AGENDA NEW BRIGHTON PLANNING COMMISSION REGULAR MEETING TUESDAY, JANUARY 21, 2014 7:00 P.M.

7:00	P.M.				
1.	Call to Order:				
2.	Roll Call:				
	Bruce Erin Nichols Michael VerneHowardMatkaitiShardlowMcPherson				
	Steve Greg Meyers Paul BankerDanger				
3.	Agenda Review				
4.	Approval of Minutes				
	(A) November 19, 2013				
5.	Report on Council Action: Paul Jacobsen, City Council Member				
6.	Public Hearings				
	(A) Continuation: Verizon Wireless LLC requests consideration of a Special Use Permit to allow installation of two additional telecommunications antenna on top of the City water tower located at 700 Silver Lake Road.				
7.	Adjourn:				

 $[*]A\ Quorum\ of\ the\ City\ Council\ may\ be\ present.$



PLANNING COMMISSION PROCEEDINGS

Regular Meeting - November 19, 2013 7:00 p.m.

Present: Chairperson Bruce Howard, Commissioners Paul Banker, Steve Danger, Erin Nichols-Matkaiti, Mike Shardlow, Greg Meyers, and Verne McPherson

Absent: None

Also Present: Janice Gundlach-City Planner, and Mary Burg-Councilmember

Agenda Review: There were no changes to the agenda.

Minutes from September 17, 2013:

Motion by Commissioner Danger, seconded by Commissioner McPherson, to approve the September 17, 2013 meeting minutes as presented.

Approved 7-0.

Council Action: Councilmember Burg reported this Thursday the Urban Farming Task Force would be holding a Public Comment Forum at 6:30 p.m. Comments could be sent to the City Hall if residents are unable to attend. She reported the Council would be holding the Truth in Taxation Hearing on December 3, 2013 and the 2014 budget would be approved on December 10, 2013.

Public Hearing:

(A) Verizon Wireless LLC requests consideration of a Special Use Permit to allow installation of two additional telecommunications antenna on top of the City water tower located at 700 Silver Lake Road.

City Planner Janice Gundlach reported Verizon Wireless LLC is requesting a Special Use Permit to allow installation of two additional telecommunications antenna on the top of the City's water tower located at 700 Silver Lake Road. Verizon Wireless LLC currently has eight antennas at this location and wishes to increase their antenna amount to ten. All telecommunication uses are specially permitted uses in New Brighton. Because Verizon's original approval only allowed for eight antennas, a new Special Use Permit must be approved to increase the amount. No substantive changes will be made to the ground equipment or lease space.

City Planner Gundlach explained currently, several telecommunication providers use the water tower site at 700 Silver Lake Road for antenna display. The City consults a special water tower professional to review all plans and ensure the water tower facility will not be negatively impacted in any way. This consultant has reviewed the plans and determined the two additional antennas, and their method of attachment, can be structurally supported and has approved the plans.

City Planner Gundlach stated since the staff report was written, a resident near the water tower has expressed concern with his TV reception due to the number of antenna near his home. She commented a radio frequency noninterference study eshould be completed to test for interference. Staff noted this type of study had not been conducted to date for this site. For this reason, staff was recommending the Planning Commission table action on this item to allow for the radio frequency noninterference study to be completed by Verizon Wireless LLC. She reported another public hearing would be held once the study was completed.

Commissioner Danger questioned how many more antennas would be placed on the water tower. City Planner Gundlach reported Verizon Wireless was requesting two additional antennas, for a total of 10 antennas. Commissioner Meyers asked how many antenna the City's water tower could hold. City Planner Gundlach commented this was determined by a consultant for the City. She believed the City's water tower was nearly maxed out.

Not Approved

Commissioner Shardlow asked if the Planning Commission could approve the case contingent on the satisfactory completion of the radio frequency noninterference study. City Planner Gundlach stated she had considered this option and discussed it with the City Attorney. This would be an option for the Commission; however, she expressed concern with the information that would be gathered from the study. She recommended staff be allowed to review the study results prior to making a recommendation on the additional antenna.

Chairperson Howard inquired if Verizon Wireless supported the matter being tabled. City Planner Gundlach explained Verizon supported the item being tabled and understood they would be responsible for completing the study before receiving Special Use Permit approval.

Motion by Commissioner McPherson, seconded by Commissioner Shardlow, to continue the Public Hearing to a date to be determined to allow Verizon Wireless, LLC to conduct a radio frequency noninterference study.

Approved 7-0.

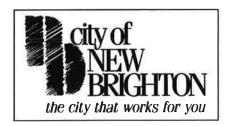
Other Business: None.

Adjournment:

Motion by Commissioner Nichols-Matkaiti, seconded by Commissioner Banker, to adjourn the meeting.

7 Ayes, 0 Nayes, Motion carried.

Meeting adjourned at 7:20 PM



Community Development Department

MEMORANDUM

DATE:

January 16, 2014

TO:

Planning Commission

FROM:

Janice Gundlach, Planning Coordinator

SUBJECT:

Update RE SP2013-006 – Telecommunications Antenna for Verizon

Wireless LLC, 700 Silver Lake Road

The Planning Commission originally heard this request at the November 19, 2013 Planning Commission meeting. Following preparation of the written staff report (dated 11/14/2013 and attached) a resident made inquiry regarding a potential interference problem between over-the-air TV reception and the existing and proposed telecommunications antenna. As such, at staff's recommendation the Planning Commission opened the public hearing on November 19th, but tabled action until a noninterference study could be completed.

Verizon Wireless LLC commissioned Owl Engineering & EMC Test Labs, Inc. to conduct a noninterference study for the water tower site at 700 Silver Lake Road. The purpose of the study was to determine if any of the existing equipment on the tower was interfering with one another, as well as determining if there was interference to radio, television, or other existing broadcast communications systems in the area. This study was completed and Owl Engineering provided a letter dated December 10, 2013 (attached) discussing the results.

Following submittal of the engineering analysis, staff inquired as to the methods used to ensure over-the-air broadcast television was not being interfered with as the letter from Owl Engineering suggested it was merely an "opinion". At staff's request, Verizon Wireless instructed Owl Engineering to meet with the affected resident who made the initial interference inquiry. This meeting is supposed to occur over the weekend of January $17^{th} - 19^{th}$. Verizon Wireless has requested to move forward as they are confident their antennas are not the problem. Nonetheless, if the homeowner's issues are not resolved, there may be a need to further discuss with Owl Engineering if there is a way to determine, with certainty, that Verizon's antenna are not causing the problem. Staff intends to provide an update at the meeting.

To conclude, the engineering analysis conducted by Owl Engineering indicates there are and will be no interference issues with construction of two additional telecommunications antenna for Verizon Wireless atop the existing City water tower at 700 Silver Lake Road. As such, staff's original analysis discussed in the Planning Report dated November 14, 2013 remains unchanged and staff continues to recommend approval of the request. An updated Resolution is attached for consideration.

Note: Based on the outcome of Owl Engineering's meeting with the affected resident, staff's recommendation may be amended. The Planning Commission will be advised prior to the meeting's start.

Attachments

- Resolution
- 12/10/2013 Letter from Owl Engineering
- Email Correspondence w/Verizon Wireless re study
- 60-day extension letter dated 12/13/2013
- 11/14/2013 Planning Report & Attachments

RESOLUTION PLANNING COMMISSION CITY OF NEW BRIGHTON

RESOLUTION MAKING FINDINGS OF FACT AND RECOMMENDING APPROVAL A SPECIAL USE PERMIT.

WHEREAS, an application has been made by Verizon Wireless LLC to allow construction of two additional telecommunications antennas, increasing Verizon's total antenna number to ten, on top of the City's water tower located at 700 Silver Lake Road, and

WHEREAS, the procedural history of the application is as follows:

- 1. An application for a Special Use Permit was received on October 31, 2013.
- 2. The Planning Commission, pursuant to published and mailed notices, held a public hearing on November 19, 2013 and all present were given a chance to freely speak at the hearing.
- 3. The Planning Commission tabled action on November 19, 2013.
- 4. A 60 day extension request was provided to the applicant on December 13, 2013.
- 5. The Planning Commission re-opened the public hearing and considered the request on January 21, 2014.
- 6. The Planning Commission recommended to the City Council approval of the requested Special Use Permit.

WHEREAS, the Planning Commission make the following Findings of Fact with respect to the Special Use Permit (SP2013-006):

- 1. The property is zoned R 1, Single Family Residential.
- 2. The property is guided in the Comprehensive Plan for Low Density Residential.
- 3. The applicant has proposed to construct two additional telecommunications antenna on top of the City water tower, increasing Verizon's total antenna amount from eight to ten.
- 4. No changes to the ground equipment are proposed.
- 5. Section 4-600 (2 & 4) provides for several performance related standards that all wireless telecommunication facilities must meet.
- 6. The Planning Commission determined those criteria of Section 4-600 (2 & 4) are met.
- 7. The Planning Commission reviewed the proposal in accordance with the following additional Special Use Permit standards of Zoning Code Section 8-130:
 - a. That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 - c. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
 - e. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.

- 8. The Planning Commission found the Special Use Permit criteria of Section 8-130 are met due to the following:
 - a. The antennas are being mounted to an existing water tower.
 - b. The antennas will be located at the top of the nearly 90' water tower and will not be readily visible from the ground.
 - c. Numerous telecommunication antennas currently exist on the tower whereby two additional antennas will likely not be noticeable by the public.
 - d. No changes are being made to the ground equipment and lease space.
 - e. A noninterference study conducted by Owl Engineering & EMC Test Labs, Inc. indicated to interference issues amongst existing telecommunications equipment on the tower or with radio, television, and other existing broadcast communications systems in the area.

Now Therefore Be It RESOLVED that based upon the above Findings of Fact the application for a Special Use Permit (SP2013-006) is hereby recommended to the City Council for approval as submitted.

Adopted this 21st day of January, 2014.

	Bruce Howard, Planning Commission Chair
ATTEST:	
	Janice Gundlach, City Planner



CONSULTING COMMUNICATIONS ENGINEERS - EMC TEST LABORATORIES

5844 Hamiline Avenue North, Shoreview, MN 55126 651-784-7445 • Fax 651-784-7541

December 10, 2013

City of New Brighton Mr. Grant M. Wyffels, P.E. Director of Public Works 803 Old Highway 8 NW New Brighton, MN 55112

Reference: New Brighton Water Tower Interference Study

Dear Mr. Grant M. Wyffels:

I have completed the intermodulation (interference) study for the Verizon Wireless modifications and the addition of new frequencies on the existing New Brighton Water Tower on Silver Lake Road. The first step in the analysis was to perform a study with the existing communications conditions before the installation of the Verizon Wireless system. In the case where existing tenants' channels were available they were used. Because of the large amount of potential frequencies available with some of the technologies already on the tower a random subset of each of these types of technologies was selected for the analysis. Additionally, I included any city frequencies used by Public Works and Public Safety even though they were not installed on the water tower. This was so if a mobile unit passed nearby or if they were mounted in the future, protection was considered. The existing users on the tower that were examined were Sprint/Nextel, T-Mobile and the existing Verizon communications system.

The study shows that there are no predicted (low order) interference intermodulation products generated from combinations of existing and proposed channels at this site. When the proposed communications facility is constructed, antenna separation, antenna pattern directionality properties and equipment filtering will further reduce the potential of intermodulation induced interference. This analysis is a mathematical study and will not account for interference mitigation that will occur due to the differences in technologies and equipment configurations and filtering. This study assumes a worst-case scenario using as many as five transmitters operating simultaneously (which is a rare occurrence).

I was also asked to review the potential for interference to radio, television and other existing broadcast communications systems in the area that was raised by members of the public. I did include the receive frequencies of radio and television stations in my



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ant & Typick

analysis. In my opinion there is no potential interference to any existing broadcasting communications services that would be caused by this new communications system.

In summary, the use of good engineering and installation practices should mitigate any interference to any existing communications systems on the tower and it is my opinion that the Verizon Wireless communications system added frequencies should not cause any harmful interference problems on the tower to any of the existing communications systems.

If you have any questions in this matter please contact me.

Sincerely,

Garrett G. Lysiak, P.E.

Janice Gundlach

From: Sent: Lynda DePoe <ldepoe@fmhc.com> Monday, January 06, 2014 2:13 PM

To:

Janice Gundlach

Cc:

Grant Wyffels

Subject:

RE: Verizon Wireless Non Interference Study | 700 Silver Lake Road |

Attachments:

NEW BRIGHTON REVISED RF STUDY Verizon wt 2 pdf

Hello Janice,

I received the attached revised report from Owl Engineering. It has been revised, but as to the analysis containing additional substantive conclusions, please note we still have the engineer providing his professional "opinion".

Please let me know your thoughts and comments. If we need to regroup with Garrett Lysiak, the engineer to discuss the report prior to the planning commission meeting this month. I can arrange to do so. I don't know if having him present at the meeting would be an option. We could consider that in addition to the report.

Thank you so much for your patience in this matter.

Kind regards,

Lynda

Lynda DePoe Site Acquisition FMHC Corporation 7400 Metro Blvd, Suite 260 Edina, MN 55439 Idepoe@fmhc.com (206) 351-4019 Mobile (952) 831-1043 Xt 3107

From: Janice Gundlach [mailto:Janice.Gundlach@newbrightonmn.gov]

Sent: Tuesday, December 31, 2013 12:21 PM

To: Lynda DePoe **Cc:** Grant Wyffels

Subject: RE: Verizon Wireless Non Interference Study | 700 Silver Lake Road |

Ok, will do. Thanks for the follow-up and we'll be in touch after the New Year. Thanks.

From: Lynda DePoe [mailto:ldepoe@fmhc.com]
Sent: Tuesday, December 31, 2013 11:22 AM

To: Janice Gundlach **Cc:** Grant Wyffels

Subject: RE: Verizon Wireless Non Interference Study | 700 Silver Lake Road |

Hello Janice,

I have not received anything more from Owl Engineering after I submitted the questions on 12-17 you posed regarding his report and review considerations.

At that time the engineer indicated he planned to amend the report to state he looked at normal broadcast frequencies (AM,FM and TV) and did not see any potential interference products that are predicted to cause any interference to the normal broadcast frequencies. I had hoped to see it by now.

I suspect he in taking time off for the Holidays. I did try to reach him to see if he is working if he could follow up with this week. I think we will definitely see something from him after the New Year's break.

If you can please re-notice, we should have ample time to obtain the amended report for what will be needed. Please let me know your thoughts.

Thanks for checking on this Janice. Happy New Year!

Lynda

Lynda DePoe Site Acquisition FMHC Corporation 7400 Metro Blvd, Suite 260 Edina, MN 55439 Idepoe@fmhc.com (206) 351-4019 Mobile (952) 831-1043 Xt 3107

From: Janice Gundlach [mailto:Janice.Gundlach@newbrightonmn.gov]

Sent: Tuesday, December 31, 2013 11:10 AM

To: Lynda DePoe **Cc:** Grant Wyffels

Subject: RE: Verizon Wireless Non Interference Study | 700 Silver Lake Road |

Do you have an update on this? In order to get this back in front of the Planning Commission on January 21st (then Council on January 28th) I need to re-notice for a public hearing tomorrow by 3pm. Let me know. Thanks and Happy New Year!

From: Lynda DePoe [mailto:ldepoe@fmhc.com]
Sent: Friday, December 13, 2013 1:59 PM

To: Janice Gundlach **Cc:** Grant Wyffels

Subject: RE: Verizon Wireless Non Interference Study | 700 Silver Lake Road |

Thank you, Janice.

Rather than make an assumption one way or the other, I will ask Owl Engineering how they came to that conclusion and what criteria was used to make the assertion.

I'll send the request now and hope to have feedback from Owl by early next week to address that information.

Kind regards,

Lynda

Lynda DePoe Site Acquisition FMHC Corporation 7400 Metro Blvd, Suite 260 Edina, MN 55439 Idepoe@fmhc.com (206) 351-4019 Mobile (952) 831-1043 Xt 3107

From: Janice Gundlach [mailto:Janice.Gundlach@newbrightonmn.gov]

Sent: Friday, December 13, 2013 1:44 PM

To: Lynda DePoe **Cc:** Grant Wyffels

Subject: RE: Verizon Wireless Non Interference Study | 700 Silver Lake Road |

I'm hoping you can help me understand this. It appears the study only looked at interference between what is on the tower. The first paragraph on the 2nd page makes a general statement that in his "opinion" there is no potential interference to any existing services near the tower (like the resident's over-the-air TV signal). Does that mean there was no mathematical study like the one discussed in the paragraph proceeding that statement? Could you please clarify?

