



PLANNING COMMISSION SYNOPSIS

Thursday, November 5, 2015

CALL TO ORDER

Chairperson Nordstrom called the Planning Commission meeting to order at 6:00 PM in the City Council Chambers of the Bloomington Civic Plaza.

COMMISSIONERS PRESENT: Nordstrom, Willette, Spiess, Batterson, Fischer, Bennett, Goodrum
STAFF PRESENT: Markegard, Farnham, Centinario, Schmidt, O'Day

Chairperson Nordstrom led the attendees in the reciting of *The Pledge of Allegiance*.

ITEM 1
6:04 p.m.

CASE:	9711A-15
APPLICANT:	Sharepoint Credit Union (owner and user)
LOCATION:	5300 Hyland Greens Drive
REQUEST:	Conditional Use Permit for a limited financial institution in the B-1 Zoning District

PUBLIC HEARING DISCUSSION:

Markegard noted the location of the financial institution. The applicant is applying for a conditional use permit and would occupy a total of 11,450 square feet. Approximately 950 square feet would be used for a small retail branch on the first floor. Sharepoint Credit Union requested a City Code amendment to allow limited financial institutions as conditional accessory uses in the B-1 Zoning District. That City Code amendment was adopted by City Council on October 19, 2015. The B-1 Zoning District limits the financial institution to an accessory use, the use cannot exceed 10% of the non-retail space, no drive-through or exterior ATM is allowed and there is a maximum of two teller stations. The proposed financial institution meets all the limitations. Therefore, staff is recommending approval.

The public hearing was closed via a motion.

Batterson said it is a good use of the location.

Spiess agreed.

Nordstrom announced the item is a final decision by Planning Commission unless an appeal is received by 4:30pm on November 10, 2015.

ACTIONS OF THE COMMISSION:

M/Spiess, S/Fischer: To close the public hearing. Motion carried 5-0.

M/Spiess, S/Fischer: In Case 09711A-15, having been able to make the required findings, I move to adopt a resolution approving a Conditional Use Permit to allow a limited financial institution at 5300 Hyland Greens Drive, subject to the conditions and Code requirements listed in the resolution. Motion carried 5-0.

CONDITIONS OF APPROVAL:

The Conditional Use Permit for a limited financial institution at 5300 Hyland Greens Drive (Case 09711A-15) is subject to the following conditions:

- 1) The limited financial institution is limited to the areas identified in the plans submitted for Case 09711A-15.
- 2) Sewer Availability Charge (SAC) must be determined and be satisfied.
- 3) Prior to occupancy, the sprinkler system, exit signage, and emergency lighting must be approved by the City of Bloomington Fire Marshal.

While the use and improvements must comply with all applicable local, state and federal codes, the applicant should pay particular attention to the following Code requirements:

- 1) Any business signage must be in accordance with Chapter 19, Article X of the City Code
- 2) All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
- 3) Building entrances must comply with the minimum light levels required in Section 21.301.07.

ITEM 2
6:09 p.m.

CASE:	10969A-J-15
APPLICANT:	City of Bloomington
LOCATION:	South Loop District
REQUEST:	Rezone 84 parcels in the South Loop District as recommended in the South Loop District Plan

SPEAKING FROM THE PUBLIC:

Phillip Rondo, Bloomington Ramada
Matthew Holden, 8161 3rd Avenue South, #706

PUBLIC HEARING DISCUSSION:

Schmidt presented the location of the South Loop District. He provided a brief history of past South Loop milestones including adoption of the South Loop District Plan in 2012, Land Use Amendments in 2013 and adoption of new zoning districts in 2006 and 2014. The Innovation and Technology (IT) zoning district is scheduled for adoption in 2016. The proposed Phase I rezoning impacts 84 parcels. Schmidt stated the reasons for the rezoning include: alignment of land use guide designations and zoning, application of new zoning districts and alignment of zoning with existing use. Schmidt stated the City will defer the IT Zoning district rezonings until 2016. He showed a map identifying the various rezonings which includes C-4, Freeway Office; LX, Lindau Mixed-Use; HX-R, Mixed-Use Residential; and SC, Conservation.

Schmidt highlighted some of the key impacts of rezonings: the HX-R Zoning District will require residential at 30 dwelling units per acre and the C-4 and HX-R Zoning Districts will limit accessory uses to 25% of total floor area. In addition, the rezoning will modify development standards including reduced setbacks in the HX-R, LX and C-4 rezoning areas. It will also establish minimum and maximum floor area ratios (FAR). Finally, the rezoning will apply higher design standards which include parking placement in the HX-R and LX Zoning Districts and building design and architectural unity in all proposed rezoning areas.

While no use nonconformities have been identified, there will be other types of nonconformities. Existing structures may not meet the design standards; however, the structure would not need to conform to code unless completely removed or relocated. Also, there may be issues with lot characteristics but conformance would require during a replat. Lastly, there may be issues with site characteristics which would be triggered by redevelopment or expansion of floor area to 25% or greater.

Schmidt noted there was an informational meeting on October 21, 2015. City staff sent newspaper notices, E-subscribe notices, participated in individual meetings and received phone calls regarding the rezoning. The majority of correspondence included comments and concerns over the maximum height standards. Schmidt indicated the maximum height is not changing with this rezoning as height in this area is regulated by airport factors. Schmidt said the rezoning is scheduled to go forward to City Council on December 7th 2015. The IT Zoning District is anticipated to be finished in 2016 and the remaining South Loop parcels are anticipated to be rezoned in the second half of 2016. Schmidt suggested the Planning Commission make a single motion if there is unanimous approval of all 84 parcels. He suggested an individual rezoning be singled out in the motions if there is not unanimous approval.

Goodrum asked about the reasoning of the C-4 Zoning District and was unsure why a residential neighborhood (Long Meadow Circle) is proposed to be zoned Freeway Office.

Schmidt said the proposed C-4 Zoning District aligns with the existing Commercial Office (CO-1) and Commercial Service (CS-1) zoning.

Markegard said the site labeled A on the map (Long Meadow Circle) used to be single family homes and was acquired by the Metropolitan Airports Commission. The land is now vacant and could be redeveloped in the future. He said the area is within an airport safety zone that does not allow residential uses.

Phillip Rondo, Bloomington Ramada, asked the Planning Commission to reconsider the proposed C-4 rezoning for their Ramada site (2201 E. 78th St). He understood the changes and feels they fit in with the intent of their design standards. But the C-4 Zoning District restricts potential retail and recreation use as opposed to the CX-2 Zoning District which is directly adjacent to Ramada. He is concerned that some land north of American Blvd. is zoned CX-2 like the rest of the Mall of America but their land is not proposed to have that zoning.

Markegard said American Blvd was relocated several years ago to swing south and connect with American Blvd. on the other side of 24th Ave. The Mall of America Phase II site (former Met Center site) is a Planned Development that is all under the same zoning and used to be continuous before American Blvd was relocated.

Markegard said staff has been discussing with the owners the potential for retail on this site as part of a mixed use project. Staff's recommendation would depend on the specifics of the proposal. Rezoning the site to the proposed C-4 Zoning District takes an incremental step toward increasing minimum floor area. However, discussions can continue regarding the landowners mixed use plans for the property. Rezoning to C-4 today does not preclude rezoning to another district down the road if a proposal comes forward that makes sense.

Rondo said he is asking staff to save a step to potentially rezone right now. The C-4 Zoning District could potentially decrease the property value. CX-2 opens up more potential for end users. He stated that retail and entertainment users have the ability to pay more per square foot.

Matt Holden, resident of Reflections Condominiums, agreed with the proposed rezoning. Although, he would like a reconsideration with the Long Meadow Circle parcel. He argued the site would be more appropriate as a Conservation zone rather than a 9-13 story office building. He is concerned that the zoning would allow for a large structure on the property. He applauded the City for looking at public uses farther south along Old Shakopee Road. That would create a good buffer area between the roadway and the bluffs. He would appreciate reconsideration.

Markegard noted the Long meadow Circle property is publically owned by the Metropolitan Airports Commission and it is their plan to sell for development. Height limitations are a function of the airport runway. Underneath the height path, there are mandatory height limits that have to be applied. For much of the South Loop District, 991 feet above mean sea level is the height limit, which translates to a 15-16 story building. In theory, the Long Meadow Circle site, which is subject to stricter airport height limits, could have a 10-13 story building.

The public hearing was closed via a motion.

Batterson asked if the CX-2 zone exists only for Mall of America sites.

Markegard said the CX-2 zone only applies to sites within the Planned Development for the Mall of America. The CX-2 Zoning District is the most intense zoning district and has a minimum building size of 200,000 square feet. The Ramada property owner should be aware of that high intensity requirement.

Batterson asked if it is possible to construct a building of that size on the “pork chop” site.

Markegard stated the Mall of America has recently applied for amendments to their Phase II plans which show intense combinations of retail and hotel on the “pork chop” site that will include a skyway to the Mall of America. The former Thunderbird site could develop that way with a rezoning, but would require an intense mixed use proposal.

Goodrum asked if there are any early considerations for height limits in the IT Zoning District. He is concerned about the transition from high buildings to low buildings.

Markegard said the thought was to have no height limit other than the airport height limits already in place. In theory, depending on the location, there could be potential for a 10 story building in certain areas proposed to be zoned IT.

Spiess noted is the district has a nice balance between future residential and conservation use. She applauded staff for their time and consideration with the CX-2 Zoning District and understood there is opportunity to rezone the Ramada site in the future if it makes sense to do so.

Markegard recommended the Planning Commission address the item with a single motion if there are no objections to the rezoning and each member plans to vote the same way on each rezoning. If there is an objection to a particular rezoning, he suggested calling that particular rezoning out separately for individual discussion.

Nordstrom said the single recommendation is on Page 32 of the packet.

Markegard recommended Chair Nordstrom query the group before anyone makes a combined motion.

Batterson noted that each case has its own case number.

Nordstrom said they can vote by case letter.

Spiess said she listed the letters in the motion.

Nordstrom announced the item moves to City Council on December 7, 2015.

ACTIONS OF THE COMMISSION:

M/Spiess, S/Fischer: To close the public hearing. Motion carried 5-0.

M/Spiess, S/Fischer: In case 10969A-J-15, I move to recommend the rezoning of the primary districts listed in letters A-J.
Motion carried 5-0.

APPROVED REZONING:

A) In Case 10969A-15, move to recommend rezoning the primary district from CS-1 (Commercial Services) to C-4 (Freeway Office) for 2850 and 2870 Metro Drive, 1901, 2001, 2051, 2101, 2201, 2221, 2231, 2241, 2251, and 2261 Killebrew Drive, 1918, 2008, 2020, and 2600 American Blvd E, 2115, 2201, 2351, 2615, and 2731 E 78th Street, 7851 26th Avenue S, 7800 and 7901 24th Avenue S, 7800 and 7900 International Drive, 2943, 3035, 3049 and 3053 E Old Shakopee Road and 3001, 3003, 3005, 3007, 3009, 3011, 3013, 3015, 3017, 3019, 3021, 3023, 3025, 3027, 3029, 3031, 3033, 3035, and 3037

Long Meadow Circle;

B) In Case 10969B-15, move to recommend rezoning the primary district from CO-1 (Commercial Office)

to C-4 (Freeway Office) for 2901, 2950, 3001, and 3050 Metro Drive, 7800, 7801, 7850, and 7851 Metro Parkway, 2901 E 78th Street, and 3311 E Old Shakopee Road;

C) In Case 10969C-15, move to recommend rezoning the primary district from CO-1 (Commercial Office) to HX-R (High Intensity Mixed Use with Residential) for 8009, 8011, 8101, 8121, and 8131 34th Avenue S, 8101 36th Ave S, 3601 and 3701 American Blvd E, and 6 Appletree Square;

D) In Case 10969D-15, move to recommend rezoning the primary district from CS-1 (Commercial Services) to HX-R (High Intensity Mixed Use with Residential) for 3 and 4 Appletree Square;

E) In Case 10969E-15, move to recommend rezoning the primary district from CO-1 (Commercial Office) to LX (Lindau Mixed Use) for 2600 and 2700 E 82nd Street and 8001 and 8101 28th Avenue S;

F) In Case 10969F-15, move to recommend rezoning the primary district from I-1 (Industrial Park) to LX (Lindau Mixed Use) for 2401 American Blvd E;

G) In Case 10969G-15, move to recommend rezoning the primary district from CS-1 (Commercial Services) to SC (Conservation) for 2375 and 2401 E Old Shakopee Road and 2400 E 86th Street;

H) In Case 10969H-15, move to recommend rezoning the primary district from CO-1 (Commercial Office) to SC (Conservation) for 4301 American Blvd E;

I) In Case 10969I-15, move to recommend rezoning from Commercial Services Planned Development Airport Runway, CS-1(PD)(AR-17) to Freeway Office Airport Runway, C-4(AR-17) for 7900 28th Avenue S, 2400 and 2500 E 79th Street, and 2700 American Blvd E; and

J) In Case 10969J-15, move to recommend rezoning from Commercial Office Planned Development Airport Runway, CO-1(PD)(AR-17) to Freeway Office Airport Runway, C-4(AR-17) for 2800 American Blvd E.

ITEM 3
6:39 p.m.

CASE:	5277FGH-15
APPLICANT:	Eagle Ridge Partners
LOCATION:	9601 James Avenue South
REQUEST:	<ol style="list-style-type: none"> 1) Major revision to final site and building plans to demolish 30,882 square feet of an existing 84,551 square foot industrial facility and renovate the remaining space; 2) Conditional use permit for a health club 3) Conditional use permit for a vocational school (withdrawn by applicant)

SPEAKING FOR THE APPLICANT:

Eric Reiners, Sperides Reiners Architects
Chris Smeltzer, Cushmen Wakefield

PUBLIC HEARING DISCUSSION:

Centinario stated the third component of this item related to a vocational school and was withdrawn due to site constraints. He showed the aerial photo for the site. He stated an application for a Preliminary and Final Plat and variances for reduced setbacks at the same site were reviewed by the Planning Commission earlier this year. The site is zoned I-3, which is consistent with the Comprehensive Plan's land use designation. He showed images of the site. A portion of the building would be demolished and access would be relocated to improve circulation. There would be parking between the two buildings. The northern building would be used as a health club and the southern building would be used as office and warehouse. The applicant is proposing adequate landscaping that includes a proposed rain garden between the building and the James Avenue right-of-way. For the proposed east parking lot staff wanted to be sure there was sufficient space for drive aisles but that was not possible with two-way 90 degree parking. Instead, the code allows for angled parking as long as it meets Institute of Transportation Engineers (ITE) standards. He showed the building elevations. The site will be using existing materials, masonry and modern looking panels. Most materials would be repainted or replaced if deteriorated. He showed the floor plan of the climbing gym that consisted of high walls of varying height. The site plan also shows a laundry area, group rooms and restrooms. He presented a photo of the climbing wall that showed contours of the climbing wall. Centinario explained the parking analysis and stated the proposal meets parking requirements. Six compact stalls are proposed, but compact stalls cannot contribute to meeting parking requirement. Staff is recommending approval.

Reiners thanked the staff for their hard work. It is a viable project and he is very excited to move forward with the application.

Nordstrom asked if there are competitors in the area. The project seems very unique.

Reiners said he knows there are several climbing facilities in the Twin Cities region.

Nordstrom said the height of the site is unusual.

Reiners said the existing design of the site provides significant volume and height for the climbing walls.

Nordstrom said the climbing wall is an unusual shape and has a degree of complexity for the climbers.

