

CITY OF APPLE VALLEY
PLANNING COMMISSION MINUTES
JUNE 2, 2010

1. CALL TO ORDER

The City of Apple Valley Planning Commission meeting was called to order by Chair Churchill at 7:00 p.m.

Members Present: Jeannine Churchill, Tom Melander, David Schindler, Ken Alwin, Time Burke, and Paul Scanlan

Members Absent: Keith Diekmann

Staff Present: Community Development Director Bruce Nordquist, City Attorney Sharon Hills, Assistant City Engineer David Bennett and Department Assistant Barbara Wolff

2. APPROVAL OF AGENDA

Chair Churchill asked if there were any changes to the agenda. Hearing none she called for a motion.

MOTION: Commissioner Melander moved, seconded by Commissioner Burke, to approve the agenda. The motion carried 6-0.

3. APPROVAL OF MINUTES OF MAY 19, 2010

Chair Churchill asked if there were any changes to the minutes. Hearing none she called for a motion.

MOTION: Commissioner Alwin moved, seconded by Commissioner Scanlan, to recommend approval of the minutes of the May 19, 2010, meeting. The motion carried 5-0. Commissioner Burke abstained.

4. CONSENT ITEMS

--NONE--

5. PUBLIC HEARING

--NONE--

6. LAND USE/ACTION ITEMS

A. Wildwood Park Telecommunications Tower C.U.P. – Consideration of a conditional use permit to allow for construction of a 125 ft. tall telecommunications monopole in Wildwood Park.

Community Development Director Bruce Nordquist stated that the applicant is requesting approval of a conditional use permit to allow for the installation of a 125-foot telecommunications tower in Wildwood Park, a 9.6-acre city park, which is located between 137th Street West and Herald Way, approximately ¼-mile north of 140th Street West. The zoning code requires that a conditional use permit be approved for wireless communication towers. By definition, a conditional use permit is a permit specially and individually granted by the City Council after review by the Planning Commission for any conditional use so permitted in any zoning district.

The applicant is proposing to erect a 125-foot tall telecommunications monopole and ground equipment in a 200 sq. ft. (10 ft. x 20 ft.) area which is located approximately 210 feet west of 137th Street West. More specifically, the monopole and equipment will be located approximately 40 feet north of the sand volleyball court and 75 feet east of the west ball field.

The applicant will have access to the antenna site via an existing paved pathway currently used by the Parks and Recreation Department for access to park equipment and buildings in the park.

The original site plan showed the location of the monopole and the 218-foot fall zone radius, which encroached into the 137th Street West right-of-way. The fall zone setback is measured from the property line; therefore, the proposed pole location would not meet the minimum setback of 1.5 times the fall zone, which is defined as the height of the pole. The tower height has been shortened by 20 feet, which brings their proposal into conformance with the fall zone requirements.

The area surrounding the park has rolling terrain with significant grade changes and the tree canopy appears to be at an average height of 50-65 feet. The petitioner has provided the City with specific information on why the proposed telecommunications tower at this location needs to be 125 feet tall.

The site plan is not indicating a perimeter fence around the site, per the code requirements. The information provided by the applicant stated that the City would prefer not to have fencing around the site. Planning checked with Parks and Recreation staff and they agreed that they would not like to have this facility fenced. They expressed their concern about errant balls going inside the fenced-in area and kids climbing over the fence to retrieve them.

City code encourages the use of stealth technology as a preferred tower design. Staff would like to work with the applicant on the use of stealth technology that could be used to help with the tower blending in better with the existing surroundings. Also, staff would like to explore the opportunity of locating the tower closer to the forested area of the park, which may require a fall zone variance.

Nordquist asked City Attorney Sharon Hills to comment on her memo included in the Commission's packets.

City Attorney Sharon Hills reviewed her memo that was in the Commissioner's packets, dated May 27, 2010. She stated that the Planning Commission's duties are land use and the conditional use permit; whether it is a proper use and meets the code. She said it is the City Council's decision on whether the City decides to lease the land as the property owner.

