

City of Winsted
Planning Commission
City Council Chambers
August 10, 2015
6:00 p.m.

Present: Jolynn Cafferty
Marvin Ebensperger
Mike Guggemos
Allison Moses
Mike Henrich
Tom Ollig, City Council Liaison
Steve Stotko, Mayor

Staff Present: Daniel Tienter, City Administrator
Raquel Kirchoff, Administrative Assistant

1) Call the Meeting to Order

Mr. Ebensperger called the meeting to order at 6:05 p.m.

2) Approval of Minutes

Ms. Cafferty motioned to approve the minutes from the Planning Commission Meeting on May 11, 2015. Mr. Henrich seconded the motion. Motion carried 5-0.

3) Public Hearings

a.) Resolution PCR 15-04 – Conditional Use Permit (CUP) – Littfin Lumber, 555 Baker Avenue West

Mr. Ebensperger opened the Public Hearing at 6:05 p.m. Mr. Ebensperger stated that the Planning Commission has heard information regarding this application for a monopole tower at Littfin Lumber at a previous meeting.

Mr. John Anderson, Municipal Development Group, was present to review the information regarding this CUP request. He stated that the City has not received any public input regarding the request; and that he received correspondence from the McLeod County Engineer stating that McLeod County has no issues regarding the CUP request.

Mr. Anderson stated that Littfin Lumber Company is proposing to install a one hundred (100) foot monopole tower for microwave transmission between their Winsted and Howard Lake facilities. A four (4) foot satellite dish will be installed on the top of the tower. The tower would be designed to accommodate additional antennas for possible future leasing.

Mr. Anderson stated that under section 407.004 of the Winsted Municipal Code, it allows towers and antennas less than two hundred (200) feet in height above ground level, for wireless communication systems, to be permitted upon the issuance of a Conditional Use Permit on either municipally owned structures and land or on any land zoned I-1 Industrial District. In this case the property is zoned I-1 Industrial District.

Mr. Anderson stated that the tower is to be located approximately sixty (60) feet from the west property line or County Road 1 (6th Street) and approximately fifty (50) feet from the south property line. The applicant is requesting that since the first access to climb the tower is twelve (12) feet above ground, that the Conditional Use Permit is approved without the standard requirement of building a fence around the tower.

Mr. Anderson stated that the memo for the meeting provided information regarding Conditional Use Permits. The information from the memo follows.

In applying for the Conditional Use Permit, the applicant is required to provide the following information.

1. Documentation illustrating compliance or pending compliance with Federal Aviation Association (FAA) and Federal Communications Commission (FCC) authorization procedures.
2. Sufficient information to indicate that construction, installation and maintenance of the antenna and tower will not create a safety hazard or damage to the property or other persons.
3. Documentation of the area to be served including a search area for the antenna location. A narrative describing a search area (with not less than a 1 1/2 mile radius) clearly explaining why the site was selected, and a completed environmental assessment worksheet, including a summary of relevant conclusions, and what existing structures were available and why they are not suitable as locations or co-locations.
4. Documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search area due to one or more of the following reasons:
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional engineer, and the existing or approved tower cannot be reinforced or modified to accommodate planned equipment at a reasonable cost; or
 - b. The planned equipment would cause interference with other existing or planned equipment at the tower or building as documented by a qualified professional radio frequency (RF) engineer, and the interference cannot be prevented at a reasonable cost; or
 - c. No existing or approved tower industrial sites within a 1 1/2 mile radius meet the radio frequency (RF) design criteria; or
 - d. Existing or approved tower and commercial/industrial sites within a 1 1/2 mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified professional radio frequency (RF) engineer.
 - e. A good faith effort to co-locate on existing towers and structures within a 1 1/2 mile radius was made, but an agreement could not be reached.
5. A certified survey showing the location of the proposed tower/antenna.
6. A detailed screening plan.
7. A report from a qualified and licensed professional engineer which:
 - a. Describes the tower height and design with cross section and elevation;
 - b. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation between antennas;
 - c. Describe the number and type of antennas that can be accommodated;
 - d. Documents the steps the applicant will take to avoid interference with public safety telecommunications;
 - e. Includes the engineer's stamp and registration number.
8. A letter of intent committing all commercial wireless telecommunications service towers to allow the shared use of the tower if an additional user agrees, in writing, to meet reasonable terms and conditions for structures.

Related to setbacks:

- A. Towers shall be set back from the lot line as shown on a registered land survey by a minimum distance equal to one half of the height of the tower including all antennas and attachments. In industrial zoning districts, towers may encroach into the rear setback area, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.
- B. A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.

In this case all setbacks are proposed to be met.

Related to the City's Land Use Plan, the property is guided for industrial use so the proposed Conditional Use Permit does not conflict with the future land use of the property.

