

1                                   **WAYZATA PLANNING COMMISSION**  
2                                   **MEETING MINUTES**  
3                                   **February 6, 2017**

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6    **AGENDA ITEM 1. Call to Order and Roll Call**

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

9  
10   Present at roll call were Commissioners: Gruber, Gonzalez, Iverson, Flannigan and Buchanan.  
11   Absent: Commissioners: Young and Murray. Director of Planning and Building Jeff Thomson  
12   City Engineer Mike Kelley, Director of Public Services Dave Dudinsky, and City Attorney  
13   David Schelzel were also present.

14  
15  
16   **AGENDA ITEM 2. Approval of Agenda**

17  
18   Commissioner Gonzalez made a motion, Seconded by Commissioner Flannigan, to approve the  
19   February 6, 2017 meeting agenda as presented. The motion carried unanimously.

20  
21  
22   **AGENDA ITEM 3. Approval of Minutes**

23  
24       **a.) Approval of January 4, 2017 Planning Commission Minutes**

25  
26   Commissioner Gruber made a motion, Seconded by Commissioner Buchanan, to approve the  
27   January 4, 2017 Planning Commission Minutes as presented. The motion carried unanimously.

28  
29       **b.) Approval of January 18, 2017 Planning Commission Minutes**

30  
31   Commissioner Gonzalez made a motion, Seconded by Commissioner Gruber, to approve the  
32   January 18, 2017 Planning Commission Minutes as presented. The motion carried unanimously.

33  
34  
35   **AGENDA ITEM 4. Old Business Items:**

36  
37       **a.) Wayzata Blu – 259, 269 and 275 Lake Street E and 339 Barry Avenue**

38           **i. Rezoning, PUD Concept Plan**

39  
40   Director of Planning and Building Thomson stated the applicant, Gatehouse Properties, has  
41   submitted a development application to develop properties located at 259, 269, and 275 Lake  
42   Street E and 339 Barry Avenue S. The project includes demolition of the existing commercial  
43   buildings and construction of a three-story mixed use building consisting of ground level office  
44   and 17 residential condominiums. The development application includes request for approval of  
45   rezoning from C-4A to PUD/Planned Unit Development and PUD concept plan of development.  
46   The Planning Commission reviewed the development application and held a public hearing at its

1 meeting on January 18, 2017. Since the last Planning Commission meeting, the applicant  
2 provided updated information on the prices for the condominiums, and conveyed that it is open  
3 to including flexibility in the PUD to allow retail uses on the ground floor of the building. At the  
4 January 18<sup>th</sup> meeting, the Planning Commission directed staff to prepare a Planning Commission  
5 Report and Recommendation for approval of the development application.

6  
7 Commissioner Gonzalez asked if the Planning Commission Report should include references to  
8 the additional information from the applicant's email to the City on design detail.

9  
10 Mr. Thomson stated he discussed this with the City Attorney and it had been determined this  
11 design detail for the construction of the building, and any related conditions of approval, could  
12 be included when the Planning Commission and City Council review the PUD general plan of  
13 development and design review that will be necessary for the next stage of project approvals.

14  
15 Commissioner Gruber asked if there would be common open space as required by the PUD  
16 ordinance.

17  
18 Mr. Thomson stated there has not been a specific proposal for this particular PUD standard, and  
19 it would need to be addressed as part of the general plan review.

20  
21 Commissioner Gonzalez stated she would like to have additional information when the general  
22 plans are submitted regarding the private agreement for parking between the 259 Lake St E  
23 property and the Boatworks property across the street, so that the Planning Commission can  
24 understand how it would impact what the City would be able to approve.

25  
26 Commissioner Gruber stated she is disappointed that there are no units that are moderately  
27 priced.

28  
29 Commissioner Gonzalez made a motion, Seconded by Commissioner Buchanan to approve the  
30 Planning Commission Report and Recommendation, recommending approval of the PUD  
31 Rezoning and PUD Concept Plan of Development for New Three-Story Mixed-Use  
32 Development at 259, 269, and 275 Lake Street E and 339 Barry Avenue S, as drafted by staff.

33  
34 Chair Iverson stated she was glad the applicant would be willing to look at including retail.

35  
36 The motion was called to a vote. The motion carried unanimously.