From: Lynda DePoe [mailto:ldepoe@fmhc.com]
Sent: Friday, December 13, 2013 10:47 AM

To: Janice Gundlach **Cc:** Grant Wyffels

Subject: RE: Verizon Wireless Non Interference Study | 700 Silver Lake Road |

Thank you so much, Janice. I appreciate you sending me the extension.

I did just receive the RF Study from Owl Engineering and was drafting correspondence to you to address that when your email arrived.

Attached please find the completed report which is two-fold:

- 1) non interference as regards the current users on the tower and Verizon's frequencies
- 2) non interference to the neighboring property owner's television reception

Once you have had an opportunity to review the report please let me know if you have any questions regarding the report and when you would anticipate the report can be submitted for further consideration in staff recommendation to adopt the resolution to approve the Special Use Permit application.

Thank you again, Janice and Happy Holidays!

Lynda

Lynda DePoe

Site Acquisition
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Edina, MN 55439
Idepoe@fmhc.com
(206) 351-4019 Mobile
(952) 831-1043 Xt 3107

From: Janice Gundlach [mailto:Janice.Gundlach@newbrightonmn.gov]

Sent: Friday, December 13, 2013 10:26 AM

To: Lynda DePoe **Cc:** Grant Wyffels

Subject: RE: Verizon Wireless Non Interference Study | 700 Silver Lake Road |

Please find attached letter. This ensures we have additional time to review this request. Please keep City staff informed on the status of the non-interference study. Let me know if there are questions or concerns. Thanks.

From: Lynda DePoe [mailto:ldepoe@fmhc.com]
Sent: Tuesday, November 19, 2013 9:35 AM

To: Janice Gundlach **Cc:** Grant Wyffels

Subject: RE: Verizon Wireless Non Interference Study | 700 Silver Lake Road |

Good Morning Janice,

I was unable to call you this morning before 9:00 so I wanted to respond to let you know I've received your email. I will try to reach you this afternoon after lunch to discuss.

Since we have not had a non interference study performed for this site for the new proposed antennas, or for that matter, I am unaware of a study performed for the existing Verizon antennas, I suggest we have that done immediately.

Rather than try to speculate or attempt to understand what might be occurring with the neighbors television reception, I think this would be the most prudent and substantive course of action to take in order to determine there are no interference matters related to Verizon's equipment on the water tower.

I don't know if there are other carriers operating on the Water Tower, or any other users; so that too would need to be taken into consideration, and would be by the consulting engineer in the study.

If the City has no objection, Verizon would contract with a 3rd party engineering firm, Owl Engineering, who performs radio frequency non interference studies for all major carriers as well as other public and private frequencies in use in the Metro area.

Owl Engineering is a Communication Consulting firm specializing in radio licensing, intermodulation studies, radio coverage predictions, radio field measurements, antennas tower engineering and EMC test facilities. Owl's many clients also include the radio and television industry as well as government and private companies. They are headquartered in Minneapolis and founded in 1981. For more information, their website is http://www.owleng.com/

We would need to obtain a purchase order to get that started for the study and report to be completed. Right now, due to the high volume of these studies underway, it could be several weeks before it is completed.

If you would please share this with the Commission and the concerned resident so they are aware we intend to address this matter ASAP and will proceed with obtaining the 3rd party services today.

I will give you a call this afternoon so we can discuss further. Thank you, Janice.

Kind regards,

Lynda

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Site Acquisition Specialist
FMHC Corporation
7400 Metro Boulevard, Ste 260
Edina, MN 55439
(206) 351-4019 Mobile
(952) 831-1043 Office
Idepoe@fmhc.com

From: Janice Gundlach [mailto:Janice.Gundlach@newbrightonmn.gov]

Sent: Tuesday, November 19, 2013 7:42 AM

To: Lynda DePoe

Subject: FW: Follow-up to Phone Call

Good Morning Lynda,

I am in the office today so please give me a call. I received the below email from a resident and was hoping we could discuss. I have not heard from any other neighbors (his reference to me hearing from others was something I mentioned from several years ago-different site). I've been told that television and cellular signals operate on different frequencies, but I've also read that 4G can specifically affect TV reception and that some people might need to install filters. Is there any accuracy to this? I'd like to have some sort of response to this neighbor as well as for the Planning Commission tonight. Please respond to my email or give me a call. I'll be in a meeting from 9-11am but should be free early this morning and after the lunch hour. Talk to you soon. Thanks.

From: Fred Malver [mailto:fmalver@hotmail.com]
Sent: Monday, November 18, 2013 4:29 PM

To: Janice Gundlach **Cc:** Fred Malver

Subject: Follow-up to Phone Call

Dear Ms. Gundlach,

As per our phone conversation I am following up in writing about the concern we have for the telecommunications antennas installed on the New Brighton water tower at 700 Silver Lake Road. We live at 721 Redwood Lane so the water tower is directly behind our house. Since the antennas have been installed on the water tower our over-the-air television reception has been severely affected. Specifically, our digital

picture pixilates on all the channels at various times; i.e., the picture breaks up and freezes. I know it is claimed that the TV and cell antennas operate on supposedly non-interfering frequencies. But I believe there are harmonics or sub-harmonics that may be causing the problem. I would like Verizon Wireless LLC to be made aware of this problem (you said on the phone that others have encounter this same problem) and to respond with a possible solution.

I am sorry that I have a conflict and cannot attend the November 19th public hearing. But if additional Verizon antennas on the water tower are going to further degrade my TV reception, then I am very much against these additional antennas.

Sincerely, Fred Malver fmalver@hotmail.com 651-636-0329



December 13, 2013

Verizon Wireless LLC Attn: Lynda DePoe 180 Washington Valley Road Bedminster, New Jersey 07921

sent via email to ldepoe@fmhc.com

RE: Planning File SP2013-006 (700 Silver Lake Road): 60-Day Extension

Dear Ms. DePoe:

60-Day Extension Notice. State law provides that Cities shall make decisions on zoning requests within 60 days from the date of application, and that this review period may be extended by notification to the applicant. Your application was received on November 1, 2013 and was deemed complete upon submittal. The 60-day review period would end on December 31, 2013. However, prior to the public hearing on November 19, 2013, City staff requested (at your advice) a non-interference study be performed to address neighbor concerns regarding over-the-air TV reception interference. Because this study cannot be completed, analyzed, and forwarded to the Planning Commission and City Council prior to December 31, 2013, the earliest potential date of final City Council action falls after the initial 60-day review period. *Therefore, the 60-day review period is hereby extended an additional 60 days to March 1, 2014.* The first available Planning Commission meeting date is January 21, 2014. In order to be heard at this meeting, the results of the requested study must be submitted to City staff for review no later than January 3, 2014.

Should you have further questions I can be reached at 651-638-2059.

Sincerely,

City of New Brighton

Janu Gundluch

Janice Gundlach City Planner

PLANNING REPORT

DATE:

November 14, 2013

CASE:

SP2013-006

SUBJECT:

Special Use Permit to permit installation of telecommunications antenna at

700 Silver Lake Road

APPLICANT: Verizon Wireless LLC

REQUEST & BACKGROUND

Verizon Wireless LLC is requesting a Special Use Permit to allow installation of two additional telecommunications antenna on the top of the City's water tower located at 700 Silver Lake Road. Verizon Wireless LLC currently has eight antennas at this location and wishes to increase their antenna amount to ten. All telecommunication uses are specially permitted uses in New Brighton. Because Verizon's original approval only allowed for eight antennas, a new Special Use Permit must be approved to increase the amount. No substantive changes will be made to the ground equipment or lease space.

Currently, several telecommunication providers use the water tower site at 700 Silver Lake Road for antenna display. The City consults a special water tower professional to review all plans and ensure the water tower facility will not be negatively impacted in any way. This consultant has reviewed the plans and determined the two additional antennas, and their method of attachment, can be structurally supported and has approved the plans. Because the water tower site is Cityowned, the City Council will also consider a lease amendment with Verizon Wireless LLC for the additional antennas.