No Conditional Use Permit shall be approved by the City Council unless the Council finds:

1. That the conditional use will not create a public nuisance or a health hazard.

2. That the Conditional Use will not be injurious to the use and enjoyment of the other property in the immediate vicinity for the purposes already permitted.
3. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
4. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated.
5. That adequate utilities, access roads, drainage and necessary facilities have been or are being provided.
6. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
7. The proposed use is in compliance with the Winsted Comprehensive Plan and any other sub-area plan, transportation plan, park plan, land use plan, and the like adopted by the City, as may be amended.

The following performance standards are applicable to Conditional Uses; however, many of these will not apply to this particular CUP.

1. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with the off street parking requirements.
2. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
3. Adequate off street parking and off-street loading shall be provided in compliance with the off street parking requirements of the zoning ordinance.
4. Loading docks and drive-up facilities shall be positioned so as to: minimize internal site access problems and maneuvering conflicts; to avoid visual or noise impacts on any adjacent residential use or district; and be in compliance with the off street parking requirements of this Ordinance.
5. Whenever a non-residential use abuts or is across the street from a lot or area guided to future residential development within the Comprehensive Plan, the non-residential use shall employ landscaping and/or landscape treatments that soften the visual impact of the structure containing the non-residential use pursuant to a plan approved by the City.
6. All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts.
7. Potential exterior noise generated by the use shall be identified and mitigation measures as may be necessary shall be employed.
8. The site drainage system shall be subject to the review and approval of the City Engineer.
9. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing or potential buildings and area so as to cause impairment of property values or a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
10. Provisions shall be made for an interior location for recycling and trash handling and storage or if exterior to a structure said recycling and trash shall be placed in an outdoor, enclosed receptacle. Fencing and/or landscaping are required around the enclosed receptacle.
11. All signs shall be in compliance Section 1501.022 of the Zoning Ordinance.
12. The use and site shall be in compliance with any federal or state laws or regulations which are applicable. As such, any related permits are obtained and documented to the City.
13. Any/all outdoor storage proposed shall be in compliance with the provisions pertaining to outdoor storage for similar uses in the applicable underlying zoning district.
14. The hours of operation may be restricted when there is potential negative impact upon a residential use or district.

Mr. Anderson reviewed the following conditions recommended to be included if the Planning Commission recommends approval of the CUP. These conditions may be subject to modification depending upon the outcome at the Planning Commission meeting:

City Engineer Review. The Conditional Use Permit request shall satisfactorily address any issues raised by the City Engineer.

Signage. If any signs are required or installed, they shall meet the requirements of section 1501.023 of the zoning ordinance and no signs shall be replaced, installed or constructed until the appropriate sign permits have been issued by the City of Winsted.

Documentation. That the applicant provide all required materials and information as stated under section 407.005 of the City Code.

Certification. The tower shall be certified by a registered professional engineer under the laws of the State of Minnesota and shall conform to the latest structural standards and wind loading requirements of the Minnesota State Building Code and the Electronics Industry Association.

Co-location. An agreement providing for co-location and prompt removal of unused and/or obsolete towers shall be attached and become part of the permit. Mr. Anderson stated that the applicant did check on the possibility of locating on another tower and the only available tower in the area was the city water tower. An agreement with the City to lease space on the water tower was unable to be reached and they are now requesting the CUP.

Right of way Encroachment. With the exception of necessary electric and telephone service and connection lines approved by the issuing authority on part of any antenna or tower, no lines, cable, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way of a public street or highway, sidewalk, or property line.

Wind/Storm Design. Any ground mounted tower/antenna design shall be such that the antenna will withstand high velocity wind and seasonal storms. The tower/antenna shall be maintained by the applicant so as to assure that it remains upright.

FAA Approval. Applicant must obtain Federal Aviation Administration approval or provide documentation that Federal Aviation Administration approval is not needed.

FCC Approval. Application must obtain Federal Communication Commission licensure and approval as required for various communications applications. Applicant shall follow Federal Communication Commission regulations regarding the correction and/or prevention of any radio frequency interference problems.

Screening. Complete screening shall be provided surrounding all towers in excess of fifteen (15) feet in height from ground level. This screening shall be provided to a height necessary to cover all supporting equipment or buildings needed to support this tower. This screening shall be 100% opaque. The applicant shall also fence off the tower/antenna with a minimum of a six foot high fence or barrier with a located gate to prevent public access. Mr. Anderson stated that if the Planning Commission would decide not to require screening like the applicant is requesting, this condition would need to be amended.

Tower Color. Towers and antennas shall be designed to blend into the surrounding environment through the use of a natural color, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

Monopole Design. Commercial wireless telecommunication service towers shall be of a monopole design unless the Planning Commission determines that an alternative design would better blend into the surrounding environment.

Advertising. No advertising or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by Federal, State or local authorities.

Lights of Other Attachments. No antenna or tower shall have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Administration or Federal Communications Commission, nor shall any tower have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair. Mr. Ollig asked if the FAA required lights in this instance. Mr. Anderson stated that this instance would not require lights by the FAA; anything over two hundred (200) feet would require lights.

