section 1.B.

34
35 Mr. Gadow stated this would be a policy question for the City Council to discuss.

36
37 Chair Vanderheyden stated Zoning Administrator was not defined in Section 2.

38
39 City Attorney Schelzel stated Zoning Administrator is defined in the definition section of the
40 Zoning Ordinance.

41
42 Commissioner Gonzalez suggested inserting the word "require" after "...among other remedies,"
43 in Section 4.A. line 34.

44

1 Chair Vanderheyden said Section 4.B. indicates that the only place to locate a structure or
2 antenna is those parcels identified by the City but the CUP process does allow for these
3 structures in other locations.

4
5 Mr. Gadow clarified that a permit would be required for location on the Public Works building.
6 Section 4.B.i. does clarify that a CUP is required in other locations.

7
8 Chair Vanderheyden stated Section 6.C.v. asks for a network map describing the Applicant's
9 Telecommunication Facilities, which provide any coverage within the City's limit. He would
10 like to see this also added to Section 4.B.ii.a. so the City can see the coverage for the towers a
11 vendor may have that provides coverage for the City.

12
13 Commissioner Gonzalez stated in Section 4.B.ii.c., line 23, insert "impact" after "...significant
14 visual..."

15
16 Chair Vanderheyden stated in Section 4.B.ii.c., line 26, the last word "is" should be changed to
17 "if".

18
19 Commissioner Iverson asked how the City verifies that vendors are looking at the most current
20 technology for Section 4.B.ii.b. "Stealth Design".

21
22 Mr. Gadow suggested the City consider requesting vendors to submit a report every three (3)
23 years showing non-proprietary information on designs.

24
25 Commissioner Ramy asked if the City could require vendors to retrofit existing facilities.

26
27 Mr. Gadow stated that the existing leases that govern this. If these facilities are moved to the
28 Public Works facility, it would then be governed by this Ordinance and then the City would have
29 the ability to require this.

30
31 Commissioner Iverson asked if this would also be included in the lease agreements.

32
33 City Attorney Schelzel stated this could be included in the lease agreements.

34
35 Chair Vanderheyden suggested adding the right to obtain coverage information to Section
36 4.C.i.c.

37
38 Commissioner Iverson suggested including a map of current and preferred locations with the
39 Ordinance.

40
41 Commissioner Iverson stated in Section 4.C.iii., after line 26, she would like to add d. Schools
42 and e. Churches.

43
44 Commissioner Gonzalez stated churches may want to have an antenna. She asked if the City
45 Council had discussed prohibiting antenna from these facilities.

46

1 Mr. Gadow stated this would be an item for the City Council to discuss and make clear which
2 parts of the community would not be allowed to have telecommunication facilities and antenna.

3
4 City Attorney Schelzel stated Federal law requires the City to allow for these facilities and if the
5 Public Works building is the only place they are allowed this could pose problems.

6
7 Commissioner Gruber suggested advising the Council of their safety concerns rather than adding
8 this language to the Ordinance.

9
10 Commissioner Iverson stated that as the technology improves and devices get smaller there may
11 be opportunities in the future to allow these facilities in places that they would not be allowed
12 today.

13
14 Commissioner Gonzalez asked if Section 5.E. should contain a maximum height allowed
15 because this is something that is specified in other areas of the City Ordinances.

16
17 Mr. Gadow stated this could be clarified if needed.

18
19 Commissioner Ramy asked for clarification on the height requirements specified in Section
20 4.C.i.b. and Section 5.A.

21
22 Mr. Gadow stated Section 4.C.i.b is for Conditional Use Permits but Staff would review these
23 Sections to be sure they are not in conflict.

24
25 Commissioner Iverson stated she would like standards specified for the height of the landscaping
26 in Section 5.K.

27
28 Chair Vanderheyden stated in Section 5.K. the City Council is required to approve the
29 landscaping. They should also be required to approve the fencing in this section.

30
31 Commissioner Iverson asked if the City should set standards for noise in Section 5.M. that limits
32 the City as well.

33
34 Mr. Gadow stated Staff had discussed this and the fall back standard would be the Minnesota
35 Pollution Control standards for noise. He suggested setting the standards as the State standards
36 or MPCS standards.

37
38 Chair Vanderheyden stated he would like to add a requirement that the decibel levels be
39 calculated to the property line in Section 5.M. He asked if there would be a policy written to
40 correlate with Section 5.R.

41
42 Mr. Gadow stated the policy may contain such things as construction activity and technical
43 innovation. Staff is continuing to work on a draft policy to work with the Ordinance.

44

1 Commissioner Iverson felt that the language regarding parking in Section 5.R. should be made
2 more clear, including how many trucks would be there and if there would be adequate parking to
3 meet the needs.

4
5 Commissioner Gruber asked if the City had considered how to protect the City if towers fall in
6 Section 5.Q.

7
8 Mr. Gadow stated the Ordinance does require a Fall Study and Section 5.Q. is more about the
9 ground equipment.

10
11 Commissioner Iverson suggested adding measuring the lighting to the property line in Section
12 5.V.

13
14 Mr. Gadow explained Staff may determine that Section 5.X. may be included in a policy and
15 removed from the Ordinance.

16
17 Chair Vanderheyden recommended the language in Section 11 match the language in 5.Z.

18
19 Commissioner Gonzalez asked if Section 13 would pertain to the residential dishes and satellite
20 or old-fashioned ham operators.

21
22 Mr. Gadow stated this was correct. The City wanted to retain some of the language from the
23 original Ordinance.

24
25 Commissioner Gonzalez asked if a resident could have an antenna up to 15-feet in height in
26 Section 13.B.