Nordquist stated at the previous meeting a resident commented on the mention of broadband services on the City's website. He said it was written 7-8 years ago in collaboration with all of the cities in Dakota County. He said the goal was to install fiber optic broadband services in order to stay competitive. He also commented that there is a Telecommunications Advisory Committee in the City of Apple Valley and they address these issues and support Clearwire's proposals, although they did not address locations. He said the Telecommunications Advisory Committee sees this as the next step and something that should be considered by the City.

Nordquist stated that staff would like the applicant to pursue the use of stealth technology with the monopole design and the possibility of relocating the monopole and equipment closer to the edge of the forested area within the park. Therefore, staff is making no recommendation at this time. He asked for comments and questions from the Planning Commission.

Chair Churchill read into the record two communications received by residents. She stated there was a letter dated May 28, 2010, stating opposition to the tower at Wildwood Park and an email dated June 2, 2010, in favor of the tower at Wildwood Park.

Commissioner Burke asked how moving the tower to the trees will make the tower taller rather than shorter.

Nordquist stated that the placement on grade would make the tower taller.

Commissioner Burke asked if the applicant could subtract the difference so that the tower is no taller than proposed.

Nordquist stated that he would defer to the applicant when they speak.

Chair Churchill asked why the Planning Commission did not receive a report with the opinion of the Telecommunications Advisory Committee.

Nordquist replied that a brief summary was provided in an earlier staff report indicating that the Telecommunications Advisory Committee supported the proposals, although they defer to the Planning Commission because of the land use and conditional use permit.

Commissioner Scanlan asked about the size of the equipment at the base of the tower compared to the picture in their packet.

Michael O'Rourke, Market Manager for Clearwire, said that their equipment is about half the size of one of the cabinets shown in the picture. He said it is much smaller and is elevated on posts, not a platform. He stated that the compound is built big enough so that future co-location is possible by another carrier.

Commissioner Melander asked Mr. O'Rourke if Clearwire is open to stealth technology.

Mr. O'Rourke said yes, they are interested in addressing it. He said the best ways to stealth this tower is to relocate it on the property by moving it closer to the trees or into the trees to help minimize impact. He stated that the photo simulations were colored to match the 60' pole at Hagemeister, which was colored to match the existing light poles on the property. He said normally a 125' tower would be white, light blue, or light gray so it blends in more and is less noticeable. He also stated that if they did move the pole to higher ground, the tower would shrink in size. He said they would work with the City for a new location which would require a setback variance.

Commissioner Scanlan asked how much additional equipment the sites are designed to handle.

Mr. O'Rourke said that the requirement for co-location is for only two carriers and the tower and pad are designed for two carriers. He stated that the co-location would result in a lease arrangement where the City would receive additional funds from the second carrier for lease of the land.

Commissioner Alwin asked if the pad for the equipment is a flush mounted concrete pad.

Mr. O'Rourke said that their normal installation of the equipment cabinet is attaching it to two pipes that are cemented into the ground, elevating the cabinet off the ground. He said that overall, it ends up being about 6' tall with the cabinet.

Commissioner Alwin asked if the co-location would resemble the boxes in the picture.

Mr. O'Rourke said that it could be as big as that, although most of the carriers nowadays are getting smaller. He said the equipment in the picture is from several years ago and some of the technology has changed. As a general rule, equipment is getting smaller.

Chair Churchill asked for Mr. O'Rourke to explain the collapsing process of the tower.

Mr. O'Rourke said that it is physically impossible for the tower to collapse straight down. He said the monopoles are extremely survivable in high winds because they shed the wind. The poles are designed so that the base is heavier than the upper section so that if there were a failure, it would fall and break in half. He said the chance for the pole to fall on its face is incredibly remote. Mr. O'Rourke said in his career he has put up several 1,000 monopoles and he is confident that the City would not have a risk with a variance of locating it closer to a road or right-of-way. He said there will not be a danger proposed by that at all. He said there are quite a few situations where monopoles like these are immediately adjacent to commercial and industrial buildings.

