

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
OCTOBER 5, 2015**

AGENDA ITEM 1. Call to Order and Roll Call.

Chair Vanderheyden called the meeting to order at 7:00 p.m.

Present at roll call were Commissioners: Vanderheyden, Iverson, Ramy, Gnos, Gonzlez, Young and Gruber. Absent and excused: None. Interim City Planner Eric Zweber (AICP), City Manager Heidi Nelson, City Attorney David Schelzel, and City Attorney Paul Kaminski were also present.

a. Approval of the August 17 Planning Commission and City Council Workshop Minutes

Chair Vanderheyden explained these minutes were back in front of the Planning Commission for approval because there had not been a majority of commissioners present at the last meeting who could approve the minutes.

Commissioner Gruber stated on page 7 of the packet, line 35, change "is" to "it".

Commissioner Gruber made a motion, Seconded by Commissioner Gonzalez, to approve the August 17, 2015 Planning Commission and City Council Workshop Minutes as amended. The motion carried; 5-ayes, 2-abstain (Young, Vanderheyden).

b. Approval of the August 17 Planning Commission Regular Meeting Minutes

Commissioner Gruber made a motion, Seconded by Commissioner Gonzalez, to approve the August 17, 2015 Planning Commission Regular Meeting Minutes as presented. The motion carried; 5-ayes, 2-abstain (Young, Vanderheyden).

c. Approval of the September 8 Planning Commission Workshop Minutes

Commissioner Gnos made a motion, Seconded by Commissioner Gruber, to approve the September 8, 2015 Planning Commission Workshop Minutes as presented. The motion carried; 4-ayes, 3-abstain (Young, Gonzalez, Vanderheyden).

AGENDA ITEM 2. Regular Agenda Public Hearing Items:

**a. 1120 Wayzata Blvd E – The Davis Group
i. Design Review**

1 Interim City Planner Zweber stated the Davis Group is proposing to construct a 16,000 square
2 foot, 2-story, medical specialty building at 1120 Wayzata Boulevard East. The site is currently
3 occupied by a 2-story medical office building located roughly in the middle of the site with
4 parking provided between the building and Wayzata Blvd. The proposed building would be
5 located along the Wayzata Blvd. frontage with a joint access with the property to the east running
6 along the east side of the site. The site is adjacent to Heritage Park and an apartment building to
7 the west, a multiple tenant retail building to the east and Colonial Square shopping is located to
8 the north, across Wayzata Boulevard. This property and the property to the east are proposing to
9 share features such as access drive, trash enclosures, and parking. If this project is approved, an
10 easement would be required to ensure that these shared features are available in the future if one
11 of the properties were to be sold. Mr. Zweber reviewed applicable hardcover calculations and lot
12 areas, zoning analysis, building height, parking calculations, landscaping plan, tree inventory,
13 preservation, and removal plan, and preliminary floor plans for the project.

14
15 Commissioner Gonzalez asked why the Planning Commission was not reviewing a variance
16 application as well since the R5 District requires a 50-foot setback.

17
18 Mr. Zweber stated Staff and the Applicant have not had specific conversations regarding that
19 particular setback.

20
21 City Attorney Schelzel clarified if the proposed building does not meet the applicable setback
22 requirements of the Zoning Code, then a variance application would be required.

23
24 Chair Vanderheyden asked what the setback was for the current structure.

25
26 Mr. Zweber stated this appears to be 25-30-feet.

27
28 Commissioner Gonzalez requested that applicants be reminded that the Planning Commission
29 needs to be able to read everything submitted as part of the application. Some of the documents
30 submitted as part of the application were difficult to read.

