

CITY OF ALBERT LEA
PLANNING COMMISSION
ADVISORY BOARD

*June 4, 2019 - 5:30 p.m.
Room 109/111, City Hall*

AGENDA

A. CALL TO ORDER & ROLL CALL

B. APPROVAL OF THE AGENDA

C. APPROVAL OF MINUTES

1. PC Minutes from May 7, 2019

D. PUBLIC HEARINGS

1. Consider a request for a Conditional Use Permit (CUP) for the construction of a monopole communications tower.

E. NEW BUSINESS

F. OLD BUSINESS

G. COMMISSIONER COMMUNICATIONS

H. STAFF COMMUNICATIONS

I. ADJOURNMENT

CITY OF ALBERT LEA
PLANNING COMMISSION
ADVISORY BOARD
MEETING MINUTES

May 7, 2019 - 5:30 pm
City Center – Council Chambers

Members Present

Wyeth Anderson
Larry Baker, Ex-Officio
Colby Cunningham
Rick Mummert, Chair

Members Absent

Brian Hensley
Chuck Paczowski
Tim Samuelson, Vice Chair

Staff in Attendance

Wayne Sorensen, Building/Zoning Administrator
Cierra Maras, Fire & Inspection Administrative Assistant

Interested Parties

Craig Hoium
Gerry Vogt
Gregory Ebert
Maxwell Mohagen

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

Approval of the Agenda

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

Approval of Minutes

Mummert made a motion to approve the minutes from April 2, 2019. Cunningham seconded the motion. The minutes were approved unanimously on a voice vote.

Public Hearings

1. Consider Amendments to the Conditional Use Permit for the Planned Development District Wedgewood Cove Estates No. 1. Coving Setback Modifications

Staff report and PowerPoint presentation prepared by Wayne Sorensen, Building/Zoning Administrator, as well as an audio recording of this meeting become part of these minutes by reference.

Wedgewood Cove LLC submitted an application for a Conditional Use Permit (CUP) to amend the development requirements of Wedgewood Cove Estates 1st and 2nd Subdivisions. The proposed modification is to amend the condition requiring that the front building setback follow the coving line as provided for in the Development Plan. The front building setback requirement would then be the 25' setback typically required for the City.

Sorensen reviewed the proposal and noted that conditions have been added to the proposal. City staff wants to reserve the right to shift the sidewalk outside the right-of-way if needed. Sorensen discussed the difficulty of accommodating houses on the pie-shaped lots with the current coving setbacks and topography of the lots.

Mummert opened the public hearing at 5:45 p.m.

Craig Hoium spoke on behalf of Wedgewood Cove Estates and echoed what Sorensen said regarding the pie-shaped lots and the coving line. He noted the difficulty in accommodating a house to fit in those lots with the coving setback and added that there is another challenge in developing on the lots due to the topography as the lots are graded to accommodate walk-out basements. Hoium questioned why Lots 17-20 of Block 10 were not included on the 25' proposed setback.

Sorensen said that the initial discussion with the developer and city staff was that the sidewalk was already built. He added that the developer could relocate the sidewalk at their own expense and city staff would likely not have an issue with that.

Hoium said that for Lots 17-20 of Block 10, including them on the proposed 25' setback would create more flexibility to develop them as the cove line encroaches quite a ways back into those lots. Adding that the sidewalk is less than half the distance between the public right of way.

Sorensen said he would not have an issue including those lots as long as the developer is in agreement.

Gerry Vogt, developer, said he would be in agreement to move the sidewalk.

Sorensen and members of the Planning Commission discussed and agreed to include Lots 17, 18, 29, and 20 of Block 10 with the proposal.

Mummert closed the public hearing at 6:08 p.m.

Cunningham made a motion, seconded by Willner, to recommend the approval of the CUP for Wedgewood Cove 1st and 2nd Subdivisions to amend the setbacks that were a condition of the originally approved PD development with conditions. The motion passed unanimously on a voice vote.

2. An ordinance amending the Albert Lea City Code Chapter 74 Zoning & Land Use, Sections 74-1050, 74-1095, 74-253, 74-293 and 74-413, paving standards.

