



**PLANNING COMMISSION MEETING
WAITE PARK CITY HALL
TUESDAY, JULY 10, 2018
6:30 PM**

1. Pledge of Allegiance
2. Roll call
3. Approve Agenda for Tuesday, June 12, 2018
4. Approve minutes – June 12, 2018
5. Ordinance Amendment – Ordinance Section 55.5, Freestanding Telecommunications Antenna Tower Setback Requirements
6. Other business

ADJOURN

PLANNING COMMISSION MEETING FOR THE CITY OF WAITE PARK

The Waite Park Planning Commission met on Tuesday, June 12, 2018 at 6:30 pm.

The meeting was called to order by Chair Jansky beginning with the Pledge of Allegiance.

Introduction and Welcome of Shawn Blackburn to the Planning Commission

Mr., Blackburn has been appointed to fill the seat of Bonnie Hermanutz, who has resigned, as she is moving out of the area.

Members Present: Tim Jansky, Ken Schmitt, Jeff Blair and Shawn Blackburn were in attendance. Bob Zabinski was not in attendance.

Others Present: Jon Noerenberg, Planning and Community Development Director, Sheila Mockros, Building/Planning Assistant and those on the attendance sheet.

Commissioner Schmitt made a motion to accept the agenda as presented which was seconded by Commissioner Blair. Motion carried.

Commissioner Schmitt made a motion which was seconded by Commissioner Blair to approve the February 13, 2018 minutes as presented. Motion carried.

Commissioner Blair made a motion which was seconded by Commissioner Schmitt to approve the May 8, 2018 minutes as presented. Motion carried.

Jeff and Stacy Blonigen Rezoning, Conditional Use Permit, and Variance Request– Property Adjacent to Interstate-94 and East of Highway 23

Chair Jansky read the Public Hearing notice and the hearing was opened at 6:35 p.m.

Mr. Noerenberg gave the following report:

This request has been submitted by Jeff and Stacy Blonigen to rezone a portion of property from A-1, Agriculture/Rural Residential to BP/C-2, I-94/TH 23 Entrance Corridor Business Park/Commercial, for Conditional Use Permit to allow for three off-premise signs (billboards), and for variance from Waite Park City Ordinance Section 53.20, Subdivision 2 to reduce minimum height of bottom of off-premise signage from 20 feet to 0 feet.

Rezoning

A portion of the property is proposed to be split and rezoned to BP/C-2 commercial classification, in order to promote the area for long-term growth and business development. The area to be rezoned is noted in the attached survey drawing. The area is of sufficient size and configuration to allow for future commercial/office/retail development and potential further subdivision. The proposed rezoned area is well in excess of BP/C-2 minimums so a variety of future uses could be accommodated when ready.

The area is not being platted at this time; rather, pending City Council approval, the area would be administratively split from the remainder of the parcel. Platting is not required at this time but would be upon any development activity.

The proposed BP/C-2 zoning classification is in line with the current land use plan for the area, as well as anticipated future land use plan classifications anticipated with a forthcoming update of the Comprehensive Plan.

Conditional Use Permit and Variance

The requested Conditional Use Permit would allow for construction of three off-premise signs along the frontage of the Blonigen property adjacent to Interstate 94. The proposed sign locations are reflected on the enclosed survey copy and meet the minimum 1,000 ft. distance between them. The middle location is proposed to be a digital billboard at size of 10'x36', and the proposed static billboards are noted at size 12'x36'. The 12'x36' size, at total 432 square feet, is slightly above the 400 square foot maximum allowed per the ordinance.

Staff would suspect this is a simple mistake by the applicants as the ordinance notes both maximum dimensions of 12' x 36', AND a maximum of 400 square feet, which is somewhat of a quirk of the ordinance. Staff would suggest condition of approval limiting the signage to 400 sq. ft. maximum per ordinance.

The proposed signs would be owned and operated by the applicants, so they would not be bound to a long-term lease as is typical with billboards. This has the benefit of allowing future flexibility in development without having to work around the locations. The applicants have advised they will be working with a professional billboard designer and construction team. The variance component is being requested to allow for the bottom of the billboards to be placed at 10' above grade, rather than the established minimum 20', so they can avoid impeding the overhead Xcel lines.

Commissioner Blair questioned if the Blonigen's would maintain the billboards once they were constructed.

Stacy Blonigen was present and stated that they will maintain the billboards. There was some discussion regarding the size of the billboards and if the size being required is more than 400 square feet a variance would be required.