ATTACHMENTS

A – Resolution

B – Project Location Map

C – Zoning Map

D – Aerial Photograph

E – Neighborhood Notification Map

F – Applicant Narrative

G – Special Use Permit Criteria Worksheet

H – Sheet T-1: Title Sheet

I – Sheet A-1: Site Plan

J – Sheet A-2: Tower Elevations

K – Sheet A-3: Antenna Mounting Plan

L – Sheet S-1: Existing & Proposed Plan Views

FINDINGS

Section 4-600 (2) Building Permits Required.

Section 4-600 (4) Special Use Permit.

Section 8-130 Special Use Standards.

SITE CHARACTERISTICS

Location:

700 Silver Lake Road

Lot Size:

38,245 SF (0.88 acres)

Topography:

Slopes north, northwest

Comprehensive Plan Designation:

Lo

Low Density Residential

Zoning:

R-1, Single Family Residential

Surrounding Land Uses:

North:

single family homes

South:

Forest Dale RD, single family homes Silver Lake RD, single family homes

East: West:

single family homes

SPECIAL USE PERMIT ANALYSIS

Verizon Wireless LLC is proposing to mount two additional antennas, increasing from eight existing to ten, on top of the City's water tower located at 700 Silver Lake Road. The antennas will be mounted on a rack/railing located at the top of the tower and are placed in two "sectors" with one new antenna proposed per sector. No substantive land use changes to the ground equipment or lease space is proposed.

There are various Zoning Code sections applying to telecommunications equipment. The following is an analysis of whether this request complies with those various Zoning Code standards (staff responses in *italics*):

Section 4-600 (2) provides that the following regulations are met prior to issuance of any building permits for towers and/or antenna.

A. All towers and antennae shall have setbacks equal to or greater than the height of the proposed structure, unless otherwise reduced by action of the City Council in accordance with Zoning Code Section 4-600 (4) (D).

The existing water tower is nearly 90' tall. The antennas are being placed at the top of the existing tower. The existing tower is roughly 100' away from the nearest home to the north and 180' away from the second nearest home to the west. Being the tower structure the antennas are being mounted to is existing, this standard does not apply.

B. The distance of any guy anchorage or similar device shall be at least ten feet from any property line.

This condition does not apply as there are no guy anchorage or similar devices needed for these antenna and because the tower is existing.

C. Suitable protective anti-climb fencing and a landscape planting screen shall be provided and maintained around the structure and accessory attachments.

Fencing currently exists for the water tower and no additional fencing will be required. No visible changes are proposed at grade.

D. The applicant shall present documentation of the possession of any required license by any Federal, State, or local agency.

This documentation will be provided at the time of building permit submittal and verified by the Building Official prior to issuance of any permits.

E. No structure shall be in excess of a height equal to the distance from the base of the structure to the nearest overhead electrical power line which serves more than I dwelling or place of business, less five feet.

Being the antennas are being mounted on an existing tower, this criterion does not apply.

F. Only one such structure exceeding the district height limitations shall exist at any one time on any residentially zoned and used lot or parcel.

Only the water tower and its associated attachments exceed the height standards of the residential district in which the tower is located within. No other structures exceed the height limitation.

G. Application for the permit must include construction drawings showing proposed method of installation, structural engineering analysis, and a site plan depicting structures and plantings on the property and all adjacent properties. At the request of the administrative authority, documentation of a maintenance program may be required.

A greater level of detailed construction drawings will be submitted at the time of building permit. These plans will be reviewed by the City's Building Official, Public Works Director, City Planner, and the City's water tower consultant.

H. If any modifications are made to the structure, the City shall have the authority to require proof that the addition, change, or modification is in conformity with the permit and the Uniform Building Code.

Being the antennas are being mounted on a City water tower, verification of this should not be problematic as Verizon Wireless LLC is a party to an existing lease agreement with the City, as well as an amendment to cover the additional antennas.

I. The owner of such a structure shall assume complete liability in case of personal or property damage.

Per a required lease agreement with the City, Verizon Wireless LLC will take responsibility for complete liability in case of personal and/or property damages.

Staff finds all criteria of Section 4-600 (2) have been met.

Section 4-600 (4) states that wireless telecommunication towers/antenna shall be subject to approval of a special use permit. A special use permit shall be considered provided it is determined that the location and size of the use and type of operation involved therein shall not be injurious to the public health, safety, convenience, or general welfare and, shall not injure or adversely affect the adjacent area or property values. The Planning Commission, in making a recommendation, and the City Council, in acting upon the special use permit, shall consider the following factors:

A. The application for special use permit shall be processed according to Chapter 8 of the Zoning Code.

The applicant submitted for a Special Use Permit as required by Chapter 8 (see compliance with the standards of Section 8-130 below).

B. Applications for special use permits must meet the standards of Section 4-600 (2), A-I.

Staff provided an analysis of these criteria above and finds all have been met.

C. Wireless telecommunication towers/antenna may be constructed to a height that exceeds the required setback up to 33%. As a condition of approval, the City must be provided with a licensed professional engineer's certification that the tower is designed to collapse or fail within a distance or zone shorter than the required setback distance as determined by the height of the structure or telecommunication tower. The required setback is specified in Section 4-600 (2), A-B.

Because the tower is an existing water tower, this standard isn't applicable. For information's sake, the antenna will be constructed on top of the 88' tall tower and the tower setback is 95' from the south, 25' from the east, 90' from the north, and 100' from the westerly boundary.

- D. Certain telecommunication towers/antenna may be exempt from the setback requirement of Section 4-600 (2) and instead subject to a 10' setback by authorization of the City Council and when all of the following criteria are met:
 - 1. The tower/antenna is erected on a parcel zoned I-1 or I-2.
 - 2. The tower/antenna is located in a side or rear yard.
 - 3. The reduced setback is measured only from the I-35W right-of-way.
 - 4. The applicant submits a fall zone letter stating that tower is engineered to fall in a distance not impeding traffic on I-35W.

This standard does not apply as a tower setback is not applicable being the antenna will be mounted on an existing City water tower.

Staff finds all standards of Section 4-600 (4) to be met.

Lastly, Section 8-130 of the Zoning Code states that no special use shall be recommended by the Planning Commission unless such shall find:

a. That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort of the general public.

Staff finds this criterion is met. While the tower is located within a residential district, the area has been established as a utility use for many years. Additionally, the topography of the water tower site is drastically higher than the surrounding homes making it less impactful to the neighbors. Lastly, so many antennas already exist at the top of the tower it will be difficult to even discern two additional antennas.

b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

- Staff finds this criterion to be met as two additional antennas at this site will not be readily noticeable to the surrounding area.
- c. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - Staff finds this criterion to be met. The entire area is fully developed and the antenna installation should not impact the uses permitted in the area.
- d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
 - Staff finds this criterion to be met. All existing facilities will be adequate to install the two additional antennas.
- e. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it located.
 - Staff provided an analysis of compliance with all other aspects of the Zoning Code within this report and thus finds this criterion to be met.

Staff finds all standards of Section 8-130 to be met.

In conclusion, staff finds all special use standards of Section 4-600 (2) & (4) and Section 8-130 to be met.

STAFF RECOMMENDATION

Adopt the Resolution provided recommending approval of the Special Use Permit as submitted.

Janice Gundlach, City Planner

RESOLUTION PLANNING COMMISSION CITY OF NEW BRIGHTON

RESOLUTION MAKING FINDINGS OF FACT AND RECOMMENDING APPROVAL A SPECIAL USE PERMIT.

