

1 Director of Planning and Building Mr. Thomson stated the applicant, Verizon Wireless, has
2 submitted a development application to construct a telecommunications facility for cellular
3 antennas on the roof of the building located at 1000 Superior Blvd and associated equipment. As
4 part of the development application, the applicant is requesting approval of a Conditional Use
5 Permit for telecommunications equipment that is attached to an existing building. The Planning
6 Commission held a public hearing and reviewed the current development application at its meeting
7 on November 20, 2017. After its review, the Planning Commission requested the applicant review
8 and respond to: how the subject property was selected as the preferred site for a
9 telecommunications facility and the other sites that were considered; alternative locations on the
10 roof for the antenna arrays; additional screening of the ground equipment; additional photo
11 simulations from other vantage points; alternative stealth design techniques that could be
12 considered; and additional landscaping on the south side of the parking lot to replace trees that
13 were required as part of the original development of the Edina Realty building. Subsequent to the
14 November 20, 2017 meeting, the applicant submitted additional information to address the
15 comments and requests from the Planning Commission including: a revised narrative; revised
16 plans; and four updated photo simulations. Mr. Thomson noted that the public hearing on the
17 application had been held at the November 20th meeting.

18
19 Commissioner Douglas stated the Ordinance states that telecommunications towers shall be
20 setback from all residential property lines at least 1-foot for each foot in height, but shall have a
21 minimum setback of at least 100-feet. She asked if there were setback requirements for
22 telecommunication facilities that are attached to a building.

23
24 Mr. Thomson stated the ordinance specifies that telecommunications facilities shall meet the
25 building setback that is established for the zoning district where it is to be located. The antennas
26 and ground equipment do meet the 10-foot property line setbacks for the C-1 district.

27
28 Commissioner Plantan clarified the antennas would be about 4-feet taller than the existing HVAC
29 equipment on the building.

30
31 Commissioner Flannigan stated picture A9 in the packet materials shows a cable coming from the
32 top of the building to the ground equipment. He asked if this new.

33
34 Mr. Thomson stated the cable enclosure on the outside of the building was included in the previous
35 plans and was not added by the applicant in the revised plans.

36
37 Commissioner Douglas asked if other sites had been explored by Verizon Wireless.

38
39 Applicant's representative and attorney, Mr. Jay Littlejohn, Moss and Barnett, 150 S 5th Street,
40 Minneapolis, stated they are limited to those sites that are allowed by City Code and where the
41 landlord is willing to allow them to install antennas. They are trying to replace the antennas that
42 had been on the old Anchor Bank site. Currently there is a gap in coverage that this site would
43 cover.

44
45 Commissioner Douglas asked if the antenna in the southwest corner could be moved in between
46 the HVAC systems on the roof.

1
2 Mr. Littlejohn stated the more the equipment is moved to the center, the more the rooftop blocks
3 the signal of the antennas, and moving the antennas between the 2 metal HVAC systems would
4 also block the signal.

5
6 Commissioner Douglas stated there are currently two structures in the back of the building to cover
7 garbage containers. The simulated pictures only show one garbage container. She asked if the
8 building would no longer need the two garbage structures.

9
10 Mr. Littlejohn stated the equipment they are proposing to install has a very small footprint, and
11 there is currently enough room in the proposed location for the equipment and all of the garbage
12 containers.

13
14 Commissioner Flannigan asked if a noise study had been done for the property because the
15 ordinance requires one.

16
17 Applicant's representative, Ms. Amy Dresch, stated the information she had been given from the
18 product vendor showed the readings were so minimal that they were not able to get decibel
19 readings, and the noise would not be above that of a central air unit of a single-family home.

20
21 Mr. Thomson stated the ordinance allows the City to request a noise study. However, the City is
22 familiar with these types of sites and how they operate in other areas, and is confident that the
23 equipment would not violate any noise thresholds that are established and would not violate the
24 City's noise ordinance.

25
26 Ms. Dresch stated that they are not installing a backup generator with the equipment, and this is
27 where the noise impacts typically result from.

