

MINUTES

CALL TO ORDER

Chair Maddy called the meeting to order at 7:01 P.M.

ROLL CALL

Present: Chair Maddy; Commissioners Eggenberger, and Riedel; Planning Director Darling; and, Council Liaison Gorham

Absent: Commissioners Huskins and Holker

1. APPROVAL OF AGENDA

Riedel moved, Eggenberger seconded, approving the agenda for November 15, 2022, as presented. Motion passed 3/0.

2. APPROVAL OF MINUTES

- **October 4, 2022**

Riedel moved, Eggenberger seconded, approving the Planning Commission Meeting Minutes of October 4, 2022, as presented. Motion passed 3/0.

3. MATTERS FROM THE FLOOR

No one appeared to speak to the Commission.

4. PUBLIC HEARINGS

Chair Maddy explained the Planning Commission is comprised of residents of the City of Shorewood who are serving as volunteers on the Commission. The Commissioners are appointed by the City Council. The Commission's role is to help the City Council in determining zoning and planning issues. One of the Commission's responsibilities is to hold public hearings and to help develop the factual record for an application and to make a non-binding recommendation to the City Council. The recommendation is advisory only.

A. PUBLIC HEARING – CONDITIONAL USE PERMIT FOR A COLLECTION OF AT&T ANTENNAES ON EXISTING TOWER

Applicant: SMJ International, LLC

Location: 24283 Smithtown Road

Planning Director Darling gave an overview of the request to add antennae, radio receiving units, and other equipment on the existing tower at 24283 Smithtown Road. She noted that the existing tower was built in 1983 and has been used for cellular equipment since 1988. She reviewed the existing uses at the surrounding parcels and explained the proposal to install a new triangular platform and array as well as additional ground equipment. She stated that staff is proposing that the applicant make the appearance of the area less industrial and more appropriate in a commercial setting. She noted that they are proposing that the applicant remove the proposed lights, install the cables

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underground, add a doghouse to the tower, and to paint the ground equipment to match the accessory building to it will blend in. She noted that there is at least one dead tree on the property that the City has asked that to be removed and for the applicants to plant a few more pine trees in order to help enhance the screening. She stated that she is also suggesting that the Commission add a condition that the generator has to operate in conformance with the City's noise ordinance. She noted that this is an emergency back-up generator, so it is not likely to be used, but it will need to be tested on a regular basis. Staff recommends approval.

Commissioner Riedel noted that the osprey nest has been discussed many times and noted that one of the conditions is that the work must be done outside of the osprey nesting season.

Commissioner Eggenberger asked if the 'doghouse' she mentioned was a technical term that he has just never heard before.

Planning Director Darling explained that 'doghouse' is a non-technical term that describes the little cover she was referring to.

Chair Maddy asked if the request from the City to get rid of the ice bridge and go underground was made purely due to aesthetics.

Planning Director Darling confirmed that it was based on aesthetics for this location.

Commissioner Eggenberger asked if the City had a preference for what kind of coniferous tree is planted.

Planning Director Darling stated that they would like to see something that is climate tolerant, such as pine or spruce. She noted that this is a not in a highly salted area, so she thinks that they can pick whatever will be best for the soil in this area.

Andy Bobrytzke, SMJ International, 49030 Pontiac Trail, Wixom, MI, explained the reason that AT&T would like to collocate on the existing tower. He noted that going underground with the coax cables is difficult because they do not know what is there because the tower was not initially designed for this usage. He explained that this was why they would prefer to go with a standard ice bridge and noted that perhaps they could look at making their fences taller to help with the screening. He stated that if that were allowed, they also would not have to paint the equipment and explained that the problem with painting it that is if the equipment breaks, they will need to try to rematch the paint and fencing things in would just be easier. He noted the importance of the motion detector type security lighting that they are proposing. He reiterated that if they are allowed to put everything behind a higher fence, everything could be hidden. He stated that he was not sure how much of the property American Tower owned and explained that he wasn't sure if they would have the right to put up plants and trees on the owners' property.

Chair Maddy noted that the City had worked with this property many times and asked Planning Director Darling how much area they have and if the portion where the trees would go would be part of it.

Planning Director Darling stated that she thinks that this probably outside of the easement area but doubted that the property owner would scoff at letting them put in a few trees in the area.