37  
38  
39 **AGENDA ITEM 5. Public Hearing Items:**

- 40  
41 **a.) Gardner Place – 350 Gardner Street E**  
42 **i. Preliminary Plat Subdivision, Variances**  
43

44 Director of Planning and Building Thomson stated the applicant, Bohland Homes, has submitted  
45 a development application to subdivide the property at 350 Gardner Street E into three single-  
46 family residential lots. The existing house would be demolished and three new homes would be

1 constructed with access from a private street. As part of the submitted development application,  
2 the applicant is requesting approval of the preliminary plat subdivision, a variance from the  
3 Subdivision Ordinance to allow use of a private street, and a variance from the Zoning Ordinance  
4 to exceed the maximum impervious surface standard for each lot. The Planning Commission  
5 held a public hearing and previously reviewed the development application at its meeting on July  
6 16, 2016. At that meeting, the Planning Commission requested the applicant provide an updated  
7 tree inventory that includes trees located on adjacent properties and trees located in the Gardner  
8 Street right of way, the amount of fill associated with the proposed grading plan, lot coverage  
9 and impervious surface information, a tree preservation plan, and a storm water management  
10 plan. Mr. Thomson noted that the applicant has submitted revised plans for the project which  
11 includes the additional information requested by the Planning Commission and for which a new  
12 public hearing is required. Mr. Thomson explained that each of the new homes would need to  
13 meet the fire code requirements. The fire code typically requires a 20-foot wide fire access lane  
14 unless additional measures are taken to address fire safety. The applicant has stated that each of  
15 the new homes would have a fire sprinkler system and based on this, the City's fire marshal has  
16 determined that the private street serving the new homes would need to be a minimum of 16-feet  
17 in width and provide a turnaround at the end. The applicant is proposing to widen the existing  
18 driveway to 16-feet in width in order to meet this requirement. The proposed plans also include  
19 a 50-foot turnaround between lots 2 and 3 that would be constructed of a grass paver system.  
20 The fire marshal has stated that the turnaround would need to be paved. Staff has requested the  
21 City Forrester review the tree preservation plan and tree inventory and provide feedback on what  
22 trees in the right of way would be impacted.

23  
24 Commissioner Flannigan asked how many truckloads of fill would be brought to and from the  
25 site.

26  
27 Mr. Kelly stated 575 yards is what is the minimum projected for the project, and each truckload  
28 is about 12-15 yards. The total number of trucks is estimated to be 50-60 trucks. There will be  
29 additional activity with the reconstruction of the street.

30  
31 Commissioner Gruber asked why so much fill would be required.

32  
33 Mr. Kelly explained as the proposed access road goes east, the applicant is proposing to fill the  
34 roadway to level it, so there would be a less steep driveway for the last lot. The proposed  
35 retaining wall would be a minimum of 3-feet and a maximum of 6-feet. He also explained the  
36 water and sewer would be relocated from its current location because the existing water line  
37 crosses the corner of the adjacent property.

38  
39 Commissioner Gonzalez asked whether the proposed private street would overlap onto the  
40 adjacent lot.

41  
42 Mr. Kelly stated the street, as shown in the Applicant's plans, is off the neighbor's property and  
43 is located fully in the right of way until it reaches the Applicant's property.

44  
45 Chair Iverson stated map 6.5 of the Comprehensive Plan for 2030 looks at soil quality, and this  
46 particular site shows poor quality with severe limitations, and map 6.3 of the Comp Plan

1 (topographic map) shows that the property exceeds the 12% slope. She stated that it seemed  
2 there would be a large amount of fill coming from Lot 3. She asked where this would be going.  
3

4 Mr. Kelly stated from the information he has, the applicant is proposing a retaining wall along  
5 the east property line. They would be reusing as much of the excavated material on site as  
6 possible. The existing house is located where the soil quality map shows the soil as poor quality  
7 with severe limitations.  
8

9 Commissioner Flannigan asked if the proposed private road was factored into the impervious  
10 surface for the properties and if not, why the proposed impervious surface coverage was so high.  
11

12 Mr. Thomson stated the private street does count as impervious surface on each of the individual  
13 lots because the street is located on the lots, not within the right of way.  
14

15 Commissioner Gonzalez asked if the hardcover calculations would increase if the turnaround  
16 between Lot 2 and Lot 3 were paved as required by the fire marshal.  
17

18 Mr. Thomson stated the impervious surface coverage would increase for those lots if the  
19 turnaround was paved.  
20