28
29 Chair Iverson asked what the footings were and proposed pvc rooftop sleepers were in drawing
30 A2 of the packet materials.

31
32 Ms. Dresch stated these are to run the coax cable from the antennas to the ground equipment. They
33 use this system so that the cable is not sitting directly on the ground.

34
35 Chair Iverson stated the plans show that there could potentially be other carriers that could be
36 added.

37
38 Mr. Littlejohn stated this would be something that would have to be approved by the Planning
39 Commission.

40
41 Chair Iverson asked if there would be any lights on these structures.

42
43 Mr. Littlejohn stated there would not be lights on the antennas or other illumination for the
44 equipment.

45

1 Chair Iverson noted that members of the public wished to comment on the application, and invited
2 them to share their comments.

3
4 Resident, Ms. Brenda Kaufman, 131 Huntington Ave S, stated she had spoke at the last meeting
5 and is opposed to this project. She stated they do not need any additional industrial encroachment
6 on this small residential neighborhood. Due to the topography, the Edina Realty building towers
7 over the homes in this neighborhood. She stated the applicant's photos are not true depiction of
8 what the residents would be seeing from their second-floor windows. She stated she could
9 currently see the garbage from her property. The proposed equipment would be seen as well. She
10 asked how wide the structures on the top of the building would be and if this equipment could be
11 located in the front of the building. She expressed additional concerns about the property values
12 of the neighborhood, the health of the residents in this area and the noise from the repairs that
13 would occur in the middle of the night.

14
15 Resident, Mr. Gordy Straka, 130 Huntington Ave S, stated the Edina Realty building was built
16 with no setbacks. He stated the building height for the C-1 district is 30-feet and this building is
17 over 35-feet in height currently and adding these antenna would make this building over 49-feet
18 in height. The apartments to the west of this property are 28-feet from the proposed control panel.
19 This building would be air-conditioned and that unit will make noise and give off heat. He stated
20 even if there are no generators on the site, if there were a power outage, they would bring in a
21 trailer generator and this will create noise 24/7 until the power is restored. He stated that if the
22 phones are not working the company will see this as an emergency, and they will have repair
23 people there 24/7 and not the 8 am to 6 pm they are stating. He stated if this is approved, it would
24 not be following the Comprehensive Plan written by the City. The Comp Plan calls for stealth
25 design and there is no stealth design in this proposal. Denying the CUP does not result in an undo
26 hardship for the applicant. He pointed out other locations in the City and that the applicant could
27 partner with another company in a different location. He stated Verizon could also install microcell
28 technology and install this where needed, rather than in the neighborhood. He is opposed to this
29 project.

30
31 Resident, Ms. Merrily Babcock, 337 Reno St, stated she does not live in the neighborhood but she
32 is familiar with this situation because of where she lives. It is not just one cell tower that will be
33 located here because others will want to be located there as well. She asked if another company
34 wanted to be located here if this would be something that staff would approve or if the Planning
35 Commission and City Council would approve it.

36
37 Mr. Thomson stated that the Planning Commission is reviewing the specific plans that were
38 submitted, which is for Verizon Wireless only. If there are any substantial changes to the plans,
39 including adding more antennas or expanding the ground equipment, they would have to amend
40 the CUP and come back to the Planning Commission and City Council for approval. Any other
41 company that would be putting their own equipment in this location would have to go through the
42 CUP process.

43
44 Ms. Babcock stated the City would not likely reject another company since one was already
45 approved. These companies may start out being neat but there will be cables that go all over. The

1 City had to move a tower out of a residential area because of the noise and trash. There are other
2 locations not as close to residential areas that could meet their needs.

