

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
JUNE 19, 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: Gruber, Gonzalez, Iverson, Murray, Flannigan, and Buchanan. Absent: Young. Director of Planning and Building Jeff Thomson and City Attorney Paul Kaminski were also present.

AGENDA ITEM 2. Approval of Agenda

Commissioner Gonzalez made a motion, Seconded by Commissioner Murray, to approve the June 19, 2017 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) May 15, 2017 Planning Commission Meeting

Commissioner Buchanan made a motion, Seconded by Commissioner Gruber, to approve the May 15, 2017 Planning Commission Meeting minutes as presented. The motion carried 6-ayes and 1-abstain (Gonzalez).

b.) June 5, 2017 Planning Commission Meeting

Commissioner Buchanan made a motion, Seconded by Commissioner Gonzalez, to approve the June 5, 2017 Planning Commission Meeting minutes as presented. The motion carried unanimously.

AGENDA ITEM 4. Public Hearing Items:

a.) Holiday Stationstores – 1325 Wayzata Blvd E

i. Variance

Director of Planning and Building Thomson stated the applicant, Holiday Stationstores, is proposing to add a dynamic/digital wall sign at the Holiday gas station located at 1325 Wayzata Blvd E. The City's sign ordinance, a section of the zoning ordinance, prohibits flashing signs or similar devices. The proposed dynamic/digital sign would meet the zoning ordinance's definition of a flashing sign, and is therefore prohibited by the zoning ordinance. The applicant is requesting a variance from the flashing sign prohibition. The applicant is proposing

1 restrictions on the operation of the sign, including the content of the messages displayed, the
2 character of the message and display, the duration of the message, and transition between
3 messages.

4
5 Commissioner Buchanan asked if the Village Square sign would be considered a digital sign.

6
7 Mr. Thomson stated there are a number of existing digital signs in the City, and these were
8 approved as part of the Planned Unit Development (PUD) process. The applicant's property is
9 not zoned PUD. He explained that the proposed sign would be different than existing digital
10 signs in the City because it is a video display. The other digital signs in the City are
11 monochromatic signs that display text, and have limited ability to display images.

12
13 Mr. Michael Cronin, 8809 W Bush Lake Rd, Bloomington, representing Holiday Stationstores,
14 stated they are proposing to have an electronic display that does not include revolving beacons,
15 revolving, swinging, moving parts, or zip flashers. The conditions that they are proposing on the
16 sign display include the following: 1) Only products or services available on site will be
17 displayed, 2.) The sign will only display static and stable text and/or images. Animated
18 messages or displays or animation as part of any message would be prohibited. Other modes of
19 displaying messages, including scrolling, would be prohibited. Modes of display that cause the
20 message to flash are prohibited, 3.) The interval between serial messages or changes of the
21 display will be 15 seconds, and 4.) The transition from one static and stable display to another
22 will be direct and immediate without any special effects including fading, wiping, and
23 dissolving. The sign would be located on the wall behind the canopy and trees, and is not
24 intended to be highly visible from Wayzata Blvd. These signs also have a range of "nits" or
25 brightness and this is regulated by the outside lighting, getting brighter as it gets lighter and
26 dimmer as it gets darker. He stated one of the difficulties with this particular store is that there is
27 no free-standing sign that they can use to let customers know what specials are going on inside
28 the store.

29
30 Commissioner Gonzalez asked whom the applicant was trying to reach with this type of
31 advertisement and if the sign would be visible from all of the pumps.

32
33 Mr. Cronin stated they are attempting to reach those people that are using the pay at the pump
34 feature and pumping gas right outside of the store. The sign would be visible from most of the
35 pumps.

36
37 Commissioner Gonzalez asked if the station had ads that display at the pumps.

38
39 Mr. Cronin stated they had tried this approach, but the City Staff had stated this would not be
40 possible.

41
42 Commissioner Gruber asked if the applicant would prefer to have the individual displays at the
43 pumps or the larger display on the wall of the building.

44
45 Mr. Cronin stated the wall display has been tested at other sites and proven to be effective.
46

1 Chair Iverson asked how the applicant had settled on 15 seconds between screen changes.

2
3 Mr. Cronin stated most City Ordinances have a range of 8 seconds to 1 minute and they are
4 proposing to start at 15 seconds because the sign is not located on a road it is not directed at the
5 public. From a marketing stand point, the shorter the time the better because it gets more
6 information to the customer. If the City approves 15 seconds, then that is what they will use as
7 their limit.

