

**City Of Kenyon
Planning Commission Meeting Minutes
September 8, 2009**

I. Call to Order

The September 8, 2009 meeting of the Kenyon Planning Commission was called to order at 7:05 p.m. by D. Woodward. Commission Members present: D. Woodward, J. Malloy, D. Lexvold, B. Haugen. Absent: D. Wickum. Also Present: City Administrator Chris Heineman, and Administrative Assistant Pam Blow.

II. Agenda

Motion by Haugen, seconded by Lexvold to approve the agenda as presented. Motion carried 4-0-0.

III. Minutes

Motion by Lexvold, seconded by Haugen to approve the minutes from August 3, 2009. Motion carried 4-0-0.

IV. Public Hearings and/or Presentations

Goodhue County Public Hearing for a Conditional Use Permit (CUP) and Variance Requests for 800 Megahertz Tower:

Woodward opened the Public Hearing at 7:07 p.m.

Heineman noted that a CUP is required for any tower and that a tower can be located only on property zoned Agricultural or Industrial. The property owned by Goodhue County at 1005 Highway 60 is zoned Agricultural, so a tower would be allowed on that site. Scott McNurlin, Chief Deputy for Goodhue County, was present as the applicant for the CUP. Also present was Troy Schmidt, Systems Engineer for MnDOT, who is a partner in the construction of the Allied Matrix for Emergency Response (ARMER) communications systems towers, and Jeff Nelson of PSC Alliance, an agency contracted by Goodhue County to facilitate the towers' location and planning. McNurlin noted the reasons for siting a tower on property owned by Goodhue County; specifically, that their research shows that a tower is needed in the City of Kenyon to enhance the 800 megahertz radio system that will be used for fire, law enforcement and EMS services. Nelson gave an overview of the tower structure and accessory building site plan.

Nelson responded to citizen Jim Gould's comment that the tower cannot interfere with any other broadcasters (radio, cell phone, satellite television, etc), according to FCC rules. Gould stated that he felt the tower would devalue his land, and may preclude development of residential housing on his property in the future. Citizen Fred Barsness commented that locating the tower close to the west property line may hamper future use of the neighboring property owner. Nelson noted that the tower site could be moved to the center of the parcel to ease the concern about the west property line.

Woodward closed the Public Hearing at 8:09 p.m.

The Commission made the following findings pursuant to Kenyon City Code Section 560.07:

- a) not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city. **FINDING:** The Planning Commission did not find any evidence of the above issues with this project. The proposed tower project is intended to enhance public safety radio communications in and near Kenyon.

- b) be harmonious with the general and applicable specific objectives of the comprehensive plan and this code. **FINDING:** The area is zoned agricultural and recognized as the same in the comprehensive plan, so it is an established site for this type of activity.
- d) be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area. **FINDING:** The proposed tower construction would be as compatible as possible with existing uses. The property is currently used as a governmental facility for the Goodhue County Highway shops.
- e) not be hazardous or disturbing to existing or future neighboring uses. **FINDING:** The proposed structure is consistent with the current use being made at the Property located in an agricultural district and will not create any new hazardous conditions or effect neighboring uses now or in the foreseeable future.
- e) be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use. **FINDING:** Using the existing infrastructure at the Property is feasible. The tower and its accessory building will not require connections to water or sewer services.
- f) not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the city. **FINDING:** The location fits both the performance requirements of the radio project and also allows lowest cost of construction and ongoing operation. The proposed structure will not create any additional public cost and will be beneficial to the economic welfare of the city by creating additional capacity at the Property.
- g) not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors. **FINDING:** No foreseeable detrimental actions will come from the proposed project.
- h) have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares. **FINDING:** Using the existing traffic routes available to the Property is feasible.
- i) not result in the destruction, loss or damage of a natural, scenic or historic features of major importance. **FINDING:** No type of features will be destroyed, lost or damaged as the result of this project.
- j) not depreciate surrounding property values. **FINDING:** No foreseeable depreciation will occur to surrounding property values.