Mr. O'Rourke said that the maximum wind speed in this area is 95 mph. The towers are built to handle 150 mph winds. If a tornado were to hit right on it, it may sustain some damage but even at that speed, the wind would probably not topple it over onto its face.

Chair Churchill hearing no further comments or questions from the Planning Commission commented that there are two residents present that wanted to speak to the Commission. She asked the Commissioners if they were agreeable to hearing additional public comments although the hearing was closed. Hearing no objections, she asked Mr. Lee to step forward.

Kristopher Lee, 8295 137th Street West, lives near Wildwood Park, attorney with Winthrop and Weinstine stated that he did a balloon test in the park. He submitted pictures for the record. He also stated that he would like to see simulations of the towers within the park without leaves on the trees to see the visual impact.

John Hessburg, 13650 Havelock Trail, Director of the Wildwood Park Alliance, spoke of a study on cell phones and cancer that was published in the May 31, 2010, issue of Time Magazine. He submitted a copy of the article for the record.

Chair Churchill asked Nordquist if he had anything additional he would like to comment on.

Nordquist stated that outstanding issues are the location within the park and finalizing the type of stealth appearance that the pole may have. He said staff is recommending the discussion be continued until the next meeting.

Chair Churchill said that she would like the lightning issue to be looked into also. She asked for a motion to continue the hearing to the next meeting of the Planning Commission.

MOTION: Commissioner Melander moved, seconded by Commissioner Schindler to continue the item to the next meeting of the Planning Commission on June 16, 2010. The motion carried 6-0.

Commissioner Melander asked Hills for a layman's interpretation of the Telecommunications Act.

Hills stated that the Telecommunications Act does not set forth the standards for the Planning Commission for the purposes of a conditional use permit. She said that the Telecommunications Act essentially prohibits the City from just outright banning towers. Hills stated it does give the City flexibility in deciding where, when and how, but zoning cannot ban towers within a local community. She asked Commissioner Melander if that clarified his question.

Melander replied yes.

B. Hayes Park Telecommunications Tower C.U.P. – Consideration of a conditional use permit to allow for construction of a 90 ft. tall telecommunications monopole in Hayes Park.

Community Development Director Bruce Nordquist stated that the applicant is requesting approval of a conditional use permit to allow for the installation of a 90-foot telecommunications tower in Hayes Park, a 24.2-acre city park located at the southwest corner of 145th Street West and Hayes Road. The zoning code requires that a conditional use permit be approved for wireless communication towers.

The applicant originally proposed to erect a 90-foot tall telecommunications monopole and ground equipment in a 200 sq. ft. (20 ft. x 40 ft.) area sandwiched between two ball fields, approximately 200 feet north of the Hayes Ice Arena. Revised plans have been submitted that now proposes the location of the tower and equipment at the northwest corner of the most easterly outdoor hockey rink. The applicant would propose removing the existing light pole currently used to illuminate the outdoor hockey rink, and replace it with a 90-foot tall monopole that will contain the rink lights and wireless internet antennas. This monopole, along with some equipment cabinets, will be located in a 200-sq. ft. area (10 ft. x 20 ft.).

The Parks and Recreation staff reviewed the original site plan and requested that the petitioner consider two other options. The first option would be to co-locate on an existing skating rink light pole in the park and the second option would be to locate closer to the Hayes Ice Arena, particularly, along the north side of the building. The applicant has revised their plans and is now proposing to install a 90-foot tall telecommunications monopole that will replace an existing skating rink light standard, along with the equipment cabinet in a 200-sq. ft. area. The monopole and equipment will be located between the northwest corner of the most easterly outdoor hockey rink and the south wall of the Hayes Community Center.