8
9 Commissioner Buchanan stated that he had timed other signs in the City, and Village Square's
10 sign changed every 6 seconds, Wayzata Community Church changed every 5 seconds, and
11 Walgreens changed every 20 seconds.

12
13 Chair Iverson opened the public hearing at 7:26 p.m.

14
15 There being no one wishing to address the Planning Commission, Chair Iverson closed the
16 public hearing at 7:27 p.m.

17
18 Commissioner Flannigan asked if the applicant would be allowed to have this type of sign if they
19 were able to have a freestanding sign.

20
21 Mr. Thomson stated the City would allow for a freestanding sign but the same prohibition on
22 flashing signs would apply.

23
24 Commissioner Gonzalez expressed concerns that the sign would project light into the residential
25 neighborhoods.

26
27 Commissioner Flannigan stated the applicant is removing signage from a couple facades that
28 would be closer to the street. The placement of the sign on the building would be lower than the
29 gas canopy façade that faces the road. He stated he would favorably consider this request if it
30 were limited to one sign with a 30 second time between message changes. It will not create
31 unsafe driving conditions on Wayzata Blvd.

32
33 Commissioner Buchanan stated the request is reasonable and does not present a danger to the
34 street or motorists.

35
36 Commissioner Murray stated he would also support the request.

37
38 Commissioner Gonzalez suggested the Planning Commission add review of the sign ordinance to
39 the Commission's work plan.

40
41 Commissioner Gruber stated the proposed sign is less invasive than the existing signs in the City.
42 She stated the practical difficulties are the depth of the property, the proposed sign being set back
43 from Wayzata Blvd, and that there is no room on the property to put up a freestanding monument
44 sign.

45
46 Commissioner Gonzalez stated she would reluctantly be able to support the variance request.

1
2 Chair Iverson stated she hopes that the sign does not create traffic problems, and if it does the
3 City should revisit the request. She stated it is difficult to not approve the request since there are
4 similar signs like it in the City.

5
6 Commissioner Flannigan suggested limiting the number of signs to one, and also changing the
7 interval between messages from 15 seconds to 30 seconds.

8
9 Chair Iverson stated the increased time would make her more comfortable with the safety aspect.

10
11 Commissioner Gonzalez stated Holiday's market studies had showed 15 seconds to be effective.

12
13 Commission Flannigan stated Walgreens has a 20 second interval, and he would like to see the
14 City be consistent.

15
16 Mr. Cronin explained the market research behind the 15 second interval request.

17
18 Commissioner Gonzalez stated she would recommend approval of the 15-second interval.

19
20 Commissioner Gonzalez made a motion, Seconded by Commissioner Gruber, to direct staff to
21 prepare a draft Planning Commission Report and Recommendation, with appropriate findings,
22 reflecting approval of the variance request for the Holiday Stationstores located at 1325 Wayzata
23 Blvd E for one 24.4 square dynamic/digital sign, subject to the conditions outlined by the
24 applicant, for review and possible approval at the next Planning Commission meeting. The
25 motion carried unanimously.

26
27 **b.) Buell Consulting – 800 Wayzata Blvd E**
28 **i. Conditional Use Permit**
29

30 Director of Planning and Building Thomson stated Buell Consulting, on behalf of T-Mobile
31 Central, LLC, has submitted a development application to construct a telecommunications
32 facility for cellular antennas and associated equipment at 800 Wayzata Blvd E. The applicant is
33 proposing to install 6 cellular telecommunications antennas on the roof of the existing building.
34 The proposed antennas would be located on the southeast corner of the building, and would be
35 mounted behind a new screening wall that would be constructed on the roof deck. The proposed
36 screening wall would extend 14-feet above the existing roof deck. The accessory equipment for
37 the telecommunications antennas would be mounted on the ground, on the south side of the
38 existing building. The proposed equipment area is approximately 150 square feet in size and
39 would be surrounded by a cedar fence. The wood fence would fully screen the equipment area
40 from surrounding properties, and the height of the fence is greater than the height of the
41 proposed ground-mounted equipment. The ordinance states that accessory equipment shall be
42 entirely located with an existing structure or within rooftop screening walls, whenever possible.
43 If a new equipment building is necessary, it shall be situated to the rear or side of the principal
44 use and shall be screened from view by landscaping where appropriate. The stealth design
45 techniques provided in the proposed plans include constructing the antennas behind a screening
46 wall so that the antennas would not be visible. The screening wall would be designed to match

1 the exterior color of the building. The proposed antennas meet the maximum height requirement
2 in the telecommunications ordinance.