31
32 Mr. Mark Davis, Davis Group, 2487 Crown Hill Road, Minnetonka, stated the Minnetonka
33 Medical Building, on Highway 7, was a recent project they had done and it has several of the
34 same design elements they are proposing for this project. He explained they had not applied for a
35 variance because they did not know it would be required. They had originally met with Staff and
36 been asked to move the building closer to Wayzata Blvd, and they have moved it further from the
37 R-5 zoning than it currently sits. He said that Staff had requested they design a streetscape in the
38 front and put the parking lot in the back of the facility. He explained they are proposing the
39 second entry point because as a healthcare facility, it is difficult to have the only entrance to the
40 facility not be located near the parking. They are willing to increase the size of trees they are
41 proposing to plant to meet the requirement. He explained, based on the size of the building, they
42 are not expecting to have more than 10 physicians or dentists in the building at any one time.
43 Based on this, they expect to meet the parking stall requirements. He clarified the awnings they
44 are proposing would be better than the canvas awnings required in the design code.

1 Commissioner Ramy asked what the square footage was for the existing building.

2
3 Mr. Davis stated the existing building is 11,400 square feet.

4
5 Commissioner Gruber stated Wayzata values trees. She asked if there was a way to locate more
6 of the parking in the adjacent lot in order to save more trees.

7
8 Mr. Davis stated they always try to preserve as many trees as possible. This particular site is
9 confined and does not provide an opportunity for reconfiguring the parking lot or building layout.
10 He stated the trees that are proposed to be removed have not been evaluated to determine the
11 species and if these would be considered desirable trees by the City. They would not like to
12 reduce the amount of parking planned because this would create problems for patients going
13 forward. They would fit more trees into the plan if possible.

14
15 Commissioner Iverson asked if the majority of the fill that would be brought to the site would be
16 going where the trees were being removed and if the amount of fill had been calculated.

17
18 Mr. Davis stated there would a retaining wall along the back of the parking lot and the fill would
19 be used to level the parking lot. He stated he did not know the amount of fill that would be
20 required but he would provide this information to the Planning Commission.

21
22 Commissioner Gonzalez stated the Design Standards require the second floor to be recessed 6-
23 feet but the project is proposed to have the second floor recessed only 5-feet. She asked why the
24 Planning Commission should consider a deviation from this standard.

25
26 Mr. Patrick Giordana, BDH and Young, 7001 France Avenue S., for the Applicant, clarified there
27 are two (2) step backs occurring along this façade. The first one drops back 1-foot 4-inches and
28 the next one drops back 5-feet. The canopies on the building are also projected beyond the face
29 of the building in order to make it appear the façade moves in and out.

30
31 Chair Vanderheyden clarified from the center of the front of the building to the furthest, deepest,
32 setback is 6-foot 4-inches. He asked for clarification on the four (4) new proposed parking stalls
33 that appear to be in the drive path to BMO Harris' drive thru.

34
35 Mr. Davis stated as people come off Wayzata Boulevard they could take the first or second
36 ingress into the Bank parking lot rather than going to the third ingress. There is a circulation
37 pattern that works and what they have done is combine the parking lots to make it efficient
38 parking for both buildings without impacting the circulation.

39
40 Chair Vanderheyden asked if the Applicant would consider using two (2) types of brick on the
41 trash enclosure.

42
43 Mr. Davis stated they could use two (2) types of brick on the trash enclosure but based on the
44 height of this enclosure it may not be a visual improvement. They could look at alternative

1 locations. He stated he would present the Planning Commission with renderings showing this
2 wall with a single brick style and with two (2) types of brick for consideration.
3

4 Mr. Davis explained they had not applied for a setback variance because other communities look
5 at adjacent properties when looking at setbacks and in this case the adjacent setback is the C3
6 District. He has not seen other communities use the point where the three properties adjoin and
7 use this as a setback. The neighboring property is setback 10-feet and Staff had requested this
8 building be moved forward in order to create a streetscape and preserve the natural areas of the
9 parcel.
10

11 Commissioner Iverson asked if the Applicant had an estimate of the amount of traffic this site
12 would have each day.
13

