

PLANNING COMMISSION CITY OF WABASHA

Minutes of the May 10, 2011 meeting:

COMMISSION MEMBERS: John Friedmeyer, Chair Claire Abbott
 Jim Niemantsverdriet Charles Bricher
 Ron Benson Brian Wodele
 (1) Vacancy

STAFF PRESENT: Molly Patterson-Lundgren, City Planner
 Phil Rosendale, Zoning Administrator
 Patty Heraty, Administrative Assistant

The regular meeting of the Wabasha Planning Commission was held on Tuesday, May 10, 2011 and was called to order by Commissioner Niemantsverdriet at 7:00 pm.

Roll call found all members present.

Commissioners Benson and Niemantsverdriet moved to approve the April 13, 2011 regular minutes as presented. Approved unanimously.

Changes/Additions – Molly requested Discussion on Rental Properties; Clothing Donation Boxes; Variance Ordinance changes; Potential Planning Department Intern

Discussion – Rental Properties

This item was brought forward for discussion because of an issue that has recently come up with a rental property on Fourth Grant Blvd. West. Commission Chair John Friedmeyer stated that the issue is who governs rental properties and how they are used. Molly stated that in the current ordinance planning deals with number of dwelling units and density not the number of people in the housing unit. Commissioners discussed rental properties including zoning issues; regulating number of persons in the household; and safety/health issues.

Tony Johnson, owner of 123 Fourth Grant Blvd and the neighbor of this property addressed the commission and stated that has observed several issues with the renters at the property and that he has concerns with safety, health issues, and the number of individuals living at the property.

Terry Dennis, owner of the rental property also addressed the commission and stated that he has talked to his renters that he did not realize there were that many people living in the residence.

After all discussion it was decided that the issues discussed were not a planning commission issue and that it was the property owners responsibility to talk to his renters and that if that did not solve the issue, the police department was the next step.

Public Hearing – Rezone Lot 6 Block 192

At 7:32 Commissioner Friedmeyer opened the Public Hearing to consider the Rezone of Lot 6 Block 192 from R2 to HC

Terry Dennis, owner of 911 Phelps Ave is requesting to rezone his property from R2 to HC so that he can develop a commercial business on the property. Mr. Dennis currently owns lots 3 & 6 of block 192 and is proposing that lot 3 remain R2 and to rezone lot 6 to HC. Mr. Dennis was present and there were 2 people in the audience.

Zoning Administrator Phil Rosendale gave a brief description of the proposed project. He stated that Mr. Dennis is requesting that Lot 6 be rezoned from R2 to HC and that Mr. Dennis also owns portions of Lots 7 and 10 on the same block. Mr. Dennis is planning on building a Commercial building on lots 6,7 and 10. The rezoning is required because the lots are not large by themselves to meet lot requirements for

the HC zone, however if lot 6 is rezoned and the parcels are combined they will meet zoning requirements allowing Mr. Dennis to develop a commercial art gallery and work shop on the property.

Mr. Dennis, applicant, was present and addressed the commission. He stated that he would like to build a studio and gallery on the property. Mr. Dennis stated that he would like to establish a cooperative where other artists will participate. He also stated that his business will not use any toxic chemicals.

Dave Vosen, Utilities Superintendent for the City of Wabasha was present and addressed the commission. Mr. Vosen stated that the commission needs to consider wellhead protection as the city wells are located on lots 1 and 4 of that block. He also stated that he does not have a problem with Mr. Dennis' proposed land use; however the city does need to protect any future land use projects. The city does have a Wellhead Protection Plan that will be in place within the next few months; however there should be a protection in place until then.

Hearing no other public comments, Commissioner Friedmeyer closed the public hearing at 7:50.

Commission members discussed the proposed application submitted by Mr. Dennis.

Commission members also discussed a moratorium on certain uses for wellhead protection.

Commissioners Abbott and Niemantsverdriet offered the following motion and moved for its approval. Adopted unanimously.

A motion to propose to Wabasha City Council an interim ordinance for the purpose of conducting a study on a wellhead protection overlay zone to be added to the Zoning Ordinance in order to protect the planning process and the health, safety and welfare of its citizens.

The Planning Commission recommends to the City Council the following for such an interim ordinance:

1. The interim ordinance will prohibit any new land use or new development activity including the issuance of building permits within the area identified as the Emergency Response Area as indicated in the adopted City of Wabasha Wellhead Protection Plan for the following:
 - Agricultural Services
 - Animal Feedlot
 - Constructed Rain Gardens
 - Contractor Yards
 - Crop farming
 - Excavations
 - Excavation/ Mineral extraction
 - Extractive Uses
 - Fill, Filling, or Filling Operations
 - Funeral Parlors
 - Garages, Commercial
 - Garages, Storage
 - Gas Stations
 - Hazardous materials storage or use
 - Impervious surface development
 - Industrial Services
 - Industrial Warehousing Distribution or Storage
 - Industrial, Heavy
 - Industrial, Light
 - Institutional Uses
 - Junkyards
 - Landfills
 - Mining site/operations
 - Nursery/ Greenhouses
 - Landscaping businesses
 - Repair and maintenance services – major
 - Retail Agriculture
 - Self-storage facilities
 - Sewage Treatment Systems
 - Waste Management Facilities
2. The interim ordinance will be for a period not to exceed one year from the date it is effective. The Planning Commission will study land uses that may pose hazards to the public drinking water system and determine if these should be prohibited or managed through a conditional/interim use permit process.

Commissioners Benson and Niemantsverdriet offered the following motion and moved for its approval. Adopted unanimously.