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Mr. Bobrytzke stated that they can make anything work that they need to but reiterated the difficulty in going underground with the cable but noted that they can look into that possibility.

Commissioner Riedel explained that the primary concern, as explained by Planning Director Darling, was related to aesthetics. He stated that he believes staff is willing to work with Mr. Bobrytzke to find a solution that is aesthetically acceptable.

Planning Director Darling noted that the problem with putting up fencing is that the equipment is going to be about 11.5 feet tall, so putting a fence in that will hide all of that equipment will be very tall. She noted that any fence that is over 7 feet tall needs to have wind loading and they would also need to obtain a Conditional Use Permit.

Mr. Bobrytzke stated that he will take that information back to AT&T.

Planning Director Darling suggested that the Commission could continue this item for another month in order to give Mr. Bobrytzke time to work on these issues.

Mr. Bobrytzke stated that he would prefer to have that kind of extension rather than a recommendation of denial of their request.

Chair Maddy asked what the proposed antennae would be used for.

Mr. Bobrytzke stated that they are just for cell phone usage.

Chair Maddy explained that there is the desire for better internet access in the City and asked if this would be used for the in home wireless replacement type usage.

Mr. Bobrytzke stated that he is not sure which products AT&T is selling, but knows that they do sell in home products.

Chair Maddy stated that the city wants a good- looking tower, but also wants good internet and he is trying to find the balance in how this is considered. He asked about the cabling that staff has asked to be placed underground and whether they were the hollow wave guide types that would be tough to bend.

Mr. Bobrytzke confirmed that was correct and noted that he would ask their engineers look at this and see what they can be done.

Chair Maddy opened the Public Hearing at 7:22 P.M. There being no comments, he closed the Public Hearing.

Chair Maddy suggested that the Commission review the recommendations from staff.

Commissioner Eggenberger stated that he supports the first two suggestion conditions.

Commissioner Riedel stated that Planning Director Darling also did not think the owner would have a problem with them planting some trees, so the third condition should be fine as well. He noted that the applicant has objected to the fourth condition related to lighting.

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Commissioner Eggenberger asked if there was currently an overabundance of lighting on the tower.

Planning Director Darling explained that there were no lights on any of the equipment. She stated that her thought was that instead of these lights providing more security, all they do is light it up for people to do mischief in the area. She noted that the entire ground area is enclosed by a chain link fence with three strands of barbed wire on the top. She stated that she did not think the proposed lights would actually be protecting anything in that area.

Commissioner Eggenberger stated that he was in favor of keeping the fourth condition, as proposed.

Commissioner Riedel suggested that it could be amended that the applicant try to calibrate the motion sensors so the lights would not be tripping frequently and only turns on if someone actually enters the enclosure.

Chair Maddy stated that he feels that may be tough to enforce and noted that he understands the reason behind their desire to have motion detector lights in the area. He stated that he does think motion lights are the best for this type of situation because when they come on it can cause heads to turn and pay attention and would be fine relaxing that condition.

Planning Director Darling asked if the Commission wanted the lights to be full cut-off lights.

Chair Maddy noted that he would support full cut-off lights.

Commissioner Riedel stated that regarding painting the equipment the applicant had expressed the potential difficulty in matching the paint if a repair would need to be made. He stated that if their solution was to put up a big wooden fence it would be a moot point, but through the chain link fence, he thinks the painting would make a big difference. He stated that he did not think it was unreasonable for the city to ask that the equipment be painted.

Commissioner Eggenberger stated that he would support leaving the requirement for painting the equipment.

Chair Maddy explained that he would support an ice bridge because this is a cell antenna and is not sure how much the city wants to actually hide what it is.

Planning Director Darling noted that she was not sure what the height of the proposed ice bridge would be but explained that there is double fencing on the site. She stated that there is fence around the leased area and then the perimeter of the property also has a chain link fence.

Commissioner Eggenberger asked if the cables would be painted if they were left above ground.

Planning Director Darling stated that could be done, but they are more difficult to paint.

Mr. Bobrytzke stated that the cables will be black and the ice bridge will be galvanized steel.

Commissioner Riedel stated that he would support language in the recommendation that asked the application to look into putting the cables underground and if the cost would be prohibitive, the city could approve this proposal.