WHEREAS, an application has been made by Verizon Wireless LLC to allow construction of two additional telecommunications antennas, increasing Verizon's total antenna number to ten, on top of the City's water tower located at 700 Silver Lake Road, and

WHEREAS, the procedural history of the application is as follows:

- 1. An application for a Special Use Permit was received on October 31, 2013.
- 2. The Planning Commission, pursuant to published and mailed notices, held a public hearing on November 19, 2013 and all present were given a chance to freely speak at the hearing.
- 3. The Planning Commission recommended the City Council approve the request on November 19, 2013

WHEREAS, the Planning Commission and City Council make the following Findings of Fact with respect to the Special Use Permit (SP2013-006):

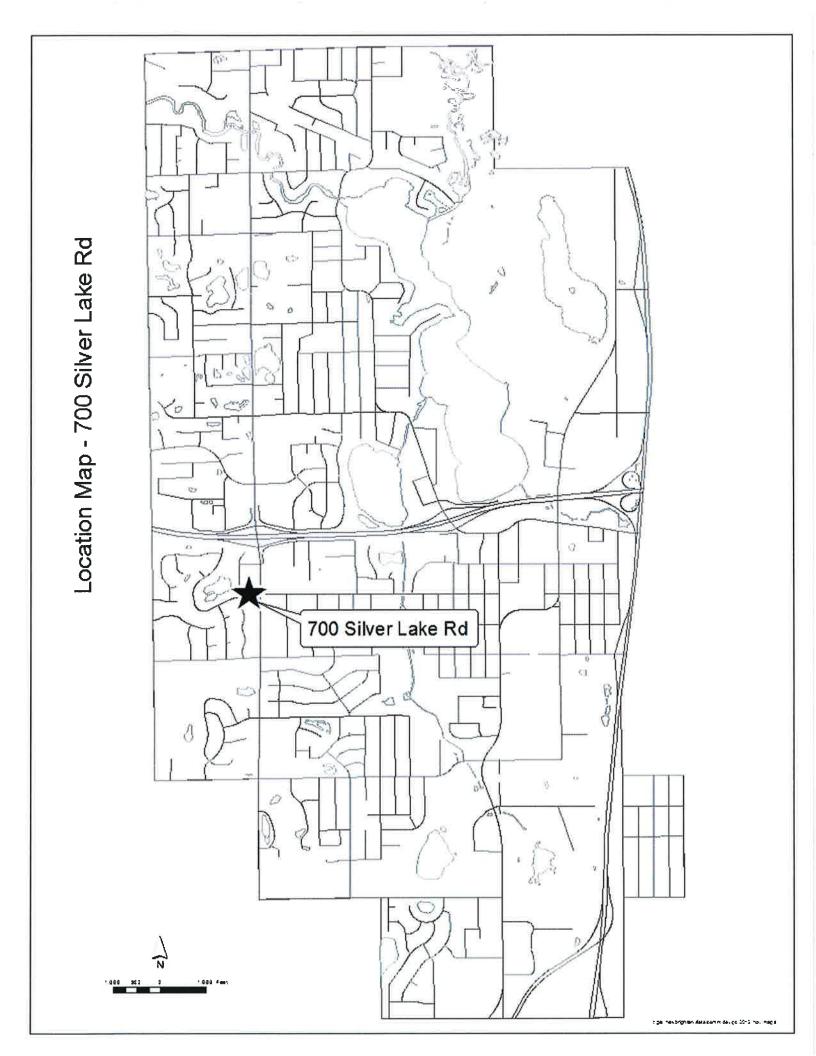
- 1. The property is zoned R 1, Single Family Residential.
- 2. The property is guided in the Comprehensive Plan for Low Density Residential.
- 3. The applicant has proposed to construct two additional telecommunications antenna on top of the City water tower, increasing Verizon's total antenna amount from eight to ten.
- 4. No changes to the ground equipment are proposed.
- 5. Section 4-600 (2 & 4) provides for several performance related standards that all wireless telecommunication facilities must meet.
- 6. The Planning Commission determined those criteria of Section 4-600 (2 & 4) are met.
- 7. The Planning Commission reviewed the proposal in accordance with the following additional Special Use Permit standards of Zoning Code Section 8-130:
 - a. That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 - c. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
 - e. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.
- 8. The Planning Commission found the Special Use Permit criteria of Section 8-130 are met due to the following:
 - a. The antennas are being mounted to an existing water tower.
 - b. The antennas will be located at the top of the nearly 90' water tower and will not be readily visible from the ground.

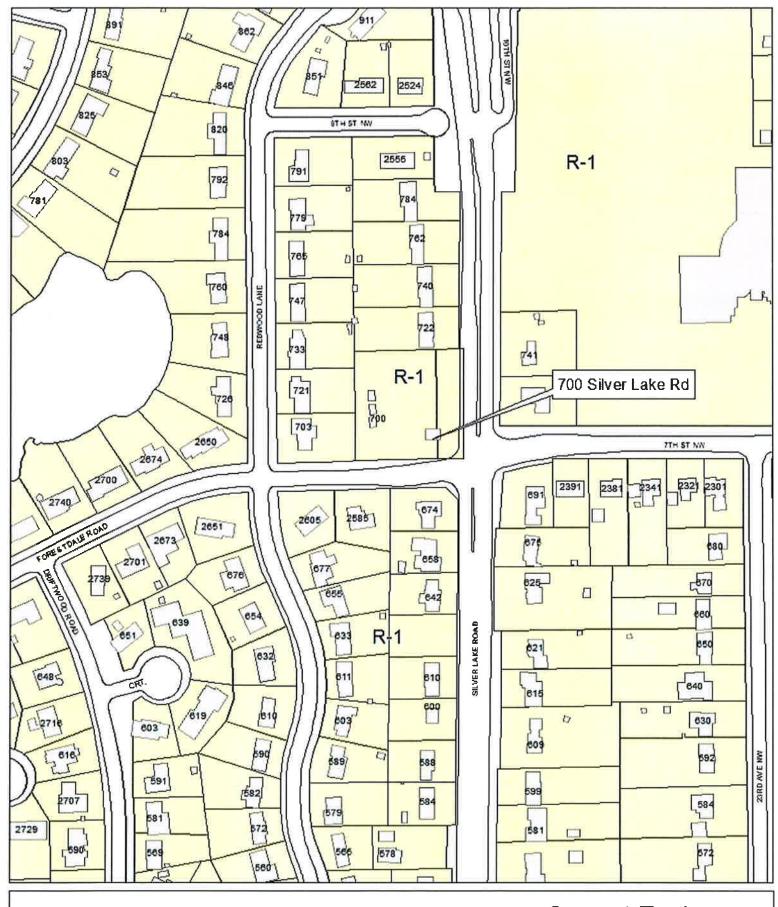
- c. Numerous telecommunication antennas currently exist on the tower whereby two additional antennas will likely not be noticeable by the public.
- d. No changes are being made to the ground equipment and lease space.

Now Therefore Be It RESOLVED that based upon the above Findings of Fact the application for a Special Use Permit (SP2013-006) is hereby recommended to the City Council for approval as submitted.

Adopted this 19th day of November, 2013.