Worker's Compensation Insurance. Applicant must submit proof of liability and Worker's Compensation insurance. All communication towers, their antennas, and associated equipment shall be adequately insured for injury or property damage caused by structural failure of the

tower or associated equipment. Proof of all of said insurance shall be provided to the City on an annual basis.

Annual Review. The permit will be subject to annual administrative review.

Recording. A certified copy of the Conditional Use Permit shall be filed with the McLeod County Recorder. The Conditional Use Permit shall include the legal description of the property involved.

Fees. To defray administrative costs of processing requests for Conditional Use Permits, a fee, as established by the City Council, shall be paid by the applicant at the time the application is requested. The City shall also be reimbursed for any additional costs associated with review of a proposal as set by the City Council.

Lapse of Conditional Use Permit by Non-Use. Whenever within one (1) year after granting the Conditional Use Permit the work permitted has not been started, then such permit shall become null and void unless a petition for an extension has been provided by the Planning Commission.

Annual Audit of Conditional Use Permits. The Planning Commission or designee shall audit compliance with each Conditional Use Permit on an annual basis. This annual compliance audit will be held at the regular meeting closest to this anniversary date. The Commission or its designee shall monitor the compliance of the use to determine if the Property Owner is in keeping with the conditions and purpose that were imposed.

Mr. Henrich asked if the screening condition is waived, and there are issues; can a screening requirement be added back in when the review period for the CUP is due.

Mr. Anderson stated no; unless the applicant wanted to make a change to the permit themselves and needed to submit a change request to the permit.

Mr. Ollig stated that if the permit is approved without requiring screening, and someone tries to climb the tower, the City may be liable. Mr. Anderson stated that is possible.

Mr. Steve Laxen, Littfin Lumber representative, stated that the height of the climbing pegs on the tower could be adjusted to a higher distance from the ground.

The Planning Commission members discussed the need for requiring screening around this monopole type tower, and discussed a higher distance than twelve (12) feet off the ground for the climbing pegs.

Mr. Ollig asked if the City would decide to pave the runway at the Winsted Municipal Airport, would the tower then need lights as required in the conditions that Mr. Anderson reviewed. Mr. Anderson and Mayor Stotko stated that the tower is out of the area that would require lighting if the runway was paved at the airport.

Mr. Guggemos motioned to close the Public Hearing. Ms. Moses seconded the motion. Motion carried 5-0.

Ms. Cafferty motioned to adopt Resolution PCR 15-04 recommending approval of a Conditional Use Permit allowing for the installation of a one hundred (100) foot monopole tower for microwave transmission between Winsted and Howard Lake, Minnesota, with the condition of the required screening removed.

Mr. Henrich stated that a safety feature has been removed with the removal of the condition of the screening for the tower and he feels that the climbing pegs should be higher than twelve (12) feet off of the ground because of the removal of the fence.

Ms. Cafferty motioned to adopt Resolution PCR 15-04 recommending approval of a Conditional Use Permit allowing for the installation of a one hundred (100) foot monopole tower for microwave transmission between Winsted and Howard Lake, Minnesota, with the removal of the screening condition as long as the height to the climbing pegs on the tower is a minimum of sixteen (16) feet off the ground. Mr. Henrich seconded the motion. Motion carried 5-0.

a) Winsted Pride Award Score Sheets

The Planning Commission members discussed the following changes to the Winsted Pride Award score sheet, nomination form and notification process to nominated properties:

- Properties may get extra points if they have driveways, compared to those that do not.
- Entire property viewed for judging.
- Nomination forms amended to include a description of why the property is nominated so Planning Commission members know what to look for when they visit the properties for judging.
- Letters mailed to nominated properties at least one (1) week before the judging date.
- A system where all Planning Commission members can talk about their ranked properties and vote as a Commission on the winner as they are judging. This would help in situations where there was a difference of a few points between the winner and the runner-up.
- Not having the same scoring sheet for both residential and commercial properties because of the differences in the districts.

The Planning Commission members requested that the scoring sheet and the nomination form be emailed to them. They would then make the edits that they would like to see and return them to the City. The City would combine the edits and present amended forms at a future Planning Commission meeting for discussion.

Mayor Stotko stated that he spoke with Mr. Dan Green, Tetra Pak, who thanked the City for the 2015 Winsted Pride Award nomination Tetra Pak received.

5) No New Business

6) Other

Mr. Daniel Tienter, City Administrator, introduced himself to the Planning Commission members and shared his background experience. The Planning Commission members welcomed Mr. Tienter to Winsted.

7) Adjourn

Mr. Guggemos motioned to adjourn the meeting. Ms. Cafferty seconded the motion. Motion carried 5-0. Meeting adjourned at 6:45 p.m.

Daniel Tienter

Daniel Tienter
City Administrator
City of Winsted

ATTEST:

Raquel Kirchoff

Raquel Kirchoff,
Administrative Assistant
City of Winsted