

Department of Community Planning and Economic Development
Conditional Use Permit
BZZ-5969

Date: April 22, 2013

Applicant: James Ries of Buell Consulting, on behalf of Verizon Wireless

Address of Property: 3128-38 Snelling Avenue

Project Name: Not applicable

Contact Person and Phone: James Ries, (651) 361-8112

CPED Staff and Phone: Aly Pennucci, (612) 673-5342

Date Application Deemed Complete: March 20, 2013

End of 60-Day Decision Period: May 19, 2013

End of 120-Day Decision Period: Not applicable for this application

Ward: 9 **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: I1 Light Industrial District

Proposed Zoning: I2 Medium Industrial District and PO Pedestrian Oriented Overlay District

Zoning Plate Number: 27

Legal Description: GRISWOLDS 3RD ADDN TO MPLS, Block: 002

Parcel 1: The southeasterly 4.00 feet of Lot 22 except the Southwesterly 73.00 feet thereof and Lots 23, 24 and 25, Block 2, Griswold's 3rd Addition to Minneapolis, according to the plat thereof on file or of record in the office of the Register of Deeds in and for Hennepin County. Subject to restrictions and easements as to a portion of Lot 23, Block 2 created by deed of record in Book 1872 of Deeds, page 378, and to a part wall easement created by instrument of record in Book 1872 Deeds, page 376.

Parcel 2: That part of the West Half of the Northeast Quarter of Section 1, Township 28, Range 24 lying Northwesterly of the Southeasterly line of Lot 25, Block 2, Griswold's 3rd Addition to Minneapolis as extended Southwesterly and lying Northeasterly of the Southwesterly line of Lot 24 in said Block 2 as extended Southeasterly and lying Southerly of said Lot 25, according to the Government Survey thereof.

Together with a driveway easement as defined in Document No.1756915

Proposed Use: Telecommunications tower

Concurrent Review:

Conditional use permit: to allow for the construction and maintenance of a 100-foot telecommunications tower to be located on the property.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits

Background and Analysis: The applicant has submitted an application to establish a new 100-foot telecommunication tower on the property located at 3128-38 Snelling Avenue. The subject property is comprised of a single story industrial building that contains a self-storage use that occupies the entire building. Verizon Wireless is proposing a new 100-foot telecommunication tower next to the existing building. The associated base equipment will be located within the existing building. The applicant has also indicated that the tower is being designed to accommodate additional telecommunication carriers.

Freestanding communication towers and antennas, including antennas mounted on light poles and similar structures that are not façade mounted, are permitted as a conditional use in all zoning districts, provided that towers and antennas located in the residence and office residence districts shall be located on institutional use sites of not less than twenty thousand (20,000) square feet. The subject site is zoned I2 Medium Industrial District; the applicant has submitted an application for a conditional use permit to establish the proposed communication tower.

As of writing this staff report, staff has not received any correspondence from the Longfellow Community Council. Staff will forward comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT: to allow for the construction and maintenance of a 100-foot telecommunications tower.

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

The Department of Community Planning and Economic Development has analyzed the application and from the findings below concludes that the establishment, maintenance, or operation of the proposed conditional use:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The area already contains power lines, light poles and other urban infrastructure. The proposal to establish a new 100-foot telecommunication tower at the subject site should not be detrimental to or endanger the public health, safety, comfort or general welfare provided the development complies with all applicable development standards, building codes and life safety ordinances.

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

The immediate area around the subject site is primarily comprised of industrial uses with the closest residential development located approximately 440 feet away. The property immediately abutting the subject site to the west is owned by the railroad. Due to the industrial nature of the area, and the presence of other power transmission towers and infrastructure in the immediate vicinity, adding the tower should not be injurious to the use and enjoyment of adjacent properties and will not impede the normal or orderly development of surrounding property.

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 provided to minimize traffic congestion in the public streets.

This use should not have any impact on the amount of traffic coming to and from the site. This is an unstaffed facility and once the tower has been constructed there will only be occasional visits for purposes of routine maintenance.

5. Is consistent with the applicable policies of the comprehensive plan.

The site is designated as industrial on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The plan states that the industrial land use category includes areas suited for industrial development and limited supporting commercial uses. It is generally found within Industrial Employment Districts, and has a high level of policy protection for industrial uses with an emphasis on job retention and creation. Industrial uses have primacy over other uses in industrial areas.

The comprehensive plan also states that “in addition to the future land use map, the comprehensive plan incorporates by reference land use recommendations from a number of small area plans that cover various sub-sectors of the city. These plans should be consulted for applicable areas when making development decisions, as they provide more detailed guidance.” The Industrial Land Use and Employment Policy Plan was adopted by the City Council on November 3, 2006, and shows this site as part of an Employment District, which are areas designated for continued industrial use.

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

Land Use Policy 1.14: Maintain Industrial Employment Districts to provide appropriate locations for industrial land uses.

1.14.1 Develop regulations for the Industrial Employment Districts that promote compatible industrial development and the efficient use of land.

- 1.14.5 Encourage and implement buffering through the site plan review process to mitigate potential conflicts between industrial uses and adjacent other uses.