	Bruce Howard, Planning Commission Chair
ATTEST:	
	Janice Gundlach, City Planner



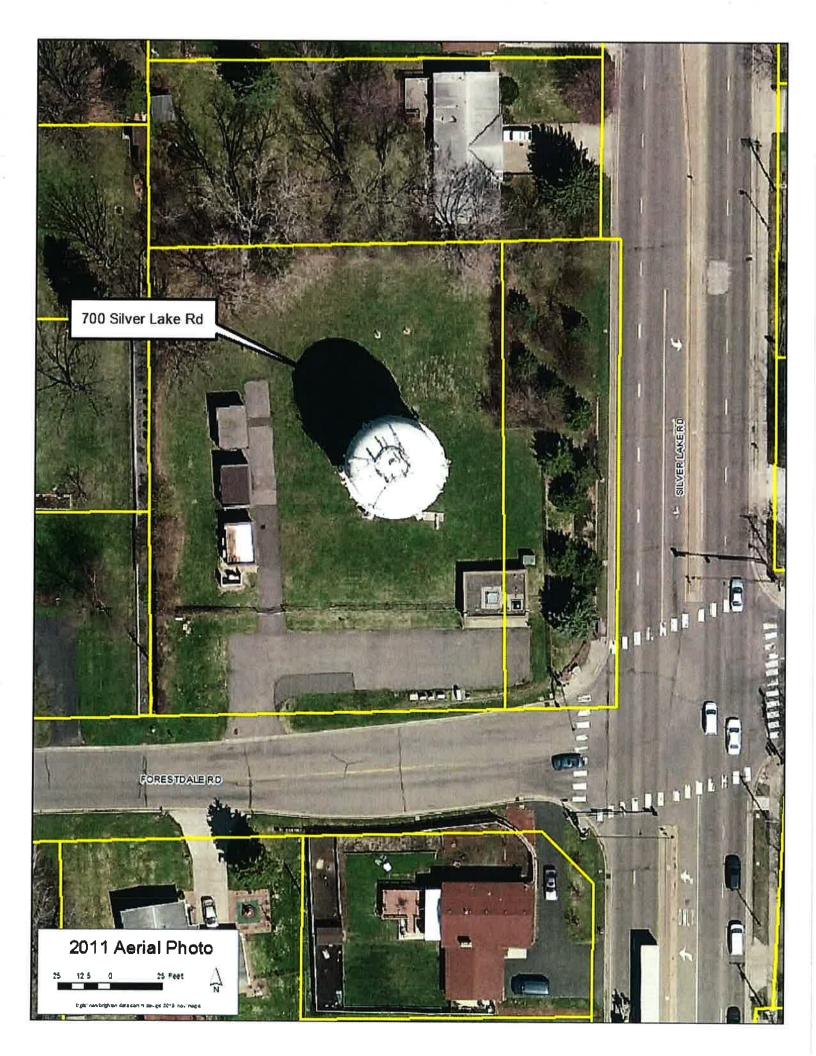


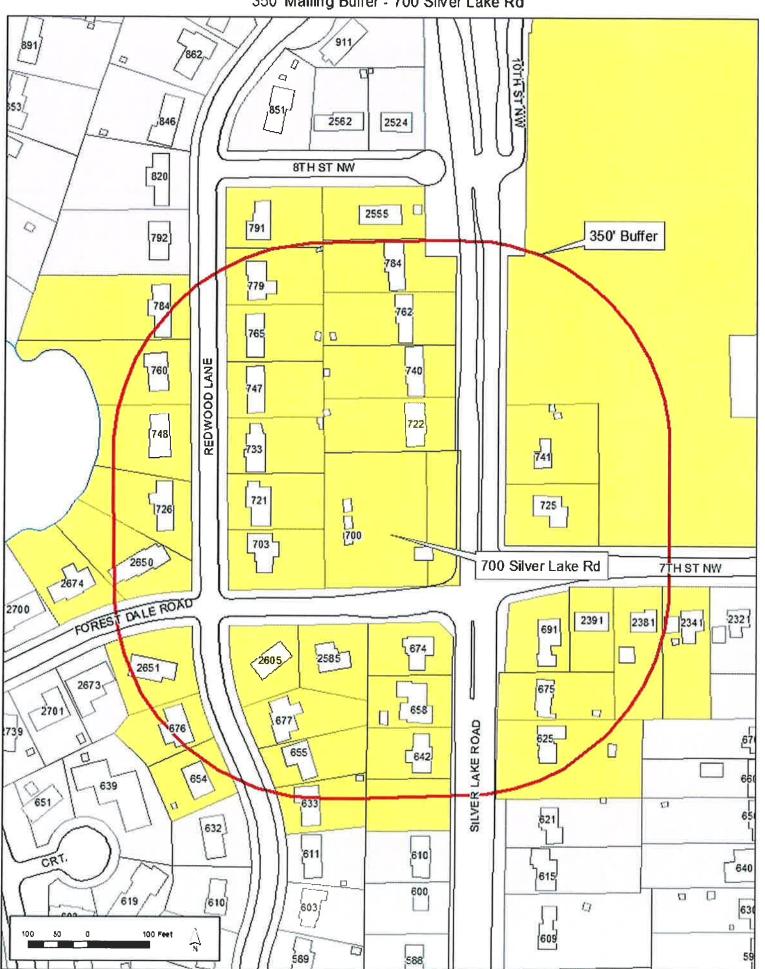
R-1, Single Family Residential



Current Zoning

700 Silver Lake Rd R-1, Single Family Res.





PROJECT NARRATIVE

Exhibit A:

FOR Verizon Wireless AWS MODIFICATION PROJECT

Presented to:

CITY OF NEW BRIGHTON PLANNING DEPARTMENT EXISTING LOCATION:

Water Tower at 700 Silver Lake Road New Brighton MN 55112 (VERIZON SITE ID: MIN NEW BRIGHTON)

Verizon Wireless proposes to remove and replace (2) of (8) existing panel antennas positioned at the one the Water Tower. Additionally, Verizon proposes to install: (2) new panel antennas, (3) new Remote Radio Units, add (1) Main Distribution Box, (2) Sector Boxes, (2) new Hybrid cable lines, (1) underground conduit from the Equipment Shelter to the Water Tower, and (1) new penetration at the Catwalk. All new antennas and ancillary equipment will be positioned at the existing elevation(s) and shall be painted to match the existing Water Tower. (See attached Site Plans dated 8-7-13 (Rev C)).

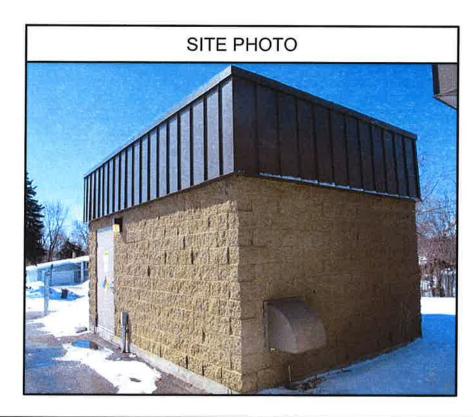
Special Use Permit Criteria Worksheet

A special use permit cannot be approved unless the Planning Commission and City Council find that the following criteria have been met. Please provide a response on how/why your project meets the below stated criteria. Use additional sheets if necessary and consult with the City Planner at the time of your Pre-Application Meeting as some items may not be applicable for your project.

1) That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
wireless Telecom installations are subject to strict compliance with FCC regulations
This use has been in existence since 1997 and has not created any endangerment to
public health, safety, morals, comfort or general welfare. The proposed modification
will not create any new conditions that would alter the current status.
2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The use colocated on the Water Tower in this zoning district allows for the installation to be non invasive to the immediate vicinity while providing enhanced network coverage to the local neighborhood.
3) That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. N/A
4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided. Provided
5) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located. Complies

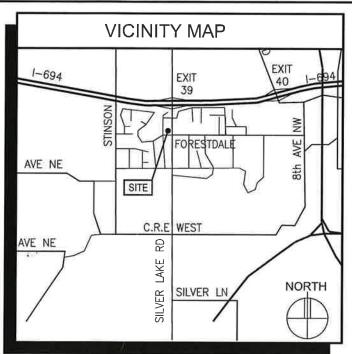
VERIZON WIRELESS

MINC NEW BRIGHTON AWS



GENERAL NOTES

- In the event that Special Inspections are not performed in compliance with the contract terms, bid specifications and/or specified form, the General Contractor will be liable for all damages, construction performance, failures, and corrective actions related to the same,
- The following general notes shall apply to drawings and govern unless otherwise noted or specified.
- The work delineated in these drawings and described in the specifications shall conform to codes, standards and regulations that have jurisdiction in the state of MINNESOTA , and the city of NEW BRIGHTON.
- Requirements and regulations pertaining to R.F. safety codes and practices must be incorporated in the work even though they may not be listed individually and separately in either the drawings or the specifications.
- Compare field conditions with architectural and engineering drawings. Any discrepancies shall be directed to the Architect for clarification prior to fabrication and/or construction. Submit necessary shop drawings prior to fabrication for approval by the Architect. No information or details on these sheets may be used without the permission of the owner, or the architect.
- Do not scale drawings! 11" x 17" drawings to scale 24" x 36" drawings scale multiply by 2
- Unless otherwise shown or noted, typical details shall be used where applicable,
- Details shall be considered typical at similar conditions.
- Safety measures: The contractor shall be solely and completely responsible for the conditions of the job site, including safety of the persons and property and for independent engineering reviews of these conditions. The Architect's or Engineers' job site review is not intended to include review of the adequacy of the contractor's safety measures.
- Within these plans and specifications, "Owner" implies VERIZON WIRELESS.
- The work is the responsibility of the general contractor unless noted otherwise.
- 12. The terms "contractor" and "g.c." refer to the owner's general contractor and the general contractor's sub-contractors. It is the general contractor's responsibility to determine the division of work among sub-contractors.
- 13. The general contractor is responsible in obtaining necessary public and private underground utility locate services prior to start of excavating / construction.