Planning Director Darling noted that the language is subjective and the carrier would consider the cost prohibitive.

Commissioner Eggenberger stated that with the cables being black he does not think he has a problem with them.

Commissioner Riedel stated that this will be quite conspicuous because there is a large tower that is very industrial looking and now there will be a big protrusion seven feet up. He agreed that it is adding more industrial equipment to this spot, but he is not sure how much it will really change the aesthetics.

Chair Maddy reiterated that he is okay with this looking like a cell phone antenna.

Commissioner Riedel stated that what may be more important than the rest of the discussion is the addition of conifers in the back that will help screen this industrial area with trees that will grow and block it may be more effective than paint or fencing.

Chair Maddy reviewed the suggested conditions: installation of new trees; full cut off motion lights are acceptable; and allowing the cable ice bridge.

Riedel moved, Eggenberger seconded, recommending approval of the CUP for Collocation of Telecommunication Antennae at 24283 Smithtown Road, subject to the staff recommendations in the staff report including items: #1, #2, #3, a revision to #4 to state that the applicant must install full cut off motion activated lights, remove conditions #5b, #5c, and #5e, adjust condition #5d to say that the antennae and reinforcements shall be factory coated or painted a similar color to the existing tower, include #6, and the additional condition #7, that the generator has to operate in conformance with the City's noise ordinance. Motion passed 3/0.

Planning Director Darling noted that this will be on the November 28, 2022 City Council agenda.

B. PUBLIC HEARING – COMPREHENSIVE PLAN AMENDMENT AND ZONING MAP AMENDMENT

Applicant: Carl Zinn

Location: 6200 Cardinal Drive (3411723440052)

Planning Director Darling stated that this is a request for a Comprehensive Plan Amendment and Zoning Map Amendment to allow the detachment of a .43-acre parcel from the City of Chanhassen and the annexation of the parcel into Shorewood. She noted that the home that had previously straddled the lot line has been removed. She reviewed the existing and proposed City boundary lines. She noted that because of the grade of the site, the applicant is proposing to have a private driveway and utilities from the City of Chanhassen. She noted that the city staff agrees to this proposal because it is more practically accessible from Chanhassen. She explained that this action will require a joint powers agreement be approved by both City Councils. Staff recommends approval.

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Commissioner Riedel stated that since the utilities will come from Chanhassen, he asked why all the parcels would not just be in Chanhassen.

Planning Director Darling explained that there is currently what is close to a buildable property in the City, so she would be hard pressed to come up with a reason for the staff to support the loss of a full lot.

Commissioner Riedel asked if there were other instances where there is a property owner who lives in the City but pays utility bills to another City.

Planning Director Darling stated that in this instance they would have to pay sewer and water to the City of Chanhassen and would still have to pay storm sewer fees to Shorewood. She noted that there are many properties in the City that get their utilities from other cities.

Chair Maddy opened the Public Hearing at 7:52 P.M. noting the procedures used in a Public Hearing. There being no comment, he closed the Public Hearing.

Eggenberger moved, Riedel seconded, recommending approval of the Comprehensive Plan Amendment and Zoning Map Amendment to allow the concurrent detachment/annexation of property 3511723420052 (North portion of 6200 Cardinal Avenue), subject to the staff recommendation that the parcel be classified as R-1C. Motion passed 3/0.

Planning Director Darling noted that this item will tentatively move forward to the City Council on November 28, 2022. She explained that she will stay in contact with the applicant to let them know if there is a delay since this is dealing with both cities.

5. OTHER BUSINESS

A. Liaisons for Council Meetings on January 23 and February 27, 2023

January 23, 2023: Commissioner Eggenberger

February 27, 2023: To be determined at a later date

6. REPORTS

• **Council Meeting Report**

Council Liaison Gorham reported on matters considered and actions taken during the Council's recent meetings. He noted that the new City Administrator should be starting in early January.

• **Draft Next Meeting Agenda**

Planning Director Darling stated that slated for the next meeting is an application for a variance for a shed and review of the Capital Improvements Program.

7. ADJOURNMENT

Riedel moved, Eggenberger seconded, adjourning the Planning Commission Meeting of November 15, 2022, at 8:07 P.M. Motion passed 3/0.