



# CPED STAFF REPORT

Prepared for the Zoning and Planning Committee  
of Minneapolis City Council

October 9, 2014

BZZ-6817

## LAND USE APPLICATION SUMMARY

*Property Location:* 2001 University Ave SE  
*Project Name:* Cell-on-Wheels relay antenna  
*Prepared By:* [Joseph.Giant@minneapolismn.gov](mailto:Joseph.Giant@minneapolismn.gov), City Planner, (612) 673-3489  
*Applicant:* Haley Law Firm, on behalf of Sprint  
*Project Contact:* T.J. Garrett  
*Request:* To locate a mobile telecommunications antenna in an existing parking lot.  
*Required Applications:*

<b>Interim Use Permit</b>	To allow a 30-foot mobile telecommunications mast, antenna, and associated mechanical equipment (“Cell-on-wheels”) in an existing surface parking lot from October 9, 2014 – January 18, 2015.
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## SITE DATA

<b>Existing Zoning</b>	CI Neighborhood Commercial District UA University Area Overlay District
<b>Lot Area</b>	19,842 square feet / 0.46 acres
<b>Ward(s)</b>	2
<b>Neighborhood(s)</b>	Prospect Park / East River Road
<b>Designated Future Land Use</b>	Mixed Use
<b>Land Use Features</b>	Activity Center
<b>Small Area Plan(s)</b>	Southeast Minneapolis Industrial (SEMI)/Bridal Veil Refined Master Plan

<b>Date Application Deemed Complete</b>	September 17, 2014	<b>Date Extension Letter Sent</b>	N/A
<b>End of 60-Day Decision Period</b>	November 17, 2014	<b>End of 120-Day Decision Period</b>	N/A

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** The subject property has an area of 19,842 square feet and is located on the north corner of the intersection of University Ave SE and Oak St SE. The site currently accommodates the historic Station #19 fire station, which was constructed in 1893, and was designated as a local historic landmark in 1982. The historic structure currently contains a restaurant and offices, while the north portion of the property contains a surface parking lot. The applicant has leased a 28-foot by 17-foot portion of the northwest corner of this lot, approximately 110 feet from the historic structure.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The property is located in the CI Neighborhood Commercial District and the UA University Area Overlay District in the Prospect Park / East River Road neighborhood of Southeast Minneapolis. The subject property is bounded by Oak St SE on the east and University Ave on the west. Williams Arena, home to the University of Minnesota basketball teams, lies directly to the west of the property.

**PROJECT DESCRIPTION.** The applicant proposes to locate a 30-foot temporary telecommunications mast, antennas, and associated mechanical equipment in the northernmost corner of the surface parking lot during the 2014-2015 football season. The mast would be approximately 30 feet tall, with four legs extending outward from its base. Guy wires would connect the legs to the top of the tower in order to provide added structural stability.

A temporary cellular installation such as this is colloquially referred to as a “cell-on-wheels” because the entire installation can be collapsed and transported on a custom-designed flatbed trailer. Cells-on-wheels are commonly used to handle temporary surges in cellular traffic resulting from special events when the existing telecommunications infrastructure is insufficient. For example, several cells-on-wheels were utilized during the 2014 Major League Baseball All-Star Game in downtown Minneapolis to handle the increased cell traffic.

During the 2014-2015 football season, the Minnesota Vikings will play their home games at TCF Bank Stadium. The cellular traffic generated by the increased activity has exceeded Sprint’s current capacity in the area, so Sprint has applied for an interim use permit to locate additional antennas in the area to handle the short term increase in cellular traffic. At this time, no other cellular carriers have applied for similar projects.

The antennas at the subject property work in conjunction with the antennas located at 206 Ontario St SE to accomplish direct line-of-sight access into the stadium. The mast at 206 Ontario would receive signals from the global network and then direct those signals toward this mast. This mast would relay those signals into the stadium.

The antennas at the second site, 206 Ontario St SE, would be located on a retractable 60-foot mast in an existing surface parking lot. That tower is the subject of a separate interim use permit application.

**RELATED APPROVALS.**

<b>Planning Case #</b>	<b>Application</b>	<b>Description</b>	<b>Action</b>
BZZ-6816	Interim Use Permit	To allow a signal relay antenna with line-of-sight into TCF Bank Stadium to be used in conjunction with the subject antenna, located at 2001 University Ave SE.	Pending approval at the October 9, 2014 meeting of the Zoning and Planning Committee of City Council.
BZZ-6791	Temporary Use Permit	Short-term approval of the subject tower and mast.	Approved administratively on September 8, 2014
BZZ-6815	Temporary Use Permit	Short-term approval of the signal relay tower and mast at 2001 University Ave SE.	Approved administratively on September 16, 2014

**PUBLIC COMMENTS.** Any correspondence received prior to the public meeting will be forwarded on to the committee for consideration.

**ANALYSIS**

For an interim use permit to be granted, the Zoning and Planning Committee must make the five required findings specified in 525.450. In addition, the required findings that pertain to a conditional use permit for the proposed use must also be addressed.

**INTERIM USE PERMIT**

**Findings as required by the Minneapolis Zoning Code:**

- The interim use shall be allowed as a conditional use in the zoning district in which it is to be located.*

According to Chapter 535.520 of the Minneapolis Code of Ordinances, freestanding communication towers are allowed as a conditional use.

- Except as otherwise authorized by this section, an interim use shall conform to this zoning ordinance as if it were established as a conditional use.*

The temporary nature of the subject tower makes several of the requirements of the conditional use less applicable than if the installation were permanent. The following conditions will be modified for the proposed installation:

- **535.530(1).** The tower will not be a monopole, but rather a retractable tripod-style mast. The width of the proposed tower will be similar in width to a monopole of similar height.
- **535.540(1)(a).** The tower will be located closer to property lines than a typical monopole telecommunications tower. However, the distance to the nearest structure is more than three times the height of the tower. Regardless, Staff recommends that a letter be

submitted from a licensed engineer stating that the tower will have the structural integrity to withstand inclement weather and wind loads.

- **535.540(2)**. Because of the temporary nature of this project, the tower will not be required to effectively blend into its surroundings.
- **535.540(3)**. Because of the temporary nature of this project, the tower will not require screening.
- **535.540(5)(a)**. The antennas will extend approximately a foot above the top of the mast. Typically, façade-mounted antennas may not extend above the top of the façade (or tower) to which they are mounted.
- **535.547(7)**. Due to the location of the tower in a well monitored parking lot and the temporary nature of the tower, Staff recommends waiving the security requirement. However, the base unit must be locked at all times.

In all other regards, the proposed project will comply with the zoning ordinance as if it were a conditional use.

3. *The date or event that will terminate the interim use shall be identified with certainty. Interim uses may not be granted for a period of greater than five (5) years.*

The mast would be in place for the duration of the 2014-2015 Vikings season and possibly the playoffs. The latest the tower would remain is January 18, 2015, the date of the conference championship game. These terms are stipulated in a lease signed by both the applicant's representative and the property owner.

4. *In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.*

All parties are aware of this provision and have agreed that no compensation for the interim use will be paid.

5. *Such conditions and guarantees as the city council deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.*

The mast does not require a building permit for installation. However, as a condition of approval, Staff recommends that the applicant submit an analysis from a licensed engineer demonstrating that the mast has the structural capability to sustain wind loads and weather conditions that are typical of a Minnesota winter.

### **Findings required for Conditional Use Permit**

1. *The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.*

The proposal to locate a 30-foot temporary telecommunications mast at the subject site will not be detrimental to or endanger the public health, safety, comfort or general welfare provided the mast and supporting equipment comply with all applicable development standards and life safety ordinances. The mast would be located in an existing surface parking, approximately 90 feet from the nearest public right-of-way. As a condition of approval, the applicant will provide a letter stating that the mast has the structural stability to withstand inclement weather.

2. *The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.*

The temporary nature of the tower will not impede normal and orderly development. The terms of the lease stipulate that the tower will be removed by early 2015.

3. *Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.*

Roads and utilities are existing and adequate. No changes are proposed as part of the project.

4. *Adequate measures have been or will be taken to minimize traffic congestion in the public streets.*

The proposed mast would occupy 2 parking spaces in the existing parking lot. Approximately 40 parking spaces would remain for patrons and employees of the on-site businesses.

5. *The conditional use is consistent with the applicable policies of the comprehensive plan.*

An important goal of the comprehensive plan is to increase the viability of Downtown East. The reconstruction of the Vikings stadium will help to accomplish this goal. This project will help to mitigate the temporary shortcomings in telecommunications infrastructure that have arisen due to the displacement of the team.

In addition, the proposed development would be consistent with the following general land use policies of The Minneapolis Plan for Sustainable Growth.:

- Develop technological and information infrastructure in order to offer high quality working environments to businesses (Policy 2.4).
- Expand the city's understanding of the role of the telecommunications industry, its needs and necessary public and private sectors, and be prepared to respond proactively (Implementation Step for Policy 2.4).
- Promote the use of "best available technology" in upgrading communication linkages to the region and the world (Implementation Step for Policy 2.4).
- Facilitate the development of communications and transportation infrastructure to support the continued growth of the city's economic base (Policy 8.12).

- Encourage the sharing of communications infrastructure (fiber optic, cellular phone antennae locations) among multiple users (Implementation Step for Policy 8.12).
6. *The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

The proposed mast complies with all other regulations of the CI zoning district and the UA University Area Overlay District.

### **Additional Standards for Communication Towers, Antennas, and Base Units**

In addition to the required findings for a CUP, approval of a communication tower/antenna requires the applicant to submit written documentation indicating compliance with the following standards in section [535.530](#) and [535.540](#):

1. **TOWER TYPE.** *Communication towers shall be of a monopole design. The city planning commission may consider the substitution of alternative tower types in cases where structural, radio frequency, and design considerations, location or the number of co-locators suggests a tower other than a monopole.*

The tower will not be a monopole, but rather a tripod-style mast mounted upon a portable base. The tower is temporary and reusable, so its effective operation requires that it be lowered and disassembled relatively easily. A monopole tower would not meet these operational requirements. As such, Staff recommends waiving the requirement that the tower be a monopole.

2. **CO-LOCATION OF COMMUNICATION ANTENNAS.** *Shared use of existing communication towers shall be preferred to the construction of a new tower.*

Line of sight is important for the effective operation of telecommunication antennas. This requirement makes accessing cellular signals in structures such as stadiums inherently difficult. As such, Sprint is limited in collocation opportunities that work within its current network.

3. **HEIGHT OF FREESTANDING TOWERS AND ANTENNAS.** *Residence, office residence and commercial districts. The height of freestanding communication towers and antennas located in the residence, office residence and commercial districts shall not exceed seventy-five (75) feet.*

At approximately 30 feet tall, the proposed tower meets height requirements.

4. **HEIGHT OF ALL OTHER TOWERS AND ANTENNAS ALLOWED BY CONDITIONAL USE.** *The maximum height of all other towers and antennas shall be as approved by conditional use permit.*

Not applicable.

5. **ENCROACHMENTS AND SETBACKS.**

- a. *The tower site and setback shall be of adequate size to contain guyed wires, debris and the tower in the event of a collapse.*

The tower is located relatively close to property lines, but approximately 90 feet from the nearest public right-of-way. The area surrounding the tower is comprised of grass, landscaping, and surface parking lot. At a height of 30 feet, it is unlikely that the tower would cause off-site damage. As a condition of approval, Staff recommends replacing this requirement with the condition that the applicant must submit a letter from a licensed engineer stating that the tower will have the structural integrity to withstand inclement weather conditions.

- b. *Communication towers shall maintain a minimum distance from the nearest residential structure equal to twice the height of the tower. For the purposes of this article, residential structures shall also include any parking structure attached to a principal residential structure.*

The height of the proposed tower is approximately 30 feet, requiring a 60-foot setback from the nearest residential structure. The nearest residential structure is approximately 700 feet from the proposed location.

- c. *No part of any communication tower, antenna, base unit, equipment, guyed wires or braces shall extend across or over any part of a public right-of-way.*

No part of the tower extends across the public right-of-way.

- d. *Communication towers, antennas and base units shall comply with applicable regulations as established by the Federal Aviation Administration.*

Lighting on the tower is neither required nor proposed.

- e. *Communication towers, antennas and base units shall comply with the minimum yard requirements of the district in which they are located.*

The adjacent properties are zoned OR2-Office Residential. When commercial districts are adjacent to office-residence districts, non-residential structures in those districts must observe an interior side yard setback of 5 feet, plus 2 feet times the number of stories above the first floor. A 30-foot tower would be tantamount to a 2-story building, necessitating a 7-foot setback ( $5+2*1=7$ ). Therefore, the base of the tower and any associated mechanical gear must be placed at least 7 feet from the property line.

6. **COMPATIBILITY WITH NEARBY PROPERTIES.** *Communication towers, antennas and base units shall utilize building materials, colors and textures that are compatible with the existing principal structure and that effectively blend the tower facilities into the surrounding setting and environment to the greatest extent possible. Metal towers shall be constructed of, or treated with, corrosive resistant material. Outside of the industrial districts, unpainted, galvanized metal, or similar towers shall be prohibited, unless a self-weathering tower is determined to be more compatible with the surrounding area.*

Due to the temporary nature of the tower, Staff recommends waiving this requirement.

7. **SCREENING AND LANDSCAPING.** *A screening and landscaping plan designed to screen the base of the tower and the base unit shall be submitted. The plan shall show location, size, quantity and type of landscape materials. Landscape materials shall be capable of screening the site all year. One (1) row of evergreen shrubs or trees capable of forming a continuous hedge at least six (6) feet in height within two (2) years of planting shall be provided to effectively screen the base of the tower and the base unit, except for towers and antennas designed for private reception of television and radio signals and used for amateur or recreational purposes. A maintenance plan for the landscape materials shall also be submitted. The city planning commission may consider the substitution of other architectural screening plans such as a decorative fence or masonry wall in lieu of planted materials.*

Due to the temporary nature of the tower, Staff recommends waiving this requirement.

8. **ROOFTOP MOUNTED TOWERS AND ANTENNAS.** *Rooftop mounted communication towers and antennas shall not be located on residential structures less than fifty (50) feet in height, except for towers and antennas designed for private reception of television and radio signals and used for amateur or recreational purposes.*

Not applicable.

9. **FAÇADE MOUNTED ANTENNAS.**

- a. *Mounted on freestanding towers and poles. A façade mounted antenna shall not extend above the façade of the tower or pole on which it is mounted, but otherwise may project outward beyond such façade.*

The proposed antennas extend beyond the top of the mast by approximately 3 feet. Due to the temporary nature of the tower compared to the modifications that would be necessary for compliance, Staff recommends waiving this requirement.

- b. *Mounted on all other structures. A façade mounted antenna shall be mounted flush against the structure on which it is mounted and shall not extend beyond the façade of such structure, except that antennas designed for private reception of television and radio signals, used for amateur or recreational purposes, may extend above the façade of the structure.*

Not applicable

10. **BASE UNITS.** *Base units shall not exceed five hundred (500) square feet of gross floor area. The city may require as a condition of approval that base units be located underground.*

The base unit is located on a flatbed trailer at the base of the tower. The base unit is approximately 35 square feet in area.

11. **SECURITY.** *All sites shall be reasonably protected against unauthorized climbing. The bottom of the tower, measured from ground level to twelve (12) feet above ground level, shall be designed in a manner to discourage unauthorized climbing.*

Due to the location of the tower in a well monitored parking lot and the temporary nature of the tower, Staff recommends waiving this requirement.

12. **SIGNAGE.** *Advertising or identification of any kind on towers, antennas and base units shall be prohibited, except for applicable warning and equipment information signage required by the manufacturer or by federal, state or local regulations.*

The applicant has indicated that only required and/or regulatory signage will be placed on the tower and associated equipment.

13. **LIGHTING.** *Communication towers and antennas shall not be illuminated by artificial means, except when mounted on an existing light pole or where the illumination is specifically required by the Federal Aviation Administration or other federal, state or local regulations.*

Lighting on the tower is neither required nor proposed.

14. **HERITAGE PRESERVATION ORDINANCE COMPLIANCE.** *Communication towers and antennas proposed for any locally designated historic structures or locally designated historic districts shall be subject to all requirements of the city's Heritage Preservation Ordinance.*

The principal structure on the property is Station #19, a locally designated historic landmark constructed in 1893 and nominated in 1982. The 30-foot mast will be located approximately 110 feet from the structure and will not involve the alteration of any historic material. The location of the tower in the northernmost portion of the site for the duration of the football season constitutes a minor alteration to a historic resource and requires a Certificate of No Change. Approval of the Certificate of No Change must occur before the interim use permit will go into effect.

15. **RADIO FREQUENCY EMISSIONS AND NONINTERFERENCE.** *The applicant shall comply with all applicable Federal Communication Commission standards.*

The proposed antennas will be part of the Sprint wireless network and will comply with all FCC standards.

16. **PUBLIC SAFETY COMMUNICATION SYSTEM.** *The location of the proposed antenna, if located on publicly owned property, shall not be needed for use by the public safety communication system, or if needed, it shall be determined by the director of the property services division of the finance department that co-location of the proposed antenna with a public safety antenna is agreeable.*

The proposed antenna is not located on publicly owned property.

## RECOMMENDATIONS

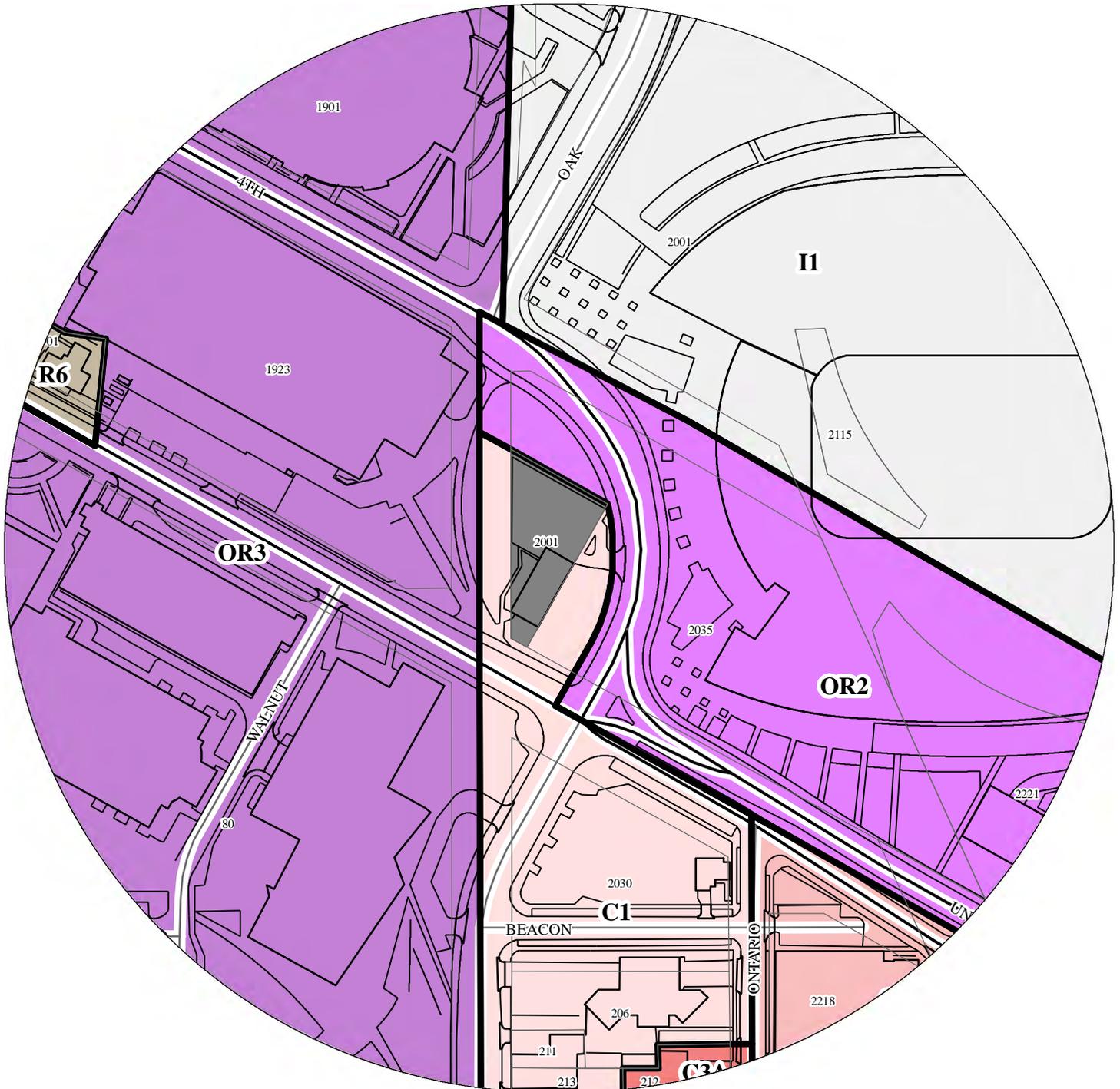
### **Recommendation of the Department of Community Planning and Economic Development for the Conditional Use Permit:**

The Department of Community Planning and Economic Development recommends that the Zoning and Planning Committee of City Council adopt the above findings and **approve** the application for an interim use permit to allow a 30-foot temporary telecommunications mast, antennas, and mechanical equipment at the property located at 2001 University Ave SE, subject to the following conditions:

1. The base unit will be locked when it is not attended by a technician;
2. A letter from a licensed engineer will be submitted stating that the mast has the structural integrity to withstand typical windloads and inclement weather;
3. The interim use permit shall be valid until no later than January 18, 2015. The site shall be returned to its pre-existing condition upon the expiration of the interim use permit.

## ATTACHMENTS

1. Zoning map
2. Written description and findings submitted by applicant
3. Photos of similar unit
4. Site plan
5. Photos of location



PROPERTY ADDRESS  
**2001 University Ave SE**

FILE NUMBER  
**BZZ-6817**

# HALEY LAW FIRM, PLC

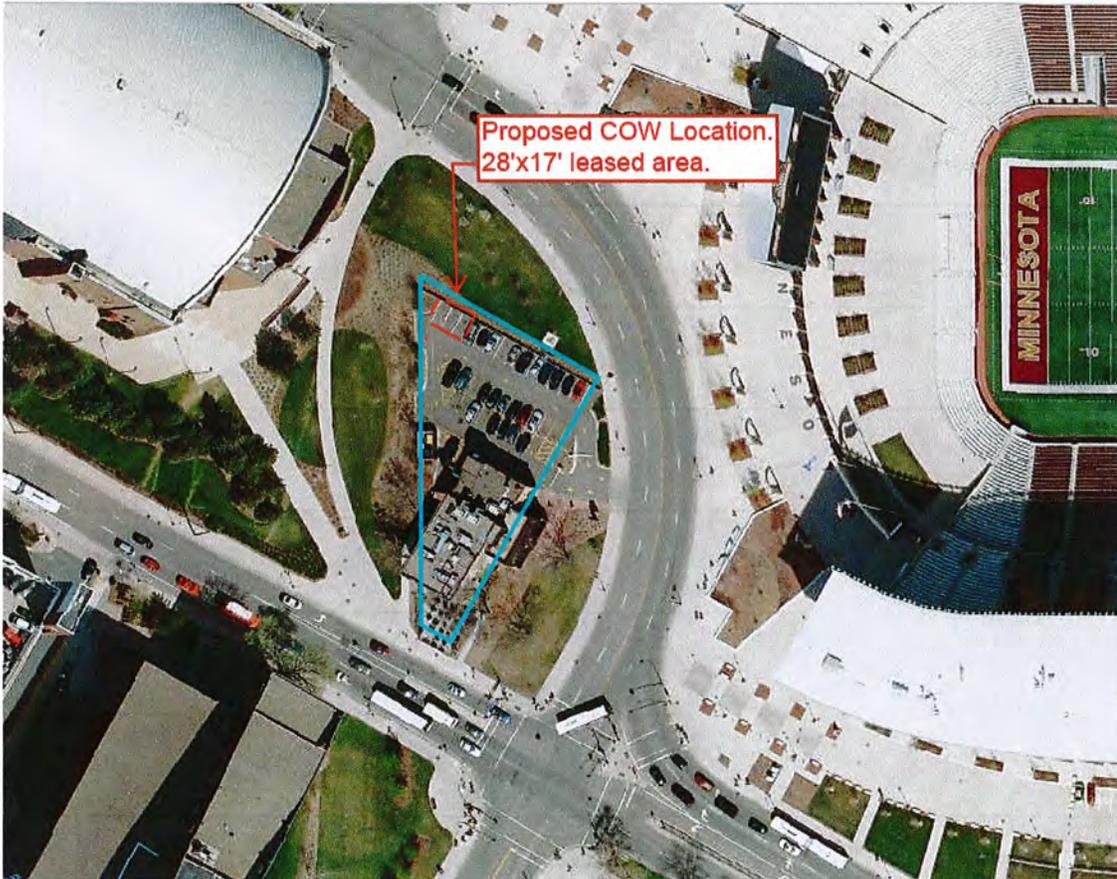
September 15, 2014

City of Minneapolis  
Joe Giant / City Planner- Development of Services  
250 S. Fourth Street – Room 300  
Minneapolis, MN 55415

**RE: Letter of Intent – Sprint Temporary Cell-on-Wheels (COW)  
Site Address: 2001 University Ave. S E, Minneapolis, MN 55414  
Minnesota Vikings Football Season**

Dear Mr. Giant:

Haley Law Firm, PLC has been requested by Sprint to obtain all necessary leasing and permitting in order to place a temporary cellular facility on property owned by the Station 19. The location has been approved by Darrel LeBarron and Sprint. The aerial location is shown below.



# HALEY LAW FIRM, PLC

September 19, 2014

City Council

Attn: Cam Gordon – Ward 2

350 S. 5th St., Room 307

Minneapolis, MN 55415

(612) 673-2202

**RE: Statement of Proposed Use**

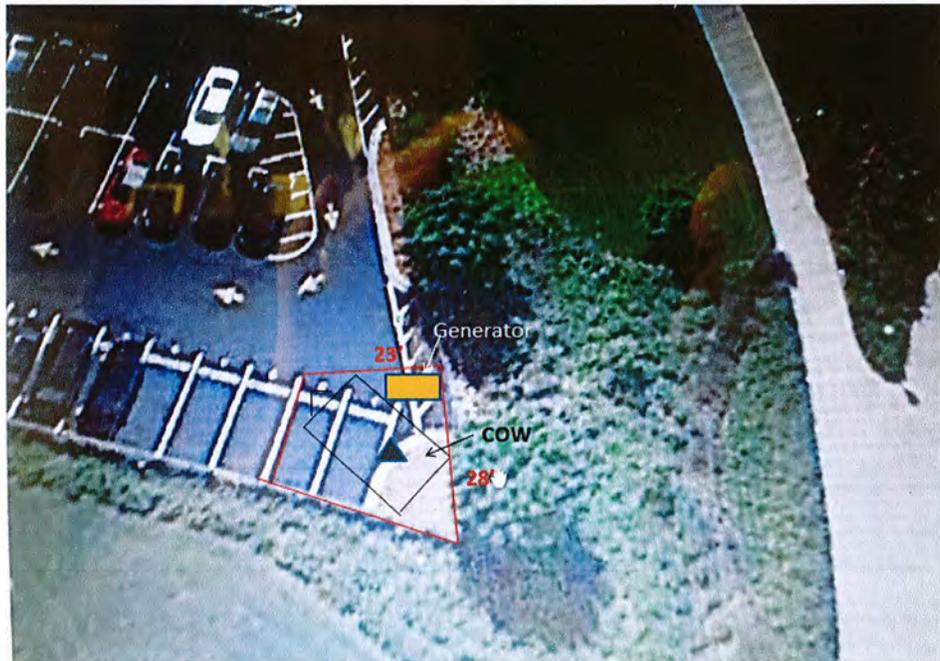
**Site Address: 2001 University Ave. S E**

**Sprint Temporary Cell-on-Wheels (COW)**

Dear Mr. Gordon:

Haley Law Firm, PLC has been requested by Sprint to obtain all necessary leasing and permitting in order to place a temporary cellular facility on property owned by the Station 19 during the Minnesota Vikings Football Season. The location has been approved by Darrel LeBarron c/o Station 19 Architects and Sprint c/o Haley Law Firm, PLC. The aerial location of the property and where the Cell-on-Wheels (COW) will be placed is shown below.

COW lease area details



Sprint is proposing to bring in a Cell-on-Wheels “COW” on October 1, 2014 and leave it in place until after the Minnesota Vikings Football Season. The COW will be removed on or before December 30, 2014.

Below is a picture of what the COW looks like when it is parked and has not yet been deployed.



Once the trailer is placed in the appropriate location, the tower is raised and looks like the picture below. The mast will be raised to 30 feet and the equipment will be completely fenced.



Thank you,

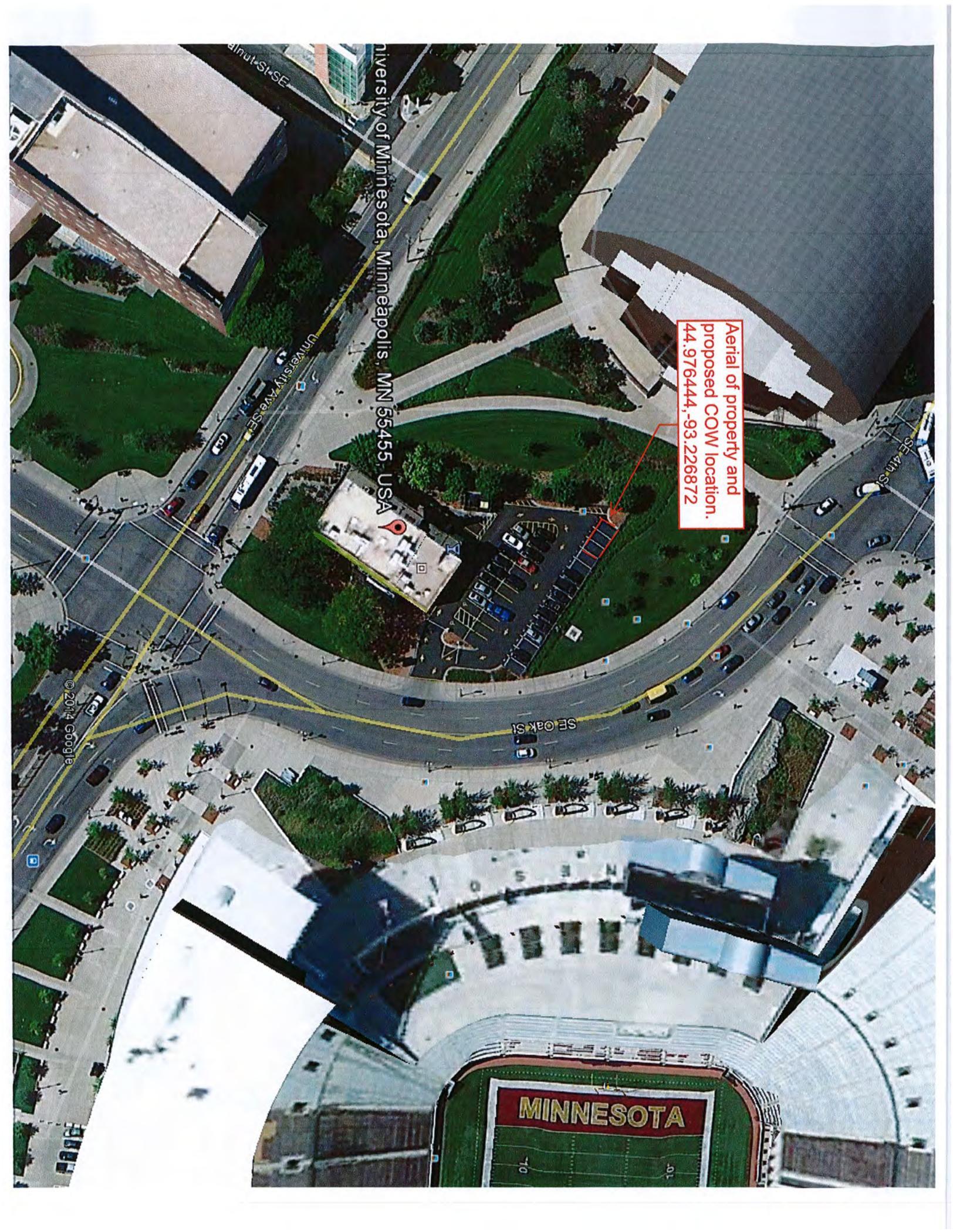
*Ms. T.J. Garrett*

Ms. T.J. Garrett

Enclosure

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10059 Bergin Road  
Howell, Michigan 48843  
Cell: 810-772-1275  
Fax: 517-518-8639



Aerial of property and  
proposed COW location.  
44.976444,-93.226872

University of Minnesota, Minneapolis, MN 55455, USA

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