3
4 Resident, Ms. Virginia Lord, 143 Huntington Ave S, provided a copy of an email from one of the
5 neighbors. She stated the neighborhood strongly opposes this project. Gordy and her have talked
6 to over 30 homes and not one person is in favor of this project. There will be air-conditioners and
7 electrical transformers on this site and these are noisy. The closest property is only 28-feet from
8 this property and they would have to listen to this noise. She provided a copy of reasons the City
9 can turn down the CUP. This is a residential neighborhood and the project does not meet the
10 present or future uses of this area. Adding this equipment will increase traffic on the residential
11 street, noise to the neighborhood and an eyesore to the top of the building. The project does not
12 conform with performance standards. The additional parking at the end of the residential cul-de-
13 sac will be used, the additional loading and noise from the transformers and generators that will
14 be used when needed, trucks coming and going when things break down are not conforming with
15 performance standards. The proposed use is extremely negative on the neighborhood. The project
16 will also negatively impact the property values for the residential homes in the area. She provided
17 copies of studies showing the devaluation of homes next to cellular antennas and/or towers. The
18 traffic will also increase and therefore traffic generated by the proposed project is not in relation
19 to the capabilities of streets serving the property. She provided pictures of the view from her
20 second floor and the impacts the antennas would have. She also provided pictures of the garbage
21 area located at the Edina Realty building showing the area was not clean and kept up. She talked
22 to the Robert McNae, the owner of the building on January 19 to let him know that the neighbors
23 did not want the antennas in their neighborhood. Mr. McNae stated that she had called too late, as
24 they had already signed the lease and the antennas were going up.

25
26 Resident, Ms. Jessica Pollock, 143 Huntington Ave S, stated the homes in this neighborhood are
27 very close to this building and these antennas would be invasive into the everyday lives of the
28 neighborhood.

29
30 Resident, Ms. Brenda Kaufman expressed concerns about the applicant allowing other carriers to
31 locate on the antenna as well. This would increase the amount of ground equipment and the noise
32 and traffic related to this equipment. She has never had a problem with coverage in her
33 neighborhood, and it appears the main complaints are coming from within Presbyterian Homes.
34 She stated the problem should be addressed with Presbyterian Homes.

35
36 Resident, Mr. Chad Whittle, 1050 Lake Street E, expressed concerns about the industrial
37 equipment that could potentially be installed and how this would change the character of the
38 neighborhood. He asked the Commissioners if they would want this equipment in their back yards.

39
40 There being no other member of the public wishing to speak, Chair Iverson asked the applicant to
41 respond to the concerns expressed.

42
43 Mr. Littlejohn stated they have a battery backup system they use with their equipment. The battery
44 is charged during the regular cycle and when the power goes down, the batteries would kick in.
45 They would not need to bring a trailer generator to the site. The site would be designed to be
46 operated remotely and there might be a technician at the site once or twice a month. The technician

1 would pull into the parking lot of the building and park in the back near the equipment. Once these
2 antennas are built, most people would not know they are there. He stated from his experience,
3 homebuyers are looking for homes that have good cell service because this is what many people
4 rely on now.

5
6 Chair Iverson stated there had been a lot of traffic when the antennas were located on the water
7 tower. She asked what would be different that would create less traffic on this site.

8
9 Mr. Littlejohn stated there were several carriers on the water tower, and this would create more
10 traffic and visits. He could not speak to how other carriers maintain their equipment or operate.
11 He has never had a complaint from a City that a Verizon Wireless site is out of compliance. He
12 stated if they could provide the service needed for Presbyterian Homes and other customers, they
13 would not be proposing this project. Verizon has RF Engineers who specialize in resolving
14 coverage problems. This is not a project that is subsidized by the government, and if they could
15 accomplish the needed results cheaper or quicker they would.

16
17 Commissioner Douglas asked what the size of the box on the roof would be, and if the service
18 vehicles would need to access the site from Huntington Avenue.

19
20 Mr. Littlejohn stated the screened area is 14-feet wide and the antennas is 10-feet tall. He clarified
21 technicians and service vehicles would access the site from Wayzata Boulevard. There would not
22 be a need for these vehicles to be on Huntington Avenue.

23
24 Resident, Mr. Bruno Silikowski, 173 Huntington Ave S, asked why other building or locations are
25 not being explored. He stated the applicant should show some proof why this building versus
26 others is the best location.

27
28 Resident, Mr. Stan Meyers, 131 Huntington Ave S, stated the current fence that is located in the
29 southwest corner is not in good condition and there are children that play in this area. There are
30 health concerns about having an antenna in the neighborhood. If Presbyterian Homes is having
31 problems with coverage then the antenna should be located on their building.

32
33 Commissioner Douglas noted that in 2015, the City Council had decided that cellular antennas
34 should be located within 300-feet of Wayzata Boulevard. She asked how the City Council came
35 to this number.

36
37 Mr. Thomson stated the City was looking for sites within the community where these antennas
38 could be located, and Wayzata Boulevard has a higher elevation than the downtown area. He noted
39 that one of the key things carriers look for is elevation above grade level. If the sites are not
40 providing enough coverage, there is the potential for more sites in the area.

41
42 Commissioner Flannigan stated the public turnout for this project speaks to the complexities of
43 this project, and how the commercial and residential areas of Wayzata are intertwined. Edina
44 Realty has not been the best neighbor. He would not support the application at this time because
45 there is too much from the residential standpoint, and the Commission has not been provided

1 enough information to show that this is the best site. There is technology to condense these sites
2 and opportunities to use microcells.

3
4 Commissioner Murray asked if there was a timeline the City would have to provide adequate
5 coverage before they would be considered out of compliance.

6
7 Mr. Thomson stated Verizon Wireless has submitted the application in front of the Commission,
8 and the Commission must act on this application. The City has up to 120 days to review the
9 application and take action on it. Mr. Thomson noted that the City is currently close to the 120-
10 day deadline to make a decision on the application. He stated City Attorney David Schelzel would
11 have to provide information on what the legal ramifications of denying the application would be.
12 He stated this is a conditional permit application, and conditional uses are those uses that are
13 allowed in a zoning district provided they meet the conditions outlined in the ordinance. The City
14 has less discretion with conditional use permits than other zoning approvals. The role of the
15 Planning Commission and City Council is to review the conditional use standards and determine
16 if the application meets those standards or not.

17
18 Commissioner Buchanan stated the Planning Commission has little discretion with a CUP
19 application when all of the conditions are met, and the application presented does meet the
20 conditions of the ordinance. The applicant has addressed all of the Commission's objections and
21 requests from the November meeting. He stated there is confusion because the property owner,
22 Edina Realty, is being a less than desirable neighbor, and the application that is before the
23 Commission is for a cellular antenna. According to the American Cancer Association website,
24 living near a cell tower provides less exposure than the use of a cell phone. The applicant has
25 stated there are no noise issues or traffic congestion on Huntington Avenue. Mr. Buchanan stated
26 because the application meets the criteria set forth in the ordinance, the Commission should
27 recommend approval.

28
29 Commissioner Young stated he would agree with Commission Flannigan.

30
31 Commissioner Plantan stated the applicant has met all of the pertinent criteria of the CUP
32 ordinance.

33
34 Chair Iverson stated she did not believe the applicant met all of the requests of the Planning
35 Commission. The applicant only provided information on one alternate site, and she is not sure
36 they did their due diligence and there are no other options available to them. She stated the stealth
37 design is not creative, and there could be other options that could be looked at. She stated based
38 on the traffic at the previous cell tower site, she believes the reality of the amount of traffic would
39 be greater than what the applicant is stating. She would recommend denial at this time.

40
41 Commissioner Douglas stated there is a lot of tension, and this is due to the construction of the
42 building. If this building were proposed today, it would not have been built in this location. She
43 does not want to see the City punish Edina Realty because they are just a tenant in the building.
44 She stated this cannot be considered as part of this application, and the applicant has meet the
45 requests of the Planning Commission and the standards in the ordinance.

46

1 Commissioner Flannigan stated the criteria in the ordinance Section 801.04.2.F.D: the proposed
2 use's effect on the area in which it is proposed and 801.04.04.2.F.E: the proposed use's impact
3 upon the property values in the area in which it is developed, are both criteria the application has
4 not met. The project could have negative effects on the neighborhood and the property values of
5 these homes. The residents of Huntington feel there would be significant negative impact on their
6 neighborhood. The Commission is not limited to the items listed in the ordinance when making
7 their recommendation.
8

9 Commissioner Buchanan made a motion, Seconded by Commission Plantan, to direct staff to
10 prepare a draft Planning Commission Report and Recommendation recommending approval of the
11 conditional use permit for Verizon Wireless telecommunications equipment at 1000 Superior
12 Blvd. The motion carried, 4-ayes and 3 nays (Murray, Iverson, Flannigan).
13

14 Mr. Thomson stated this would be on the consent agenda at the next Planning Commission
15 meeting, and then it would go to the City Council for review and action on February 20.
16
17

18 **AGENDA ITEM 5. Public Hearing Items:**
19

20 **a.) 235 and 239 Lake St E**

21 **i. Rezoning, PUD Concept Plan**
22

23 Director of Planning and Building Mr. Thomson stated the applicant, Pat Hughes, and the property
24 owner, Melvin's 235, LLC, have submitted a development application to redevelop the properties
25 at 235 and 239 Lake Street East. The applicant is proposing to demolish the existing office
26 building and construct a three story, 35,000 square foot office building. As part of the submitted
27 development application, the applicant is requesting approval of rezoning from C-4A to
28 PUD/Planned Unit Development, which requires both a concept and general plan of development
29 review, and approval of a PUD concept plan prior to submitting the full development application
30 for general plan of development and design review. Mr. Thomson noted that on September 5,
31 2017, the City Council, Planning Commission, and HRA held a joint workshop to discuss
32 redevelopment plans along Lake Street, west of Manitoba Avenue. Redevelopment in this area is
33 a key strategic initiative of the City Council. At the workshop meeting, several property owners
34 in the area provided concept plans for redevelopment of the individual development sites. Since
35 that time, the City Council has approved the final PUD for Wayzata Blu and the concept PUD for
36 the 253 Lake St E property. In addition to the private development applications, the City has
37 established a TIF District in the area which would provide for reimbursement of certain private
38 and public development costs in order to help facilitate the elimination of blight in the area, provide
39 for increased off-street public parking, and also to help fund future street, streetscape, and utility
40 improvements. The 235 and 239 Lake Street East development application includes demolition of
41 the existing office building and construction of a new 3-story office building. The off-street
42 parking for the building would be provided by a shared surface parking lot on the back of the
43 property. The parking lot would utilize the land given to the City as part of the 253 Lake St E
44 project. Access to the shared parking lot would be provided from Lake St by a new two-way drive
45 aisle on the west side of the site.
46

1 Commissioner Flannigan asked if the City would be investing in the parking as part of the
2 redevelopment projects in this area.

3
4 Mr. Thomson stated this has been part of the City's plan.

5
6 Applicant's Representative, Mr. Tom Dillon, McSharry Real Estate, LLC, 229 Minnetonka
7 Avenue South #52, stated the properties are 235 and 239 Lake Street. There are four parcels and
8 they would be utilizing all four parcels for this project. Mr. Hughes wants to improve his facility
9 for his business, and there would be additional space for other tenants in the building. Currently
10 these other tenants have not been identified. The proposed building would be general office use.
11 At this time, they are not requesting any zoning variances. There are no plans to provide
12 underground parking and the surfacing parking provided would meet the code requirements.
13 Access to the parking would be off Lake Street on the project property. There has been some
14 discussion with Mr. Zitzloff regarding a shared driveway, but this has not been determined. They
15 are estimating it would take about 10 months to construct and occupy the building. They are
16 expecting to work with the neighboring properties during the construction process to coordinate
17 the projects.

18
19 Commissioner Douglas asked about the setback on the second floor and if this would require a
20 variance.

