

**City of Columbus  
Regular Planning Commission Meeting  
January 7, 2015**

The January 7, 2015 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:02 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members Myron Organ, Pam Wolowski, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko, Planner Dean Johnson, and Recording Secretary Karen Boland.

Also in attendance were City Council members Bill Krebs and Jeff Duraine; James Watson, Charlie Wilson, Rob Osterberg, Dorothy Staples, and Lewis Martin.

**AGENDA APPROVAL**

*Motion* by Krebs to approve the Agenda as presented, with the addition of 7A: a status update on the MPCA regarding the City septic ordinance. Second by Wolowski. Motion carried.

**APPROVAL – 7931 178<sup>th</sup> AVE. NE VARIANCE APPLICATION PUBLIC HEARING MINUTES OF NOVEMBER 19, 2014**

*Motion* by Preiner to approve the minutes from the 7931 178<sup>th</sup> Avenue NE Variance Application Public Hearing held on November 19, 2014 as written. Second by Krebs. Votes as follows: Krebs –aye; Preiner –aye; Wolowski – aye; Organ – abstain; Sternberg – aye. Motion carried.

**APPROVAL - REGULAR PC MEETING MINUTES OF NOVEMBER 19, 2014**

*Motion* by Krebs to approve the minutes of the November 19, 2014 regular Planning Commission meeting as written. Second by Preiner. Votes as follows: Krebs –aye; Preiner –aye; Wolowski – aye; Organ – abstain; Sternberg – aye. Motion carried.

**PUBLIC HEARING – 13932 LAKE DRIVE CUP APPLICATION (PC-15-101)**

At this time a public hearing was held to receive testimony regarding a CUP application request for 13932 Lake Drive, Columbus, MN. The applicant is Verizon Wireless. The property owner is Sizzler Properties LLC. Separate minutes are prepared.

**13932 LAKE DRIVE CUP APPLICATION DISCUSSION**

It was clarified that Verizon is leasing the land from Sizzler. The typical Verizon lease is for five years with four additional five-year options. If the lease term could not be renegotiated after that time, the lease specifies that Verizon must remove the tower. The tower meets all FAA requirements. It will not be lit. Any lighting at the base would be minimal, for instance, a safety light outside the door. Krebs noted that the City Engineer submitted a letter indicating that the application meets the City requirements.

*Motion* by Krebs to forward to the City Council the CUP application for a 130-foot tall communications tower at 13932 Lake Drive, with a recommendation for approval based on the findings of fact and permit conditions from the Planner’s memo dated December 31, 2014, with the deletions in Finding #12, and Permit Condition #8, as noted below. Second by Sternberg. Motion carried.

## Findings of Fact

- 1) The City received a Conditional Use Permit (CUP) application on November 14, 2014 from Verizon Wireless (VAW) LLC, d/b/a Verizon Wireless (“Verizon”), for a 130-foot-tall communications tower and associated facility improvements.
- 2) The application was considered complete.
- 3) The 60-day review (January 14, 2015 deadline) has been extended to 120 days (March 15, 2015), due to holiday scheduling conflicts.
- 4) The communications tower is proposed to be located on property owned by Sizzler Properties, LLC, located at 13932 Lake Drive and legally described as the North 220 feet of the South 440 feet of the South Half of the Northeast Quarter of Section 33, Township 32, Range 22, lying westerly of CSAH 23 (“Property”).
- 5) The Property is zoned C/I Commercial/Industrial.
- 6) Communication towers are conditional uses in the C/I District.
- 7) Verizon is leasing a 60 feet by 60 feet easement area, approximately 750 west of Lake Drive, for the proposed wireless communications facility.
- 8) The proposed wireless communications facility includes an 11.5 feet by 29.5 feet pre-fab concrete equipment building (approximately 10 feet tall), back-up generator, miscellaneous equipment and the tower.
- 9) The tower is a steel monopole design with an additional 9-foot-tall lightning rod.
- 10) The tower and equipment building will be enclosed by security fencing.
- 11) The monopole is designed to accommodate the Verizon wireless communications antennae and two additional users.
- 12) The monopole is proposed to be unpainted galvanized steel. ~~[Note: Many communities prefer a galvanized appearance for ease of long term maintenance and general aesthetic compatibility. Other communities require painting (often sky blue). The City has the discretion to determine what surface treatment will be required.]~~
- 13) The monopole is designed to buckle or fold above midpoint in the event of extraordinary, catastrophic winds causing structural failure. If separation occurs, the pole section will fall within 25% of the pole height or within 32 feet of the base of the tower. The monopole will be set back 39 feet from the property line.
- 14) There are no special height restrictions or lighting requirements with respect to federal aviation standards.
- 15) The proposed tower location and site work have been reviewed by Rice Creek Watershed District and require no permitting.
- 16) Verizon has submitted a determination of need for the proposed communications facility.
- 17) The proposed communications tower and facility are designed for non-interference with personal or public communications, broadcasting, computing or other electronic systems.
- 18) The site improvements and communications tower will be constructed according to federal standards and engineering specifications and plan sheets “Verizon Wireless MINC Aragorn New Build-Revision B,” dated September 29, 2014, submitted with the permit application, received November 14, 2014.
- 19) The Planning Commission held a public hearing for the proposed wireless communications facility CUP on January 7, 2015.