The site plan is not indicating a perimeter fence around the site, per the code requirements. The information provided by the applicant stated that the City would prefer not to have fencing around the site. Planning checked with Parks and Recreation staff and they agreed that they would not like to have this facility fenced. They expressed their concern about errant balls/hockey pucks going inside the fenced-in area and kids climbing over the fence to retrieve them.

The supplemental information submitted by the petitioner states that the pole will be constructed of or treated with a corrosive resistant material as required. The petitioner has not stated what the color of the pole will be. The Parks Department would like the proposed communications pole to match the color of the existing rink light poles, which are galvanized silver.

The petitioner has indicated on their revised landscape plan the installation of four deciduous trees along the north and south side of the tower site. The landscape plan has been reviewed by Parks and Recreation staff and they have indicated that there is no room to plant the trees as proposed. Therefore, staff is suggesting that the petitioner provide a minimum of eighteen (18) deciduous trees to the Parks Department for planting elsewhere in the park. This number is equivalent to the number of trees proposed to be planted around the perimeter of the lease area at the other park sites. The trees shall be a minimum of 2½ inches in diameter and the species shall be determined by the Parks Department.

No signage other than warning and equipment information signage that is required by the manufacturer or federal, state or local agencies that have jurisdiction over these types of facilities shall be allowed.

Nordquist asked for comments or questions from the Planning Commission.

Chair Churchill asked what the distance is to the residents to the south.

Nordquist replied 300+ feet.

Commissioner Scanlan asked about the equipment location.

Mr. O'Rourke said that the ground area is fairly limited so the cabinet is attached to the pole. He said the pole will be built to be co-locatable, although in terms of ground space, it's not real useable by another carrier just in terms of raw land space.

Hearing no further questions or comments, Chair Churchill called for a motion.

MOTION: Commissioner Melander moved, seconded by Commissioner Burke, to recommend approval of a conditional use permit to allow for a 90-foot tall telecommunications tower at Hayes Park, located at 14601 Hayes Road, subject to meeting all the tower construction requirements set forth in section 155.385 of the city's zoning code and the following conditions:

1. The tower shall be constructed in accordance with the site and elevation plans, dated May 13, 2010.
2. The communications tower shall replace an existing outdoor skating rink light standard and the rink lights shall be remounted and wired for operation at the expense of Clearwire Wireless, LLC.
3. A minimum of eighteen (18) deciduous trees, with a minimum diameter of 2½ inches, shall be provided to the City for planting within the park property. The species of the trees shall be determined by the City Parks and Recreation Department.
4. The color of the communications tower shall be galvanized silver.
5. No fence shall be constructed around the perimeter of the leased area per the request of the Parks and Recreation Department.
6. Such operations shall be conducted in conformance with an agreement between the City of Apple Valley and Clearwire Wireless, LLC.
7. All applicable federal, state, and local permits shall be attained prior to any installation of the wireless phone antennas and accompanying equipment.

The motion carried 5-1. Commissioner Schindler dissented.

C. Galaxie Park Telecommunications Tower C.U.P. – Consideration of a conditional use permit and variance to allow for construction of a 90 ft. tall telecommunications monopole in Galaxie Park.

Community Development Director Bruce Nordquist stated that the applicant is requesting approval of a conditional use permit to allow for the installation of a 90-foot telecommunications tower in Galaxie Park, a 13.8-acre city park located along the west side of Galaxie Avenue, approximately ¼-mile north of 140th Street West. The zoning code requires that a conditional use permit be approved for wireless communication towers.

The applicant is also requesting approval of a variance from the minimum tower setback requirement from the property line. The proposed pole's fall zone will encroach up to 36 feet beyond the south property line that abuts the residential property at 7097 Upper 139th Street West.

The applicant is proposing to remove the existing 50-foot light pole currently used to illuminate the outdoor hockey rink, which is located in the southeast corner of the rink and replace it with a 90-foot tall monopole that will contain the rink lights and wireless internet antennas. This monopole, along with some equipment cabinets, will be located in a 200-sq. ft. area (10 ft. x 20 ft.).

The applicant will have access to the antenna site via an existing paved pathway currently used by the Parks and Recreation Department for access to park equipment and buildings in the park.

The petitioner has provided a site plan that shows the location of the monopole and the 135-foot fall zone radius. The plan shows the distance from adjacent properties and buildings, in particular the property and dwelling unit located at 7097 Upper 139th Street West, which indicates that the tower will not meet the minimum fall zone requirements. Therefore, they are requesting a variance to allow for the fall zone to encroach up to 36 feet into the before-mentioned residential property. The petitioner has submitted a letter from a licensed engineer that states that the proposed tower will have a “break point” which will cause it to fall upon itself during a structural failure.

The 90-foot tall telecommunications monopole will replace an existing 50-foot tall skating rink light standard. New stadium lights will be attached to the monopole that will replace the skating rink lights.

No grading plan has been submitted with this request. The only excavation needed will be for the footings for the monopole and concrete pads for the equipment cabinet. The petitioner will need to restore all disturbed areas to the satisfaction of the City.

The petitioner has provided a landscape plan with their application which has been reviewed by Parks and Recreation staff and they have indicated that there is no room to plant the trees as proposed, similar to the situation at Hayes Park. Therefore, staff is suggesting that the petitioner provide a minimum of eighteen (18) deciduous trees to the Parks Department for planting elsewhere in the park. This number is equivalent to the number of trees proposed to be planted around the perimeter of the lease area at the other park sites. The trees shall be a minimum of 2½ inches in diameter and the species shall be determined by the Parks Department.

No signage other than warning and equipment information signage that is required by the manufacturer or federal, state or local agencies that have jurisdiction over these types of facilities shall be allowed.

Nordquist stated that staff is recommending no action be taken on this item this evening so that staff can further discuss minimizing the need for the variance. He said staff is recommending the item be continued to the next Planning Commission meeting.

Chair Churchill called for a motion to defer the item to the next meeting of the Planning Commission.

MOTION: Commissioner Alwin moved, seconded by Commissioner Burke, to continue the item to the next meeting of the Planning Commission on June 16, 2010. The motion carried 6-0.

D. Christ Church Telecommunications Tower C.U.P. – Consideration of a conditional use permit to allow for construction of a 90 ft. tall telecommunications monopole in the church parking lot.

Community Development Director Bruce Nordquist stated that the applicant is requesting approval of a conditional use permit to allow for the installation of a 90-foot telecommunications tower on the Christ Church property, a 6.4-acre site located at 12925 Johnny Cake Ridge Road. The zoning code requires that a conditional use permit be approved for wireless communication towers.

The applicant is proposing to construct a monopole along with an equipment cabinet in the east end of the church parking lot, which will be located in a 100-sq. ft. area (10 ft. x 10 ft.).

Access to the antenna site will be via the existing paved parking lot.

The monopole will be located approximately 18 feet from the east edge of the parking lot; and 137 feet from the north and east property line, and 167 feet from the south property line. The nearest residential structure is 197 feet from the monopole. The proposed tower location meets the minimum required fall zone distances from neighboring structures and setbacks from property lines.

City code has co-location requirements for towers and buildings located within ½ mile of a proposed communications tower. A 60-foot T-Mobile communications tower currently exists at Hagemeister Park, which is just south and east of the Christ Church property. The applicant has stated that they approached T-Mobile about installing a 90-foot tower at that location for co-location purposes and T-Mobile indicated that they would want to be at the highest location on the tower, which would not benefit Clearwire. The applicant should provide the City with documentation from T-Mobile acknowledging that they were approached by Clearwire and they would not be able to accommodate them at the Hagemeister site.

