

**CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA**

**PLANNING COMMISSION MINUTES
December 22, 2009**

The regular meeting of the Mendota Heights Planning Commission was held on Tuesday, December 22, 2009, in the Council Chambers at City Hall, 1101 Victoria Curve at 7:00 P.M.

The following Commissioners were present: Chair Lally, Commissioners Hennes, McManus, Norton, Povolny, and Viksnins. Those absent: Commissioner Field. Those present were Assistant to the City Administrator Jake Sedlacek, Acting Public Works Director/City Engineer Ryan Ruzek, and Planner Steve Grittman. Minutes were recorded by Carla Wirth.

Approval of November 24, 2009 Minutes

COMMISSIONER MCMANUS MOVED, SECONDED BY COMMISSIONER NORTON, TO APPROVE THE MINUTES OF NOVEMBER 24, 2009 AS PRESENTED.

**AYES: 6
NAYES: 0**

Hearings

**PLANNING CASE #09-40
Clear Wireless LLC
Sibley Memorial Highway (East of 35E)
Conditional Use Permit**

Planner Steve Grittman explained that Lawrence Coleman of FMHC Corporation, on behalf of Clear Wireless, LLC, is requesting approval of a Conditional Use Permit (CUP) to collocate wireless equipment on an existing telecommunications tower at 894 Sibley Memorial Highway. He displayed a map of the subject site and noted the parcel is zoned B-1, Limited Business. The installation will include a new antenna, three 4-foot panels, and two 2-foot dishes. The Zoning Ordinance allows for wireless communication towers and antennas in all zoning districts upon approval of a CUP.

Mr. Grittman advised the proposal includes the placement of a new antenna, 65 feet in height, between the existing antennas. He displayed a site plan and noted the ground equipment consists of a single cabinet proposed to be located in a 4 foot by 7 foot leased area in the southwest corner of the existing AT&T equipment shelter, so it is screened by the existing equipment. It was noted that all cables would be run inside the monopole from the equipment to the antenna. Mr. Grittman stated there would be no visual or ground impact. Since it is within the critical area, staff reviewed that issue and found a critical area permit is not necessary since the ground area of the facility is not expanded under this request. Staff recommends approval of the CUP as submitted since it is fully consistent with the City's wireless requirements and the Zoning Ordinance.

Lawrence Coleman, FMHC Corporation on behalf of Clear Wireless, LLC, explained they are a new wireless carrier to the Twin Cities. They hope to build in the spring and summer of next year and be operational by next fall when they will offer service to the public. Clear Wireless tries to collocate when possible instead of owning a tower. This is an existing tower owned by AT&T and they have a master agreement lease with that firm. Clear Wireless is the 4G currently being advertised and the next step forward in the wireless business, making it easier to run computer applications from mobile wireless devices. He displayed a picture of existing antennas from other wireless carriers, noting the Clear Wireless equipment is much smaller and more compact. He also displayed a picture of their ground equipment, noting how it can be attached to a pole or next to an existing shelter, as proposed under this application.

Chair Lally stated the City has approved this site for other carriers so the CUP process assures the Clear Wireless application fits under the same conditions imposed on other carriers.

Mr. Coleman stated they are not proposing any new towers in Mendota Heights but are looking at the Sibley High School, City's water tower, and Eagle Ridge Condominiums for antenna locations. Mr. Coleman noted the recommendation to maintain their FCC license and indicated he would provide a copy of their FCC license to staff.

Chair Lally opened the public hearing. Seeing no one coming forward wishing to speak, Chair Lally asked for a motion to close the public hearing.

COMMISSIONER NORTON MOVED, SECONDED BY COMMISSIONER POVOLNY, TO CLOSE THE PUBLIC HEARING.