Doug Fredrickson who owns the adjacent property questioned if there would be room for additional billboards if he would wish to pursue it. Mr. Noerenberg stated that yes there would be room for additional billboards and that he would check into it and get back to him.

Commissioner Schmitt made a motion to close the public hearing, which was seconded by Commissioner Blackburn. Motion carried and Public Hearing closed at 6:30 p.m.

Commissioner Blair moved to recommend to the City Council to approve the zoning which was seconded by Commissioner Blackburn. Motion carried.

Conditional Use Permit

Commissioner Blackburn moved to recommend to the City Council to approve the Conditional Use Permit, with the following conditions:

1. A permit from the City of Waite Park shall be obtained prior to fabrication or installation of the billboard structure. Permit will not be issued unless valid MnDOT Advertising Device Permit is on file with City of Waite Park.
2. Proposed sign face dimensions shall be revised to reflect maximum sizes of 12' height, 36' wide, not to exceed 400 sq. ft. per City ordinance.
3. Total height of the billboard shall not exceed 36 feet above grade.
4. All signage displays, both static and digital, shall adhere to City Ordinance Section 53.20 as well as any applicable MnDOT or other State of MN regulations.
5. Proposed off-premise sign is subject to annual licensing by City and payment of fee as established in Schedule of Fees and updated from time to time.

Commissioner Schmitt seconded the motion. Motion carried.

Variance

Commissioner Blackburn moved to recommend to the City Council to approve the variance as requested. Commissioner Schmitt seconded the motion. Motion carried.

Edwin and Brenda Molitor –Variance Request for Ground Sign Setback and Height at 635 28th Ave South

Chair Jansky read the Public Hearing Notice.

Mr. Noerenberg gave the following report:

A request was received from Scenic Sign, on behalf of Edwin and Brenda Molitor for variances from Waite Park City Ordinance 53.11 and Table 53.1 to increase allowable sign height from 20 feet to 30 feet, and to reduce setback from 10 feet to 0 feet in an I-1, Light Industrial District.

The property is located along 28th Ave South, immediately to the north of 7th Street South. There is a significant area of public right-of-way along this section, which came to the attention of the owners and their sign contractor when they were evaluating new signage options. The property does not currently have a ground sign and would like to have one to provide guidance for their customers to their location.

The distance to 28th Ave South from the applicant's property line (measured at the southern corner) is approximately 110 feet. Typically, assuming a standard approximate 10 foot right of way and 10 foot sign setback, a sign installation would be approximately 20 feet from the street. However, the extensive size of the right-of-way in this area, as well as the trees located in the northern portion of the parcel, makes it difficult for a sign of standard 20 foot height to be seen adequately. The applicant has submitted details (enclosed) regarding proposed sign design and height flag tests that demonstrate the visibility at various heights.

Staff discussed the possibility of an allowance for the applicant to locate the sign within the right-of-way, with some form of agreement or indemnification for the City, with other department heads at a standard review meeting. There were concerns with allowing location in

the right-of-way and future precedence that could be set, and the request was declined. As an alternative to maximize the sign benefit and account for the difficulties of the area, the applicants have opted to submit for the variance for height increase of 10 feet and reduction of setback from 10 feet to zero feet to place the sign as close to the street as possible while remaining upon their property.

The applicant has demonstrated practical difficulty due to the extensive right-of-way separating their property from the street frontage, which is an atypical situation, as well as the existing tree cover. The request to increase the overall height to 30 feet is not unreasonable, as the 30 foot height is now the standard in most commercial districts. The sign design and size itself meets other applicable requirements of the sign ordinance.

Commissioner Blackburn made a motion to close the public hearing, which was seconded by Commission Schmitt. Motion carried. Public Hearing closed at 7:00 p.m.

After review of the Findings of Fact, Commissioner Blackburn moved to recommend to the City Council to approve the variance for ground sign at 635 28th Ave South with the following conditions:

1. The sign shall be limited to height and setback limitations as approved by variance, and other sign elements must conform to applicable sign ordinance.
2. A standard sign permit shall be obtained prior to fabrication or installation of the sign.

Commissioner Schmitt seconded the motion. Motion carried.

Commissioner Schmitt made a motion to adjourn the meeting which was seconded by Commissioner Blackburn. Motion carried. Meeting adjourned at 7:05 p.m.