14 Mr. Davis stated they had not done this analysis. The traffic would be less than if the property
15 were retail.
16

17 Commissioner Iverson suggested the Applicant have traffic counts and a traffic study done for
18 the project.
19

20 Commissioner Gruber asked if the City's Design Code required a building to have awnings.
21

22 Mr. Zweber stated a building is not required to have awnings under the Design Standards. The
23 Applicant is not asking that the awnings be counted as one of the elements required by the
24 Design Code to break the façade of the building. The Planning Commission could classify these
25 building elements as canopies then they would not be counted as design elements.
26

27 Mr. Giordana clarified the materials they would be using, the locations and other design elements
28 that were incorporated in the canopies to create architectural interest.
29

30 Commissioner Ramy asked if additional landscaping had been considered along the side of the
31 building facing the park.
32

33 Mr. Davis stated they would look at this area of the building and see what type of landscaping
34 they may be able to add.
35

36 Chair Vanderheyden asked about the parking requirements for a medical building versus an
37 office building, and if the requirements would be less for a medical office building if there were
38 ten (10) or less doctors in this location.
39

40 Mr. Zweber explained this project is titled a medical specialty office but the site plan has the
41 parking calculations based on being an office building. If they want to submit the plan as a
42 medical office the Applicant would need to revise this table and commit to the number of doctors
43 that would be located in the building.
44

1 Mr. Giordana explained when they were preparing the application they were not sure about the
2 mix of doctors they would have at this location. They have completed some of the tenant
3 negotiations and would be able to recalculate the parking requirements as a medical office
4 building.

5
6 Mr. Davis stated there would not be a general office component to the project.

7
8 Mr. Zweber stated there had been discussion about including a retail component in the project,
9 and this would need to be included in the parking calculations.

10
11 Mr. Davis clarified the retail could include an eyeglass shop or the retail component of a
12 dermatology location. He asked if this would fit the retail classification.

13
14 Mr. Vanderheyden stated this would need to be clarified. He stated the Commission has been
15 looking at revising the Parking Ordinance, and he would be interested in what the impact these
16 revisions would have on the parking and on tree loss, if it were in place.

17
18 Mr. Zweber stated the existing Ordinance does include a shared parking component, and this may
19 apply. They would have to discuss this with the owners of 1200 Wayzata Boulevard.

20
21 Mr. Davis stated he would not recommend reducing the amount of parking available in the
22 project.

23
24 Chair Vanderheyden stated he would be interested in a total site view to see if there were
25 opportunities for shared parking.

26
27 Mr. Davis stated he would work with the owner of the property to see if there were any other
28 efficiencies they could do for parking and the trash enclosure.

29
30 Commissioner Iverson stated when looking at the proposed parking locations and the Boardwalk
31 housing facility, the headlights for the cars parking in the lot would shine into the apartments
32 once the trees are removed. She asked the Applicant to look at adding more year round
33 landscaping for protection and privacy.

34
35 Mr. Giordana stated they would need a fencing material along the top of the retaining wall that
36 would be constructed, and they could look at adding vines or having the fence be more opaque.

37
38 Commissioner Iverson expressed concerns about the amount of trees that would be removed with
39 the project.

40
41 Commissioner Gonzalez stated the Design Standards state the front of all building would have
42 window planters or boxes, and this would need to be a condition of approval if the project moves
43 forward.

44
45 Mr. Davis stated they would include plantings near the door on the street side.

1
2 Chair Vanderheyden opened the public hearing at 8:00 p.m.
3

4 Mr. Craig Alshouse, 5389 Linden Drive West, stated he currently owns the building at 1120 and
5 1200 Wayzata Boulevard, and the existing building at 1120 Wayzata Boulevard is close to the
6 property line. There are 50-75 feet of trees between the property line and the Boardwalk
7 apartments that would not be removed. He clarified that a majority of the trees that would be
8 removed were cottonwood and box elder trees. He would like to see as many cottonwood trees
9 removed as possible. He asked if the building at 1120 Wayzata Boulevard was closer to the
10 apartment buildings than the proposed building would be.
11

12 Chair Vanderheyden stated this is the case.
13

14 Mr. Alshouse stated the parking at 1120 Wayzata Boulevard is not typically more than half used
15 during the day so this leaves several stalls available to accommodate a shared use. He clarified
16 that the existing building is a total of 10,800 square feet and half of this is office, and half is
17 medical.
18

19 Commissioner Gonzalez clarified if the project moves forward the shared parking should be a
20 condition of approval, and this requirement would be attached to the property so future owners
21 would be aware of the shared parking requirements.
22

23 Mr. Alshouse stated there were existing easements on the east side of the existing building that
24 would need to be removed.
25

26 Ms. Sarah Rockswold, 208 Central Avenue South, Wayzata, stated removing all of the
27 cottonwood and box elder trees would completely remove all of the shelter between her home
28 and the project.
29

30 Chair Vanderheyden closed the public hearing at 8:08 p.m.
31

32 Commissioner Iverson pointed out the Commission had not discussed the noise and light
33 pollution, and how these would affect the neighborhood. She would like to see additional trees
34 added between the project and Central Avenue. She stated there is not a storm water
35 management plan included with the application, and she is concerned about the protection of the
36 wetlands.
37

38 Mr. Giordana stated the hours of operation for a medical building would be about 7:00 a.m. to
39 6:00 p.m. They would have the lighting system equipped with a shutdown that would meet the
40 City's requirement. They could also look at lowering the poles slightly to meet photometrics.
41 They worked with the City Engineer on the storm water management.
42

43 Mr. Zweber stated the City Engineer does have concerns about the catch basin on the south side
44 and how it is constructed due to the proximity of the retaining wall. He had also reviewed the
45 perforated pipe, and it does meet the 1-inch runoff requirement

1
2 Chair Vanderheyden summarized the additional information and requests that had been made by
3 Commissioners during the discussion thus far: number and size of trucks of fill would that would
4 be required; the rights with the adjacent property owners and the drive thru; additional screening
5 on the west side; potential reconfiguration of the parking lot and a parking analysis across the
6 entire site; maximizing cover on the west side of the property; planters near the entrances;
7 additional photometric light data; storm water management per the City Engineer's concern on
8 the catch basin on the south side; traffic data for medical office buildings; and shared parking
9 options.

10
11 Commissioner Gonzalez stated the Commission has typically required samples of the building
12 materials that would be used as part of design review.

13
14 Commissioner Iverson stated the City Engineer also has concerns about the amount of retaining
15 wall and grading in the southwest corner, and this should be addressed by the Applicant. She
16 requested the Applicant provide a rendering of what the retaining wall would look like, and what
17 the perforated pipe would look like.

18
19 Chair Vanderheyden requested a new landscape plan that included the suggestions for the west of
20 the parcel.

21
22 Commissioner Gonzalez stated she would like to have staff address the legal question of whether
23 a variance on the setback would be required under the zoning code for the project as presented or
24 not.

25
26 Commissioner Iverson stated she would prefer the trash enclosure be finished in one brick rather
27 than two (2) as suggested.

28
29 Commissioner Young stated the Commission should spend more time on the Storm Water
30 Management plan and the parking issues. It is important to look at the context of what is needed
31 for parking, especially for shared parking. He does not think the addition of the four (4) parking
32 stalls that disrupt the traffic flow would be considered an improvement.

33
34 Commissioner Iverson stated she would like to see more trees added to the Landscape Plan to get
35 closer to the amount of caliper inches that is being removed. There is significant tree loss with
36 the proposed project and 68% of those trees being removed are considered significant trees. She
37 acknowledged that the proposed building is being pushed forward at the City's request, but that it
38 would not be in harmony with the other buildings along the street. She asked if the Applicant
39 had considered leaving the footprint where it is in order to save the trees on the site.

40
41 Chair Vanderheyden stated the Design Standards and the Comprehensive Plan guide the
42 development of this area, and this would include moving the building forward toward the street
43 to create a streetscape and move the parking to the back of the buildings.
44

1 Commissioner Iverson asked where the snow would be pushed to on the parcel and requested this
2 information be provided to the Commission.