21 Applicant's representative, Mr. Steve Bohl, 550 Far Hill Road, Wayzata, stated they are working  
22 to comply with all of the City and Fire codes and regulations with the exception of the private  
23 road. He stated the homes would have fire sprinklers, and there is a fire hydrant on the corner of  
24 Lot 1. He stated he has hired a certified arborist to review the tree inventory of the site. He  
25 stated the original intent for this property had been three lots, and it is legally described as Lots  
26 2, 3, and 4. The uniqueness of the properties' grade does present some challenges. He clarified  
27 the hardcover variance they were requesting was from 3% to 6%. They could reduce the  
28 hardcover by limiting the garage size on each lot to a two-car garage size. In his opinion, they  
29 are presenting the best option for accessing the three lots. Lot 3 does present topographical  
30 challenges. He stated the retaining wall along the east side would have a maximum height of 4-  
31 feet. He stated he would be willing to apply for a Planned Unit Development (PUD) if the  
32 Planning Commission preferred this as a way to incorporate the private street, instead of the  
33 variance. He stated the reason they pulled the street out of the right of way was because of the  
34 topography of the right of way and the trees that are located in the right of way. Moving the road  
35 off the property and into the right of way would disturb the area more, and would impact more  
36 trees. He stated there are other examples of private streets for this type of development within  
37 the City.  
38

39 Chair Iverson asked if the applicant had tried to work with the neighbors to use part of the  
40 existing driveway.  
41

42 Mr. Bohl stated they were planning to go as close to the existing driveway as possible. He stated  
43 the City could consider a 26-foot wide public street in the right of way, but he does not believe  
44 this is the best access for this property.  
45

46 Commissioner Gonzalez asked how far from the east property line the house would be on Lot 3.

1  
2 Mr. Bohl stated it would meet the setbacks. The retaining wall would be located on the edge of  
3 the property line and the house would be setback 10-feet from that.

4  
5 Commissioner Gonzalez stated that excavating this close to the property line would impact the  
6 trees on the adjacent property.

7  
8 Mr. Bohl stated there was one tree on the adjacent property that would be impacted.

9  
10 Commissioner Flannigan stated that the existing canopy of trees would be completely removed  
11 with the way the houses are situated on the proposed lots, and this would impact the  
12 neighborhood.

13  
14 Mr. Bohl stated that the tree calculations include the removal of trees in the right of way. The  
15 number of trees being removed from the property is 7.

16  
17 Commissioner Flannigan stated he would estimate the applicant would make 4-5 times more  
18 money if he were to build 3 homes versus 1 home.

19  
20 Mr. Bohl stated it was not the Planning Commission's place to make those determinations. He  
21 stated he bought this particular property because he believes it is ideal for 3 single-family homes.

22  
23 Commissioner Flannigan asked if removing 60% of the significant trees is consistent with the  
24 statement in the Application that "for the most part, the overall site has few trees inside the  
25 property lines..."

26  
27 Mr. Bohl clarified the number of trees being removed does include those in the City right of way,  
28 and these are not located on the property.

29  
30 Commissioner Flannigan asked if the practical difficulties were because of the road or because  
31 the applicant wanted to subdivide the property.

32  
33 Mr. Bohl stated if they were to put one home on the property they would still be removing 6  
34 trees.

35  
36 Commissioner Buchanan asked what amount of the trees being removed would be considered  
37 desirable trees.

38  
39 Applicant's consultant, Mr. Steve Nicholson, 2275 Hyland Parkway, St. Paul, certified forester  
40 and arborist, stated the best trees are up the hill from the existing home, and these will be  
41 preserved under the proposed plan. There will be a couple of the nicer trees removed. Most of  
42 the lesser quality trees are located in the City's right of way. The basement for the home on Lot  
43 3 would not be as close to the tree on the lot-line but there would be some impact to the root  
44 system. Even so, there is a fair chance of saving this tree.

45

1 Commissioner Gonzalez asked what measures could be taken to prevent damage to the trees on  
2 the neighbor's property.

3  
4 Mr. Nicholson stated most communities require a fencing system that would prevent heavy  
5 equipment from working near the root zone. He stated it would not be necessary to remove all of  
6 the root system in the eastern side of the tree in order to put in the foundation and basement for  
7 the home on Lot 3.

8  
9 Chair Iverson opened the public hearing at 8:14 p.m.