3
4 Commissioner Gonzalez asked how the ground equipment would be accessed.

5
6 Mr. Thomson stated there is a gate entrance on the side.

7
8 Commissioner Gonzalez stated the property slopes in the back of the property and there are a
9 couple of large trees in this area. She asked if there was any information on how these trees
10 would be affected and if there would be any fill brought to the site.

11
12 Mr. Thomson reviewed the grading plan and stated there would be some grading along the back
13 of the property but not a significant amount.

14
15 Commissioner Gonzalez stated the fence around the ground equipment is proposed to be 7.5 feet
16 and this does not comply with the City's fence ordinance.

17
18 Mr. Thomson stated staff would need to review the proposed fence height and the City's fence
19 ordinance.

20
21 Mr. Kristian Olson, Buell Consulting LLC, 1360 Energy Park Drive, St. Paul, stated the space
22 for the ground equipment in the back of the property would be a perfect location because there
23 was previously telecommunications equipment located on this building and the equipment was
24 located in the same spot they are proposing to locate their equipment. The grading is minimal
25 and the equipment is located only 6-feet from the building. The fence would only be on three
26 sides as the building would be the fourth side of the screening wall. There are no plans to
27 remove any trees. The fence will have a locked gate. They would be servicing the site from the
28 side street not the parking lot of the multi-family facility. There is no need for a road directly to
29 the site.

30
31 Chair Iverson asked what type of lights would be needed to make night repairs.

32
33 Mr. Olson stated there is a motion light included in the application and this is the only light they
34 are planning to install.

35
36 Commissioner Flannigan asked why they chose this site.

37
38 Mr. Olson stated the location, the height they were able to get, and there is no variance required
39 for this particular location.

40
41 Commissioner Gruber asked what the health risks were since this would be located close to
42 residential areas.

43
44 Mr. Olson stated the FCC determines health impacts. The FCC sets standards and carriers must
45 strictly abide by these standards, and as long as a carrier is within these guidelines the FCC
46 considers them safe. T-Mobile is within these standards.

1
2 Commissioner Flannigan asked if the applicant would consider utilizing only the parking lot on
3 the property to access the equipment, rather than using Chicago Avenue.

4
5 Mr. Olson stated this should not present an issue.

6
7 Commissioner Gonzalez asked how far the fence for the ground equipment would be from the
8 property line.

9
10 Mr. Thomson stated the application meets all of the setback requirements.

11
12 Chair Iverson opened the public hearing at 8:12 p.m.

13
14 Mr. Henry Miles, 746 Widsten Circle, Wayzata, requested his comments be on record verbatim:
15 “This past Thursday Jeff - Mr. Thomson met with me to share and discuss Buell/T-Mobile’s
16 application and their plans for the telecomm facility. My understanding has been enhanced by
17 the company’s presentation this evening, thank you. But my understanding is still incomplete. I
18 feel I have a good handle on where and how Buell/T-Mobile will proceed if the City of Wayzata
19 approves the CUP, however I am confused as to why this facility is needed in the first place.
20 Before I get into that I would like the City to know three things: first, the proposed facility does
21 not really affect us at Widsten since it will be covered and behind trees, secondly no one I know
22 has encountered material deficiencies, cell or voice, data or GPS reception in Wayzata so I don’t
23 believe coverage is an issue, thirdly as a tax payer I want community resources and permits
24 deployed effectively, and I believe that Wayzata should leverage our towers to the greatest extent
25 possible to minimize technological clutter of the one off type facilities as proposed. It is with
26 respect to this point that my confusion results. Specifically, I wonder:

27 1.) Are there any other carriers, including the majors (Verizon, AT&T, Sprint) or the non-
28 majors operating in Wayzata under similar CUPs and if so, why, and if not, why not?

29 2.) What infrastructure does Buell/T-Mobile feel they would gain from the facility that
30 they cannot gain from Wayzata’s much taller shared towers?

31 3.) If the infrastructure from Wayzata’s existing or proposed shared towers is inadequate,
32 what would Buell/T-Mobile have the City do to meet their requirements?

33 4.) If infrastructure is not the issue, then is it financial? How do the capital and operating
34 costs and rent for T-Mobile, Buell, and the City of Wayzata stack up for the standalone
35 versus the shared solution?