Resolution 2009-01: A Resolution Recommending Approval of a Conditional Use Permit for a Self-Supporting Communications tower to Goodhue County. Motion by Malloy, seconded by Haugen to recommend to the City Council the granting of the CUP request, and approve Resolution 2009-01. Motion carried 4-0-0.

The Commission reviewed the zoning request for variances, and recommended that the setback for the tower be calculated using the 50% fall-down specifications provided that the Applicant will provide certification from a Minnesota Registered Professional Engineer regarding that criteria.

Further, the Commission would require that the Applicant will position the tower location to meet 170 foot setbacks from all property lines (half of 330 foot tower plus 10 feet).

The Commission made the following findings pursuant to Kenyon City Code Section 570.29:

FINDING 1: RELATES TO TOWER HEIGHT

FINDING 2: RELATES TO MINIMUM SPACING BETWEEN TOWER LOCATIONS

FINDING 3: RELATES TO ACCESSORY BUILDING SIZE

- a) That exceptional or extraordinary circumstances apply to the property because of lot size or shape, topography or other circumstances over which the owners of the property have had no control.

FINDING 1: 330 feet is required by the ARMER (Allied Matrix for Emergency Response) 800 megahertz system for satisfactory performance of the system in the service area.

FINDING 2: the requirement is based upon commercial towers, not public towers of the type requested by the applicant.

FINDING 3: the 360 square feet size of the accessory structure is the minimum size to house the communications equipment and the generator for the tower and the size is required to meet codes for equipment access within the structure.

- b) That special conditions or circumstances exist that were not created by the applicant or the owner of the property or their predecessors.

FINDING 1: the 800 megahertz (ARMER) system was not an anticipated use by the Applicant at the time the property was converted for County Highway shop use.

FINDING 2: the 800 megahertz (ARMER) system was not an anticipated use by the Applicant at the time the property was converted for County Highway shop use.

FINDING 3: the 360 square feet size of the accessory structure is the minimum size to house the communications equipment and the generator for the tower and the size is required to meet codes for equipment access within the structure.

- c) That the variances would not be detrimental to the public or to the owners of other property in the vicinity.

FINDING 1: 330 feet is required by the ARMER (Allied Matrix for Emergency Response) 800 megahertz system for satisfactory performance of the system in the service area.

FINDING 2: the requirement is based upon commercial towers, not public towers of the type requested by the applicant.

FINDING 3: the 360 square feet size of the accessory structure is the minimum size to house the communications equipment and the generator for the tower and the size is required to meet codes for equipment access within the structure.

- d) That the variances requested is the minimum variance. Economic conditions alone will not be considered a hardship.

FINDING 1: 330 feet is required by the ARMER (Allied Matrix for Emergency Response) 800 megahertz system for satisfactory performance of the system in the service area.

FINDING 2: the requirement is based upon commercial towers, not public towers of the type requested by the applicant.

FINDING 3: the 360 square feet size of the accessory structure is the minimum size to house the communications equipment and the generator for the tower and the size is required to meet codes for equipment access within the structure.

Resolution 2009-02: A Resolution Recommending Approval of a Tower Height Variance; Minimum Spacing Between Tower Locations Variance; Accessory Building Size Variance to Goodhue County. Motion by Haugen, seconded by Lexvold to recommend to the City Council the granting of the variances requested and approve Resolution 2009-02. Motion carried 4-0-0.

Existing Business

None

V. **New Business**

A. Building Permits

Motion by Malloy, seconded by Haugen to approve all building permits. Motion carried 4-0-0.

VI. **Other**

VII. **Adjournment**

Motion by Haugen, seconded by Lexvold to adjourn the meeting at 8:43 p.m. Motion carried 4-0-0.

Pam Blow, Admin. Assistant

Don Woodward, Chairman