

PLANNING COMMISSION MEETING MINUTES

CITY OF GRANT

May 17, 2016

Present: John Rog, James Drost, Darren Taylor, Jeff Schafer, Dennis Kaup and Robert Tufty

Absent: Jeff Giefer

Staff Present: City Planner, Jennifer Haskamp; City Clerk, Kim Points

1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

2. **PLEDGE OF ALLEGIANCE**

3. **OATH OF OFFICE**

New Commissioners Rog, Drost, Taylor, Schafer, Kaup and Tufty took the Oath of Office for City of Grant Planning Commission.

4. **ELECTION OF OFFICERS, CHAIR PERSON AND VICE-CHAIR PERSON**

MOTION by Commissioner Schafer to elect Commissioner Tufty as Chair Person. Commissioner Kaup seconded the motion. Motion carried unanimously.

MOTION by Chair Tufty to elect Commissioner Rog as Vice-Chair Person. Commissioner Kaup seconded the motion. Motion carried unanimously.

5. **APPROVAL OF AGENDA**

MOTION by Commissioner Drost to approve the agenda as presented. Chair Tufty seconded the motion. MOTION carried unanimously.

6. **ACCEPTANCE OF MINUTES, NOVEMBER 19, 2012**

MOTION by Commissioner Drost to accept the November 19, 2012 Minutes, as presented. Commissioner Schafer seconded the motion. MOTION carried unanimously.

7. **NEW BUSINESS**

A. PUBLIC HEARING, Application for an Amended Conditional Use Permit for the new Cell Tower, 10629 Jamaca Avenue N – City Planner Haskamp advised Martin Consulting, on behalf of Verizon Wireless, has applied to amend the Conditional Use Permit (CUP) for construction of a new telecommunications Monopole and ground Equipment Shelter to allow for the modification of the plan for the ground equipment. The approved CUP was granted in early 2015 and allows for the construction of a Monopole and Equipment Shelter on the subject site. Since initial approval, Verizon Wireless has determined that they would prefer to construct the Monopole without the Equipment Shelter and instead would prefer to use equipment and generator cabinets to support the Monopole which would be constructed on an equipment platform. The approved CUP is conditioned on the construction of an Equipment Shelter, and therefore an amendment to the CUP is required for the Applicant to proceed with their revised preferred plan.

The Applicant is requesting an amendment to the approved CUP relating to the Equipment Shelter, and is **not** proposing any changes to the Monopole or the conditions as they relate to that portion of the use. As such, the following staff report is focused on the requested amendment, and does not attempt to repeat the process/analysis which was conducted for the Monopole construction during 2015 since that portion of the requested use has not changed.

In an effort to assist with the Planning Commission's review, staff provides the following brief summaries related to the Monopole from 2015, and noted where the Applicant is proposing any changes from the approved CUP:

Monopole: The proposed Monopole is approximately 100-feet tall with a 10-foot lightening rod for a total height of 110-feet. The Monopole base is approximately 5-feet which taper to approximately a foot at the highest elevation. The design allows for three separate tiers of antennas to allow for co-location of service providers. ***No changes to the Monopole are proposed as part of this amended application.***

Antennas & Cables: The Applicant has proposed to install 12 antennas to the proposed monopole as a part of the initial project to be installed on center at the elevation of 96-feet. The lengths of the proposed antennas are 8-feet, with a maximum tip elevation at 100-feet. The proposed monopole is designed to accommodate future antenna installations based upon different carrier's needs, at an elevation of 76-feet and 56-feet (approximately). Based upon the installation of the antennas there are various coax cables including a top distribution box, affixed to the tower, and a bottom distribution box which connects to the ground equipment. ***No changes to the antennas and cables are proposed as part of the Amended Application, however, slight modifications are present due to the reconfiguration of the ground equipment into cabinets rather than a central shelter.***

Ground Equipment/Site Plan: The amended Site Plan designates a Land Space area (60' x 60') consistent with the approved CUP; however, the Ground Equipment would no longer be located within an Equipment Shelter and instead would be affixed to an Equipment Platform within equipment and generator cabinets. The proposed Equipment Platform is approximately 9'4" x 14', and the Generator would be located on its own Platform located approximately five feet (5') west of the Equipment Platform. The Equipment Platform is located directly north of the

proposed Monopole, and is generally in the same location and configuration as identified within the approved CUP. A chain link fence, of the same detail as in the approved plans, is proposed to contain the extents of the equipment cabinets and generator platforms and would be accessed from the southeastern boundary through a double gate which is consistent with the approved CUP plans. The access and parking locations are generally unchanged from the approved CUP. Utility/ROW: The Site Plan depicts a 20-foot wide utility and access right-of-way (ROW) to ensure adequate access to the Monopole and Ground Equipment. This ROW would extend the entire length of the existing driveway as well as include the entire Land Space required for the operations of the Monopole and Ground Equipment. ***No changes to the Utility/ROW are proposed as part of this amended application.***