27
28 Mr. Gadow clarified this would be the maximum height for a ground mounted antenna.

29
30 Chair Vanderheyden clarified that the 6-1/2 foot maximum allowed in Section 13.D. for rooftops
31 was above the maximum height allowed by the District.

32
33 Mr. Gadow stated this would be above the total allowable roof height. Staff would work on this
34 language.

35
36 Commissioner Gonzalez asked if there was an update on what the City Council intended to do
37 with the existing facilities referenced in Section 4.A.

38
39 Mr. Gadow stated the Council is moving forward with looking into having the facilities relocated
40 off the water tower. Staff had sent out notices that when the leases expire the City would be
41 decommissioning this site. Staff will continue to work with the Council on these policy
42 questions.

43
44 Commissioner Gonzalez asked if these facilities would be grandfathered in.

45

1 City Attorney Schelzel stated vendors would not have any right to stay in their current locations
2 once the lease expires.

3
4 Commissioner Gnos asked what the terms were for the existing leases.

5
6 Mr. Gadow stated they vary and expire between 2018 and 2021. Staff will continue to work on
7 clarifying the points in the Ordinance.

8
9
10 **AGENDA ITEM 3. Other Items:**

11
12 **a. Review and adoption of Planning Commission Report and Recommendation on 250**
13 **Bushaway Road for Subdivision and Variances**

14
15 Mr. Gadow reviewed the draft Report and Recommendation of denial for the subdivision request
16 to create three (3) lots and related concurrent preliminary and final plat, and denial of variances
17 from Subdivision Ordinance to allow use of private roadways, lot frontage on a public street,
18 street width less than 26-feet and construction of roadways without curbs and gutters. The City
19 Council would review this application at their July 7 meeting.

20
21 Commissioner Gonzalez stated the Applicant had stated they were driven by economic
22 considerations to maximize their profit. She asked if it should be included in Section 3.2.A.3.
23 that the variances being requested are being driven to a great extent by economic considerations.

24
25 Mr. Gadow stated these are variances from the Subdivision Ordinance and this has different
26 criteria than variances from the Zoning Ordinances.

27
28 Commissioner Gonzalez made a motion, Seconded by Commissioner Gnos to recommend
29 approval of the Planning Commission and Recommendation of Denial for 250 Bushaway Road
30 three (3) lot subdivision, concurrent preliminary and final plat, and denial of variances from
31 Subdivision Ordinance to allow use of private roadways, lot frontage on a public street, street
32 width less than 26-feet and construction of roadways without curbs and gutters. The motion
33 carried unanimously.

34
35
36 **b. Selection of Planning Commission Representative to Lake Effect Selection**
37 **Committee**

38
39 Mr. Gadow stated at the May 18 meeting, the City Council and their consultant, Mary deLaittre,
40 would be advancing the Lake Effect Project through a design request for proposals (RFP)
41 process to develop a signature project for construction along the City's waterfront. To assist
42 with the review of the RFP responses and selection of the winning design team, the City Council
43 is creating a Selection Committee composed of design professionals, City Councilmembers, a
44 representative from the Planning Commission, Park and Trails, HPB/Historical Society, and
45 representatives from area governmental jurisdictions such as Hennepin County, Three Rivers
46 Park District, and the Minnehaha Creek Watershed District.

1
2 Commissioner Ramy stated he would be on the Landscape Committee for the Highway 101
3 project and would not be able to volunteer for this Committee.
4

5 Commissioner Gruber stated she would be willing to do this but she would also be able to
6 volunteer through the Historical Society if another Commissioner were interested. She asked if
7 an alternate could attend if someone were not able to attend all the meetings.
8

9 Mr. Gadow stated he would look into this.
10

11 Commissioner Iverson stated if the meeting was in the evening she could attend them.
12

13 Commissioner Gruber stated she would be available either early mornings or after work.
14

15 Commissioner Gonzalez made a motion, Seconded by Commissioner Gnos, to recommend
16 Commissioner Gruber serve as the Planning Commission Representative for the Lake Effect
17 Signature Project RFP Selection Committee. The motion carried unanimously.
18

19 **c. Review of Development Activities**
20

21 Mr. Gadow stated there would be a joint workshop on June 16 with the City Council to discuss
22 neighborhood zoning standards. There would be an update of the relocation of the Wise house
23 after this workshop. The July 6 Planning Commission meeting agenda would contain
24 discussions on the Parking Ordinance.
25

26 **d. Other Items**
27

28 Mr. Gadow provided an update on City Council actions pertaining to the amendments to the Bay
29 Center agreement and review of the East Block.
30

31 Commissioner Iverson stated there had also been discussions on the roundabout.
32

33 Commissioner Ramy asked if the 2-hour parking restriction was being enforced.
34

35 Mr. Gadow stated it was but he would check with the Police Department on how this was being
36 done.
37

38 Commissioner Gonzalez asked if 2-hours was too restrictive for those people going to the
39 restaurants.
40

41 Chair Vanderheyden stated the 2-hour parking restriction does end at 6:00 p.m.
42

43 Commissioner Gonzalez asked for an update on the injured officers.
44

45 Mr. Gadow stated he did not have a formal update but he did see one of the Officers in the
46 building.

1
2
3 **AGENDA ITEM 4. Adjournment.**
4

5 There being no further business, Commissioner Ramy made a motion, seconded by
6 Commissioner Gruber, to adjourn the meeting. The motion passed unanimously.
7

8 The meeting was adjourned at 8:22 p.m.
9

10 Respectfully submitted,
11

12 Tina Borg

13 *TimeSaver Off Site Secretarial, Inc.*