Bollards will be placed around the perimeter of the tower area to protect it from motor vehicles. A vinyl fence will be constructed around the lease area. The petitioner indicates that the fence will match the exterior building and has submitted plans for the 8-foot tall fence.

The placing of the tower and equipment will require the loss of a minimum of two parking spaces. The petitioner has indicated that there are currently 248 parking spaces, which will provide parking for 868 parishioners. They have stated that the loss of two spaces should not have an impact and the parking will meet or exceed the zoning code's minimum requirement.

The supplemental information submitted by the petitioner states that the tower will be constructed of or treated with a corrosive resistant material as required. The petitioner has not stated what the color of the pole will be.

No signage other than warning and equipment information signage that is required by the manufacturer or federal, state or local agencies that have jurisdiction over these types of facilities shall be allowed.

Nordquist asked for comments or questions from the Planning Commission.

Commissioner Schindler asked why the pole cannot be located closer to the church instead of in the parking lot where it is aesthetically displeasing. He said it looks like there is room to the west of the church and asked why this location was not considered.

Nordquist stated that he believes it was placed in the parking lot so it would not interfere with the future expansion plans of the church.

Commissioner Schindler stated that he doesn't like the look of it at the location proposed. He said he would be willing to entertain an option of a different location on the site so that it was nestled in more.

Commissioner Scanlan asked if all options have been explored with the possibility of co-locating at the Hagemeister Park location.

Nordquist stated that the pole at Hagemeister Park is 60' tall and there is a strong concern in that neighborhood.

Mr. O'Rourke stated that they would need to replace the pole at Hagemeister Park in order to co-locate there. He said the problem is that Clearwire needs a 90' elevation and T-Mobile insists on the top position. He said that they would need to build a 100' pole. He noted that there is also quite a bit of neighborhood opposition there and they would need to start the process from the beginning at that location. He stated that there are less people involved at the Christ Church location than if they went back to Hagemeister Park.

Commissioner Scanlan said he would like to see further exploration for T-Mobile and Clearwire to come to agreement. He stated that the proposed pole in the parking lot is not appealing and thinks that Clearwire is taking the easy way out instead of working with T-Mobile for a solution.

Mr. O'Rourke addressed the lightning strike issue by saying that their company goes to great lengths to protect both their equipment and the people around their towers from lightning. They spend huge amounts of money on the amount of copper put into the tower to ground it and a ground field is also built around the tower to diffuse anything and this is done to protect their sensitive electronics. He said there is enough grounding to bring the top of the tower to the same grounding as if it was a 90' tall hill. It would be no more likely to be struck by lightning than if it was a 90' tall dirt hill.

Chair Churchill asked Mr. O'Rourke to provide written documentation about the technology that addresses the diffusion of lightning.

Mr. O'Rourke agreed to the request.

Chair Churchill asked what locations were looked at before deciding on the location at Christ Church.

Steven Kenny, with FMHC Corporation, representing Clearwire, said they had looked at the location of Hagemeister Park, Shepherd of the Valley Lutheran Church which is diagonal from Christ Church. The Shepherd of the Valley Church location could only be 60' which wouldn't meet their needs. He spoke with the pastor of Christ Church and he was very interested in leasing their land. Mr. Kenny said that the pastor identified the proposed site in the parking lot. This site meets the setback requirements and will not interfere with future expansion plans of the church.

Commissioner Schindler asked if it would meet the setback requirements if the location was on the west side of the church.

Mr. Kenny stated that he thinks it may conflict with their future building expansion plans if the tower were to be located to the west of the building. He also thinks it may be too close to the residences.

Commissioner Schindler said he wants to know if it can fit on the west side of the church building.

Mr. Kenny said he would need to get plans from the pastor to see what the future expansion plans involve.

Commissioner Schindler said that if it could fit on the west side of the church, he would want it to be there.

Nordquist stated, after conferring with Hills, that the pole's fall zone must fall within the property lines. He said if it was on the west side of the building, it would likely fall outside of the property lines. Nordquist stated that the proposed location seems to be the only location where it achieves a fall zone within the lines of the property.