Chris Smeltzer, Cushman Wakefield, said the building has been vacant for 5 years. It was built for Genpak's process and is unsuitable for other industrial uses. The northern portion of the site is usable with the high walls and slanted grading. The southern portion is more desirable and will be well-received in the market. The project will be a creative reuse and an exciting amenity to bring people to Bloomington.

The public hearing was closed via a motion.

Goodrum stated he is happy with this development.

Batterson said he is excited about the reuse.

Nordstrom announced the item is a final decision unless an appeal is received by 4:30pm on November 10, 2015.

ACTIONS OF THE COMMISSION:

M/Spiess, S/Fischer: To close the public hearing. Motion carried 5-0.

M/Batterson, S/Spiess: In Case 5277F-15, having been able to make the required findings, I move to recommend the City Council approve a Major revision to Final Site and Building Plans to demolish 30,882 square feet of an existing 84,551 square foot industrial facility and renovate the remaining space located at 9601 James Avenue South, subject to the conditions listed in the staff report. Motion carried 5-0.

M/Batterson, S/Fischer: In Case 5277G-15, having been able to make the required findings, I move to recommend the City Council adopt a resolution approving a conditional use permit for a health club located at 9601 James Avenue South, subject to the conditions listed in the staff report. Motion carried 5-0.

Conditions of Approval for the Final Site and Building Plans (Case 5277F-15)

The major revision to Final Site and Building Plans is subject to the following conditions being satisfied prior to the issuance of development-related permits:

- 1) Building and site improvements are limited to those on the approved plans in Case 5277F-15.
- 2) The Grading, Drainage, Utility, Erosion Control, Traffic Control, Access, Circulation, and Parking plans must be revised for approval by the City Engineer.
- 3) Connection charges must be determined and satisfied.
- 4) Sewer Availability Charge (SAC) be determined and be satisfied.
- 5) An erosion control surety must be provided and approved erosion control measures must be in place and inspected prior to issuance of grading permits.
- 6) A Stormwater Management Plan must be provided which meets the requirements of the City of Bloomington Surface Water Management Plan, as well as a maintenance plan to be signed by the property owner and filed of record with Hennepin County.
- 7) A Nine Mile Creek Watershed District Permit must be submitted.
- 8) A National Pollutant Discharge Elimination System (NPDES) Construction Site Permit and Storm Water Pollution Prevention Plan (SWPPP) must be provided prior to the issuance of any permits.
- 9) No utility connection work shall occur until a permit has been issued by Metropolitan Council Environmental Services (MCES), if such a permit is required.

- 10) A Minnesota Department of Health (MDH) approval for water main work must be submitted or documentation provided that indicates that no MDH approval is required.

And subject to the following conditions:

- 11) Alterations to utilities be at the developer's expense.
- 12) All construction related parking, loading and unloading, staging, and material storage must occur on-site and off of adjacent public streets except as may be approved by the Director of Public Works for a temporary period.

And, while the use and improvements must comply will all applicable local, state, and federal codes, the applicant should pay particular attention to the following Code requirements:

- 1) Exterior finish materials for the new exteriors must meet City Code requirements as approved by the Planning Manager (Sec. 19.63.08).
- 2) The developer must submit electronic utility as-builts to the Public Works Department prior to the issuance of the Certificate of Occupancy.
- 3) Landscape plan must be approved by the Planning Manager, and a landscape surety provided (Sec 19.52).
- 4) Provide connection from public sidewalk to main building entrance and replace sidewalk with adequate sidewalk width pursuant to Section 21.301.04 of the City Code
- 5) All rooftop equipment on the building must be fully screened (Sec. 19.52.01).
- 6) Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code 3802; Uniform Fire Code Ch. 10.306).
- 7) Fire lanes must be posted as approved by the Fire Marshal with 20 feet unobstructed width maintained (Sec. 8.73).
- 8) Utility plan showing location of existing and proposed water main and fire hydrant locations must be approved by the Fire Marshal and Utilities Engineer (Sec. 6.20, Uniform Fire Code Ch. 10.301-C).
- 9) Parking lot and site security lighting must satisfy the requirements of Section 21.301.07 of the City Code.
- 10) All trash and recycling must be fully enclosed within the building (Sec. 19.51).
- 11) Recycling materials must be separated and collected (Sec. 10.45).
- 12) Signage must comply with the requirements of Chapter 19, Article X of the City Code.
- 13) Tier 2 Transportation Demand Management plan must be submitted (Sec. 21.301.09(b)(2)).