## Permit Conditions

Consideration for issuance of a Conditional Use Permit to Verizon for a wireless communications facility should include the following minimum conditions:

- 1) The communications facility's design, construction, and operation shall be consistent with all federal, state, and local laws, rules, regulations and ordinances.
- 2) The site improvements and communications tower shall be constructed according to federal standards and engineering specifications and plan sheets "Verizon Wireless MINC Aragon New Build-Revision B," dated September 29, 2014, submitted with and including the permit application, received November 14, 2014.
- 3) Verizon shall obtain all other necessary permits and approvals, including but not limited to building permits, electrical permits, stormwater and erosion control permits, and federal permits and licenses, prior to any site work or construction.
- 4) Verizon may allow other wireless communications antennae users on the communications tower, subject to the requirements of the Columbus City Code and an amendment to the CUP.
- 5) The operation of any wireless communications tower and antennae shall not interfere with the operation of any other communication devices, radio or television transmissions, electronic equipment or similar devices.
- 6) The communications tower or antennae shall not be lighted unless required by state or federal regulations.
- 7) There shall be no signage on the communication tower, antennae or lease property other than company identification and equipment signs and "warning" or "danger" or similar signs, as may be required.
- 8) The monopole shall be constructed of galvanized steel and shall not be painted ~~unless it is determined at any point during the lease period by the City that the monopole should be painted to reduce glare or remedy other aesthetic concerns.~~
- 9) The communications tower and other improvements shall be removed from the Property upon termination of the Verizon lease or upon cessation of operations of the communications facility, whichever occurs first.
- 10) Remedies for any violation of the CUP or City code shall be consistent with the provisions of the City Code and available by State law.
- 11) Verizon shall reimburse the City for all out-of-pocket expenses incurred in the review, approval, permitting and enforcement of the CUP.

This matter will go before the City Council at their next meeting, which will be held Wednesday, January 14<sup>th</sup> at 7 p.m.

## DISCUSSION AND RECOMMENDATION – PC BYLAWS AMENDMENT

Last year some amendments were made to Chapter 3 of the City ordinance regarding the Planning Commission. The bylaws were not amended. The amendments eliminate the liaison from the City Council. This will make it consistent with Chapter 3 of the City Code. New language will be added to allow for interim appointments: Article V, paragraph 6. Myron Organ is serving as an interim Planning Commission member. No one has yet applied for the current vacancy.

*Motion* by Preiner to forward to the City Council the amendments to the Bylaws and Rules of Procedure for the Planning Commission as presented in pages 54-60 of the agenda packet, with a recommendation for approval. Second by Sternberg. Motion carried.

#### **STATUS UPDATE RE: MPCA ORDINANCE**

The ordinance was approved as to form by the CC, and sent to the MPCA along with necessary forms and application. The City has not had a response, but the review period hasn't yet passed.

#### **PUBLIC OPEN FORUM**

There was no topic raised for discussion for Open Forum.

#### **CITY ADMINISTRATOR'S REPORT**

At the request of Council member Krebs, a team was formed to look at possible ways to move the TH 97 bridge project forward through legislation. Two PC and two CC members have met with legislators to ask for support. The feedback from legislators has been very positive. State Senator Benson and State Representative Hackbarth have been supportive, as has U.S. Congressman-elect Tom Emmer. A meeting is scheduled with State Representative Dettmer. Anoka County has committed one of their lobbyists to the project, and the City is doing the same. There is some good momentum for the legislative session.

Mursko reminded PC members that even if things move very quickly, the project would be at least 3-4 years out.

There will be a workshop on Wednesday, February 4<sup>th</sup> in lieu of a PC meeting. The CC will be in attendance, and the Forest Lake CC is invited. The workshop is for both CCs and the PC to work through their questions. The plan is to have a later meeting to inform the public as a whole, and take questions.

The CC approved a grant application to MN DOT to relocate North Hornsby St. to line up with Hornsby to the south. Anoka County subsequently put in for grant money for relocation of 54.

#### **PLANNING COMMISSION MEMBERS' REPORT**

##### **ORGAN COMMENT:**

Organ recognized how long road projects take and that potential movement on 97 is good news.

#### **ATTENDANCE - NEXT CC MEETING**

Preiner is scheduled to attend the City Council meeting on January 14, 2015.

*Motion* by Sternberg to adjourn. Second by Krebs. Motion carried.

Meeting adjourned at 7:40 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary