

CITY OF ALBERT LEA
PLANNING COMMISSION
ADVISORY BOARD

June 2, 2020 – 5:30 p.m.
City Center – ZOOM

AGENDA

- A. CALL TO ORDER AND ROLL CALL

- B. APPROVAL OF THE AGENDA

- C. APPROVAL OF MINUTES
 - a. March 11, 2020

- D. PUBLIC HEARING – Verizon Wireless
 - a. A Conditional Use Permit (CUP) for a Communication Tower.

- E. PUBLIC HEARING – The Barn of Chapeau Shores
 - a. Amending existing Conditional Use Permit (CUP) for a Country Club/Event Center.

- F. NEW BUSINESS

- G. COMMISSIONER COMMUNICATIONS

- H. STAFF COMMUNICATIONS

- I. ADJOURNMENT

CITY OF ALBERT LEA
PLANNING COMMISSION
ADVISORY BOARD
MEETING MINUTES

March 11, 2020 - 5:30 pm
City Center – Council Chambers

Members Present

Wyeth Anderson, Vice-Chair
Colby Cunningham
Jared Dawson
Matt Dorman
Jason Willner, Chair

Members Absent

Chuck Paczowski
Lucas Schuster
Larry Baker, Ex-Officio

Staff in Attendance

Megan Boeck, City Planner
Cierra Maras, Development Services Administrative Assistant

Interested Parties

None

Planning Commission Chair, Jason Willner, called the meeting to order at 5:30 p.m.

Approval of the Agenda

Dawson made a motion to approve the agenda and Cunningham seconded the motion. The agenda was approved unanimously on a voice vote.

Approval of Minutes

Anderson made a motion to approve the minutes from February 4, 2020. Cunningham seconded the motion. The minutes were approved unanimously on a voice vote.

Staff report prepared by Megan Boeck, City Planner, are to become part of these minutes by reference.

Public Hearings – Ordinance Amendments

- a. Ordinance Amending Albert Lea City Code Chapter 74, Zoning and Land Use, Section 74-537 (B-3) Off-Street Parking and Loading
- b. Ordinance amending Albert Lea City Code Chapter 74, Zoning and Land Use, Section 74-985 (DCD) Off-Street Parking and Loading

The ordinance amendments as drafted would allow for a parking waiver of up to 100% of the required off-street parking based on the locality of public parking, shared parking options, as well as on-street parking options.

Willner opened the public hearing at 5:35 p.m. No one was present to speak. The public hearing closed at 5:35 p.m.

Cunningham made a motion, seconded by Anderson, to recommend to City Council the approval of the ordinance amendments for Section 74-537 (B-3) Off-Street Parking and Loading as well as Section 74-985 (DCD) Off-Street Parking and Loading. The motion passed unanimously.

Public Hearings – Zoning Amendments

- a. Zoning Amendment from Interstate Development District (IDD) to Limited Industrial District (I-1) – 951 Plaza Street & 971 Plaza Street
- b. Zoning Amendment from Community Business District (B-2) to Limited Industrial District (I-1) – 2320 Main St E, Outlot 1 and Outlot 2
- c. Zoning Amendment from Community Business District (B-2) to Industrial District (I-2) – 77847 209th Street & 77893 209th Street
- d. Zoning Amendment from Community Business District (B-2) to Limited Industrial District (I-1) – 403 Prospect Avenue, 34.247.0520 and 34.247.0530
- e. Zoning Amendment from Single Family Residential District (R-1) to Limited Industrial District (I-1) – 2235 Marshall Street SE, Parcel A

Boeck stated that the planning commission has discussed rezoning these various properties because are incompatible with the surrounding area.

Willner opened the public hearing at 5:51 p.m. No one was present to speak. The public hearing closed at 5:51 p.m.

Dawson made a motion, seconded by Anderson, to recommend to City Council the approval of the following zoning amendments:

- a. Zoning Amendment from Interstate Development District (IDD) to Limited Industrial District (I-1) – 951 Plaza Street & 971 Plaza Street
- b. Zoning Amendment from Community Business District (B-2) to Limited Industrial District (I-1) – 2320 Main St E, Outlot 1 and Outlot 2
- c. Zoning Amendment from Community Business District (B-2) to Industrial District (I-2) – 77847 209th Street & 77893 209th Street
- d. Zoning Amendment from Community Business District (B-2) to Limited Industrial District (I-1) – 403 Prospect Avenue, 34.247.0520 and 34.247.0530
- e. Zoning Amendment from Single Family Residential District (R-1) to Limited Industrial District (I-1) – 2235 Marshall Street SE, Parcel A

The motion passed unanimously.

New Business

- a. Final Plat Wedgewood Cove Estates No. 1

In November 2019, the Planning Commission recommended approval of a preliminary plat of Wedgewood Cove Estates in order to establish larger lots and create additional building space. The final plat of Wedgewood Cove Estates No. 1 has been completed.

Cunningham made a motion, seconded by Dawson, to recommend to City Council the approval of the Final Plat for Wedgewood Cove Estates No. 1. The motion passed unanimously.

Old Business

None

Commissioner Communications

None

Staff Communications

The Board welcomed newest member, Matt Dorman.

Adjournment

The meeting adjourned at 5:55 p.m. The motion to adjourn was made by Cunningham and seconded by Anderson. The motion to adjourn was approved unanimously on a voice vote.

Respectfully submitted,

Cierra Maras
Planning Commission Secretary

Jason Willner
Chair, Planning Commission



GENERAL INFORMATION

Applicant: Robert Viera – Verizon Wireless

Property Owner: County of Freeborn (Fairgrounds)

Purpose: A Conditional Use Permit (CUP) for a Communication Tower in a Planned Development (PD) Zone

Address: 1029 Bridge Ave

Parcel Number(s): 34.810.0030

File Date/Publication Date: April 15, 2020/May 20 and May 23, 2020

Subject Site:

Existing Land Use	Zoning
Fairgrounds	PD

Adjacent Land Use and Zoning:

Existing Uses		Zoning
North	Residential	R-3
South	Residential	R-1
East	Residential	R-1
West	Residential	R-1

BACKGROUND

This application is for renewal of a CUP that has been issued in both 2018 and 2019. Due to ordinance language the permit has expired because the tower has not been built. Verizon Wireless has had plans to construct a new 100 ft monopole tower on the Freeborn County Fairgrounds site and because of budget constraints the project has been pushed back. The tower itself is a 100 ft monopole proposed just north of the Arts and Food Building near the center of the fairgrounds.

POLICY CONSIDERATIONS

Zoning 74-2001 Communication towers may be located in the B-2, I-1, I-2 and I-3 districts as permitted uses and as **conditional uses in B-4 and PD districts.**

ANALYSIS

Zoning 74-59 States that the Planning Commission shall base its findings on current and anticipated traffic congestion, population and density, noise, effect on adjoining land values, public health and aesthetics.

FINDINGS OF FACT

1. The proposed tower will not attract or promote any additional traffic after its construction is completed except for limited inspections and maintenance needs which will not impact adjacent properties. Access, which staff believes is sufficient, to maintain the tower is provided

for in the plans via an easement along the west side of the fair grounds. The main fair entrance and driveway from Bridge Ave is kept open throughout the year and will provide additional access to the site.

2. As a utility, population and density will not be effected by the approval of this CUP.
3. No additional noise is anticipated from this after constructed is completed.
4. Towers have been viewed as a negative addition to a neighborhood. However, as their presences increases over time they are more often viewed as a neutral element similar to other necessary infrastructure. It is not anticipated that this communication tower will have a negative effect on adjoining land values.
5. Concerns have been raised in the past that with additional communication towers there is a potential for impact on the health of those living nearby. A 2014 article from the American Cancer Society states that "there is little evidence that living, working or going to school near a cell phone tower such as the proposed increase the risk of cancer or other health problems." Proximity to the nearest residential property line (from the tower site) is over 350 feet.
<https://www.cancer.org/cancer/cancer-causes/radiation-exposure/cellular-phone-towers.html>
6. The proposed tower height and location has been reviewed by the FAA and they have determined it will not cause a hazard to air navigation. See attached Determination of No Hazard.
7. The aesthetics of the current site include a mix of agricultural buildings and open space that are used off and on throughout the year and the tower will have little impact on the existing aesthetics of the site of neighborhood.
8. The proposed facility meets the general requirements for the PD zoning district as long as the conditions of providing a paved access drive and designing the tower for at least three providers are met.

STAFF RECOMMENDATION

Staff recommends approval of the CUP as has been past practice with the following conditions:

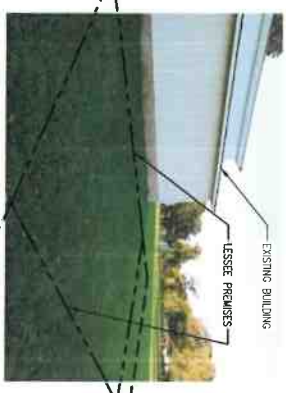
1. An as-built survey be provided to verify final height of the proposed tower.
2. The proposed access driveway will be paved to provide support to 90,000 lbs and connect to existing payment no later than June 2021.
3. The proposed tower will be constructed in a manner that will accommodate the co-location of not less than three provides as stated in Sec 74-2004 (a).

Attachments

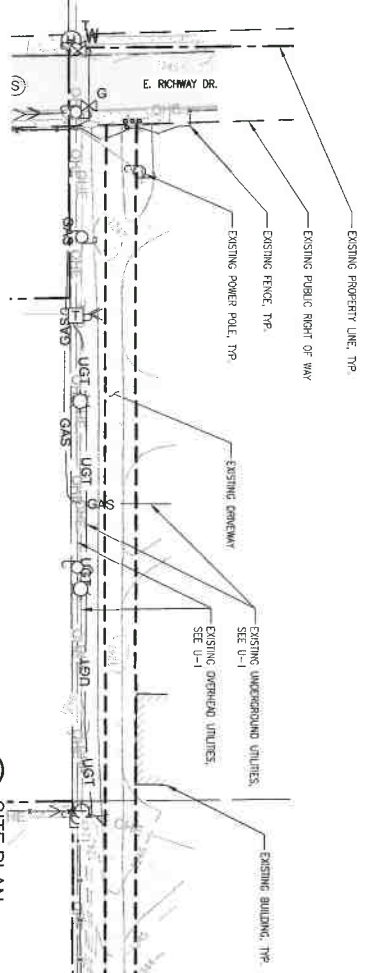
1. Site Plan
2. FAA Determination of No Hazard



3 SITE PHOTO
VIEW LOOKING WEST



2 SITE PHOTO
VIEW LOOKING SOUTHWEST



1 SITE PLAN
SCALE: 1" = 80'

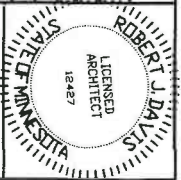
GENERATOR TYPE:
DIESEL

FROST DEPTH
DESIGN = 4'-0"

DETAIL	DETAIL DESCRIPTION
PLATFORM	VZM9 4X14-GSP-4, 9'-4"x14'-0" PLATFORM W/ FULL CANOPY
GEN 1-4	200KVAZK DIESEL GENERATOR W/ ICE SHIELD
1-1	ROLLUP DETAIL
2-1	FENCE SECTION (DETAIL 2)
3-1	CABLE BRIDGE SECTION
4-3	CABLE BRIDGE ELEVATION (SIMILAR)
5-1	GRAVEL ROAD (DETAIL 2)
6-1	GATE DETAIL (DETAIL 1)
7-1	GPS MOUNTING DETAIL (DETAIL 2)
8-1	TELEC ENTRY DETAIL
8-1	CMPH DETAIL
10.5/10.6	ON-LINE RISER DIAGRAM (G.C. TO VERIFY)
12-1	METER ON POST (DETAIL 2)
13-1	I.L.C. BOX ICE SHIELD



NOTE:
1. PROPOSED GRADING NOT SHOWN FOR CLARITY, SEE A-1.1.



I hereby certify that the plan, prepared by me or under my direct supervision and seal, was made by me or under my direct supervision and seal, and that I am a duly Licensed Architect in the State of Minnesota.
ROBERT J. DALYS, Reg. No. 12487

11-21-17

DESIGN 1
9873 VALLEY VIEW RD.
EDEN PRATHER, MN 55944
652.303.3298
WWW.DESIGN1P.COM

verizon
1081 ELSA LANE ROAD
BLOOMINGTON, MN 55548
(612) 720-0822

PROJECT
20161492196
LOC. CODE: 429884

MN10
ALBERT
LEA CC

BRIDGE AVE
ALBERT LEA, MN 56007

SHEET CONTENTS:
SITE PLAN
DETAILED INDEX
PHOTOS

DRAWN BY:	CT
DATE:	10-18-17
CHECKED BY:	APS
REV. A:	10-25-17
REV. B:	11-21-17

A-1



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2017-AGL-19405-OE

Issued Date: 11/29/2017

Network Regulatory
 Alltel Communications, LLC
 5055 North Point Pkwy
 NP2NE Network Engineering
 Alpharetta, GA 30022

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Monopole MN10 ALBERT LEA CC - A
 Location: Albert Lea, MN
 Latitude: 43-39-39.44N NAD 83
 Longitude: 93-21-44.41W
 Heights: 1242 feet site elevation (SE)
 109 feet above ground level (AGL)
 1351 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 L Change 1, Obstruction Marking and Lighting, red lights - Chapters 4,5(Red),&12.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 05/29/2019 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before December 29, 2017. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager, Airspace Policy & Regulation, Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591.

This determination becomes final on January 08, 2018 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Regulations & ATC Procedures Group via telephone -- 202-267-8783 - or facsimile 202-267-9328.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact Fred Souchet, at (847) 294-7458, or fred.souchet@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2017-AGL-19405-OE.

Signature Control No: 348030981-350135007

(DNH)

Mike Helvey

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Frequency Data

Map(s)

cc: FCC

Similar 109' tall tower





GENERAL INFORMATION

Applicant: Chad and Jane Iverson
 Property Owner: The Barn of Chapeau Shores, LLC
 Purpose: Amending existing Conditional Use Permit (CUP)
 Address: 504 Lake Chapeau Drive
 Parcel Number(s): 34.167.0090
 File Date/Publication Date: May 11, 2020/May 20 and May 23, 2020

Subject Site:

Existing Land Use	Zoning
Commercial Country Club/Event Center	R-1

Adjacent Land Use and Zoning:

Existing Uses		Zoning
North	Residential	R-1
South	Residential	R-1
East	Residential	R-1
West	Residential	R-1

BACKGROUND

In 2017 the Planning Commission and City Council approved a Conditional Use Permit (CUP) for the Barn of Chapeau Shores that would allow a Commercial Country Club/Event Center (Resolution 17-203) in a residential zone with conditions imposed on structures, hours of operation, noise and liquor. The applicant is requesting to amend the existing CUP in the following manner:

SECTION 1 (structures and uses) currently states: A gazebo, a deck, a canopy or pergola and/or storage shed may be added in the future which must meet all building and zoning standards for accessory structures in this zoning district at the time of construction.

The applicant has requested that language **allowing** a small, round, welded wire bin be added to the above section and an image of such is provided below. In addition, a site plan showing the location of this proposed structure (marked with a purple dot) has been provided and is included as an attachment.



SECTION 2 (HOURS OF OPERATION) currently states that the hours of operation be limited to:

Monday through Thursday 9 am to 8 pm
Friday 9 am to 12 (midnight)
Saturday 9 am to 12 am (midnight)
Sunday 10 am to 8 pm

Event guests shall depart by 11:30 pm and the vendors, family and bridal party shall leave the venue by 12 midnight on Friday and Saturdays and by 8 pm on weekdays and Sundays.

The applicant has requested that the hours of operation **be changed to:**

Sunday through Thursday 8 am to 11:30 pm
Friday and Saturday 9 am to 12 am (midnight)

Event guests shall depart by 11:30 pm and the vendors, family and bridal party shall leave the venue by 12 midnight on Fridays and Saturdays. Event guests shall depart by 11 pm and the vendors, family and bridal party shall leave the venue by 11:30 pm on Sunday through Thursdays.

SECTION 2 (Noise) currently states: Noise shall not exceed maximum levels allowed under City Ordinance and State law as measured by a professional who measures sound and noise. Music must end by 7:30 pm on Sundays and Monday through Thursday and by 11 pm on both Friday and Saturday.

