

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, March 20, 2018 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

Chair Maggi called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present: Tony Scales
 Dennis Wippermann
 Pat Simon
 Annette Maggi
 Elizabeth Niemioja
 Armando Lissarrague
 Joan Robertson
 Brett Kramer

Commissioners Absent: Jonathan Weber (excused)

Others Present: Allan Hunting, City Planner

APPROVAL OF MINUTES

The minutes from the February 20, 2018 and March 6, 2018 meetings were approved as submitted.

CITY OF INVER GROVE HEIGHTS (SMALL CELL WIRELESS) – CASE NO. 18-12ZA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment to allow small wireless facilities within the public right-of-way as a permitted use abutting all non-residential zoning districts and as a conditional use abutting all residential zoning districts. No notices were mailed.

Presentation of Request

Allan Hunting, City Planner, stated in 2017 the Legislature passed rules requiring cities to permit small wireless facilities in the public right-of-way. The new law grants access to use city poles and structures within the right-of-way throughout the city. A small wireless facilities permit will be required. The Department of Public Works will be responsible for reviewing and approving any applications for these facilities. The new legislation allows the location of small cell facilities as a permitted use in the right-of-way except that a city may adopt rules to require a conditional use permit when such facilities are in right-of-way abutting single-family residential areas. Staff incorporated the new regulations into the ordinance to allow small cell wireless facilities in the right-of-way as a permitted use in non-residential areas and by conditional use permit in single-family residential neighborhoods. Staff recommends approval of the ordinance amendment.

Chair Maggi asked if companies could build their own poles as well as using existing structures.

Mr. Hunting replied in the affirmative.

Chair Maggi asked if there were spacing requirements or a limit to the number of poles allowed in an area.

Mr. Hunting replied that to his knowledge there were no such limitations. He advised he would

check with Public Works on this subject before bringing it to Council.

Commissioner Robertson was concerned about the potential for new poles to be installed in neighborhoods with underground utilities or for there to be several structures added to one area.

Commissioner Lissarrague asked if it would be a permitted use in agriculturally zoned properties.

Mr. Hunting replied that a conditional use permit would be necessary as agricultural properties would be considered residential.

Commissioner Kramer asked if a conditional use permit would be required both when adding a new pole or when using an existing structure.

Mr. Hunting replied in the affirmative.

Commissioner Robertson asked if a conditional use permit would be required for each individual piece of cellular equipment.

Chair Maggi asked if there could be boxes from multiple companies on one pole.

Mr. Hunting stated he was unsure.

Commissioner Niemioja stated if the City were to approve this, she would ask City Council to establish a maximum number allowed in a certain area.

Commissioner Lissarrague asked how the request was initiated and who in the City was most familiar with this legislation.

Mr. Hunting replied that the Public Works Director was the most familiar with the legislation. The State required cities to adopt licensing procedures for allowing them in the right-of-way. It was the City's decision to permit them in non-residential areas but require a conditional use permit in single-family neighborhoods.

Chair Maggi stated she would like clarification on the density of support structures and whether a conditional use permit would be needed per structure or per company.

Commissioner Hunting noted that facilities must be installed at the residential lot's corner in the right-of-way and therefore they could not run a string of them along a property line.

Commissioner Scales questioned whether the City had purview over what is done in the public right-of-way.

Chair Maggi believed there should be requirements regarding spacing.

Commissioner Wippermann thought this should be treated like billboards in which they are limited to one every quarter mile or so.

Commissioner Scales questioned whether the City had control over spacing, stating it would likely be treated more like cable TV boxes.

Chair Maggi questioned whether it was different because it was private companies using city utilities.

Mr. Hunting stated he would find out what the city can limit for any utility company.

Commissioner Simon asked who would own the pole and could several companies install wireless facilities on the same pole.

Mr. Hunting replied that whosoever utility it is would own the pole.

Commissioner Simon asked for clarification that they were proposing to charge a fee for the right-of-way use.

Mr. Hunting replied in the affirmative, stating every piece of equipment would require a permit from the City.

Commissioner Simon asked what would happen cost-wise should a company install a pole and then another company wishes to install facilities on the same pole.

Mr. Hunting replied those would likely be private lease agreements between the owner of the pole and whomever wants to add a wireless facility to it.

Commissioner Robertson stated she would feel uncomfortable making a recommendation with so many unanswered questions.

Commissioner Lissarrague agreed, stated he needed more information as well.

Opening of Public Hearing

There was no public testimony.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Robertson, second by Commissioner Niemioja, to table the request for an ordinance amendment to allow small wireless facilities within the public right-of-way as a permitted use abutting all non-residential zoning districts and as a conditional use abutting all residential zoning districts, to a later date and to have someone knowledgeable on this subject provide the Planning Commission with further information.

Motion carried (8/0).

OTHER BUSINESS

Mr. Hunting advised that Brad Scheib will be giving a brief presentation on April 17 regarding the draft comprehensive plan.

The meeting was adjourned by unanimous vote at 7:25 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary