

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
FEBRUARY 27, 2017**

AGENDA ITEM 1. Call to Order and Roll Call

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

Present at roll call were Commissioners: Young, Gruber, Gonzalez, Iverson, Murray, Flannigan and Buchanan. Absent: None. Director of Planning and Building Jeff Thomson, Director of Public Services Dave Dudinsky, and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Commissioner Gruber made a motion, Seconded by Commissioner Murray, to approve the February 27, 2017 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) February 6, 2017 Regular Meeting

Chair Iverson asked for any corrections or other changes to the February 6, 2017 meeting minutes as presented.

Commissioner Gruber stated on page 6 line 24 the word "prosed" should be changed to "proposed".

Commissioner Buchanan made a motion, Seconded by Commissioner Gruber, to approve the February 6, 2017 meeting minutes, as amended. The motion carried unanimously.

AGENDA ITEM 4. Public Hearing Items:

a.) Telecommunications Tower – 149 Barry Ave N

i. Conditional Use Permit

Director of Planning and Building Thomson stated SEH, on behalf of the City of Wayzata, has submitted a development application to construct a commercial telecommunications tower on the Wayzata West Middle School property at 149 Barry Avenue N. The proposal requires a conditional use permit and a variance. The Planning Commission held a public hearing and reviewed the development application at its meeting on February 6, 2017. At the meeting, the Commission voted four in favor and one opposed to direct staff to prepare a report and recommendation for approval of the development application. Since the Planning Commission

1 meeting, the City's consultant identified an error on the plans that were reviewed by the Planning
2 Commission. The proposed telecommunications tower would be located 48-feet further to the
3 north and west from where the tower was shown on the previous plans. Due to the discrepancy
4 in the application, City staff has republished notice of a public hearing on the application at this
5 evening's meeting.

6
7 Commissioner Gruber asked if the correct location was closer to the residential properties.

8
9 Mr. Dudinsky stated the proposed location is further from the residential properties and closer to
10 the right of way fence along Highway 12 than previously indicated.

11
12 Commissioner Gonzalez asked if the condition of the soils was driving where the tower would be
13 located.

14
15 Mr. Dudinsky stated the City has been looking at this project since 2008. The goal was to find a
16 location that would work for the telecommunication tenants so that there would not be a need for
17 more than one macro tower in the City to replace the current location on the City's water tower.
18 The tenants determined the proposed site would work if the tower was 195-feet in height, and the
19 school wanted the tower to be in this corner of the ball field. Mr. Dudinsky stated the City
20 considered the fall zone of the proposed tower, and this location would allow a 100-foot fall zone
21 without impacting the tennis courts or other adjacent properties.

22
23 Chair Iverson asked if the tower would work if it were shorter than the proposed 195-feet.

24
25 Mr. Dudinsky stated a shorter height would not work for all the tenants, and for providing the
26 E911 services.

27
28 Commissioner Gruber noted that the proposed height would work for all of the tenants and
29 would not require the need for an additional tower in the City.

30
31 Commissioner Flannigan stated from a cost perspective, the increased height in the tower would
32 make sense but does not from a neighborhood perspective.

33
34 Chair Iverson opened the public hearing at 7:12 p.m.

35
36 Ms. Karen Walker, 315 Barry Ave N, Wayzata, stated the Commission has received her
37 correspondence expressing her significant concerns regarding the relocation of the tower. She
38 had requested that the Commissioners visit her property to see what negative impacts the tower
39 would have on her property and other residents along Barry Avenue. She had a realtor assess her
40 property and the impacts the tower would have on her property. The realtor wrote to the mayor:
41 "Ken, I am writing you today on behalf of the residents on Barry Avenue and most especially
42 Karen Walker. I stood on her deck the other day to observe where the cell tower would go. I
43 don't have to tell you, the new cell tower will most definitely have a negative impact on the
44 value of properties along Barry, most acutely to Karen's property at 315 Barry Avenue. I
45 understand the City needs to move the cell tower from the water tower on Gardner but putting it
46 on Barry does not solve the problem because property values will be substantially affected. The

1 City should find another solution to this.” Ms. Walker stated the impact would clearly be
2 devastating to her retirement income. The proposed site is not a logical solution to the issue and
3 should not be considered.

4
5 Ms. Lucy Bruntjen, 402 Gardner Street, Wayzata, stated the City project not only includes the
6 construction of an access road and monopole but also a fence to surround the cellular ground
7 equipment and monopole. She asked if a fence would be enough to provide site security. She
8 stated there is no setback on the west side of the current telecommunications facility, and the
9 ground equipment is only 19-feet from her property. There is not a lot of room for construction
10 workers at the current location. She asked how the City would ensure there was not
11 telecommunications “spill over” into the sports field and residential properties. She asked where
12 the maintenance vehicles would park, where the no trespassing signs and construction hat zone
13 signs would be posted, and who would be responsible for closing the gate and the enclosures to
14 the trailers when workers were coming and going.