SITE DIRECTIONS

IRECTIONS FROM BLOOMINGTON RNC: FOLLOW US-169 NORTH TO I-694, FOLLOW I-694 EAST TO SILVER LAKE RD. OLLOW SILVER LAKE RD SOUTH TO FOREST DALE RD. TURN RIGHT ONTO OREST DALE RD AND FOLLOW WEST TO SITE

PROJECT INFORMATION

SITE NAME: MINC NEW BRIGHTON

PROJECT NUMBER:

20130870056

RAMSEY

SITE ADDRESS:

700 SILVER LAKE RD NEW BRIGHTON, MN 55112

COUNTY: LATITUDE:

N 45° 03' 40" ONGITUDE W 93° 13' 7.0" GROUND ELEVATION: 999.6' AMSL

ANTENNA TIP HEIGHT:

46' AGL (AWS/PCS "Y" SECTOR) 48' AGL (CDMA/LTE "Y" SECTOR) 90' AGL (AWS "X" & "Z" SECTOR)

91.5' AGL (CDMA/PCS "X" & "Z" SECTOR) 92' AGL (LTE "X" & "Z" SECTOR)

ANTENNA CENTERLINE HEIGHT: 44' AGL ("Y" SECTOR) 88' AGL ("X" & "Z" SEĆTOR) STRUCTURE HEIGHT: 83'-6" AGL

OVERALL STRUCTURE HEIGHT: 101'-6" AGL

GENERATOR ON SITE: NO/UNKNOWN (VZW/OTHER)

TOWER BUILT: UNKNOWN

BASED ON SMCO DATED:

COAX RUNS: (12) TOTAL

"X" COAX RUN = (4) 1-5/8" LINES @ 220' EA "Y" COAX RUN = (4) 1-5/8" LINES @ 180' EA "Z" COAX RUN = (4) 1-5/8" LINES @ 195' EA

PROJECT DESCRIPTION:

ADD (2) ANTENNAS AND MOUNTS. REPLACE (2) EXISTING ANTENNAS. ADD

YBRID CABLES, RRU'S AND SECTOR / MAIN BOXES

SHEET INDEX		
SHEET SHEET DESCRIPTION		
T-1	PROJECT INFORMATION, MAPS, DIRECTIONS, AND SHEET INDEX	
A-1, A-2	SITE PLAN, TOWER ELEVATIONS	
A-3	ANTENNA MOUNTING PLAN	
A-4	COAX, ANTENNA & TTA KEY	
A-5, A-6	MISC. PHOTOS	
S1-S4	STRUCTURAL DETAILS PLANS AND NOTES	

ISSUE SUMMARY

CONTACTS

ST. PAUL, MN 55126

(651) 415-3800

DESCRIPTION

ISSUED FOR REVIEW 4/18/13 SSUED FOR OWNER SIGNOFF 5/20/13

ISSUED FOR OWNER SIGNOFF 8/07/13

SSUED FOR OWNER SIGNOFF 10/08/13

REV.

C

D

NOT FOR CONSTRUCTION

DESIGNA

SHEET OR DETAIL

ALL

ALL

9973 VALLEY VIEW RD. EDEN PRAIRIE, MN 55344 (952) 903-9299

VERIZON

BLOOMINGTON, MN 55438

PROJECT 20130870056

MINC **NEW BRIGHTON AWS**

700 SILVER LAKE RD NEW BRIGHTON, MN 55112

SHEET CONTENTS:

CONTACTS ISSUE SUMMARY SHEET INDEX DEPARTMENTAL APPROVALS LESSOR APPROVAL PROJECT INFORMATION VICINITY MAP GENERAL NOTES

			DRAWN BY:	TJR
LICENSOR APPROVAL		DATE:	10/08/13	
LICENSOR APPROVAL			CHECKED BY:	BMS
	PRINTED NAME	DATE	REV. A	
	PRINTED NAME	DATE	REV. B	
			REV. C	
			REV. D	
: PLEAS	SE CHECK THE APPROPRIATE BO	OX BELOW		
	HANGES NEEDED. SEE COMME	NTS ON PLANS.		

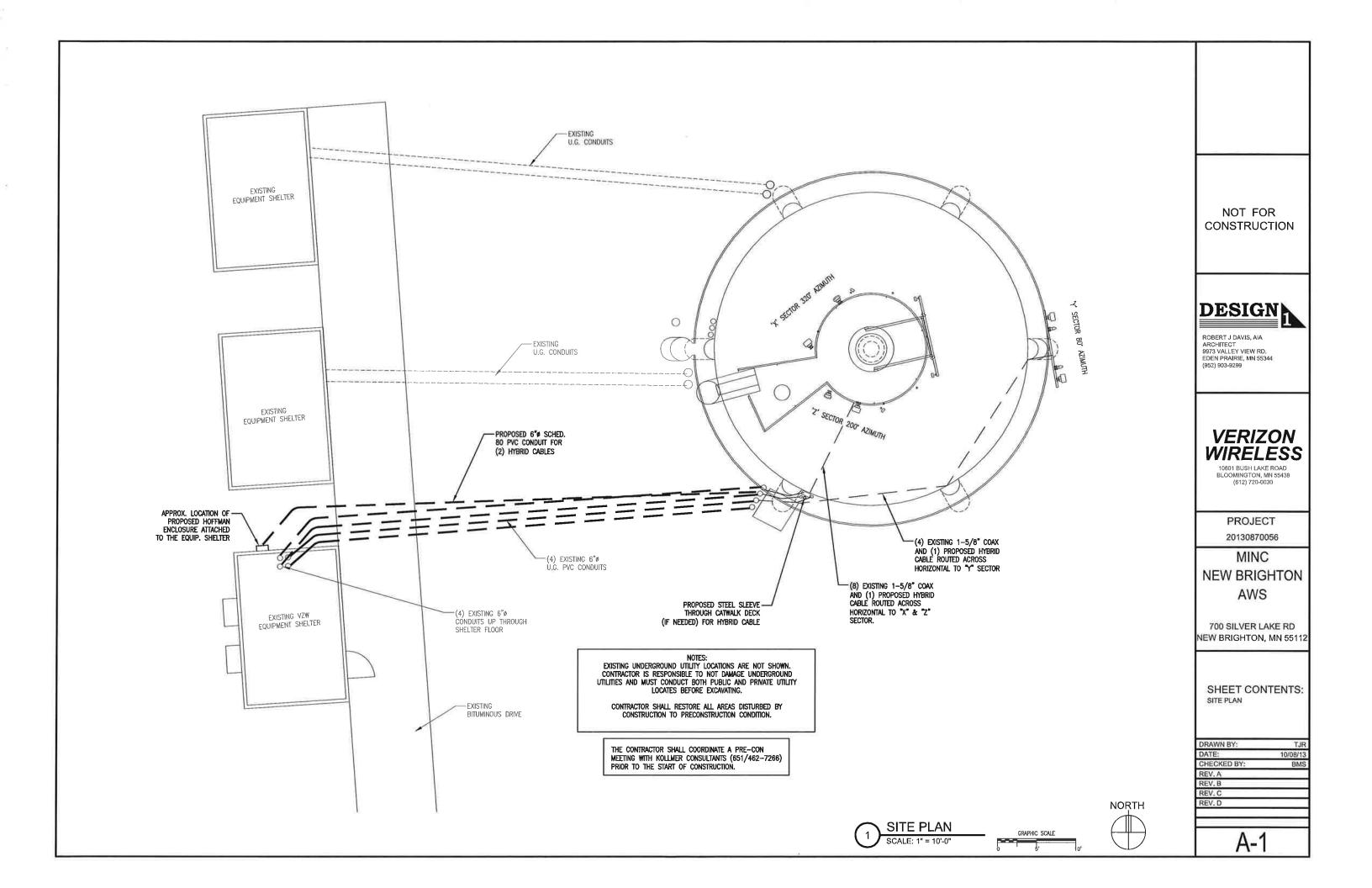
LESSEE:	VERIZON WIRELESS 10801 BUSH LAKE ROAD BLOOMINGTON, MN 55438 MIKE COGAR (612) 720-0030	III W
ARCHITECT:	DESIGN 1 OF EDEN PRAIRIE, LTD. 9973 VALLEY VIEW ROAD EDEN PRAIRIE, MN 55344 (952) 903-9299	
STRUCTURAL ENGINEER:	ULTEIG ENGINEERS 4285 LEXINGTON AVE N	