Landscaping/Screening: The site plan depicts 22 Black Hills Spruce to be planted as vegetative screening around the east, south and west edges of the designated Land Space. ***No changes to the landscaping are proposed as part of the Amended Application.***

Public Hearing

A duly noticed public hearing was published for May 17th, 2016 at 7:00 PM at the Grant Town Hall. Property Owners located within a ¼-mile of the proposed site were sent a letter notifying them of the public hearing.

Review Criteria

According to the City Code the proposed use require a Conditional Use Permit, and any changes to the approved CUP conditions require an amendment to the permit. Section 32-152 addresses Amended Applications and states the following:

“An amended conditional use permit application may be administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include re-applications for permits that have been denied or permits that have expired, requests for changes in conditions, and as otherwise described in this chapter.”

In this case, the Applicant is requesting “changes in conditions” to address the requested removal of the Equipment Shelter. The City Code states the following, at minimum, standards for consideration when reviewing an (Amendment to) a Conditional Use Permit (32-146):

- (1) The proposed use is designated in section 32-245 as a conditional use for the appropriate zoning district.
- (2) The proposed use conforms to the city’s comprehensive plan.
- (3) The proposed use will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.
- (4) The proposed use is compatible with the existing neighborhood.

- (5) The proposed use meets conditions or standards adopted by the city through resolutions or other ordinances.
- (6) The proposed use will not create additional requirements for facilities and services at public cost beyond the city's normal low-density residential and agricultural uses.
- (7) The proposed use will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to people, property, or the general welfare because of production of traffic, noise, smoke, fumes, glare, odors, or any other nuisances.
- (8) The proposed use will not result in the destruction, loss or damage of natural, scenic, or historic features of importance.
- (9) The proposed use will not increase flood potential or create additional water runoff onto surrounding properties.
- (10) These standards apply in addition to specific conditions as may be specified through the city's ordinances.

Additionally, the proposed modifications to the Ground Equipment are subject to performance standards which are identified in Division 4 Antenna Regulations Sections 32-443 through 32-454. This section of the code relates specifically to installation of telecommunications towers within the City. It should be noted that section 32-449(a) and (c) relate to those items needed for review upon *initial* application, which the City Council determined were provided, adequate and complete during the 2015 review.

There are no provisions within the Division 4 Antenna Regulations which specifically require the construction of an Equipment Shelter; however, there are various statements within Section 32-452 which should be considered with respect to the request for an amendment.

In order to determine the appropriateness of the proposed CUP, the proposal should be reviewed for compliance and consistency with the CUP standards, adjacent uses, the zoning district regulations, and the regulations identified within Division 4 of the city's ordinances.

Background

The initial application for a CUP to construct the new Monopole and Equipment Shelter was considered by the City Council in February and March of 2015, and a duly noticed public hearing was held on February 3, 2015 to consider the application request made by the Applicant. During the process the following determinations were made by the City Council, 1) adequate and complete information was provided for review, 2) the Applicant demonstrated that no other 'preferred' locations to site the cell tower were available; 3) that the Monopole and Ground Equipment was consistent with the City's zoning code provided certain conditions were met, and

4) that the Findings of the City Council were that the proposed use was consistent with the Standards as laid out within section 32-146 of the City Code.

Existing Site Conditions

The Subject Property is located at 10629 Jamaca Avenue North in the Kendrick Estates subdivision, and is approximately 15.33 acres in size. During the initial review process in 2015, the City Council conditioned the approval of the CUP on the inclusion of the adjacent parcel PID 1003021230004, which adds an additional 6.68 acres for a total of 22.01 acres for consideration with the permit. The site is generally oriented east-west with primary frontage along Jamaca Avenue, and is also bordered by 107th Street North on the northern boundary of the site. The principal use of the property is as a residential property and includes an existing home as well as eight (8) accessory buildings totaling approximately 8,684 square feet (there are also a couple silos and small sheds that were not included in this total, but are present on the site). The accessory buildings are located generally within proximity to the residential structure and are all accessed from the primary driveway which provides access to Jamaca Avenue. The existing driveway access is located approximately 240-feet from the south property line and approximately 395-feet from the north property line.