The applicant has request that the language be **changed to:** Noise shall not exceed maximum levels allowed by the State of MN (Minnesota Pollution Control Agency) as measured by a professional who measures sound and noise. Music must end by 10:30 pm on Sundays through Thursdays and 11 pm on both Friday and Saturdays.

SECTION 2 (Alcohol) currently states: Any alcohol served on the site must be provided by a business with an on-sale liquor license with a caterer's permit.

The applicant has requested that language be **changed to:** Any alcohol on site must be provided by a business with an on-sale liquor license.

ANALYSIS

Zoning 74-59 States that the Planning Commission shall base its findings on current and anticipated traffic congestion, population and density, noise, effect on adjoining land values, public health and aesthetics.

Current and Anticipated Traffic Congestion:

Staff does not anticipate that the proposed request to amend language as it pertains to Structures and Uses, Alcohol, Hours of Operation and Noise will have an effect on existing traffic. The original CUP approved by both the Planning Commission and City Council in October of 2017 states that Lake Chapeau Drive is a collector road that has capacity for traffic generated from the use.

Population and Density:

Because the existing use is not residential in nature there will be no change to population or density at the site or surrounding area.

Noise:

The proposed amendment does not seek to change or lessen the standard by which noise is measured currently. The applicant is proposing to remove language that references City Ordinance which is outdated and causes confusion. Staff recommends that the amendment reference MN State Rule 7030.0040 for enforcement and compliance.

Effect of Adjoining Land Values:

The application does not seek to change the use of the land and as such, staff has no reason to anticipate an effect of adjoining land values.

Public Health, Safety and Welfare:

Currently, the applicant is able to provide alcohol on site with a business that holds a caterer's permit. This means that the license holder may sell intoxicating liquor as an incidental part of food service. The applicant is proposing to remove the caterer's permit requirement and allow for alcohol to be sold by a business with an on-sale liquor license. Staff agrees that this language amendment does not create a change to the use of the land or structures because liquor is already being provided to the site just via a different permit type.

Additionally, the applicant made request for later evening hours or 11:30 pm on Sunday through Thursday. Staff believes that allowing operations on weekdays after 8pm will threaten the quality of life of the neighborhood—which are single family residences. In addition, staff believes that day time operations, in addition to evening operations during the weekend is most appropriate for a business in a residential zone.

Aesthetics:

The current property is about 3.25 acres in size and includes a barn, small shed, patio area, paved parking. All modifications that have been made through the CUP approval in 2017 have improved the property and its curb appeal. The proposed addition of a small, round, welded wire bin will not negatively alter the aesthetics of the site.

FINDINGS OF FACT

1. The proposed amendment will not attract or promote any additional traffic.
2. The proposed amendment will not create additional population or density.
3. The proposed amendment as it pertains to noise in accordance with MN State Rule 7030.0040 will not change how noise is measured or enforced.
4. The proposed amendments pertaining to structures and uses, alcohol and noise will not have a negative effect on adjoining land values.
5. Concerns have been raised by surrounding property owners who live nearby and believe that the request for weekday evening hours of operation is incompatible with a residential neighborhood where residents have next day job requirements and school age children.
6. The proposed small round, welded wire bin is not out of scale or size with other residential accessory structures that would normally be permitted in part of residential zoning. In addition, the aesthetics of the current site have largely been improved since the approval of the existing CUP in October of 2017.

STAFF RECOMMENDATION

Staff recommends to the Planning Commission that they consider the testimony at the public hearing in addition to the report and findings of fact prepared City staff. The following are all options for approval and/or denial of this application:

- 1) Approve the application as presented by the applicant.
- 2) Deny the application as presented—in which case the original CUP approved by Planning Commission and City Council will remain valid.
- 3) Approve the applicants request to amend the CUP with regards to:
 - Section 1 Structures and Uses- allowing the small, round, welded wire bin.
 - Section 2 Noise- amending language that measures and enforces noise based on MN State Statute 7030.0040
 - Section 2 Alcohol- allowing alcohol to be provided on site by a business with an on-sale liquor license.