10  
11 Mr. Joseph Madson, 344 Gardner Street E, stated his property is directly west of the project and  
12 would be significantly impacted. He pointed out that the current lot is consistent with the  
13 adjacent lots. He asked if the right of way work to the north of his property would be considered  
14 an encroachment, an easement, or a vacation of this land.

15  
16 Mr. Kelly stated it would be considered an encroachment in the public right of way, and it would  
17 require an agreement between the City and the developer for the maintenance of their portion of  
18 the improvements. This agreement would carry with the properties.

19  
20 Mr. Madson stated this land is not fully developed because of the topography and soil. He stated  
21 the Comprehensive Plan states "Much of the remaining privately owned parcels are impacted by  
22 wetlands and steep sloped, which will limit the amount of development that is allowed on those  
23 parcels." He stated there are smaller lots 7-blocks away but in this neighborhood the lots are  
24 larger with one home. He stated proposed Lot 3 has a slope of 12% and the soil is not good.  
25 Any grading done in this area will have an impact on the surrounding area. He expressed  
26 concerns about the number of trucks that would be using his private driveway to construct the  
27 private street. He stated the subdivision provisions specifically stated unsuitable property as  
28 "soil and rock formations with server limitations for development, server erosion potential, steep  
29 topography, inadequate water supply or sewage removal capabilities ...". He stated there are 3  
30 trees that are in the right of way that are currently provide screening for his property and these  
31 would be removed as part of the private road construction. He explained his property does  
32 receive significant screening and noise reduction from the existing trees and removing these  
33 would impact this. He also expressed concerns about the water runoff and where this would go.

34  
35 Ms. Alyssa Madson, 344 Gardner Street E, stated the proposed drainage plan is different than  
36 what currently exists and would significantly alter where the water is draining. The proposal is  
37 moving the drains from Lot 3 further to the west into Lot 1 and this is closer to the housing pad  
38 at 345 Gardner Street. She stated in the north plat of Wayzata there are only 5 shared driveways  
39 and adding a private street in this neighborhood would not be in keeping with the neighborhood  
40 because shared driveways are not common in this neighborhood. She has shared a driveway  
41 with one other person for the last 4-years and understands why the City has strong language in  
42 the subdivision ordinance against private streets. She expressed concerns about two more homes  
43 using a portion of their private driveway. The additional homes would also significantly increase  
44 the traffic in front of her home and she has young children. She feels this additional traffic  
45 threatens their safety. She stated the private road would also make their home less desirable if  
46 they decide to sell the property. She stated the street variance violates the City's preliminary plat

1 criteria because the proposed subdivision would depreciate the value of neighboring properties,  
2 and the proposed subdivision is not accommodated with existing public services, primarily  
3 related to transportation and utility services. She expressed concerns about the heritage tree that  
4 is on her property but adjacent to the project. The proposed corner of the home for Lot 1 is 12-  
5 feet 5-inches from the trunk of this tree. She talked with three different tree experts, and all three  
6 stated that the tree would not survive. They each stated the tree may last as long as five years,  
7 but it would eventually need to be removed and the cost to have it removed would be more than  
8 \$7,000. She stated the City Council had recently denied a project on Holdridge Road due to the  
9 significant slope of the property and the amount of fill that would be required.

10  
11 Ms. Lucy Bruntjen, 402 Gardner Street, stated that this is a uniquely quiet and woodsy  
12 neighborhood. If this project were located on the other side of the hill the City of Wayzata  
13 would not allow this type of character changing, land altering project. She stated there would be  
14 a safety concern with the additional traffic three new homes would bring. She stated three new  
15 homes would be too much for the neighborhood, and the removal of all the trees would greatly  
16 impact the character of the neighborhood.

17  
18 Ms. Merrily Babcock, 337 Reno Street, expressed concerns about the number of trees that would  
19 be removed. She stated one of the trees marked to be preserved is a boxelder tree but they are  
20 removing a large sugar maple and two large oak trees. She pointed out that these trees filter  
21 pollutants, and new trees will not be as effective. She stated that fill cannot be put in around the  
22 trees because this will kill these trees.

23  
24 Ms. Celia Threlkeld, 353 Park Street E, stated she would like to see the best use of the property,  
25 and for it to be fair and right. She stated the Hennepin County maps had showed this property as  
26 three 60-foot lots. She knew when she bought her property that it would be possible to have  
27 three homes behind hers, and anyone who purchased a home in that neighborhood should have  
28 known as well. The privacy that they have enjoyed is not enough to criticize the project because  
29 this parcel was going to be three lots. Adding these new homes will be an improvement to this  
30 street and neighborhood. She stated Mr. Bohn is a reputable developer and would make the  
31 project beautiful and make sure the drainage is properly taken care of. She pointed out that if the  
32 developer decided to extend the public street at 26-foot wide this would create more hard surface  
33 and reduce the need for a hard surface variance on the properties than the smaller private street  
34 they are currently proposing.

35  
36 Mr. Madson asked if the encroachment would be temporary or permanent.

37  
38 Mr. Thomson stated there is a section of the City's code that addresses three types of  
39 encroachments. Permanent encroachments are projections of structures themselves from private  
40 property into the right of way, which does not apply to the development application.

41  
42 Mr. Madson stated temporary encroachments are advertising signs, landscape planters or other  
43 items that would be temporary in nature, and an awning would refer to any awning or structural  
44 support that projects over the public right of way. He stated the code states permanent  
45 encroachments can only be granted to property in the C-4 zoning district. He asked if this  
46 request would be added to the application.

1  
2 Mr. Thomson stated there was a letter and email included in the packet and request for it to be  
3 read into the record.

4  
5 Chair Iverson read the letter from Linda Lyndon, 350 Gardner Street E for the record:

6 I understand that development and change is a natural progression in life but I would  
7 wonder if you give permission to the property at 350 Gardner to be subdivided into three  
8 lots for single family homes are you technically saying yes to the plans that are already  
9 presented at the July 6, 2016 Planning Commission meeting, which the neighbors stated  
10 had many detrimental issues. I would appreciate anyone voting on this to look at the  
11 property being developed and the properties neighbor to fully understand what is asked of  
12 you. I don't fell the plans tell the whole story. It presently has one house there for a  
13 reason. You are dealing with the hill, driveway issues, and the destruction of natural tree  
14 lines in the City right of way that is very important to our neighborhood. I was told that  
15 the City never gives away property. If you allow a retaining wall to be built on the City  
16 right of way you are giving away the City property that will affect my property and  
17 neighbors to the east. I am also very concerned about the drainage that would be directed  
18 to my property. We have owned the property since 1970 and have never had a water  
19 issue in our home or yard. Presently the water is directed to the lowest are of our yard,  
20 which has worked perfectly. I see no reason for someone's development to harm my  
21 property or any of my neighbors. After reading the 48 page Subdivision Ordinance,  
22 Chapter 805 of the City Code, last amended 9/20/2007, it was nice to see that we have  
23 many rules to protect our neighborhoods. I expect that our leaders will uphold every one  
24 of them. Thank you for your time and thoughtful consideration of what is before you.

25  
26 Chair Iverson read the email from Laurent and Madeline Frecon, 238 Barry Avenue N for the  
27 record:

28 Regarding the Gardner project and our previous email, my wife and I wanted to clarify  
29 that our primary concern is the traffic created during construction and how to migrate the  
30 disruption. However, if those involved can come to an agreement, we think the  
31 improvements to the lots would benefit the neighborhood and surrounding home values.

32  
33 There being no one further wishing to speak, Chair Iverson closed the public hearing at 9:02 p.m.

34  
35 Commissioner Gonzalez suggested the Commission review the application and the subdivision  
36 variance criteria.

37  
38 Commissioner Gruber stated the issues that have been pointed out include drainage, the creation  
39 of a bigger private street, retaining walls, and the amount of fill, the steep slopes, tree removal,  
40 and the increase in hard surface. There are zoning and subdivision standards that are in  
41 opposition to this request. Mr. Bohl stated he had purchased the property for economic reasons.  
42 This is a beautiful lot, and he could create a beautiful home on this lot. Based on the variance  
43 criteria, this application does not meet any of those conditions. The Comp Plan shows this site  
44 as having poor soil and severe limitations for development. She stated the proposed project does  
45 not meet the preliminary plat criteria as well. There are enough legal standards that supports not  
46 subdividing this property, and she would not support this subdivision of this property.