The (approximately) northern quarter of the site is heavily vegetated offering buffering of the existing home and uses from 107th Street. There is somewhat of a clearing near the center of the site which is where the majority of the accessory buildings and the residential structure are located. On the far south edge of the site there appears to be some wetland areas which extend onto adjacent properties. There is an existing overhead electric line which generally runs parallel to the existing driveway connecting to an existing utility pole located southeast of the residential structure. Finally, there is an existing barbed wire fence that runs roughly parallel the south edge of the driveway extending to the east property line of PID 0903021140003 and enclosing a small portion of land near the proposed tower location. (See Figure A-1)

Comprehensive Plan Review

The site is guided A-1 Large Scale Agricultural which guides property for large lot single-family residential and low intensity uses. The proposed monopole does not alter the primary use of the subject site which is currently used for rural residential, nor does it propose any additional density of further subdivision.

Zoning/Site Review

2015 Site/Zoning Review

During the 2015 review process a thorough review of the proposed monopole, land space and Equipment Shelter was completed to determine whether the application was consistent with the City's Zoning dimensional standards. The proposed Monopole and Land Space was determined to meet or exceed the City's dimensional standards contained within Division 4, Antenna Regulations including the following: lot size, maximum antenna support structure height, number and square footage of accessory buildings, setbacks from property lines and residential structures provided that the adjacent parcel under the same ownership was included within the CUP (PID 1003021230004).

For your reference, Division 4 Antenna Regulations in the City's Ordinance was primarily utilized for purposes of the following review which is focused primarily on the proposed amendment, and does not reevaluate those portions of the application which are not proposed to change (i.e. monopole location, height, setbacks, etc.).

Requested Amendment – Applicable Site Standards

As previously stated, the request for an amendment is to replace the Equipment Shelter with an Equipment Platform and standalone Generator. There are no changes to the Monopole or any of the other elements which were previously approved, with some minor modifications to the cable connections due to the removal of the Equipment Shelter. There are no specific standards contained within Division 4, Antenna Regulations which require an Applicant and/or service provided to construct an Equipment Shelter, nor is it prohibited to construct only an Equipment Platform. However, because the approved CUP contains conditions that relate specifically to the construction of an Equipment Shelter in order for the Applicant to comply with the terms of the existing CUP they would need to construct the shelter. Therefore, since the Applicant (and Verizon) no longer prefers to construct the Equipment Shelter they are seeking an amendment to those specific conditions.

There are limited criteria from which to review proposed amendment within Division 4 Antenna Regulations; however, there are some standards within the zoning code which should be reviewed. The most significant impacts are potentially 1) any visual impact which may occur from the removal of an equipment shelter (which would have been constructed to hide the equipment and the generator) and simply having the equipment and generator on a platform, and 2) any increase in noise which may occur as a result of removing the Generator and Equipment from an enclosed building/structure.

The following summaries regarding these two issues are provided for your review and consideration:

- | | |
|--|---|
| Visual Impact –
Adjacent
Roadways/Public ROW | <p>A photo simulation of the site was prepared by the Applicant during the initial review, and is again provided in Exhibit C for your review and consideration. As depicted in the photo simulation the tower will be most visible traveling north along Jamaca (shown on Page 8 and 10 of 14). There are several overhead utilities in this area that are visually similar to the proposed tower. The remaining perspectives, as submitted, state that the tower will not be visible from most locations due to tree coverage and topographical changes.</p> <p>As demonstrated by the photo simulation the Land Space (ground equipment shelter) area will not be visible from any adjacent roadways and therefore it is not significant as to whether or not there is a shelter provided or simply a platform. Further detail regarding the landscape plan can be found on the following pages.</p> |
|--|---|

Visual Impact –
Adjacent Residential
Landscaping/Plantings

The proposed Site Plan (Figure A-1) and Landscape Plan (A-2.1) identifies 22 Black Hills Spruce that will be planted around the perimeter of the Land Space to provide screening of the Equipment Cabinets and Generator. (The 22 Black Hills Spruce accommodates condition #4 within the approved CUP). Section 32-452 (13) and (14) refer to screening, protecting existing vegetation, and preparing a landscape plan that “provide the maximum amount of screening from off-site views as is feasible.”