36 5.) If Wayzata’s shared towers are too expensive, what would Buell/T-Mobile have the
37 City do to meet their financial requirements?

38 6.) If the infrastructure and/or financials of a shared solution are deficient, then what
39 makes us believe anyone else will use these shared solutions as opposed to applying for a
40 CUP to build their own facility?

41 Until these questions are adequately answered and given a chance to be addressed, I believe the
42 default position would be a shared tower solution and the City of Wayzata should deny the
43 Buell/T-Mobile application for a Conditional Use Permit.”

44
45 Chair Iverson closed the public hearing at 8:17 p.m.
46

1 Commissioner Buchanan asked what was wrong with the City's tower and why this was not
2 adequate for T-Mobile.

3
4 Mr. Thomson stated the City is not aware that there are any problems with the tower. The City
5 has talked with all the tenants that are currently on the water tower about relocating to the new
6 tower at the Wayzata Middle School property. The new tower has room for up to five mobile
7 companies and T-Mobile is one of the tenants the City has been talking with. This CUP request
8 does not preclude T-Mobile from being on the new tower in the future.

9
10 Commissioner Gruber asked if there have been customer complaints regarding coverage.

11
12 Mr. Olson stated he is not aware of the specific information regarding customers, as this is not
13 within his scope of duties. This particular site is to replace T-Mobile's current site on the water
14 tower as the lease for that location is not being renewed. He stated he would also not be able to
15 speak to the pricing or rents for each location. He stated Mr. Thomson would be able to address
16 Mr. Miles first question regarding other carriers and their permits. The analysis for Mr. Miles
17 second question was not something he had been tasked to do. The maps provided show the
18 coverage changes for the new location versus the current location.

19
20 Mr. Mic McMyadmin, Development Manager with T-Mobile, stated he is not an RF Engineer
21 but when they look at relocation sites for those that are being decommissioned, the RF
22 Department does an analysis on the various location candidates that are identified. When
23 identifying sites, they consider properties that will meet the zoning codes. The proposed site
24 meets the RF Department's objectives.

25
26 Chair Iverson asked if another location will be required beyond the one being reviewed tonight
27 and the one that is currently being worked on.

28
29 Mr. McMyadmin stated all he could talk about is the one being proposed with this application.
30 T-Mobile has done their best to work with the City and their towers and the budgeted amounts.
31 The proposed site meets all of the City's requirements.

32
33 Commissioner Flannigan asked if the current water tower met T-Mobile's objectives for
34 coverage.

35
36 Mr. McMyadmin stated the water tower is the best site with the City's topography.

37
38 Chair Iverson asked if they could come to a financial agreement with the City in a timely manner
39 would they consider the shared tower location.

40
41 Mr. McMyadmin stated that T-Mobile would like to keep all options open so they can provide
42 the best network possible for their clients. He stated wireless networks are not designed by
43 property owners but rather by all the sites around and their ability to integrate and communicate.
44 There are locations that are too tall and create too much congestion, which affects service.

45

1 Commissioner Flannigan asked if there had been any analysis on the effect this would have on
2 the property values for the surrounding areas.

3
4 Mr. Olson stated this is considered, and they have found that these facilities do not have an
5 impact on property values. There have also been specific studies done in California. Once a
6 tower is in place, people do not notice it.

7
8 Commissioner Gonzalez stated as part of the CUP process, the Commission must consider noise.
9 There have been significant complaints from the residents near the water tower due to the noise
10 of the equipment and the traffic. She asked what residents could expect for noise, and how many
11 service calls would be expected.

12
13 Mr. Olson stated this particular location would only have one carrier and they are not going to
14 have any generators on site. This will cut down dramatically on noise levels. The noise that will
15 be generated are from fans and the privacy fence, trees and the building would buffer this noise
16 level. Once a site is up and running, there will be minimal visits. Every few years they may
17 upgrade the antennas. There may be software upgrades occasionally, but some of these can be
18 done remotely. One person would do any equipment upgrades.

19
20 Commissioner Gruber asked what the cost was to place equipment on the tower at the Middle
21 School.

22
23 City Attorney Kaminski stated telecommunications is an area that is controlled by the Federal
24 law, and the City has to make available enough area in the City for these services. The City feels
25 the new ordinance meets these laws, and they have identified the two locations for large
26 equipment, along with other options, in the City. He clarified the Commission's job is to look at
27 this application and how the proposal fits with the City's ordinances. There are ongoing
28 negotiations with all of the current carriers that use the City's current tower facility, and not all
29 of these carriers may choose to go on the new tower location.

