

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY, JULY 14, 2008 – 7:30 P.M.

1. CALL TO ORDER.

Pursuant to due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Chair Spencer at 7:30 p.m.

2. ROLL CALL.

PRESENT: Chair Spencer, Commissioners Crespo, Gardner and Phillips

ABSENT: Commissioner Gardella

STAFF: Planner Lorsung, Administrative Assistant Scipioni

VISITORS: John and Cathy Zeglin, Mike Zeglin, Richard & Pat Meyer, Steve Trueman, Bruce and Jan Frahm, Jan Gardner, Doug Selle, Chris Stephan

3. APPROVAL OF JUNE 9, 2008 MEETING MINUTES.

Motion by Phillips, second by Gardner, to approve the minutes as written. All present voted aye.
MOTION DECLARED CARRIED.

4. PUBLIC HEARING. RICHARD MEYER, 823 COPELAND ROAD (PID# 31-118-24-11-0002), REQUEST FOR AN AMENDED CONDITIONAL USE PERMIT FOR THE INSTALLATION OF A TELECOMMUNICATION TOWER.

Lorsung explained that Meyer currently has a conditional use permit on the property to allow for a golf course. The proposed amendment would also allow for a telecommunications tower on the site. Telecommunications towers are an allowed use in the agricultural district. Lorsung added that in 2005, the City added a telecommunication tower ordinance in order to add more review to these types of proposals.

Lorsung explained that the tower is being installed due to a gap in service in the area. The site was carefully chosen after inquiring about service on the T-Mobile tower, which is southeast of the site, relatively nearby. This tower, however, is over capacity and couldn't accommodate the new user.

Lorsung said that the tower will be positioned southwest of the barn at the residence portion of the parcel. There will be a roughly 100 square-foot easement around the area as well as a 12-foot wide easement leading to the tower from Copeland Road. Lorsung added that there will be several other improvements related to the project, such as the extension of the gravel road around the tower for access purposes and utilities that will connect to the tower itself. Lorsung also stated that the tower will be 150 feet tall with a 10-foot lightning rod on top.

Lorsung noted that City Code limits the size of mechanical buildings to 200 square feet. The applicant's proposal has a 240 square-foot mechanical building. She also added that the mechanical building and tower area would be surrounded by a 6-foot fence with double-swinging gates.

Lorsung said that staff still needed the applicant to provide the color for the proposed tower. She said staff also needs the lighting plan for further review.

Gardner asked if staff had received any more correspondence than what was noted in the staff report.

Lorsung responded that Bruce Morseth, 1405 Copeland Road, had called and expressed concerns with having two towers in a close proximity. Moreseth wanted to know if there was anything in the City Code that limited how close together the towers could be. She explained that there isn't anything in the ordinance about space between towers. Lorsung also said that all of the other calls she had received were from residents who lived on Nelson Road and were concerned about where on the property the tower would be located.

Gardner asked if the tower would require lighting.

Lorsung responded that the applicant could answer any technical questions.

Spencer asked if the Commission should amend the existing Conditional Use Permit or approve an additional Conditional Use Permit.

Lorsung responded that she prefers to amend the existing Conditional Use Permit because it makes the process a little simpler.

Steve Trueman, representing the applicant and AT&T, explained that the Federal Aviation Administration (FAA) only requires lighting if the tower is over 200 feet, so the proposed tower would not have any lighting. He also stated that the nearby T-Mobile tower is at 110 percent capacity and cannot add another carrier.

Spencer asked if the applicant will remove the equipment if and when the tower is no longer needed.

Trueman explained that removing the equipment is part of the lease.

Phillips asked if the applicant had to file a bond or something similar with the City to ensure that they will take down the equipment.

Trueman explained that the lease between AT&T and the Meyers is a legal document.

Gardner added that the lease would give the City legal recourse.

Lorsung also noted that the City ordinance requires removal if the tower is no longer in use.

Trueman explained that the tower is expected to have a 20 to 25-year lifespan.

Phillips asked if Trueman was fine with reducing the size of the mechanical building from 240 square feet to 200 square feet in order to meet City Code.

Trueman explained that the larger wireless companies all have prefabricated buildings that they use for mechanical buildings. He said that AT&T's building is typically 12 feet by 24 feet, but that it could use a smaller building if the City requires it. He said that a smaller building would work fine, for now, but it doesn't allow for as many technological advances in the future.

Phillips asked what type of landscaping would be around the fence.

Trueman responded that landscaping could be added if the City requests it.

Lorsung also noted that five trees will have to be removed from the property. AT&T is working with the Meyers to replace them.

Gardner noted that there are already trees on the property that will help screen the fencing and mechanical building.

Phillips asked how the tower would be accessed.

Trueman responded that AT&T will be using the existing driveway, but might make some improvements to it, such as adding more gravel.

Phillips asked if the gate for the fencing would face Copeland.

Lorsung responded that the gate does face Copeland Road.

Public Hearing

Bruce Frahm asked the Commission if City Code put limits on the distance between telecommunication towers and residences.

Lorsung responded that the City Code doesn't list a specific distance. She said the distance is considered on a case-by-case basis.

Spencer noted that the closest residence to the tower would be Meyers' home and because the Meyers don't have a problem with the tower, he doesn't see the distance as an issue.

Trueman also noted that the tower has a 30-foot base and could withstand very high winds and tornadoes.

Motion by Gardner, second by Phillips, to close the public hearing. All present voted aye.

Phillips said that he would like to keep the maintenance building to 200 square feet, require the applicant to add landscaping along the fence and build the gate to face the driveway instead of Copeland Road.

Gardner asked what type of landscaping.

Phillips responded that shrubs would be fine.

Spencer asked Trueman if those requests were feasible.

Trueman responded that landscaping is usually required, so AT&T could put that in. He said moving the gate was also not a problem. Trueman said that AT&T can use a smaller mechanical building, but it will limit the amount of space available for future equipment needs. He noted that AT&T and T-Mobile both use 12-foot-by-24-foot prefabricated buildings and Verizon Wireless uses a 12-foot-by-30-foot prefabricated building. He said that all the companies have smaller buildings that they can use, but they prefer to use their standard structures.

Lorsung added that she hasn't seen a limitation on mechanical building size in other cities' codes.

Gardner suggested that the City change its ordinance to match industry standards.

Spencer said that the Planning Commission could make a motion to recommend that the Council change the ordinance. He said that the proposed tower's mechanical building should still be required to conform to City Code as the Code could be changed before the building was installed.

Trueman added that if it takes longer for an ordinance amendment to be approved, AT&T can use a smaller structure until a larger structure is allowed.

Lorsung asked if the Commissions still wanted to impose a limit.

Phillips responded that he still wanted some type of limit.

Motion by Phillips, second by Gardner, to amend the conditional use permit for the installation of a telecommunication tower, subject to the following conditions:

- The square footage of the mechanical building shall not exceed City Code.
- The applicant shall provide to the City a maintenance schedule for the tower and facility.
- The applicant shall provide to the City the color of the tower
- The applicant shall obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction prior to any future construction or activity on the land.
- The tow and all associated accessory structures shall comply at all times with Section 540 of the Independence City Code.
- The applicant shall pay all necessary fees for the review of this application.
- Conditional Use Permit to be reviewed annually.
- There shall be no lighting on the tower unless FAA standards change.
- The applicant shall provide landscaping around the perimeter of the fence.
- The gate for the fence around the tower shall not face Copeland Road.

All present voted aye. MOTION DECLARED CARRIED.

Motion by Phillips, second by Gardner, to recommend that the City Council amend the telecommunication tower ordinance to allow for mechanical buildings up to 240 square feet. All present voted aye. MOTION DECLARED CARRIED.

5. PUBLIC HEARING. CHRISTOPHER STEPHAN, 3775 COUNTY ROAD 92 (PID# 09-118-24-24-0001), REQUEST FOR APPROVAL TO MOVE A HOUSE FROM THE CITY OF WAYZATA INTO THE CITY OF INDEPENDENCE AND REQUEST TO AMEND AN EXISTING CONDITIONAL USE PERMIT TO ALLOW FOR A GUESTHOUSE.

Lorsung explained that the Council granted preliminary approval for the applicant to move a home into the City. She said that the applicant would also like to amend his existing Condition Use Permit to allow for a guesthouse. Lorsung noted that a guesthouse is only for personal use, while a bunkhouse is for commercial use. She said that the building that the property is within the shoreline ordinance, so the applicant worked with the Building Official to meet those conditions. Lorsung also said that part of the Conditional Use Permit will require the applicant to bring all the buildings on the property up to code.

Spencer asked the applicant if the proposed amendment was for a bunkhouse or a guesthouse.

Stephan responded that the structure would only be for personal use. He added that he had moved the house in from Wayzata and it appeared to be in sound condition.

Spencer asked if the existing house on the property would become the guesthouse and if the barn was the building that needed to be brought up to code.

Stephan responded that his current home would be the guesthouse and the home that was recently moved in would be the primary residence. He also said that the barn needs to be put on a foundation, which will be near the house.

Spencer asked when the barn will be put on a foundation.

Stephan responded that he's hoping to have the work done in 90 days and at the latest before winter.

Public Hearing

No one came forward with a comment.

Motion by Gardner, second by Phillips, to close the public hearing. All present voted aye.

Gardner asked if the barn was the only building that needed to be brought up to code.

Stephan responded that he believed the barn to be the only other building that needed to be brought up to code. He said none of the other structures had been moved onto the property and would have been inspected for code compliance when they were built.

Spencer asked if the barn would have electricity.

Stephan said that it would have electricity and that barn blueprints are on file with City staff.

Gardner asked if Stephan was required to obtain a permit for the barn.

Stephan said that he had to provide an informational permit because his property is agricultural.

Motion by Crespo, second by Gardner, to approve the amendment to the existing Conditional Use Permit with the following conditions:

- The applicant shall obtain all necessary permits and approvals from the City and State.
- The height of the additions shall conform to City Code.
- There shall not be any commercial activities related to this request.
- The applicant shall bring all buildings on the property up to State Building Codes.

All present voted aye. MOTION DECLARED CARRIED.

6. OPEN/MISC.

John Zeglin

Spencer asked Zeglin if he had heard any information about the proposed pipeline through their property.

Zeglin responded that he hadn't heard anything new. He said he was not allowing the pipeline company to access his land.

Spencer recommended that Zeglin check his title for any old easements.

Zeglin said he wanted to ask about the meeting that was mentioned in the *Delano Herald Journal* about a meeting between City officials, Delano officials and Target representatives. He asked if any of the Planning Commissioners had attended the meeting or had any information about it.

Spencer said that none of the Planning Commissioners were at the meeting.

Zeglin said that Council Member Lindsay Wallace had attended the meeting, but Mayor Marvin Johnson told him not to discuss the meeting because a formal proposal had not yet been made.

Spencer said that the meeting could likely remain private if there wasn't a quorum of Council Members in attendance.

7. ADJOURN.

Motion by Gardner, second by Phillips, to adjourn the Planning Commission meeting at 8:15 p.m. All present voted aye.

MOTION DECLARED CARRIED.

Respectfully submitted by Christina Scipioni,
Recording Secretary