21
22 Mr. Dillon clarified the setback on the front of the building varies because of the curve in the road
23 but would not require a variance.

24
25 Mr. Thomson stated the City requires 12-feet of sidewalk and no setback beyond this.

26
27 Mr. Dillon stated they are not at the phase where they have developed a landscaping plan but the
28 intent is to have an attractive building for the community and these details would develop as the
29 process continues. He clarified that the height of the building was currently between 35 and 38
30 feet depending on how it was measured. They are working to meet the 35-foot height requirement.

31
32 Chair Iverson opened the public hearing at 9:06 p.m.

33
34 Resident, Lowell Zitzloff, stated Mr. Hughes would like to use the ditch between their properties
35 for the ingress/egress so that he can get more building. Mr. Hughes is proposing to utilize the City
36 parking to meet his parking requirements. Mr. Zitzloff noted that he has other applications that he
37 would be bringing to the City for review that include apartments and additional parking.

38
39 There being no other member of the public wishing to comment further, Chair Iverson closed the
40 public hearing at 9:11 p.m.

41
42 Commissioner Young made a motion, Seconded by Commissioner Murray, to direct staff to
43 prepare a draft Planning Commission Report and Recommendation with appropriate finding to
44 recommend approval of the rezoning from C-4A to PUD/Planned Unit Development and the PUD
45 Concept Plan of Development Review for 235 and 239 Lake St E. The motion carried
46 unanimously.

1
2
3 **AGENDA ITEM 6. Other Items:**
4

5 **a.) Election of Chair and Vice Chair**
6

7 Chair Iverson asked for nominations for Planning Commission Chair for the year 2018.

8
9 Commissioner Buchanan nominated Commissioner Young to serve as chair.

10
11 Commissioner Young declined the nomination due to his travel schedule.

12
13 Commissioner Plantan nominated Commissioner Buchanan to serve as chair.

14
15 Commissioner Buchanan accepted the nomination.

16
17 Commissioner Flannigan asked if Chair Iverson would be interested in serving again.

18
19 Chair Iverson stated she would be interested in serving as chair one more time.

20
21 Commissioner Flannigan nominated Chair Iverson.

22
23 A ballot vote was taken among the commissioners, and a majority supported Commissioner
24 Buchanan as new Planning Commission Chair.

25
26 Commissioner Douglas made a motion, Seconded by Commissioner Young, to elect
27 Commissioner Buchanan to serve as Planning Commission Chair for 2018. The motion carried
28 unanimously.

29
30 Commissioner Young nominated Commissioner Flannigan to serve as Vice Chair.

31
32 Commissioner Flannigan accepted the nomination.

33
34 Commissioner Buchanan asked if Commissioner Iverson would be interested in the Vice Chair
35 position.

36
37 Chair Iverson stated she would support Commissioner Flannigan.

38
39 Commissioner Young made a motion, Seconded by Commissioner Murray, to elect Commission
40 Flannigan to serve as the Planning Commission Vice Chair for 2018. The motion carried
41 unanimously.

42
43 **b.) Review of Development Activities**
44

1 Director of Planning and Building Thomson stated the February 5 agenda would include a public
2 hearing on The Retreat for a new addition. He noted that he would not be at this meeting, but the
3 City's planning consultant would be in attendance.
4

5 **c.) Next Meeting February 5, 2018**
6

7 Director of Planning and Building Mr. Thomson stated the next regular meeting of the Planning
8 Commission is scheduled for February 5, 2018.
9

10 **AGENDA ITEM 7. Adjournment.**
11

12 There being no further business on the agenda, Chair Iverson asked for a motion to adjourn.
13

14 Commissioner Murray made a motion, Seconded by Commissioner Flannigan, to Adjourn the
15 meeting of the Planning Commission. The motion carried unanimously.
16

17 The Planning Commission meeting was adjourned at 9:24 p.m.
18

19 Respectfully submitted,
20

21 Tina Borg

22 *TimeSaver Off Site Secretarial, Inc.*