Economic Development Policy 4.3: Develop and maintain the city's technological and information infrastructure to ensure the long-term success and competitiveness of Minneapolis in regional, national and global markets.

- 4.3.1 Promote the use of best available technology in upgrading communication linkages to the region and the world.

- 4.3.3 Develop technological and information infrastructure in order to offer high quality working environments for businesses.

Staff comment: The proposed communication tower will be established accessory to an existing industrial use and is in an area that is primarily industrial. This is consistent with the above policies of the Comprehensive Plan.

6. **And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this conditional use permit.**

In addition to the required findings for a CUP, approval of a telecommunications tower/antenna requires the applicant to submit written documentation indicating compliance with the following standards:

535.530. Specific standards for conditional uses. All communication towers and antennas requiring a conditional use permit shall be subject to the provisions of Chapter 525, Administration and Enforcement, and the submittal requirements of section 535.510(b). In addition, the applicant shall comply with the following standards and submit written documentation indicating such compliance:

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 applicant is proposing to construct a 100-foot monopole.

2. ***Co-location of communication antennas.*** Shared use of existing communication towers shall be preferred to the construction of a new tower.

The applicant has submitted several attachments illustrating how the proposed tower will improve coverage in the area. The applicant has indicated that due to the location and spacing between existing towers in the vicinity colocation would not be an effective remedy.

3. ***Height of freestanding towers and antennas.***

- a. ***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.

Not applicable.

- b. ***Industrial districts.*** The height of freestanding communication towers and antennas located in the industrial districts shall not exceed one hundred (100) feet.

The proposed height of the freestanding communication tower is 100 feet.

- c. ***Excess height.*** The city planning commission may increase the height of freestanding towers and antennas, provided that in the residence, office residence and commercial districts such increase shall not exceed the maximum height by more than fifty (50) percent.

The applicant is not requesting excess height. Not applicable.

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.

535.540. Development standards for all permitted and conditional communication towers, antennas and base units. In addition to the standards of sections 535.490, 535.500 and 535.530 above, all communication towers, antennas and base units shall be subject to the following standards:

1. ***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 designed to fulfill this requirement.

- 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.**

With a 100-foot high tower the minimum distance between it and any residential structure must be at least 200 feet. According to the applicant, the closest residential structure is located approximately 440 feet away.

- 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 telecommunications tower or base equipment extends across or over any public right-of-way.

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

The applicant had indicated that the project will be in compliance with the regulations established by the Federal Aviation Administration.

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

There are no setbacks required for industrial uses in the industrial districts, unless adjacent to residential zoning. This site is not adjacent to residential zoning.

- 2. *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.**

The telecommunications tower, located in the I2 district, will be constructed of unpainted galvanized metal, a corrosive resistant material. Given the industrial nature of the area and the existing power transmission lines, the proposed tower is compatible with the existing principal structure and surrounding setting.

- 3. *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 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.**

The applicant is not proposing to landscape around the base of the tower given its location on the lot. The tower will be screened by the existing building from the street. The base equipment will be located inside the existing building.

4. ***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.

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

The proposed antenna will not project above the facade of the tower.

- b. ***Mounted on all other structures.*** A facade mounted antenna shall be mounted flush against the structure on which it is mounted and shall not extend beyond the facade 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 facade of the structure.

Not applicable.

6. ***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 equipment will be located within the existing building and will not exceed 500 square feet of gross floor area.

7. ***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.

The property is secured via a chain link gate that prevents unauthorized access to the property. Customers of the storage facility are required to make an appointment in advance. In addition, the base of the tower will be enclosed by a chain link fence. Climbing pegs will not be installed as part of this project.

8. ***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 had indicated that they will affix only the applicable warning signs necessary on the telecommunications tower and antennas. No advertising or other noncompliant signs will be placed on the tower or associated equipment.

- 9. *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.**

No lighting is proposed for the proposed tower beyond what is required by the FAA or other federal, state or local regulations.

- 10. *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 State Historic Preservation Office (SHPO) has evaluated this site. In a letter dated February 14, 2013, Mary Ann Heidemann, Manager of Government Programs and Compliance for the SHPO, indicated that the project as proposed will have no adverse effect on the register-eligible Hiawatha Corridor Grain Historic District or the Northern States Power Hiawatha Substation. The letter from the SHPO is included in the appendix.

- 11. *Radio frequency emissions and noninterference.* The applicant shall comply with all applicable Federal Communication Commission standards.**

The applicant has noted that they will meet all regulations established by the Federal Communications Commission.

- 12. *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 public works that co-location of the proposed antenna with a public safety antenna is agreeable.**

Not applicable.

RECOMMENDATION

Recommendation of the Department of Community Planning and Economic Development for the conditional use permit for a contractor's office:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit for the construction and maintenance of a 100-foot telecommunications tower for the property located at 3128-38 Snelling Avenue, subject to the following condition:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a

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conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.

- 2) CPED Planning staff review and approval of the final site and landscaping plans.

Attachments:

1. Statement of proposed use and findings submitted by the application
2. Zoning map
3. Correspondence to neighborhood association and council office
4. Correspondence from the SHPO
5. Plans submitted by the applicant
6. Coverage maps submitted by the applicant
7. Photos of the site and photo simulations submitted by the applicant.