15
16 Mr. Dudinsky stated there would be restricted times for tenants to be on site for maintenance,
17 and they would have to provide 24-hour notice. The monopole is made for telecommunications
18 equipment, so the large equipment that was seen around the water tower would not be required.
19 These vehicles can park on the access road. The compound is 100x100 feet and the fenced area
20 is 75x75 feet. The school and the City both feel this is a workable solution.

21
22 Ms. Bruntjen asked if there was any work that would be going on in the 25 feet between the
23 fence and the compound boundaries.

24
25 Mr. Dudinsky stated this 25-foot area around the fence would be for vehicles to park. They
26 would take the equipment they would be working with into the fence area, and the tenants are
27 responsible for securing the site when they are there.

28
29 Ms. Bruntjen stated that the workers would not close their vehicles or equipment trailers every
30 time they leave them. She feels there needs to be more done to ensure the safety of residents.

31
32 Mr. Dudinsky stated the City would monitor safety. He clarified the equipment used to maintain
33 the cell equipment at the water tower would not be the same equipment used at the monopole.
34 The City and the school have reviewed this application, and it is everyone’s goal to make this a
35 safe project.

36
37 Ms. Walker expressed additional concerns about the invasion this project would create for the
38 residents on Barry Avenue. She stated there is a lot of activity on these fields, and she was
39 surprised that the school has agreed to this facility on their property. She is concerned about the
40 safety of the kids.

41
42 Mr. Joe Madson, 344 Gardner Street E, Wayzata, stated there had been concerns that the access
43 road would be off Barry, so he was glad to see that this was not the case. He expressed concerns
44 that the City was moving a problem from one side of the neighborhood to the other side of the
45 neighborhood. He also expressed concerns for people using the fields at the school. He also
46 expressed concerns about the industrial blight that is occurring in the City.

1
2 Ms. Elyssa Madson, 344 Gardner Street E., Wayzata, asked who would be responsible if there
3 were an accident on the access road or on the cell site property.
4

5 Mr. Dudinsky stated the City, the School, and the tenants would be involved, but this part of the
6 lease with the school district and is part of the safety measures taken. The City and the school
7 have looked at these safety concerns and they feel confident that they have done their due
8 diligence and taken the proper safety measures.
9

10 Ms. Madson expressed her deep concern for moving this equipment from a public facility to a
11 public park, and stated that she is dissatisfied with this location.
12

13 Chair Iverson closed the public hearing at 7:32 p.m.
14

15 Commissioner Flannigan asked how many contractors would access the property each year.
16

17 Mr. Dudinsky stated when new technology is installed on the site, there would be a major
18 upgrade that would involve upgrading existing antennas or swapping out the antennas. He
19 explained the monopole was designed for telecommunications equipment, and doing
20 maintenance would not require the heavy equipment that is used when doing the same
21 maintenance at the water tower. Between upgrades, the only time the tenants would be on site is
22 when there are problems.
23

24 Commissioner Flannigan asked whether there would be a security check in process with the
25 school both during school hours and outside of school hours.
26

27 Mr. Dudinsky stated tenants would be required to give 24-hour notice for both working on the
28 equipment on the pole and working in the enclosure. The school stated there would be no access
29 during morning bus time and afternoon bus times.
30

31 Commissioner Flannigan asked if the City was legally obligated to provide the vendors with this
32 tower.
33

34 City Attorney Schelzel stated the City has ongoing lease obligations with existing tenants at the
35 water tower site, and other legal obligations under Federal law to give reasonable access to
36 telecommunications providers in the City. They could not be banned from the City. He stated
37 he understands the proposed tower height is driven by the tenant's desire and need to provide the
38 same level of coverage to City residents as they are currently receiving.
39

40 Commissioner Flannigan asked how much money the school would receive from these leases.
41

42 Mr. Dudinsky stated the first year the school would receive \$24,000 and there would be
43 inflationary increases after that.
44

45 Chair Iverson asked what would happen if someone was on site without notifying the school.
46 She asked how this would be enforced and what the penalties would be.

1
2 Mr. Dudinsky stated access to the site would be denied until the proper notification had been
3 provided. The tenant would be in violation of the lease if they accessed the site without proper
4 notification.

5
6 Commissioner Young clarified if the pole were relocated to the public works facility there would
7 be a need for a second pole in Wayzata in order to provide proper coverage to residents.

8
9 Mr. Dudinsky stated that was correct and that there might be a third one in the downtown area
10 needed as well. He could not say whether the height would be less on these additional poles.

11
12 Commissioner Buchanan clarified the City and the school has looked at all possible safety
13 concerns, and they feel these have been addressed.

14
15 Mr. Dudinsky stated that there have been several meetings with the school and during the school
16 year, and that there is a school resource police officer assigned to the school. This will be well
17 monitored, and the school feels these concerns have been addressed.

18
19 Commissioner Gonzalez noted that the Commission's role in this application is limited. The
20 City made a policy decision on the location. The Commission is to look at the Conditional Use
21 Permit and variance application and determine if the application meets the City's codes.

22
23 Chair Iverson stated she does not believe the applicant has met the CUP criteria in section
24 801.04.2.F.G., which look at the proposed use's impact upon existing public services and
25 facilities including parks, school, streets, and utilities, and the City's service capacity. In her
26 opinion, this project is adversely affecting the school from a safety standpoint.