30
31 Commissioner Gonzalez stated that this is a CUP and if the application meets the requirements
32 of the ordinances, then the Commission needs to recommend approval of the application. This
33 application is in harmony with the City's Comprehensive Plan. As long as the residential
34 neighborhoods to the south and west are protected, then this application would be compatible
35 with present and future uses of the area. The applicant has met the requirements of the ordinance
36 and the Commission should recommend approval.

37
38 Commissioner Flannigan stated he does not believe this application is in the best interest of the
39 City or the residents. It is in the financial interest of the building owner and T-Mobile. There is a
40 negative impact on existing services because they are not utilizing the new tower being provided
41 by the City. He stated he believes there would be a negative impact on the property values for
42 the surrounding properties regardless of the studies performed.

43
44 Commissioner Gruber stated the City Council spent time drafting the ordinance to allow for
45 alternative choices for these carriers. The applicant has met the requirements of the ordinance
46 and she does not see any reasons to deny approval.

1
2 Commissioner Buchanan stated the applicant does meet the requirements of the ordinance, and
3 the Commission should recommend approval. He is concerned that the new tower is costing the
4 City money to construct, and it is not appealing to a carrier such as T-Mobile.

5
6 Commissioner Murray stated the financial viability of one site over another is not something they
7 can consider with this application, and the applicant has met the requirements of the ordinance.

8
9 Chair Iverson stated as a land use application, the applicant has met the requirements of a CUP.
10 The Planning Commission has brought up policy issues that the City Council should look at.
11 The questions brought up by Mr. Miles are beyond the role of the Planning Commission in
12 reviewing this application.

13
14 Commissioner Gonzalez suggested adding a condition that all service vehicles for this facility
15 park on the site.

16
17 Mr. Olson stated that they should not have an issue, but he would prefer the language state
18 whenever possible, access to the facility will be done through the building and parking will be on
19 the site.

20
21 Chair Iverson asked how a technician would know when it would be ok to park on the street and
22 when they should use the parking lot on the property.

23
24 Commissioner Gonzalez expressed concerns that they would cut all the trees to create an access
25 from the street.

26
27 Mr. Olson stated they are not removing any trees to create any access.

28
29 Commissioner Murray suggested no parking longer than 20 minutes on the public street.

30
31 Commissioner Gonzalez stated the reason for the condition is because the City has received so
32 many complaints about the carriers at the current water tower location not being good neighbors,
33 and they want to avoid this on a narrow street. Access should be from the site that is benefiting
34 from the application and if they need to access the site from the street, they can come to the City
35 and get a permit.

36
37 Mr. Thomson stated the City does not have a permitting process for allowing parking on a public
38 street. Staff can work on a condition of approval that will meet the Commission's concern for
39 their consideration at the next Planning Commission meeting. If upgrades to the equipment
40 require a permit from the City, then the City could enforce how access to the site occurs.

41
42 Commissioner Gonzalez made a motion, seconded by Commissioner Buchanan, to direct staff to
43 prepare a draft Planning Commission Report and Recommendation for the Commission's
44 consideration at its next meeting, with appropriate findings, recommending approval of the
45 Conditional Use Permit for Buell Consulting and T-Mobile to construct a telecommunications

1 facility for cellular antennas and associated equipment at 800 Wayzata Blvd E with a condition
2 requiring parking to occur on the property. The motion carried 5-ayes and 1-nay (Flannigan).
3
4

5 **AGENDA ITEM 5. Old Business Items:**
6

7 **a.) None.**
8
9

10 **AGENDA ITEM 6. Other Items:**
11

12 **a.) Review of Development Activities**
13

14 Director of Planning and Building Thomson stated the City Council has a meeting June 20 and
15 they are scheduled to review the Nolan Properties development at 1330 Wayzata Blvd E, and the
16 tree ordinance amendment. The June 26 and July 3 Planning Commission meetings have been
17 cancelled.
18

19 **b.) Next Meeting is Scheduled for July 17, 2017**
20
21

22 **AGENDA ITEM 7. Adjournment.**
23

24 Commissioner Gruber made a motion, seconded by Commissioner Murray, to adjourn the
25 meeting. The motion carried unanimously.
26

27 The Planning Commission meeting was adjourned at 9:04 p.m.
28

29 Respectfully submitted,
30

31 Tina Borg
32 *TimeSaver Off Site Secretarial, Inc.*