

**APPROVED MINUTES  
PLANNING COMMISSION  
REGULAR MEETING  
CITY OF WYOMING, MINNESOTA  
FEBRUARY 11, 2014  
7:00 PM**

**CALL TO ORDER:**

Planning Commission Chairman Frank Storm called the Regular Meeting of the Wyoming Planning Commission of February 11, 2014 to order at 7:00 P.M.

**CALL OF ROLL:**

On a Call of the Roll the following members of the Wyoming Planning Commission were present: Judy Coughlin, Mathew Engstrom, Mark Lobermeier, Ken Meyers and Frank Storm.

Members Absent: None.

Also Present: Council Liaison Roger Elmore, Zoning Administrator Fred Weck.

**DETERMINATION OF A QUORUM:**

Chairman Storm determined a quorum was present.

**PLEDGE OF ALLEGIANCE:**

**OPEN FORUM:**

*“An opportunity for members of the public to address the Planning Commission on items not on the current Agenda. Items requiring Planning Commission action maybe deferred to staff for research and future Planning Commission Agendas if appropriate.”*

No members of the public spoke.

**APPROVAL OF MINUTES:**

- 1. Consider approving the minutes of the Regular Meeting of the Wyoming, Minnesota Planning Commission for January 28, 2014.**

**A MOTION WAS MADE BY PLANNING COMMISSION MEMBER LOBERMEIER, SECONDED BY PLANNING COMMISSION MEMBER MEYERS, TO APPROVE THE “REGULAR MEETING” MINUTES OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR JANUARY 28, 2014.**

*Voting Aye: Coughlin, Engstrom, Lobermeier, Meyers, and Storm.*

*Voting Nay: None*

*Abstain: None*

**SCHEDULED PUBLIC HEARINGS**

- 2. Conditional Use Permit  
Faulk and Foster Real Estate Services for Verizon Wireless  
7514 250th Street**

Blake Conklin of Faulk and Foster Real Estate Services and representing Verizon Wireless made a presentation to the Planning Commission regarding the proposed telecommunication tower. Mr. Conklin explained that the purpose of the tower is address cell phone coverage gaps that Verizon is experiencing in the area. He also explained that with the increased use of smart phones and other data devices that they use more bandwidth and each tower site can only supply a finite amount. He added that the tower will aid in emergency response for motorists in the area, and that more people are using cell phones instead of landlines. Mr. Conklin explained to the

Commission that the site was selected because they had a limited search area that would allow the proposed tower to link to other towers and that the shoreland and Highway 8 overlays also limited the height and location of tower. Mr. Conklin stated that he disagreed with Zoning Administrator Weck's staff report concerning the tower setback; that Weck was measuring the setback from the property line and that the setback should be measured from residential structures and that the proposed tower is approximately 338 feet from the nearest structure.

Commissioner Engstrom asked about the lightning rod that is 9 feet above the maximum tower height of 75 feet and that the ordinance includes the lightning rod in the height calculations. Mr. Conklin responded that they would have liked a 199-foot tower and that regulations require the lightning rod.

Commissioner Coughlin asked if the applicant had looked at locations that could be zoned commercial or industrial per the Comprehensive Plan. Mr. Conklin responded that they only looked at current zoning.

Chairman Storm opened the public hearing at 7:14.

John Koalska, 24970 Hazel Avenue, stated that "100%" of the neighborhood is against the tower being at this location and that it could be located a mile or more from this location and that Verizon's choice for this location doesn't make sense to the neighbors.

Neil Rever, 24679 Hale Avenue, read the staff report and noted that the applicant did not provide information showing why this location was selected over the hierarchy requirements in the ordinance for locating the tower, and did not show that co-location on an existing tower is not feasible. He stated that he called the owner of the tower located on Greenway Road and was told that they have room for Verizon on their tower. He also questioned what a "designated residential property" is and thought that since the proposed location has a home that it is a designated residential property. He stated that a petition was circulated to the neighboring properties and that no one is in favor of the location. In closing, he said that the Planning Commission has the basis to deny the application because of the information that was not submitted with the application.

Denise Davis, 7580 250th Street, stated that she is not against a tower just not in this neighborhood. She also has concerns about light pollution from the tower and that alternate sites should be considered. She was also concerned about property values and the effect the tower would have on the enjoyment of wildlife and her property.

Ray Horstman, 7575 250th Street, wondered if a better use of the property would be to subdivide it for homes and that marginal land not suitable for development would be a better location for the tower.

Sabrina Chaput, 24965 Hazel Avenue, has concerns about the esthetic effect on her property and her property values. She also gave an example of an antenna that was incorporated into a sculpture at the Franconia Sculpture Garden and whether something like that was possible here.

Neil Rever spoke again and reiterated that the request should be denied because the applicant has not complied with the ordinance.

There being no additional comments the hearing was closed at 7:43.

Zoning Administrator Weck responded to Mr. Rever's question about "designated residential property". Weck explained that the planner that the city hired to develop the Comprehensive Plan and Zoning Ordinance after the merger of the city and township used the City of Bloomington's ordinance to draft the telecommunications section of the Wyoming ordinance, and that while doing so removed the word "designated" from Sec 40 – 778, (1) of the ordinance. In doing so, the ordinance restricts towers to 30 feet "in all residential property" and allows towers to be 75 feet tall "in all residential zoning districts other than designated residential property". The ordinance

does not define either “residential property” or “designated residential property”, but it does define a residential zoning district and that was what the application was reviewed to.