3
4 Chair Vanderheyden clarified the Commission is requesting that the Applicant come back with
5 plan revisions and the requested information prior to the Commission action on the application
6 and moving it forward to the City Council.

7
8 Commissioner Gonzalez made a motion, Seconded by Commissioner Gnos, to continue
9 consideration of the application for design approval at 1120 Wayzata Boulevard East to a future
10 meeting. The motion carried unanimously.

11
12 **b. 240 Manitoba Avenue S – David Frey**

13 **i. Rear Yard and Lot Coverage Variance for a Second Garage Stall**

14
15 Interim City Planner Zweber stated David Frey has submitted a development application
16 requesting approval to construct an approximately 10-feet wide by 24-feet long, 228-square foot
17 second garage stall onto an existing garage. The application requests approval of a variance to
18 encroach into the 20-foot rear yard setback to a distance of 10.2-feet to allow for the location of
19 the second garage stall in place of an existing driveway. Additionally a lot coverage variance is
20 requested to allow the lot coverage to exceed the 30% lot coverage requirement by 1.4%. He
21 reviewed the Zoning Ordinances, zoning requests, and analysis.

22
23 Commissioner Gonzalez stated because this property is a corner lot, the owner is required to
24 comply with the front yard setbacks on two sides rather than the standard front yard and side yard
25 setbacks.

26
27 Applicant David Frey, 240 Manitoba Avenue South, Wayzata, explained he had worked to stay
28 within the C-1 District setbacks because this is a residential use.

29
30 Chair Vanderheyden opened the public hearing at 8:42 p.m.

31
32 There being no one wishing to speak on the application, Chair Vanderheyden closed the public
33 hearing at 8:43 p.m.

34
35 Chair Vanderheyden explained he would prefer to have a covered parking pad or garage instead
36 of an exposed parking pad. He clarified the project would not increase the amount of impervious
37 surface on the property.

38
39 Commissioner Gonzalez made a motion, seconded by Commissioner Young for the Planning
40 Commission to direct Staff to prepare draft findings of fact based on discussions and a
41 recommendation of approval of the variance from the 20-foot rear yard setback requirement and
42 the variance for 30% lot coverage requirement for a residential structure in the C-1 Office and
43 Limited Commercial District. The motion carried unanimously.

44
45 Chair Vanderheyden recessed the Planning Commission meeting at 8:48 p.m.

1
2 Chair Vanderheyden reconvened the Planning Commission meeting at 8:54 p.m.

3
4 Ms. Nelson introduced the new Director of Planning and Building, Mr. Jeff Thomson. He will
5 begin working with the City October 15, 2015.

6
7 Mr. Thomson introduced himself, and reviewed his background and experience with the City of
8 Minnetonka.

9
10 **c. Telecommunications Ordinance – City of Wayzata**

11 **i. Repeal existing City Code § 801.31 and replace it with draft**
12 **Telecommunications Ordinance**

13
14 Interim City Planner Zweber stated as part of the Telecommunications Study the City has
15 engaged in, the City Council and Planning Commission have been working on updates to the
16 City's Telecommunications Ordinance in order to better regulate the use and location of new
17 cellular towers and other equipment. On August 17, the City Council and Planning Commission
18 conducted a joint workshop to review a draft Ordinance, which included testimony from the
19 City's four major telecommunications providers. Based on this workshop, a number of changes
20 have been made to the August 11 draft Ordinance. He reviewed the proposed changes,
21 comments from Verizon and AT&T, and provided a summary of other communities regulations
22 for antennas mounted on existing buildings. He explained the City would need to repeal the
23 existing Telecommunications Ordinance and then adopt the new Telecommunications Ordinance.

24
25 City Attorney Kaminski stated the main thing that the City Attorney's office has been concerned
26 about in the recent round of revisions is the impact of a relatively recent change to the federal
27 Telecommunication Statute that prohibits a city from denying a modification to an existing tower
28 or base station. The telecommunication providers have been helpful in providing input to the
29 drafting this Ordinance, and staff has incorporated their comments where they felt it was
30 appropriate. Staff has let the telecommunication vendors know that the City understands it
31 would have limited ability to deny modifications to existing equipment or towers if there is not a
32 substantial change in the dimensions of the equipment. Within the last day, AT&T had provided
33 input on where language to this effect could be placed in the draft Ordinance but the City
34 Attorney's office has not had time to review this recommendation.