Current City zoning code requires pavement for parking areas, loading areas and access drives in all zoning districts per section 74-1050. Staff is suggesting that paving standards remain virtually the same as they currently are for all residential districts and most of the commercial districts. Proposed changes can be found in the packet provided.

Mummert opened the public hearing at 6:16 p.m. No one chose to speak. After calling for public comment three times, the public hearing was closed at 6:17 p.m.

Mummert made a motion, seconded by Willner, to recommend to City Council the approval of the proposed amendments to paving standards. The motion passed on a 4-0 voiced vote.

3. Request from Ebert Construction for the construction of a distribution warehouse in the "Interstate Development District" at 2291 Ross Drive. This request is for site plan approval.

E & R Investments, LLC proposes to construct a food distribution operations center at Habben First Addition, located between Highway 65 and I-35. The land will be split creating a 1.45 acre parcel for their development. The proposed building is 60x110 feet in size on one level with a partial mezzanine and will include space for an office and storage.

Mummert opened the public hearing at 6:37 p.m. No one chose to speak. After calling for public comment three times, the public hearing was closed at 6:38 p.m.

Cunningham made a motion, seconded by Anderson, to recommend to City Council the approval of a CUP to construct a food distributions center at 2291 Ross Drive with the following conditions:

- 1) The site shall be developed, used, and maintained in accordance with the General Development Plan submitted.
- 2) A minimum of three equally spaced ornamental trees such as Japanese maple or similar (or other proposal to address the aesthetics meeting IDD standards) be established between the structure and Betha Larson Lane.
- 3) Landscaping shall be established and maintained in a complete and healthy condition.

The motion was passed on a 4-0 voiced vote.

New Business

None

Old Business

None

Commissioner Communications

Baker said he would like the city to look at buildings being built in industrial parks and IDD districts within eyeshot of a residential area to require some sort of screening between them and the residential area. He explained a building off of Margaretha Avenue and the screening not being in place. He said that he would like to see some language added for commercial and industrial areas that are close to residential districts have a requirement to put up some sort of screening.

Sorensen explained that ordinance amendments can be initiated by the Planning Commission and/or by City Council. He added that he would like to see members of the Planning Commission possibly step up and review some amendments to give to city staff to review.

Baker noted he would like to get rid of ordinances that are not being enforced.

Mummert thanked the Planning Commission for coming to the meetings, adding the importance of having a quorum to keep things moving forward.

Staff Communications

None

Adjournment

The meeting was adjourned at 6:51 p.m. The motion to adjourn was made by Cunningham and seconded by Mummert. The motion to adjourn was approved unanimously on a voice vote.

Respectfully submitted,

Cierra Maras
Planning Commission Secretary

Rick Mummert
Chair, Planning Commission



Memorandum

To: Albert Lea Planning Commission

*From: Wayne Sorensen, Building Official/Zoning Administrator
City of Albert Lea*

Date: May 30th, 2019

Re: CUP request from Buell Site Acquisition/Verizon Wireless

SPECIAL NOTE: This application is for the renewal of a Conditional Use Permit Granted a year ago. Due to ordinance language the permit has expired because the tower has not been built. As by staff opinion conditions have not changed, the following is the staff report from one year ago.

Background

Wireless providers have been looking for a new tower location within the vicinity of Albert Lea for some years. The applicant's cover letter indicates that with the increasing use of wireless for data and streaming, there is a need for the new tower in the community. The applicant is Buell Consulting and Verizon Wireless. The proposed location is the County Fairgrounds. The County Administrator has indicated the County is working with Buell and Verizon on this project.

Communications towers may be located in the B-2, I-1, I-2 and I-3 districts as permitted uses, and in the B-4 and PD districts as conditional uses. The County Fairgrounds are zoned PD, Planned Development District so a Conditional Use Permit (CUP) is required. Along with standards contained in 74-59, Conditional Use Permits and the PD zoning district, Article IX which regulates communications towers within the City applies to this project.

Request

This request is for a Conditional Use Permit (C.U.P.) for the construction of a monopole communications tower. The tower is proposed at 100 feet tall with a 9-foot lightning rod, bringing the structure to 109 feet tall. The tower as shown on the plans allows for additional antenna to be added in the future without additional height of modifications to the structure. Along with the tower, the proposal also includes above ground equipment located on a rock surface enclosed with chain link fencing. This would be located just north of the Arts & Food Building near the center of the fairgrounds. The application shows an access easement from Richway Drive via an existing driveway which is along the west side of the property. Access will also be available via the main fair entrance from Bridge Avenue. An additional utility easement shows connection to an existing transformer and power pole located outside of the fenced in area.

CUP Analysis

Section 74-59 of City Code pertains to CUP's proposed throughout the City. It states that the Planning Commission shall make its findings based on: Current and anticipated traffic congestion, population and density, noise, effect on adjoining land values, public health, safety and welfare and aesthetics. Following is staff analysis of these items based on the submitted application.

- a. **Current and anticipated traffic congestion:** With the addition of the tower to the property, there is no expected change in traffic after it is constructed. 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 Avenue is kept open throughout the year and will provide additional access to the site.
- b. **Population and density:** The tower will not add any population or density to the site.
- c. **Noise:** There are no known or anticipated noises associated with communications towers as proposed.
- d. **Effect on adjoining land values:** Towers have sometimes been viewed as a negative addition to a neighborhood. However, as the presence of them in the environment has increased over time, more often they are now simply viewed as a neutral element similar to other necessary infrastructure. Because of this, it is likely that any such impact of the new tower on adjoining land values will be negligible.
- e. **Public health, safety and welfare:** One concern raised in the past with the addition of communications towers is the potential for their impact on the health and welfare of those living nearby. A 2014 article from the American Cancer Society indicates “Some people have expressed concern that living, working, or going to school near a cell phone tower might increase the risk of cancer or other health problems. At this time, there is very little evidence to support this idea. In theory, there are some important points that would argue against cellular phone towers being able to cause cancer.”¹ And, as stated above, their increased presence in our environment has brought about a more accepting view on them.
- f. **Aesthetics:** With the height of the proposed tower, it will be seen from adjacent and nearby properties.



¹ <https://www.cancer.org/cancer/cancer-causes/radiation-exposure/cellular-phone-towers.html>



View of proposed tower site from the Northwest, near the west property boundary

While it will be seen, the distance from adjacent properties (with the tower being toward the center of the fairgrounds) will lessen its impact somewhat.

Additional Considerations: Along with the items mentioned above, staff has considered zoning issues (other than CUP standards) for the site.

PD district: There are no set dimensional standards for building setbacks or height. There are seven general requirements for PD zones which are: One owner/controlling entity, Minimum of 3 acres in area, Maximum of 50% of land covered by buildings, Consistency with the Comprehensive Plan, Harmony with existing development, Minimum of 20% open (green) space and Density standards for residential districts. It is staff's opinion that the proposed tower is consistent with these requirements.

Tower Standards: The following standards from Article IX of the Zoning Code are as follows:

No specific height limitation will apply except for the overall maximum of 1,400 feet MSL or airport limitations.

Sec. 74-2003. - Locational criteria.

(a) Communication towers may be located as a principle use on any recorded lot of record in the applicable zoning districts; on a lot having another principle structure; or attached to a principle structure.

- (b) Yard setback requirements for the applicable district shall apply to all communication towers in the same way that setbacks apply to principle structures.
- (c) Setbacks from residential districts that are applicable to the zoning district in which the tower is located shall apply to all communication towers in the same way that setbacks apply to principle structures.
- (d) All communication towers shall be located as to be directly accessible from a public street by service and emergency vehicles on a paved surface and parking shall be provided adjacent to the tower for two vehicles.

Sec. 74-2004. - Co-location.

- (a) All new towers shall be constructed in a manner that will accommodate the co-location of not less than three providers.
- (b) No permits for new towers shall be approved until the applicant has certified an effort to co-locate the applicant's service on an existing tower.