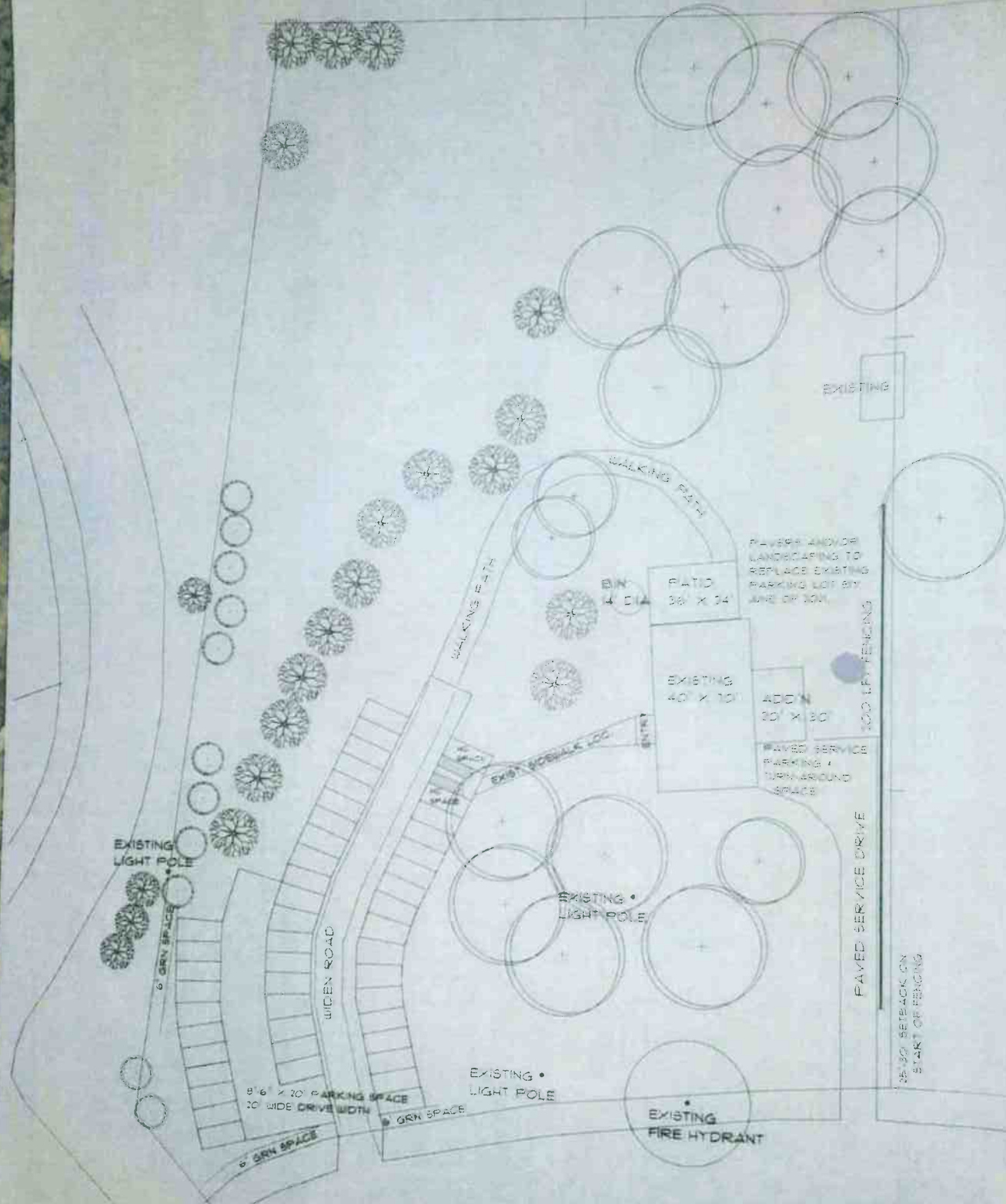
And deny the request to amend the CUP with regards to:

Section 2 Hours of Operation- in which case the hours of operation as currently allowed will remain valid.

City staff has researched this application at great length and formally recommends Option 3 to the Planning Commission.

Attachments

1. Updated Site Plan



BITUMINOUS PAVEMENT
 3" MIN. BITUMINOUS WEAR COURSE
 MIDOT SPEC 2360, TYPE SPUB2340B

8" MIN. AGGREGATE BASE
 MIDOT CLASS 5

COMPACTED SUBGRADE

47 PARKING SPACES
 1" x 40'-0" 10/17/11