Tim Jansky, Chair

Sheila Mockros
Building/Planning Assistant



NOTICE OF PUBLIC HEARING

The Waite Park Planning Commission will hold a public hearing at City Hall, 19 13th Ave N at 6:30 pm or soon thereafter on Tuesday, July 10th, 2018 to hear the following request:

** Request of City of Waite Park to amend City Ordinance 55, Telecommunication Freestanding Tower Regulations, related to setback and fall zone requirements in Industrial Districts, including but not limited to Ordinance 55.5, "Tower Setbacks".

Jon Noerenberg
Planning and Community Development Director

Publish: June 30, 2018

Agenda Item No. 5

Issue: Ordinance Text Amendment – Ordinance 55, Telecommunication Freestanding Tower Regulation

BACKGROUND

In late 2017 staff was contacted by representatives of a firm working on behalf of T-Mobile, looking for a new site to locate an additional cell tower within the area. In coordinating with various businesses in the area of the community (generally area around Bernick's to Prosper Drive) they noted they need to be in to maximize use of the tower, they found that locations were being limited due to future expansion plans of the businesses, and that the areas remaining are restricted by the existing setback requirement to property lines of 125% of the tower height.

In discussions with the site selection firm, an option that was identified that could be considered was the provision of a tower design, through the standard required Conditional Use Permit process but codified in the ordinance, that is engineered in such a way that it collapses onto itself in a catastrophic event, instead of tipping over. In staff's research some communities allow for this and the provision is generally termed "fall letter", which in most cases must be submitted by a registered P.E. (Professional Engineer). The same engineering is done for skyscrapers in large cities but on a much greater scale. The possibility of a variance was also examined, but staff felt that an ordinance amendment would be the better approach to address future similar requests, and to help keep communications towers in the Industrial and Agricultural/Rural Residential districts in which they are currently limited to and preferred.

The text amendment as proposed is basic but fulfills the requirement. As noted previously, since the towers go through the Conditional Use Permit this will provide an opportunity for review of the setback aspects and consideration of options for setbacks, either the standard existing 125% of tower height, or the "fall letter" where appropriate.

Please note there are no attachments or exhibits with this request. If approved it is anticipated that a submittal of application for new telecommunications tower in the Prosper Drive area will follow in the coming months.

The proposed text amendment is as below. New proposed text addition is noted in *italic underline*.

Section 55.5. Tower Setbacks. All Towers shall conform with the following minimum_setback requirements:

Subd. 1. All Towers, as defined in Section 55.2, Subd 4, shall be set back from property lines a minimum of 125 percent of the Tower’s height, including all antennas and attachments, *unless a “fall letter” certifying that the tower is designed to collapse upon itself and not endanger adjacent properties in event of failure is submitted by a registered Professional Engineer, in which case only the standard setback of the applicable zoning district applies.* The Tower’s height shall be measured from the average grade of the property on which it is located or the actual tower height, whichever is greater.

STAFF RECOMMENDATIONS

Staff recommends approval of the ordinance amendment as proposed.

As this request includes a public hearing component, the Planning Commission will need to hold the public hearing prior to any action on the request.

PUBLIC HEARING

(Chair of Planning Commission should read public hearing notice)

Public hearing was opened at _____ PM.

Motion by Planning Commission Member _____ to close the public hearing.

Seconded by Planning Commission Member _____.

(Motion approved or denied)

Public hearing closed at _____ PM.

REQUIRED ACTION

Conduct the public hearing taking any comments from the public and the applicant. After closing the hearing, the Planning Commission’s action could be any of the following regarding the requests.

1. Approval of ordinance text amendment.
2. Approval of modified text amendment as per discussion/recommendation of Planning Commission.
3. Denial of the ordinance text amendment with findings of fact.
4. The Planning Commission may, at its discretion and with the approval of the applicant, table the matter pending further information from the applicant that will help it render a recommendation to the City Council. An extension of the 60-day request review period as noted by State Statutes may be required.

SUGGESTED MOTION

Commissioner _____ moved to recommend to the City Council to ***approve*** or ***deny*** the ordinance text amendment to Ordinance 55 with the following modifications (if any): _____

Commissioner _____ seconded the motion.

ROLL CALL

- | | |
|------------------------------|-------|
| Commissioner Ken Schmitt | _____ |
| Commissioner Shawn Blackburn | _____ |
| Commissioner Tim Jansky | _____ |
| Commissioner Bob Zabinski | _____ |
| Commissioner Jeff Blair | _____ |

Motion (Approved) (Denied)