1  
2 Commissioner Flannigan stated there is currently one lot. There was a decision made in the  
3 1970s for tax purposes to combine the 3 lots into one. The letter provided to the property owner  
4 at the time of the requested lot combination pointed out there may be problems subdividing the  
5 property in the future. There are 14 different hurdles and obstacles that the developer will have  
6 to address and resolve. He stated the applicant does not meet the Preliminary Plat criteria  
7 (Section 805.14.E0 items, 3, 4, 5, 6, 7, 11, and 12, and in the Subdivision Variance criteria  
8 (805.60) items 1, 2, 3, 4, and 5. He would not support this application at this time.

9  
10 Commissioner Buchanan stated there is a degree of interpretation involved in applying the  
11 criteria, and it is speculative to assume that the neighboring property values would depreciate.  
12 He stated the Commission can make recommendations.

13  
14 Commissioner Gonzalez stated the code clearly states that a private street shall not be allowed in  
15 a subdivision except as a Planned Unit Development (PUD). The variance criteria state that the  
16 applicant has to show an undue hardship as part of the requirements for a variance. The  
17 applicant has not met the requirements of the variance criteria, and the Commission should not  
18 recommend approval of the variance for the private street. The applicant can build a home on  
19 the existing lot that would not require a variance. The applicant created the undue hardship. The  
20 City did suggest the applicant consider a 2-lot subdivision. The applicant is also requesting a  
21 variance for the hardcover, and this request is being driven by the private street, which is being  
22 driven by the applicant's desire to have 3 homes on this property. She stated she could not  
23 support the variance requests. The Commission's job is to ensure the application meets the  
24 requirements of the City's Codes and Regulations.

25  
26 Mr. Thomson clarified if the applicant built one home on the property, a variance from the  
27 Subdivision Ordinance would not be required for the private street because the property would  
28 not be subdivided, but the fire code would still apply.

29  
30 Chair Iverson stated she agreed that the application did not meet the variance requirements or the  
31 preliminary plat criteria. She is concerned with the topography impacts and the removal of the  
32 heritage trees on the property. She stated more information is needed pertaining to the soil  
33 quality and how this will affect the retaining walls. She would recommend denial at this time.

34  
35 Commissioner Gonzalez made a motion, Seconded by Commissioner Flannigan, to direct staff to  
36 prepare a draft Planning Commission Report and Recommendation with appropriate findings  
37 recommending denial of the Subdivision at 350 Gardner Street, the variance request for a private  
38 street, and the variance request for the increased hard surface coverage. The motion carried 4-  
39 ayes and 1 nay (Buchanan).

40  
41 Ms. Threlkeld asked for clarification on the fire access requirements for a single home.

42  
43 Mr. Thomson stated that any new construction in the City would have to meet the City's fire  
44 code including access requirements. He noted that a draft Report and Recommendation on the  
45 Application will be in front of the Commission at their February 27 meeting.

46

1 The Planning Commission recessed at 9:27 p.m.

2

3 The Planning Commission reconvened at 9:38 p.m.

4

5 **b.) Telecommunications Tower – 149 Barry Avenue N**

6

7 **i. Conditional Use Permit, Variances**

8

9 Director of Planning and Building Thomson stated SEH, on behalf of the City of Wayzata, has  
10 submitted a development application to construct a commercial telecommunications tower on the  
11 Wayzata West Middle School property at 149 Barry Avenue N. The proposal requires a  
12 conditional use permit (CUP), and setback variance. The ordinance states that a  
13 telecommunications tower must be set back from all residential properties at least 1-foot for each  
14 foot in height. Based on the proposed height, the tower is required to be at least 195-feet from  
15 the adjacent residential properties to the east. The tower would be set back approximately 150-  
16 feet and this requires a variance. He stated that the variance for the accessory structures that is  
17 discussed in the staff report is no longer needed, as the City is agreeable to including terms in the  
18 lease with individual tenants that would not allow more than one accessory building. Therefore,  
19 the variance for the accessory buildings is no longer required.

20

21 Commissioner Gonzalez asked if a variance would be required for the height of the tower  
22 because the code allows for 190-feet and the applicant is requesting 195-feet.

23

24 Mr. Thomson stated the tower is 195-feet, and the code states the City can increase the height to  
25 190-feet if the Council finds the increase in height would not have a significant visual impact,  
26 would not have a negative property value impact on surrounding properties because of  
27 proximity, topography, or screening by trees or buildings, or would accommodate two or more  
28 uses. In addition, the City may waive this height limitation for a telecommunications tower if  
29 used wholly or partially for essential public services, such as public safety.