Blake Conklin responded to the public comments and said that the tower will not be lit, that it will be unpainted galvanized steel and that the applicant will be able to show compliance with the ordinance. He also stated that the 1996 Telecommunications Act does not allow the denial of an application because of the possibility that property values will be lowered. He also explained that the property value issue needs to be looked at in balance and that nearby areas that are commercial or could be zoned commercial will benefit from cellular communications. He requested that the request be tabled rather than a recommendation of denial be forwarded to the City Council.

Commissioner Meyers asked whether locating the equipment on the existing Greenway Road location at 155 feet would affect coverage or bandwidth. Mr. Conklin replied that he did not have anything with him regarding that but that it could be produced and that the proximity to other Verizon towers, closer or farther, will affect coverage and capacity. He also replied that Section 40 – 775 of the ordinance only requires them to consider other towers within one-quarter mile of the proposed location for the Verizon tower.

Commissioner Engstrom asked the applicant if parcels that can be rezoned were considered. Mr. Conklin replied that they do not look at properties to rezone and that if they can locate on properties that meet zoning requirements without rezoning that they will choose those sites. Commissioner Engstrom asked how much did the proposed location’s proximity to Comfort Lake and Shallow Lake figure into the decision because of the clear line of sight the two lakes provide. Mr. Conklin replied that they needed to choose a location that was not in the shoreland overlay because of height restrictions and not within the Highway 8 overlay because of setbacks. In addition, that the site is flat so that helps with reception but that it also has the best tree cover for screening. Commissioner Engstrom asked if Verizon did an analysis per Section 40 – 772 to determine the most appropriate location and can that analysis be provided. Mr. Conklin replied that the analysis has been done and that it can be provided. Commissioner Engstrom asked that maps similar to the color-coded exhibits presented by the applicant showing cellular coverage be produced for the other possible options so that the Commission can make a good decision. Mr. Conklin replied that they can produce those maps for all of the locations.

Commissioner Meyers asked if the trees that provide screening hinder cellular transmissions. Mr. Conklin replied that generally the equipment on the tower needs to be above the trees.

Chairman Storm remarked that he would like more time to study the application, that he would like to see the deficient items listed in the staff report addressed in writing by the applicant, and that he would like the city attorney to give an opinion on residential property as it applies to the telecommunication tower part of the ordinance.

Commissioner Lobermeier asked Weck what options the applicant has if the application is tabled or denied. Weck responded that if application is denied that there is no time frame restricting how soon they could reapply and that they could reapply tomorrow. Commissioner Lobermeier responded that regardless of their action tonight the applicant could bring in the missing information. He also expressed his disappointment with the applicant and the application even though the application states that they are in compliance with the ordinance, it is clear that the application fell short in a number of areas.

Commissioner Coughlin asked the property owner, Richard Christensen, if he has his home on the property and if he farms it. Mr. Christensen responded that he does and that he leases the land for farming. Commissioner Coughlin asked if the property is for sale and if it is being sold to be subdivided. Mr. Christensen replied that he is selling it for whatever purpose the buyer wishes to do to it. Commissioner Coughlin asked Weck if the property was subdivided would anything be able to be built within the 300-foot setback for the tower. Weck responded that under the current ordinance nothing would be able to be built within the tower setback. Commissioner

Coughlin asked Mr. Christensen if he was aware how much area would be taken up by the tower, approximately 7 acres, and not just the 100-foot-by-100-foot area within the fence. Mr. Christensen replied that he was told the setback would be 150 feet. Commissioner Coughlin said that she does not think that the proposed site is a good location for the tower and that other sites that are zoned commercial, or the existing tower, cannot be ruled out without the study from the applicant.

**A MOTION WAS MADE BY PLANNING COMMISSION MEMBER ENGSTROM, SECONDED BY PLANNING COMMISSION MEMBER LOBERMEIER, TO TABLE THE APPLICANTS REQUEST TO NO LATER THAN APRIL 8, 2014 IN ORDER TO RECEIVE AN OPINION FROM THE CITY ATTORNEY AND TO ALLOW THE APPLICANT TIME TO SHOW COMPLIANCE WITH THE FOLLOWING SECTIONS OF THE ZONING ORDINANCE:**

1. **Sec. 40 – 772. Location Requirements for New Facilities, Items (1) (f), 1 & 2, and (2).**
2. **Sec. 40 – 773. Towers in Residential Zoning Districts. Item (2).**
3. **Sec. 40 – 775. Co-Location Requirements. Item (2).**
4. **Sec. 40 – 776. Tower and Antenna Design Requirements. Item (1).**
5. **Sec. 40 – 778. Tower Height. Item (2).**
6. **Sec. 40 – 779. Tower Lighting.**
7. **Sec. 40 – 780. Signs and Advertising.**
8. **Sec. 40 – 781. Associated Equipment. Items (1), (2), and (3).**
9. **Sec. 40 – 784. Interference with Public Safety Telecommunications. Item (1).**
10. **Sec. 40 – 785. Tower Construction Requirements.**
11. **Sec. 40 – 786. Additional Submittal Requirements. Items (1); (1), (a) – (e); and (2).**
12. **Sec. 40 – 788. Antenna Design and Mounts.**

*Voting Aye: Coughlin, Engstrom, Lobermeier, Meyers, and Storm.*

*Voting Nay: None*

*Abstain: None*

#### **NEW BUSINESS**

3. **None.**

#### **OLD BUSINESS**

4. **None.**

#### **COMMUNICATIONS:**

5. **None**

**A MOTION WAS MADE BY PLANNING COMMISSION MEMBER MEYERS, SECONDED BY PLANNING COMMISSION MEMBER COUGHLIN, TO ADJOURN THE REGULAR MEETING OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR FEBRUARY 11, 2014 AT 8:10 P.M.**

*Voting Aye: Coughlin, Engstrom, Lobermeier, Meyers, and Storm.*

*Voting Nay: None*

*Abstain: None*