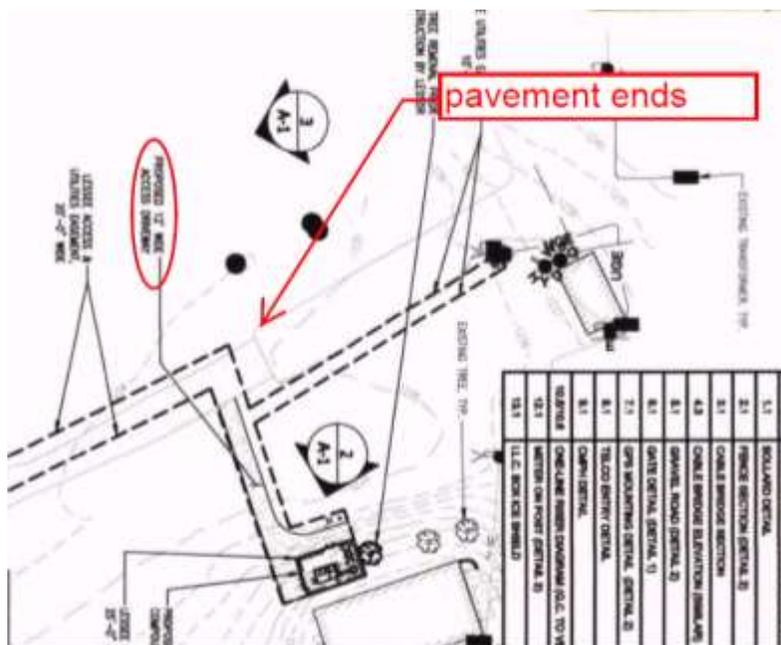
Sec. 74-2005. - Tower design.

- (a) Permitted towers shall only include self-supporting structures or structures attached to buildings. Guyed towers shall not be permitted.
- (b) Towers shall not be designed to accommodate signs and advertising other than warning or equipment signs and no other signs shall be placed on towers.

With some conditions, the requirements of Article IX (above) will be met. The specific issues that need to be addressed are the required pavement of the access driveway (per Sec. 74-003 d) and the accommodation of additional providers (per Sec. 74-004 a).

The tower elevation image, page T1 in the application, shows the potential to co-locate one more antenna array or provider. Staff is suggesting as a condition of this CUP approval, that the tower allow for the total of three as required.

The easement for access follows the existing gravel driveway on the west side of the property. This proposed easement also covers the necessary underground cable for the utility which connects to Richway Drive. While that easement will provide applicants legal access to the site, access is more likely to occur via the main fair entrance off of Bridge Avenue. Staff is suggesting that a condition of approval require the applicant to pave the proposed 12' access driveway to connect to where the existing pavement on the site (at the fair midway location) ends. The pavement should be constructed to support 90,000 lbs. and come directly up to the enclosure fence. This would provide a paved driveway the entire



Proposed site plan showing existing pavement and proposed access driveway

With its proximity to the Albert Lea Airport, the tower will have to meet standards including a maximum height. The FAA was consulted regarding the proposed tower and provided a “Determination of No Hazard to Air Navigation”. The letter, dated 11-29-17 does site assumptions of the project for the approval and provide some conditions for the structure. Staff is suggesting that all assumptions on which the approval is based and all conditions as cited in the letter become a condition of approval of this CUP. Further, staff suggests as a condition of approval that the applicant provide an “as-built” survey to certify the final height of the tower which shall be no higher than the height as proposed.

Recommendation

Staff is recommending approval of the CUP with the following findings of fact and conditions:

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.
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 the construction is completed.
4. It is anticipated that the approval of this CUP for a communication tower will **not** have an effect on adjoining land values.
5. There is little evidence that living, working, or going to school near a cell phone tower such as that proposed increase the risk of cancer or other health problems. Proximity to the nearest residential property line (the boundary line of the fairgrounds property) is over 350 feet from the tower site. 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.
6. The aesthetics of the site include a mix of agricultural buildings and open space and the tower will have little impact on the existing aesthetics of the site or neighborhood.
7. 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 is met.
8. With the conditions, all standards of the code will be met.

Conditions

1. An as-built survey to verify final height of the proposed tower will be provided to the City by the applicant.
2. The proposed access driveway will be paved to provide support to 90,000 lbs. and connect to existing pavement no later than June 24th, 2020.
3. The proposed tower will be construed in a manner that will accommodate the co-location of not less than three providers.

Motion

To recommend approval of the CUP to the City Council allowing for the construction of the new communications tower along with additional mechanical equipment, fencing and driveways as proposed and stating the above findings of fact and conditions.