27
28 City Attorney Schelzel recommended that the Commission vote on the draft Report and
29 Recommendation they had requested staff to prepare. He clarified the draft report should be
30 updated to reflect the correct variance information and that item 1.2.B should state 171-feet, not
31 150-feet.

32
33 Commissioner Buchanan made a motion, Seconded by Commissioner Gonzalez, to adopt the
34 draft Planning Commission Report and Recommendation recommending approval of the
35 Conditional Use Permit and variance for telecommunications tower at 149 Barry Avenue N, as
36 presented with the amendment to item 1.2.B from 150-feet to 171-feet.

37
38 Commissioner Flannigan stated he was disappointed in what the City has moved forward with.
39 There are factors in the CUP that the project does not meet, including impacting the area, home
40 values, and residents. He suggested voting the proposal down.

41
42 Commissioner Gruber stated item 3.2.5 states the proposed use will not have a significant
43 negative impact upon property values in the area. She asked what this had been based on.
44

1 Mr. Dudinsky stated the City did have an appraiser take a cursory look at the area properties, and
 2 the appraiser indicated that there would not be an adverse affect on the values of the properties
 3 on Barry Avenue.

4
 5 The motion was called to a vote.

6
 7 The motion failed. 3 Ayes and 4 nays (Young, Iverson, Murray, Flannigan).
 8

9 Mr. Thomson suggested the Commission consider and adopt an alternative Report and
 10 Recommendation. He stated the findings the Commission had referenced in its discussion which
 11 would support a recommendation of denial of the development application included: the use is
 12 not compatible with present or future uses of the area because the site is in close proximity to
 13 single-family residential homes, and the commercial use as a telecommunications tower is not
 14 compatible with the current residential and institutional uses; the proposed use would have an
 15 adverse affect on the area because it would be visible to nearby residential properties and would
 16 present safety issues to the neighborhood and to the users of the school property; the proposed
 17 use would adversely impact the public facilities on the school property by limiting the use of the
 18 school property for other outdoor activities; the proposed tower does not meet the setback
 19 requirements and would alter the essential character of the locality due to is proximity to nearby
 20 residential properties; and the project would have a significant negative impact on the property
 21 values of surrounding properties due to operational and visual impacts.
 22

23 Commissioner Flannigan made a motion, Seconded by Commissioner Young to adopt a Planning
 24 Commission Report and Recommendation recommending denial of the Conditional Use Permit
 25 and variance for telecommunications tower at 149 Barry Avenue N based on the findings read
 26 into the record by Mr. Thomson. The motion carried. 4 ayes and 3 nays (Gruber, Gonzalez,
 27 Buchanan)
 28
 29

30 **AGENDA ITEM 5. Old Business Items:**

31 **a.) Gardner Place – 350 Gardner St E**

32 **i. Preliminary Plat Subdivision, Variances**

33
 34
 35 Director of Planning and Building Thomson stated Bohland Homes has submitted a development
 36 application to subdivide the property at 350 Gardener St E. into three single-family residential
 37 lots. The Planning Commission held a public hearing and reviewed the development application
 38 at its meeting on February 6, 2017. At the meeting, the Planning Commission voted four in
 39 favor and one opposed to direct staff to prepare a draft report and recommendation of denial of
 40 the development application. Since the Planning Commission meeting, the City's consulting
 41 arborist, Manuel Jordan, has reviewed the tree inventory and tree plans submitted by the
 42 applicant.
 43

44 Commissioner Gonzalez stated that if the Council decides to approve the development
 45 application, she would recommend that the Council consider the comments provided by Manuel
 46 Jordan on the tree preservation and landscape plans as conditions of approval.

Commissioner Gonzalez made a motion, Seconded by Commissioner Flannigan, to adopt the Planning Commission Report and Recommendation of denial of proposed preliminary plat subdivision and variances at 350 Gardner St E, as presented. The motion carried. 5 ayes, 1 nay (Buchanan) and 1 abstain (Young).

AGENDA ITEM 6. Other Items:

a.) Review of Development Activities

Director of Planning and Building Thomson stated there were no development applications scheduled for the March 6 and March 20th meetings, and both of these meeting could be cancelled. The Commission could consider items from their work plan for the first meeting in April.

It was the consensus of the Commission to cancel the regular meetings scheduled for March.

Mr. Thomson reviewed the actions of the City Council at its last meeting, including the approval of the initial land use requests for the Wayzata Blu project, as recommended by the Planning Commission, approval of a liquor license for the Baja Haus restaurant, the approval of the sculptor Foster Willey proposal for the roundabout public art project, and awarding of the bid for the Bushaway Rd landscaping project.

b.) Next Meeting is Scheduled for April 3, 2017

AGENDA ITEM 7. Adjournment.

Commissioner Gruber made a motion, seconded by Commissioner Murray, to adjourn the meeting of the Planning Commission. The motion carried unanimously.

The Planning Commission meeting was adjourned at 8:09 p.m.

Respectfully submitted,

Tina Borg
TimeSaver Off Site Secretarial, Inc.