30

31 City consultant, Mr. Dale Romsos, Short Elliot Hendrickson Inc. (SEH), 3535 Vadnais Center  
32 Drive, St. Paul, stated the application is based on a feasibility study that was completed in 2016.  
33 This report is in part a culmination of investigative work as directed by the City of Wayzata  
34 following extensive staff and Tenant input regarding telecommunications infrastructure to meet  
35 the future needs of the City and the present tower occupants. He reviewed the fallout area of the  
36 tower and the design of the tower.

37

38 Commissioner Gruber asked if the baseball diamond was inside the fall zone area.

39

40 Mr. Romsos clarified the pole is designed to break into two smaller section in order to decrease  
41 the fallout area.

42

43 Mr. Dudinsky, stated they had made every effort to keep the tower as far from the diamond fields  
44 as possible.

45

46 Commissioner Flannigan asked how much of the tower residents on Barry Avenue and Gardner  
Street would see.

1  
2 Mr. Romsos stated if the trees are 40-feet then they would see about 150-feet of the tower.

3  
4 Commissioner Flannigan asked why this was not being proposed at the Public Works facility.

5  
6 Mr. Dudinsky stated they had been studying possible relocations of the City's telecom tower  
7 since 2008, including different screening options and underground equipment at the current site.  
8 It had been determined that if a tower were located at Public Works, it would mandate at least  
9 one more tower be built at the other end of town to meet coverage needs. He explained the  
10 reason they were requesting 195-feet in height was because AT&T would need this height to  
11 maintain the height they currently have at the water tower. He stated the mass of this tower is  
12 less than the water tower and will not have to be painted.

13  
14 Commissioner Flannigan asked what the noise level would be.

15  
16 Mr. Dudinsky stated some noise would be generated from the ground building because some of  
17 the equipment it houses needs to be in a climate-controlled environment. There will be air  
18 conditioners and heating units that run in that facility. There have been complaints in the past  
19 related to this kind of activity, but this tower will be located further from residential properties  
20 and the new equipment has changed to be quieter than the older equipment. He explained the  
21 location at the school provided two access points, and the residents had stated a preference for  
22 access to be from Wayzata Blvd.

23  
24 Chair Iverson asked about the safety of the kids at the school.

25  
26 Mr. Dudinsky stated there is an access driveway that will be used to access the site. Unless there  
27 is an emergency, there will not be access to the telecommunications site by tenants during the  
28 times when students are arriving or leaving the school. This is a controlled site and the tenants  
29 have to give the school 24-hour notice that they will be on site. He stated the construction of the  
30 tower and related facilities would take place during the 3-months of summer break.

31  
32 Commissioner Buchanan asked how close the homes on Barry Avenue were to the tower site.

33  
34 Mr. Dudinsky stated the closest home would be 160-feet and the home owners are aware of the  
35 project.

36  
37 Chair Iverson opened the public hearing at 10:06 p.m.

38  
39 Ms. Katie Cullinan, 216 Barry Avenue N, asked the Commission to consider public safety. The  
40 tower is designed to break when it falls but this field is always busy. She stated there are soccer  
41 fields located underneath the tower location.

42  
43 Mr. Dudinsky stated the tower would be to the east of the soccer fields.

44

1 Ms. Cullinan stated there are still people and children in the area. She expressed concerns about  
2 the eyesore this would create for the neighboring residents. She does not feel that two access  
3 points are safe.  
4

5 Ms. Naomi Bovee, 910 Brockton Lane, Plymouth, asked why the City would need another tower  
6 if these are already located on the water tower.  
7

8 Mr. Dudinsky stated the equipment that is on the water tower would be relocated to the proposed  
9 site, and the water tower decommissioned as a cell tower site.  
10

11 Ms. Bovee asked where the next tower would be. She does not understand the purpose of these  
12 towers. She asked how many watts the tower was.  
13

14 Mr. Dudinsky stated all the information Ms. Bovee was asking for could be found in the  
15 feasibility report commissioned by the City for the project. There will be metering devices  
16 available to ensure that there are no hazards to residents. All the different carriers have different  
17 equipment and towers. This would be the macro tower or the main communications tower for  
18 the City of Wayzata. By relocating close to the existing location, there should not be a  
19 disturbance in coverage. He stated he would be able to meet with Ms. Bovee to answer  
20 additional questions.  
21