Whereas the requested amendment to the Zoning Map, changing the property at 911 Phelps Ave from R-2 to HC, zoning will meet the goals and policies of the Comprehensive Plan and in particular the Medium Density Residential land use district designated for this property in the following ways:

- Uses allowed in the HC will have a low impact on the surrounding residences and

Whereas the requested amendment to the Zoning Map, changing the property at 911 Phelps Ave. from R-2 to HC zoning will promote the public health, safety, morals, and general welfare of the community in the following ways:

- Additional commercial land as allowed in the HC zoning district is appropriate in the location due to its location directly adjacent to an existing HC zone,

Now Therefore the Planning Commission recommends to the City Council approval of the requested zoning amendment from R-2 to HC contingent upon the adoption of an interim ordinance regarding land uses within the wellhead protection area.

Public Hearing – CUP Tower Replacement

At 8:26 Commissioner Friedmeyer opened the Public Hearing to consider the CUP application submitted by U.S. Cable for Tower Replacement. The applicant was present and there was no one in the audience.

Staff has reviewed the application and provided commission members with a checklist of standards/requirements and recommendations for topics of discussion.

Jim Ireland, from U.S. Cable addressed the Commission. He stated that they are proposing to replace the existing tower which is 300 feet tall with a new tower that will be 195 feet tall. The new tower will also allow additional service to co-locate at the site with the providers that are already there.

Hearing no public comments, the public hearing was closed at 8:32 pm.

Commission members reviewed and discussed the information provided by staff. After all discussion Commission members Wodele and Benson offered the following resolution and moved for its approval. Adopted unanimously.

Resolution 2011-001 Conditional Use Permit to replace existing communications tower

WHEREAS, the property addressed as 8 Buena Vista Drive is zoned Rural Residential Limited Ag and towers in this district require a CUP; and

WHEREAS, an existing tower which is 300 feet tall is and has been located at this site for many years; and

WHEREAS, an application for the replacement of the existing tower has been made for a new shorter 195 tower to be able to accommodate additional users (co-locations), and

WHEREAS, The Planning Commission provides the following findings:

- a) The existing tower has been located on the site for many years and has not been detrimental to or endangered the public health, safety, morals, comfort, or general welfare of the City nor has the tower presence been injurious to the use and enjoyment of other property in the immediate vicinity
- b) The replacement of one tower with another will not impede the normal and orderly development of the area as the type and intensity of the use will not change
- c) All utilities, access road, drainage, and/or necessary facilities and ingress and egress have proved adequate for the existing tower and these needs are not anticipated to change
- d) The site has heavy vegetative cover which will continue to provide adequate screening of the site
- e) The shorter replacement tower will improve scenic views of the area
- f) As with the existing tower, all lighting to meet FCC requirements will be used on the new tower and type and intensity of lighting is not anticipated to change

- g) All aesthetic, landscaping, buffer and location requirements of the tower ordinance are being met
- h) All access and security requirements of the tower ordinance are being met
- i) The new replacement tower will allow additional co-location for 3 carriers and will meet local co-location standards.
- j) An easement is being provided to meet necessary fall zone requirements in lieu of 125% height setback
- k) All required performance guarantees are provided including a bank letter of credit to cover potential future costs of tower removal if needed. No additional sureties are being required.
- l) With appropriate conditions put in place, environmental standards will be assured
- m) The new tower will replace a preexisting tower and is therefore allowed as a replacement of a legal non-conforming use within a ¼ mile of the bluff impact zone

NOW THEREFORE, IT IS HEREBY RESOLVED, the Planning Commission approves the Conditional Use Permit for the replacement of a tower at 8 Buena Vista Drive as detailed in the application dated April 18th 2011 (and additional documentation provided by the applicant) to U.S. Cable Texas L.P. or its successors with the following conditions:

1. Final approval on the letter of credit providing a surety for removal of tower will be made by the City Attorney
2. A final copy of the recorded easement on neighboring property (in lieu of 125% of tower height setback from property lines) shall be approved by the City Attorney and filed with the Planning Department
3. The tower shall comply with all applicable electrical and building codes with final approvals being made by the City Building Inspector prior to issuance of a certificate of occupancy
4. A final erosion control plan will be submitted and reviewed by Planning staff prior to the issuance of a building permit
5. A final copy of the required FCC environmental review shall be approved by the City Planner and provided to the City Planning Department for file
6. The proposed project (tower replacement) shall be completed within a one year time frame (June 1st of 2012)
7. As required in the Tower Ordinance, Documentation and permit renewal fee (if any is established) shall be submitted to the Planning Department no later than October 1st of each year following the original CUP approval so that an annual permit renewal may be conducted by the Planning Department to ensure compliance with the prescribed ordinances.

John Friedmeyer, Chair

Patty Heraty, Administrative Assistant

Board of Adjustment membership was discussed. It was decided to remove the requirement that a full board is required to set up a BOA.

Molly brought forward for discussion clothing donation drop boxes, there a few in town. There is currently nothing in the ordinance regulating these type of boxes. After discussion it was decided that no action was needed at this time.

Molly reported that the zoning department will have a volunteer intern for the summer. He will be helping the planning/zoning department with census data/storm water mapping and GIS data.

Molly informed the commission that the state has passed the changes to the variance statute. She also informed the commission that Dave Wodele approached her about re-submitting his variance request that had been previously denied.

Signage report –

- Phil informed the commission that the school will be applying for a variance to the sign ordinance.
- Dairy Queen and Autoquest have changed their signs.
- New auto parts store at old NAPA bldg

- T-Bones put up 3 new signs without permit – Molly working with them

The next meeting is scheduled for June 14, 2011.

Having no other business, the meeting was adjourned at 9:13 pm. by unanimous consent.

Respectfully submitted by:

Patty Heraty, Administrative Assistant