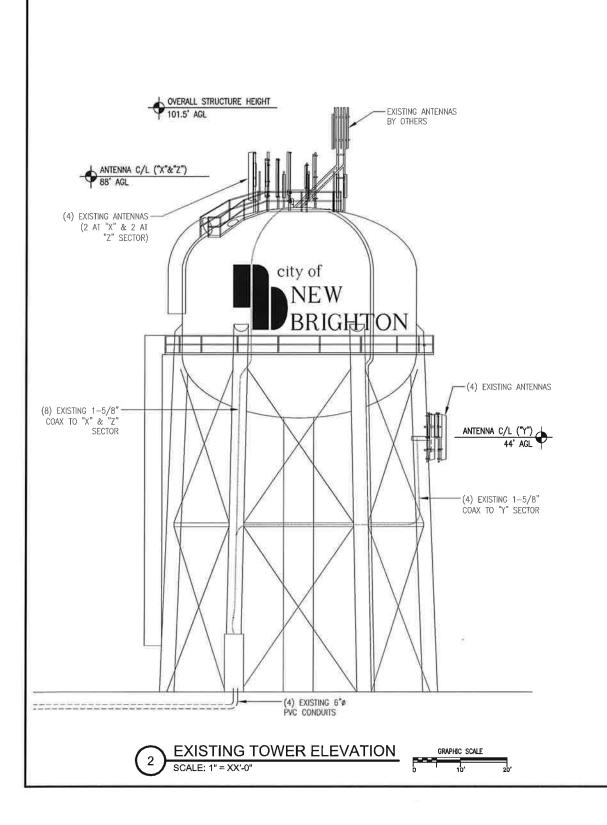
VERIZON WIRELESS DEPARTMENTAL APPROVALS

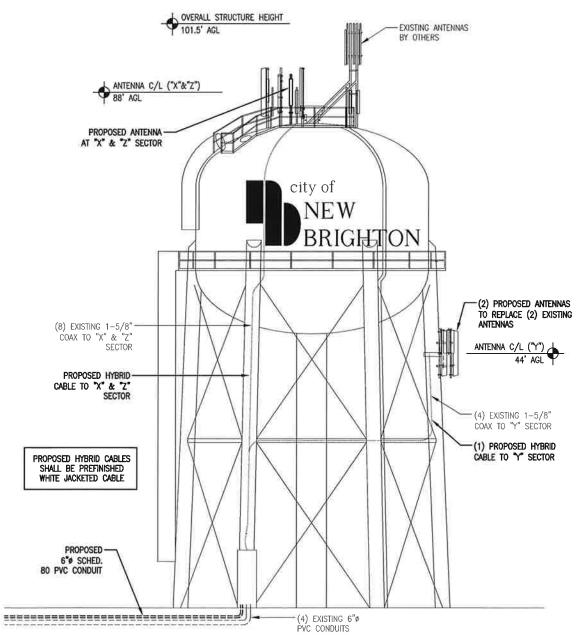
JOB TITLE	NAME	DATE
RF ENGINEER	CRAIG CIECMIEROWSKI	5/17/13
CONSTRUCTION ENGINEER	JOHN HAUGEN	5/18/13

LESSOR / LICENSOR APPROVAL

LESSOR / LICENSOR: PLEASE CHECK THE APPROPRIATE BOX BELOW







SCALE: 1" = XX'-0"

GRAPHIC SCALE

NOT FOR CONSTRUCTION



ROBERT J DAVIS, AIA ARCHITECT 9973 VALLEY VIEW RD, EDEN PRAIRIE, MN 55344 (952) 903-9299

VERIZON

10801 BUSH LAKE ROAD BLOOMINGTON, MN 55438 (612) 720-0030

PROJECT 20130870056

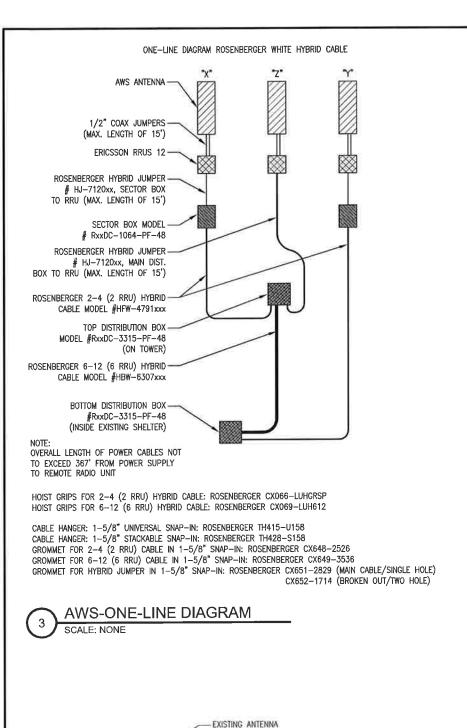
MINC **NEW BRIGHTON AWS**

700 SILVER LAKE RD NEW BRIGHTON, MN 55112

SHEET CONTENTS: TOWER ELEVATIONS

DRAWN BY:	TJR
DATE:	10/08/13
CHECKED BY:	BMS
REV. A	
REV. B	
REV. C	
REV. D	

PROPOSED TOWER ELEVATION



(TYP. OF 4)

GRAPHIC SCALE

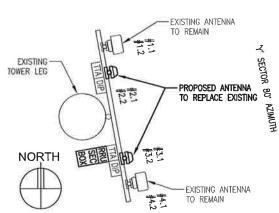
EXISTING MOUNTING DETAIL

SCALE: 3/16" = 1'-0"

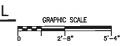
EXISTING

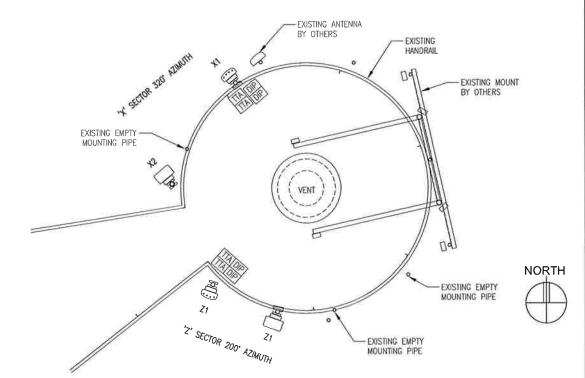
TOWER LEG

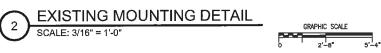
NORTH

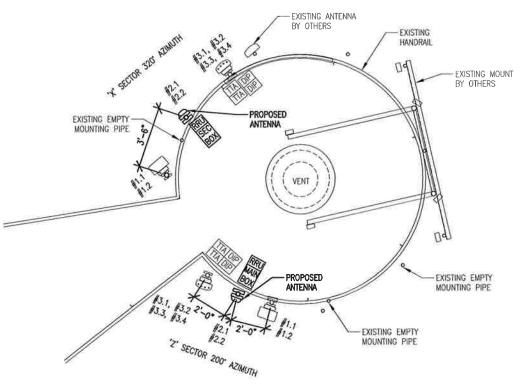












PROPOSED MOUNTING DETAIL GRAPHIC SCALE SCALE: 3/16" = 1'-0"

NOT FOR CONSTRUCTION



ROBERT J DAVIS, AIA ARCHITECT 9973 VALLEY VIEW RD. EDEN PRAIRIE, MN 55344 (952) 903-9299

VERIZON **WIRELESS**

10801 BUSH LAKE ROAD BLOOMINGTON, MN 55438 (612) 720-0030

PROJECT 20130870056

MINC **NEW BRIGHTON AWS**

700 SILVER LAKE RD NEW BRIGHTON, MN 55112

SHEET CONTENTS:

ANTENNA MOUNTING PLAN

A-3	
REV, D	
REV. C	
REV. A	
CHECKED BY:	BMS
DATE:	10/08/13
DRAWN BY:	TJR

NORTH