22 There being no one further wishing to speak, Chair Iverson closed the public hearing at 10:18  
23 p.m.  
24

25 Commissioner Gonzalez asked what the practical difficulties were that a variance should be  
26 granted.  
27

28 Mr. Thomson stated the site programming is the main practical difficulty because there is not  
29 another location on the property where the tower could be located where the soil is suitable for  
30 construction, and where the location would not impact existing outdoor facilities for the school.  
31

32 Commissioner Flannigan stated he appreciated there was a lot of time and expense on planning  
33 for this particular tower, but this is only moving a problem from one side of Gardner St. to the  
34 other side of Gardner. The prospect of looking at a 195-foot cell tower feels like it would  
35 devalue the residential properties. He stated the Public Works facility would be a better option  
36 even though there would have to be a secondary tower constructed. He stated this should be  
37 looked at further. He does not believe this is in the best interest for the residents in the area or  
38 the students and employees at the school.  
39

40 Commissioner Gonzalez asked if the City had to provide or allow a site under Federal law.  
41

42 Mr. Dudinsky stated this was correct.  
43

44 Chair Iverson stated she agrees with Commissioner Flannigan, and she is not comfortable with  
45 this being located at a school.  
46

1 Mr. Dudinsky stated the school district does have towers located at other schools.

2  
3 Commissioner Gonzalez stated the City has made a policy decision and chosen the site that they  
4 would like to have this tower located. She asked how much input the Commission would have  
5 on this location.

6  
7 City Attorney Schelzel stated the question before the Commission is not about the best location  
8 for a new tower but if the Commission would recommend approval of the CUP and the setback  
9 variance for this particular location based on the telecommunications ordinance.

10  
11 Commissioner Gonzalez asked if there would be any lighting on the tower.

12  
13 Mr. Dudinsky stated lighting is required if the tower is over 200-feet in height.

14  
15 Commissioner Buchanan stated he appreciates the school safety concerns, but the school has  
16 weighed in on this and they have signed off on it. Towers do blend in overtime, and the  
17 neighbors that are directly behind it have not expressed concerns. This is the most appropriate  
18 place based on the information provided and the function. He would support the application and  
19 the variance request.

20  
21 Commissioner Gonzalez stated the application does meet the requirements of the Conditional  
22 Use Permit, and she would support granting a CUP. The land lease agreement does have hours  
23 of servicing operations established. She stated the City has met the requirements of the variance  
24 ordinance, and she would also support the variance request.

25  
26 Commissioner Gruber stated she would agree with Commissioner Gonzalez and support the  
27 application. The school has approved the location and set the hours of operation they felt would  
28 be acceptable.

29  
30 Commissioner Gonzalez made a motion, Seconded by Commissioner Gruber, to direct staff to  
31 prepare a draft Planning Commissioner Report and Recommendation with appropriate findings  
32 recommending approval of the CUP for the Telecommunications Tower at 149 Barry Avenue N  
33 and approval of the setback variance.

34  
35 Chair Iverson stated this does meet all of the criteria, but she is not in favor of the location. She  
36 would vote to recommend approval of the application because it does meet all of the code  
37 requirements.

38  
39 Commissioner Flannigan stated when this is brought to the City Council for approval, residents  
40 can express that this is not an appropriate place for a 195-foot tower.

41  
42 The motion was called to a vote. The motion carried 4 ayes and 1 nay (Flannigan).

43  
44

45 **AGENDA ITEM 6. Other Items:**

46

1           a.) **Review of Development Activities**

2  
3 Director of Planning and Building Thomson stated there were currently no new development  
4 applications being reviewed by the City. The February 27 regular meeting agenda would include  
5 review and adoption of the Report and Recommendation for the Gardner Place application and  
6 the Telecommunications Tower application.  
7

8           b.) **Next Meeting is February 27, 2017**

9  
10  
11 **AGENDA ITEM 7. Adjournment.**

12  
13 Commissioner Gonzalez made a motion, seconded by Commissioner Flannigan, to adjourn the  
14 meeting of the Planning Commission. The motion carried unanimously.  
15

16 The Planning Commission meeting was adjourned at 10:37 p.m.

17  
18 Respectfully submitted,

19  
20 Tina Borg  
21 *TimeSaver Off Site Secretarial, Inc.*