



**City of Jordan
City Planning Commission
Special Meeting July 22, 2008**

Members present: Jeanne Marnoff (Council rep.), Terry Jeffery, Dawn Benko, Ralf Hafslund, Rob Mishica, and John Watkins,

Official representatives: None.

Staff present: Senior Planner Joe Janish, Fire Chief Steve Kochlin, and City Attorney Annette Margarit

Others present: Scott County Deputy Sheriff Scott Haas, PSC Alliance Jeff Nelson, Verne and Sue Severson 6050 W 185 St , Jordan, MN

1.0 *Call to Order.* Chair Jeffery called the Planning Commission to order at 6:00 p.m.

2.0 **Public Hearing.**

A. Variance Request – Public Safety Radio Communications Facility.

Mr. Janish informed Planning Commissioners Scott Haas, Deputy Sheriff has filed an application on behalf of Scott County to consider a variance request of a side yard and rear yard setback. The applicant is requesting a variance to permit the construction of a 12 x 30 foot structure to house the equipment needed to operate the 800 MHz and a natural gas generator at 808 185th Street West. The rear yard setback would be 4 feet from the existing fence which would equate to a 5 foot rear yard setback. The side yard setback would be would be 6 feet from the fence and equate to an 8 foot side yard setback. Staff also provided photos for commissioner's review and requested input from the Planning Commission on the color choice of the possible new structure.

In order to construct the facility the structure would need a 15 foot rear yard setback and a 7 foot side yard setback variance.

The location of the structure was determined by allowing enough room for future maintenance of the water tower. In order for the water tower to be repainted and repairs to be made the structure the Public Safety Radio Communications Facility can not be located under the water tower itself. The transmission equipment also would need to meet FCC regulations.

The natural gas generator located within the structure would run for approximately 30 minutes weekly. Other than for exercise and maintenance times, the generator would only operate under loss of commercial power conditions.

Senior Planner Janish also noted the criteria and responses for a variance request:

Criteria for Approval. A variance may be granted only in the event that:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity as a result of lot size or shape, topography, or other circumstances over which the owner of the property since the effective date of this Chapter has had no control.

The location of the radio site is intended to enhance in-building 2-way radio coverage performance and fire department paging performance in Jordan. The proposed site fit within a window that would allow it to work compatibly with other sites within the County. As part of its radio build out plans the county has selected existing tall structures to avoid building new towers. The Jordan water tank site fit all of the following criteria: publicly owned site, site allows for better reception and the site allows for greater range.

2. *The literal interpretation of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district.*

Most applicants in the Industrial District place their buildings in a way the best serves their customers and provides them the best opportunity for economic profit from the land use. Here, the County needs to do the same thing. It is providing a public service mandated by the Minnesota Legislature in Minnesota Statutes Section 403.01, and it must provide the service as cost-effectively as possible. Not granting the variance would likely require the County to have to find an alternate site which would hamper its legal responsibility to provide the cost-effective service.

3. *The special conditions or circumstances do not result from the actions of the applicant.*

The City of Jordan requires the particular location of the building in order to facilitate maintenance of the water tower.

4. *Granting the variance will not confer on the applicant any special privilege that is denied by the Chapter to owners of other lands, structures or buildings in the same zoning district.*

Granting the variance does not provide the applicant any economic advantage or enhanced ability to provide this mandated service over a private entity. The Legislature requires that counties provide and control the 800 MHz 911 service.

5. *The variance is the minimum variance necessary to alleviate the hardship.*

In order to allow for proper maintenance of the water tower and keep it out of the way of Jordan Public Works it needs to be in the location proposed.

6. *The variance would not be materially detrimental to the purposes of this Chapter or to property in the same zone.*

Granting the variance will not damage other property within the Industrial zone either physically or economically in terms of property value. The water tower already has antennae on it. The location of the building is intended also to prohibit the 800 MHz system from interfering with other communications, which if not properly placed could harm other nearby communication systems, such as freight-dispatch.

Chair Jeffery opened the public hearing at 6:05pm.

Deputy Sheriff Haas, indicated the State of Minnesota has already created the “backbone” of the infrastructure and now it is up to the counties to create the blanket coverage by filling in holes and gain access to 800 MHz communication devices within buildings. Mr. Haas also noted the location of the water tower site will allow for better alerting abilities for local emergency personnel and for 800 MHz communication devices within local buildings.

No other comments were provided.

Chair Jeffery closed the hearing at 6:13 p.m.

During discussion of the variance request commissioners expressed concern over the options of the colors of the buildings and noted they would like to see something that would match the water tower. Questions arose as to the size of the structure and Deputy Sheriff Hass indicated the size was determined by the generator and amount of equipment within the structure. Mr. Haas noted the generator is equivalent to a 4 cylinder motor and at 7 meters would have a decibel reading of 61 db while in operation. Mr. Haas further stated a vacuum cleaner is said to have a reading of 60 to 65 db from 6 feet away. Mr. Hass also mentioned the building would have sound baffles to further reduce the noise from the generator.

Motion Hafslund, seconded by Watkins to approve the variance request and site plan review with the criteria identified by staff with an appropriate color for the building to match the water tower. Sue Severson requested to comment on the variance request and commissioners noted the Public Hearing was closed and would need to attend the City Council meeting. Motion unanimously approved.

3.0 Adjournment. *Moved by Hafslund, seconded by Watkins, to adjourn at 7:40pm. Motion unanimously approved.*

Respectfully Submitted,

Joe Janish
Senior Planner