35
36 Mr. Zweber summarized that the issues the Commission should discuss and clarify are the
37 Federal Regulations, and the vendor's interpretation versus the City Attorney's,s and how strong
38 the language should be for common ground equipment.

39
40 Commissioner Gonzalez stated she had not been given adequate time to review the draft and the
41 additional comments from Verizon and AT&T. She felt the Commission should have reviewed
42 the draft at a workshop prior to holding the public hearing.

43
44 Chair Vanderheyden opened the public hearing at 9:19 p.m.
45

1 Mr. Jay Littlejohn, 150 South 5th Street, Minneapolis, Attorney for Verizon, stated Verizon is not
2 prepared to make an application for any new equipment or facilities at this time, which allows the
3 City additional time to review and prepare the new Ordinance. He stated the FCC has
4 determined that network reliability is a primary public safety concern. Verizon's efforts have
5 been to show the City how they can use stealth technologies, and he is concerned with some of
6 the restrictions the City may be including in the Ordinance that would limit this use and require
7 variances. He would not recommend the use of Planned Unit Developments because this is extra
8 work the City should not need to go through. The decision should be if the location is
9 appropriate and the equipment screening is in character with the neighborhood. He explained the
10 best time for maintenance to be done on the equipment is when there is less use, which would be
11 nighttime/early morning hours. Requiring this maintenance to occur during business hours
12 would create problems for users with service interruption. If there were a need to switch
13 antennas, then this work would be done during the day.

14
15 Commissioner Gruber asked if the City Attorney had been able to review Verizon's concerns and
16 questions in order to provide guidance to the Planning Commission.

17
18 City Attorney Kaminski stated most of the issues raised by Verizon could be discussed by the
19 Commission but, in his view, these are policy decisions not legal issues.

20
21 Commissioner Gonzalez stated the reason for the restricted hours is because there is noise, lights,
22 and other disturbances that disrupt the peace in neighborhoods. She asked how the City could
23 accommodate the vendor's needs and those of the City.

24
25 Mr. Littlejohn stated once a site is built, it is operated remotely and they would only be at the site
26 to make improvements or test the facility. They would not expect to have someone at these sites
27 more than once a month and this does not generate a lot of traffic. The vehicles used are similar
28 to the SUVs driven by residents. He stated the restrictions could be imposed under the right
29 circumstances but may not be appropriate for businesses that do not want these improvements
30 done when customers are on site.

31
32 City Attorney Kaminski suggested either restricting the hours of access on larger City owned
33 sites, and building the hours into the approval for those areas that are sensitive, or the City could
34 keep the language that restricts the hours for repairs and maintenance throughout the City.

35
36 Mr. Littlejohn suggested the City add language that the City may impose conditions for hours of
37 operation for those areas that impact residents. The City could also impose the condition due to
38 health, safety or welfare of the residents.

39
40 Commissioner Gruber stated the Commission should discuss when maintenance should be done
41 in greater detail, and she is not comfortable sending this draft to the City Council without those
42 discussions.

43

1 Ms. Amy Jacobs-Dresch, 2727 Patton Road, Roseville, stated due to the City's trees, it may be
2 more feasible in some areas for antennas to be located on roof tops with screening versus on the
3 side of the buildings.

4
5 Mr. Zweber explained that Staff and the vendors would be able to work out the language that
6 references roof top parapets.

7
8 Valarie Bargeman, Director of External Legislative Affairs for AT&T, 901 Market Avenue,
9 Minneapolis, explained underground cabinets are not easy to do in this area due to the space
10 needed. She explained that the hours for repairs and maintenance may not be something that can
11 be easily controlled because these need to be done to keep the network working for the health
12 and safety of the residents.

13
14 Chair Vanderheyden closed the public hearing at 9:39 p.m.

15
16 Commissioner Iverson stated the vendors have stated it would be acceptable to take an additional
17 two (2) weeks to go through the draft prior to moving it forward to the City Council.

18
19 Mr. Zweber asked the Commission to provide direction to Staff on the outstanding items so that
20 the changes could be incorporated in the proposed Ordinance prior to the next meeting.

21
22 Chair Vanderheyden stated Section 5.R references the time regulations for working on
23 equipment. He stated he would be receptive to restricting the time only for City owned property.

24
25 Commissioner Gruber stated Staff had provided the phrase "or otherwise agreed to by the City".
26 This allows the flexibility the vendors are looking for. She asked how practical this would be in
27 emergencies.

28
29 Commissioner Gonzalez asked if Section 5.G. should be removed because underground
30 equipment was not feasible in this area.

31
32 Mr. Zweber suggested removing Section G and leaving Section 5.H.

33
34 Chair Vanderheyden stated he would like to leave Section 5.G because this is something the City
35 is striving for. There is no harm in having it in the Ordinance in the event these facilities become
36 feasible in the future.

37
38 Commissioner Gruber asked if the intent was to have all the vendors in one facility.

39
40 Commissioner Iverson stated it is possible to have them separated by locked doors but all be
41 under one roof.

42
43 Mr. Littlejohn stated this would turn a small facility into a relatively large facility. He stated it
44 would not make sense to have someone overbuild a site to start with because this may be a

1 location that is not appealing to other vendors. This would leave an overly large facility for one
2 vendor. The intent is to have these facilities go unnoticed.

3
4 Chair Vanderheyden stated he would be in favor of expanding a nonconforming building if it
5 meant expanding technology utilizing existing structures.

6
7 Mr. Zweber stated the Planned Unit Development Ordinance would address the possibility of
8 including this technology and for those structures that do not currently have a PUD, they would
9 have to convert to a PUD to make this accommodation. The C1 and C3 Districts would need to
10 apply for a Conditional Use Permit.

11
12 City Attorney Schelzel stated the PUD is a flexible device in which the City may exercise a great
13 deal discretion and set up the parameters for this kind of use. PUD amendments are not
14 necessarily an onerous task because you would not have to go through every aspect of the PUD,
15 only those aspects of the existing PUD where the amendment is needed.

16
17 Mr. Zweber clarified that roof top parapet walls is a defined term in the City's Ordinances and
18 Design Standards, and this is intended to be setback from the façade of the building. Staff will
19 work with the vendors on clarifying this language.

20
21 Commissioner Gonzalez stated the Design Standards limits the height of the screening walls.
22 She asked what these walls would screen.

23
24 Mr. Zweber stated the screening would be for some of the height of the antenna and some of the
25 ancillary equipment.

26
27 Mr. Zweber stated Verizon asked the definition of towers be amended to include only towers
28 taller than 30-feet rather than taller than 15-feet in Section 2.O. Currently anything under 15-feet
29 tall does not have to have a CUP under the proposed Ordinance. The request would mean that
30 anything under 30-feet would not have to be located in the designated areas, and it would expand
31 the amount of equipment that vendors can have. He stated he would work with City Engineer
32 Kelley to look at the height of other equipment in the City, such as streetlights or telephone
33 poles. This would provide a better visual reference for the Planning Commission.

34
35 Mr. Jason Hall, 7365 Kirkwood Court North, Maple Grove, representing AT&T, stated the
36 reason AT&T suggested 30-feet because there are several communities in the 7-County Metro
37 area that use 30-feet as the standard tower height. As a vendor and provider they are looking for
38 as much flexibility as possible. He stated they would be flexible and work with Staff.

39
40 Mr. Zweber stated he would be reluctant to change Section 4.B.iii by removing "within a right-
41 of-way". AT&T is requesting this be changed to allow a new antenna on any public utility
42 structure anywhere. He recommended keeping the right-of-way language and adding other
43 locations to allow flexibility but not allowing them anywhere.

44

1 Mr. Hall stated the reason AT&T redlined this language was because their internal legal counsel
2 had stated that cities typically have structures in other areas such as conservation easements or
3 other public areas that are not considered right-of-way.

4
5 Chair Vanderheyden stated Staff would look at this language to see if it could be expanded to
6 accommodate other City owned locations.

7
8 Mr. Zweber stated Staff would review Section 4.C. and work with the vendors on this. The
9 vendors are requesting to limit the use of noise dampening equipment to within 100-feet of
10 residential areas in Section 5.M. He would not recommend limiting the use of this equipment to
11 only residential areas.

12
13 Chair Vanderheyden stated an acoustical analysis should be required in all situations.

14
15 Mr. Zweber stated he would not recommend removing Section 5.X. He would recommend that
16 the City look at the advances in technology for new antennas and not existing antennas.

17
18 Chair Vanderheyden agreed that the City should not require vendors to upgrade existing
19 equipment whenever the City wants it done. But requiring the use of advances in technology for
20 new antennas is a reasonable expectation. If the City aesthetically approves a tower today, they
21 should allow the vendor to commercially improve this same tower tomorrow.

22
23 Mr. Zweber stated Staff would work with the vendors on language that would meet these goals.

24
25 Commissioner Gonzalez stated she would recommend leaving the language in Section 5.X as
26 written.

27
28 Commissioner Young agreed with Chair Vanderheyden and this section is overreach by the City.
29 He would recommend softening the language or remove the section completely. Being this
30 restrictive could have a negative impact on the City where vendors do not want to improve
31 coverage within the City.

32
33 Commissioner Gruber suggested keeping the section and changing the language so that the
34 vendors are providing the City with information on advances in technology and educating the
35 City.

36
37 Commissioner Gnos agreed that vendors would be commercially motivated to use equipment that
38 is smaller, faster, and more advanced to provide better service to their customers.

39
40 Mr. Zweber recommended changing the language so that vendors provide a study on the new
41 technologies, and why they would be installing any proposed equipment.

42
43 Commissioner Iverson asked how often vendors would have to provide the City with updates on
44 the advances in technology.

45

1 Mr. Zweber stated as it is written, it would be the City that would review existing equipment
2 with new technologies but this could be changed to apply to the replacement of existing
3 equipment and new equipment.

4
5 Chair Vanderheyden stated it would be reasonable for the City to request information on the
6 technology being used and what technology is available for replacement to existing equipment or
7 new equipment.

8
9 Chair Vanderheyden stated the Commission would be agreeable to 120 days instead of 60 days in
10 Section 5.Y.

11
12 Commissioner Gonzalez moved, Seconded by Commissioner Iverson to continued discussions
13 on the Telecommunications Ordinance to a future meeting to allow Staff to make the
14 recommended changes. The motion carried unanimously.

15
16
17 **AGENDA ITEM 3. Other Items:**

18
19 **a. Review of Development Activities**

20
21 Mr. Zweber stated there would be a public hearing at the next meeting on the proposed Tree
22 Preservation Ordinance, incorporating City Forester Manuel's comments. The 1120 Wayzata
23 Boulevard application may also be on the next meeting agenda.

24
25 **b. Other Items**

26
27 Ms. Nelson stated the City Council had discussed the proposed Mill Street parking ramp.

28
29 Commissioner Gruber stated the next Heritage Preservation Board meeting would be a panel
30 discussion on why people renovate their homes, and she would provide an update at the next
31 Commission meeting.

32
33
34 **AGENDA ITEM 4. Adjournment.**

35
36 There being no further business, Commissioner Young made a motion, seconded by
37 Commissioner Ramy, to adjourn the meeting. The motion passed unanimously.

38
39 The meeting was adjourned at 10:25 p.m.

40
41 Respectfully submitted,

42
43 Tina Borg
44 *TimeSaver Off Site Secretarial, Inc.*