

# CRYSTAL PLANNING COMMISSION MINUTES

Monday, July 10, 2017 at 7:00 p.m.

Council Chambers, Crystal City Hall

1. CALL TO ORDER

The regular meeting of the Crystal Planning Commission convened at 7 p.m. with the following members present:

|  |  |  |
|--|--|--|
| X Commissioner (Ward 1)<br>Sears                         | X Commissioner (Ward 2)<br>Selton                        | X Commissioner (Ward 4)<br>Einfeldt-Brown [Secretary]    |
| X Commissioner (Ward 1)<br>Heigel                        | <input type="checkbox"/> Commissioner (Ward 3)<br>Vacant | X Commissioner (Ward 4)<br>Johnson [Chair]               |
| <input type="checkbox"/> Commissioner (Ward 2)<br>Strand | X Commissioner (Ward 3)<br>Buck [Vice Chair]             | <input type="checkbox"/> Commissioner (At-Large)<br>Daly |

Other attendees: City Planner Dan Olson, City Council Liaison John Budziszewski, Nathan Jones (Tollberg Homes)

2. APPROVAL OF MINUTES

Moved by Einfeldt-Brown and seconded by Sears to approve the minutes of the May 8, 2017 regular meeting with the following two changes:

1. Clarify that Commission member Einfeldt-Brown voted no on the impound lot CUP at the May meeting because approval would mean that two impound lots would be too close together.
2. Clarify that the Community Outreach Task Force also assisted in planting flowers.

All ayes.

Motion carried.

3. PUBLIC HEARINGS

- a. Variance request from Tollberg Homes for a new home at 5140 Lakeside Avenue North (Application Number 2017- 08)

Planner Olson presented a summary of the staff report, and stated that he is recommending approval of the variance.

Chair Johnson opened the public hearing.

Commissioner Sears noted that it is not out of the ordinary to have a driveway of this length and it will be compatible with the neighborhood.

Nathan Jones, Tollberg Homes, thanked the Commission for their interest in the variance and requested that the Commission recommend approval.

With no one else from the public wishing to speak, Chair Johnson closed the hearing.

Motion by Commissioner Sears, seconded by Commissioner Buck to approve the requested variance to reduce the front setback for the new home from 30' to 20'.

Ayes: All. Motion carried.

- b. Zoning code text amendment to require a conditional use permit for any new pole for a small wireless facility in the public street right-of-way adjacent to the R-1 zoning district (Application Number 2017- 09)

Planner Olson presented a summary of the staff report, and stated that he is recommending approval of the text amendment.

Commissioner Heigel asked if this applies to private utilities such as Xcel Energy. Mr. Heigel also stated that Xcel has height limits less than 50' and asked who would move the pole if needed.

Olson noted that the zoning code amendment does not involve private utilities as the amendment relates to independent poles in the right-of-way. Olson was not sure if a private utility company could decline to have these attachments on their infrastructure.

Commissioner Sears stated that Xcel has final authority over their property and that the city does not have any say in that.

Commissioner Johnson if the city gets many request for these poles on commercial property. Olson said there are not many of those requests, but providers have been more eager to locate their infrastructure in the right-of-way.

Commissioner Einfeldt-Brown asked if these new poles could be buried. Olson said he thought not, unlike an Xcel pole which could be relocated underground. Einfeldt-Brown commented that it would better if the legislature wouldn't bury important legislation in other large bills as was done in this case.

Commissioner Heigel asked if there have been any formal requests for poles in the right-of-way. Olson said no, but this text amendment is to prepare the city to respond if and when we do receive a request. Heigel then asked about the process to put a pole in the right-of-way. Olson said that those details would be written into an amended section 802 of the city code.

Commissioner Selton asked what the Council discussed at the June 20<sup>th</sup> work session. Council liaison Budziszewski responded by saying that Council was generally favorable to amending the city code, especially in light of the new state law. Selton asked about the process to amend the city code to comply with the new state law. Council liaison Budziszewski and Planner Olson explained the process for the adoption of amended ordinances.

Commission Heigel expressed concern about residents being upset at the city if a new pole is proposed in front of their house. Commissioner Sears said that we'll have to explain that the state law limits what action the city can take.

Commissioner Buck asked if there would be a separation requirement for poles. Council liaison Budziszewski explained what he knew about the new state law. Olson said he wasn't sure if that was in the new state law, but that could be addressed in section 802.

Commissioner Sears asked if a CUP criteria could be added that the new pole is reviewed by the Planning Commission and the City Council. Olson explained that this specific use will require a CUP and will therefore require Commission and Council review.

Chair Johnson opened the public hearing. With no one from the public wishing to speak, Chair Johnson closed the hearing.

Motion by Commissioner Einfeldt-Brown, seconded by Commissioner Sears to recommend approval of the zoning code text amendments.

Ayes: All. Motion carried.

#### 4. OLD BUSINESS –

##### a. Continue review of draft language in the Unified Development Code (UDC)

The Commission continued its review of draft language for the UDC. Olson updated the Commission on kennel language and what he hopes to do with screening and buffering.

Commission Einfeldt-Brown asked there could be a requirement for impound lots to be located a certain distance from another impound lot. Commissioner Sears also asked if we could delete the requirement that an impound lot be located on a property at least an acre in size. The rest of the Commission was not supportive of making those changes to the text.

In the use-specific standards for telecommunication towers Commissioner Selton requested that some of the language proposed for deletion should be retained that deals with requiring co-location. Olson said there is still some language that remains in the text requiring co-location, but he would look to see if any language should be retained. The telecommunication language would also now allow towers in park and schools sites under certain conditions.

##### b. Select date for next work session

The Commission decided to have a work session on the UDC on Monday, July 31, 2017.

#### 5. NEW BUSINESS – None

#### 6. GENERAL INFORMATION

##### a. City Council actions on previous Planning Commission items: Planner Olson reported that the city council approved the two CUPs for the vehicle impound lot and the outdoor storage at 5425-5431 Lakeland Avenue North.

- b. Update from Council Liaison - Council Liaison Budziszewski did not have a report.
- c. Staff preview of likely agenda items for Monday, August 14, 2017 meeting

Planner Olson reported that he has not received any new applications for the August meeting, but that the deadline to apply is not until next week.

7. OPEN FORUM – No one from the public or Commission spoke.

8. ADJOURNMENT

Moved by Commissioner Buck and seconded by Commissioner Sears to adjourn. All ayes.

Motion carried.

The meeting adjourned at 8:35 p.m.