The Applicant has indicated that they are not proposing to change the landscape plan from the approved plan. The vegetative screening of the Land Space should be adequate as approved, and staff does not believe that visually there will be significant impact/change to adjacent properties if the Equipment Shelter is not constructed provided that the trees (existing and planted) are maintained. Further, as indicated in the approved CUP, existing vegetation on the site should be preserved to the maximum extent possible to protect adjacent views. Staff would recommend that the amended condition be specific regarding maintenance of both planted and existing vegetation to ensure views are protected into perpetuity. If the amendment is approved, there will be no structure to visually enclose the equipment cabinets and generator, and as such in the event some of the trees/screening dies, the view may become unfavorable. ***Therefore, staff would recommend that the condition should be clear that the Land Space shall always contain vegetative screening on all sides, with the only exception for access points.***

Noise Standards

Section 32-332 Noise Control of the City’s Zoning Ordinance addresses noise control in the City, and the Minnesota Pollution Control Agency (MPCA) also regulates acceptable noise levels. While the Applicant did not provide additional detail with respect to the noise levels and difference between having an Equipment Shelter or not, staff did conduct some preliminary research on the issue. Since the Generator and Equipment will not be located within an enclosed structure it is likely that there will be a difference in the noise generated from the Equipment Platform and standalone Generator. ***Regardless, the Applicant should be aware that their operations of the Monopole and specifically the Ground Equipment will be subject to the MPCA’s regulatory noise standards, and the applicable Grant City Code. Prior to the meeting, staff will request additional information from the Applicant related to this issue to ensure that compliance can be met if the Equipment Shelter is***

removed.

Other Agency Review

As indicated within the conditions of the approved CUP, the Applicant shall be responsible for obtaining any amended approvals from agencies which may have review authority. During the 2015 review process the Brown's Creek Watershed District indicated that there is no additional permitting from their perspective because the Land Space and disturbance area does not exceed 5,000 square feet.

Draft Conditions/Recommendations

Staff has prepared a draft CUP identifying the amendments which would be required to the existing permit as a result of the application. Proposed additions are identified with an Underline, and deletions with a ~~strikethrough~~.

Action requested:

Staff has prepared a draft Amended CUP for your review and consideration. If acceptable, staff would request that the Planning Commission provide a recommendation to the City Council regarding the proposed Amendment and draft permit conditions.

City Planner Haskamp reviewed the City Ordinance relating to decibel requirements and distance noting the current ordinance is very similar to MPCA standards. She advised the exiting condition relating to screening and landscaping has been revised but is still a requirement.

Mr. Lewis Martin, applicant on behalf of Verizon, came forward and stated there are no changes being requested on the tower itself. The amendment is for an equipment change only and it has a smaller footprint. He stated there is a protective canopy on the cabinets. No sound will be coming from the cabinets and the generator type is called Whisper Quiet and is a standard size, at 5,000 kilowatts. The equipment shelter is being removed and implemented all over the country to eliminate the need to bring in a pre-fab structure. There will be a security fence around the platform. He requested that no additional conditions be added to the CUP.

City Planner Haskamp did note that if the amended CUP were to be denied the existing permit is still in place.

MOTION by Commissioner Rog to open the public hearing at 7:46 p.m. Commissioner Schafer seconded the motion. Motion carried unanimously.

There was no one present for the public hearing.

MOTION by Commissioner Kaup to close the public hearing at 7:47 p.m. Commissioner Rog seconded the motion. Motion carried unanimously.

The Commission discussed the benefit of having cabinets as opposed to the equipment room in terms of sound mitigation. The Commission inquired about the property owner being in agreement with the requested change.

Mr. Rick DeMars, property owner, came forward and stated he does live on the property, there has never been a power outage and he is agreeable to the requested change.

Commissioner Rog suggested a second row of trees be planted to the west of the tower. City Planner Haskamp advised to the west is the property owner.

Mr. DeMars stated he can't see the tower area and doesn't feel another row of trees is necessary.

MOTION by Commissioner Drost to recommend approval of the amended CUP, as presented. Commissioner Taylor seconded the motion. Motion carried with Commissioner Rog voting nay.

This item will appear on the regular City Council meeting agenda on June 7, 2016.

B. Volunteer of three Planning Commissioners for a one-time two-year term -

Commissioners Taylor, Drost and Chair Tufty volunteered for a one time two-year term to establish staggered Planning Commission terms.

8. OLD BUSINESS

There was no old business.

9. ADJOURNMENT

MOTION by Commissioner Shafer to adjourn the meeting at 7:57 p.m. Commissioner Drost seconded the motion. Motion carried unanimously.

Respectfully submitted,

Kim Points
City Clerk