Commissioner Schindler thanked Nordquist.

Commissioner Scanlan asked what Clearwire would do if the proposed towers were not approved.

Mr. O'Rourke stated if one of the sites were not to go through, they would have a gap in their coverage. He said it wouldn't necessarily mean that they would not build all of Apple Valley if they weren't able to cover one area. He said they want to cover and provide solid coverage over the whole City as best they can.

Commissioner Scanlan asked if there is a ground base solution for the areas where they cannot get aerial line of site coverage.

Mr. O'Rourke said no there is not.

Chair Churchill commented that she believes there would be significant objection from the neighborhood if the 60' Hagemeister Park pole was replaced with a 90' or 100' pole.

Chair Churchill asked Hills if T-Mobile had been willing to consider a 90' tower would our city code have required us to pursue them to co-locate.

Hills replied at the time that the Hagemeister Park pole was constructed, the city's communication ordinance was not in effect so there was not a co-location requirement. She said the conditional use permit for that location is for a height of over 40'. She said the lease does not require them to allow co-location.

Chair Churchill asked Hills if T-Mobile has the right to say yes or no and decide if they are willing to give up the top of the extended tower.

Hills said that T-Mobile is governed by the lease, although they do not have an exclusive lease. They are renting space. She said they have the right to allow or disallow Clearwire to go on T-Mobile's tower.

Chair Churchill asked if the tower were replaced would it then become subject to the code.

Hills said if someone new came in and built a tower, they would be subject to the communication tower ordinance. She also stated that the T-Mobile lease expires in 2012.

Chair Churchill asked when they sign the new lease, will it be subject to the new code.

Hills said a lease is not subject to the code necessarily, although the City can require anything under the lease.

Commissioner Melander asked if there are renewable option extensions in the lease.

Hills said that once the lease expires, there will be new negotiations.

Commissioner Alwin asked, hypothetically, could the City require that T-Mobile move over to Clearwire to co-locate on their tower at Christ Church when their lease is up.

Hills said if the City decides not to renew the lease, T-Mobile will need to find a new place to locate.

Hearing no further comments from the Commission, Chair Churchill said she would like to make an addition to condition No. 4 that would state, "The petitioner shall provide written documentation...". She called for a motion.

MOTION: Commissioner Burke moved, seconded by Commissioner Melander, to recommend approval of a conditional use permit to allow for a 90-foot tall telecommunications tower at Christ Church, located at 12925

Johnny Cake Ridge Road, subject to meeting all the tower construction requirements set forth in section 155.385 of the city's zoning code and the following conditions:

1. The tower shall be constructed in accordance with the site plan and elevation plans dated March 23, 2010.
2. The color of the communications tower shall match the existing parking lot light poles.
3. An 8-foot high vinyl fence and concrete bollards shall be constructed around the perimeter of the leased area. Construction of the fence and bollards shall be in accordance with the approved site plan dated March 23, 2010, and vinyl fence and concrete bollard plan dated May 5, 2010.
4. The petitioner shall provide written documentation from T-Mobile confirming that the existing communications tower at Hagemeister Park will not be able to accommodate Clearwire's antennas prior to construction of the tower and installation of the ground equipment.
5. All applicable federal, state, and local permits shall be attained prior to any installation of the wireless phone antennas and accompanying equipment.

The motion carried 4-2. Commissioners Scanlan and Schindler dissented.

7. OTHER BUSINESS

A. Review of the Upcoming Schedule and other Updates

Community Development Director Bruce Nordquist stated there was no further review.

8. ADJOURNMENT

Hearing no further comments from the Planning Staff or Planning Commission, Chair Churchill asked for a motion to adjourn.

MOTION: Commissioner Burke moved, seconded by Commissioner Schindler, to adjourn the meeting at 9:05 p.m. The motion carried 6-0.