AYES 6
NAYES 0

COMMISSIONER NORTON MOVED, SECONDED BY COMMISSIONER VIKSNINS, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT AS REQUESTED BASED UPON THE FINDINGS THAT THE PROPOSED ANTENNA AND ACCESSORY EQUIPMENT INSTALLATION MEETS ALL OF THE ZONING ORDINANCE REQUIREMENTS AND IS CONSISTENT WITH THE INTENT OF THE CONDITIONAL USE PERMIT CRITERIA ALLOWING SUCH FEATURES, AND SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. A BUILDING PERMIT MUST BE OBTAINED PRIOR TO CONSTRUCTION AND INSTALLATION.**
- 2. THE APPLICANT SHALL PROVIDE AN ABANDONMENT BOND TO THE CITY AS REQUIRED BY SECTION 12-1J-6.H.1.b OF THE ZONING ORDINANCE**
- 3. THE PROPOSED ANTENNA SHALL COMPLY WITH ALL FCC REGULATIONS. THE APPLICANT MUST SUBMIT PROOF OF ANY APPLICABLE FEDERAL, STATE, OR LOCAL LICENSES TO THE COUNCIL PRIOR TO RECEIVING A BUILDING PERMIT.**

AYES 6
NAYS 0

Chair Lally advised the City Council would consider this application at its January 5, 2010, meeting.

PLANNING CASE #09-41
City of Mendota Heights
1695 Dodd Road
Wetlands Permit

Mr. Gritman explained the City of Mendota Heights is seeking a Wetlands Permit for maintenance to the stormwater pond located on the Par 3 Golf Course. The subject site of about 17 acres is located at 1695 Dodd Road, and is zoned R-1A, One Family Residential. The Wetlands Ordinance requires that any land alteration or construction within 100 feet of any designated wetland require approval of a Wetlands Permit. Mr. Gritman advised that the Par 3 Golf Course contains two water bodies that serve as a part of the City's stormwater sewer system. He displayed a map of the subject site and pointed out the location of the small pond located off Bachelor Avenue, near the service drive. Since this pond has become filled with sediment over the past several years the work will include dredging the pond to remove the sediment build-up. The grading and vegetation around the pond, along with the shape of the pond, will retain its current look. Mr. Sedlacek stated staff recommends approval of the Wetlands Permit, as submitted, because the work is consistent with the intent of the Wetlands Ordinance to ensure any work in and around wetland areas are done in a way that preserves the water resources of the community.

Acting Public Works Director/City Engineer Ruzek explained this request is being made by City staff because each spring the storm sewer lines need to be cleaned so it is a maintenance issue. Commissioner Hennes asked how often

the storm sewer line needs to be cleaned. Mr. Ruzek stated the City inspects one-fifth of the ponds each year and if sedimentation is found, it is placed on a priority list.

Assistant City Administrator Jake Sedlacek advised that two calls were received from the public with questions about the Wetlands Permit. The callers were told that the wetland area would not be expanded; the work is just to clean what is existing.

Chair Lally opened the public hearing. Seeing no one coming forward wishing to speak, Chair Lally asked for a motion to close the public hearing.

COMMISSIONER MCMANUS MOVED, SECONDED BY COMMISSIONER HENNES, TO CLOSE THE PUBLIC HEARING.

AYES 6
NAYES 0

COMMISSIONER NORTON MOVED, SECONDED BY COMMISSIONER HENNES, TO RECOMMEND APPROVAL OF A WETLANDS PERMIT FOR THE CITY OF MENDOTA HEIGHTS BASED ON A FINDING THAT THE PROPOSAL WILL NOT RESULT IN ANY NEGATIVE IMPACTS TO THE WETLAND AND THAT THE REQUEST IS CONSISTENT WITH THE WETLANDS ORDINANCE.

AYES 6
NAYS 0

Chair Lally advised the Council would consider this application at its meeting of January 5, 2010.

Verbal Review

Mr. Sedlacek reported on the following:

- The Zoning Ordinance was reviewed by the Planning Commission at the November 24, 2009, meeting and will be reviewed again at the January meeting.
- Final comments were received from the Metropolitan Council on the City's Comprehensive Plan and it will be reviewed by the Planning Commission at the January meeting to assure ample public input.

Commissioner McManus asked staff to provide the Comprehensive Plan document to the Planning Commission prior to the meeting date to allow adequate time for review.

COMMISSIONER NORTON MOVED, SECONDED BY COMMISSIONER MCMANUS, TO ADJOURN THE MEETING AT 7:15 P.M.

AYES 6
NAYS 0

Respectfully submitted,
Carla Wirth, Recording Secretary

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