Conditions of Approval for Conditional Use Permit (Case 5277G-15)

The Conditional Use Permit for a health club at 9601 James Avenue South is subject to the following conditions:

- 1) The health club is limited to the floor area identified in the plans submitted for Case 5277G-15.
- 2) No outdoor activities related to the climbing facility are permitted.
- 3) A building permit for all required changes to accommodate the proposed use be obtained.
- 4) Sewer Availability Charges (SAC) must be satisfied.

And, while the use and improvements must comply with all applicable local, state and federal codes, the applicant should pay particular attention to the following Code requirements:

- 1) Any business signage be in accordance with the Uniform Sign Design (Sec. 19.109).
- 2) Parking lot and site security lighting must satisfy the requirements of Section 21.301.07 of the City Code.

ITEM 4
6:57 p.m.

CASE:	3400A-15
APPLICANT:	Redemption Lutheran Church and School (owner) Verizon Wireless (user)
LOCATION:	927 East Old Shakopee Road
REQUEST:	Major revision to final site and building plans to construct a 65 foot bell tower with screened wireless antennas

SPEAKING FOR THE APPLICANT:

Scott Buell, Verizon Wireless
Curt Walter, Verizon Wireless

PUBLIC HEARING DISCUSSION:

Schmidt said the City prohibits a monopole or steel lattice tower at a place of assembly site. The City Code allows antennas if collocated on a structure that is fully camouflaged as a bell tower, steeple and similar structure. In addition, bell towers or similar structures must meet additional standards. The applicant is proposing a second bell tower that is west of the existing bell tower. The existing bell tower also accommodates antennas but Verizon Wireless cannot use the existing bell tower due to space constraints.

The applicant is proposing a 65 foot tall bell tower with a rectangular base and triangular shaped top. The setback is 165 feet from East Old Shakopee Road and 64 feet from western property line. The applicant is proposing similar exterior materials to match the existing tower. They are proposing additional screening and will not be requesting sound equipment or bells in the second tower. He showed the proposed elevations of the tower that included fence to block access to the bell tower. When more than one bell tower is proposed, City Code requires each to be consistent with the other and they must appear as planned design elements.

Staff discussed various features that influence consistency including design, materials, colors, bells, height, shape base, etc. Upon review, the applicant is not meeting three consistency features. The proposed bell tower is a triangular shape with flat sides which is not consistent with the concavity of the existing tower. The existing bell tower has an opening with a bell inside whereas the proposed bell tower is enclosed with a cross-shape on the façade. The bells in the existing tower are inoperable. Staff believes there is a conflict with the City Code because of those inconsistent design standards. Staff discussed the following alternatives with the applicant: move the proposed tower closer to the existing tower and create an architecturally consistent subset, follow the same curvature of the church to appear as an element of the church, relocate the proposed bell tower to the southern portion of the site, or keep the same tower design, but move the existing antennas to the proposed tower and demolish the existing tower. The applicant has reviewed the alternatives but would like to proceed with the application as proposed.

Schmidt explained the Planning Commission's decision can be appealed to the City Council. If appealed, the application would move to the City Council on December 7, 2015 as a public hearing.

Based on the findings, staff is recommending denial. Staff has a second motion if Planning Commission approves the application that includes 8 conditions and 1 City Code provision listed in the staff report.

Batterson asked about the design history of the proposed bell tower. How has it evolved?

Schmidt stated he does not have renderings with him from previous submittals. The design has evolved. There have been attempts to mirror the existing structure as much as possible without adding an opening and bells. They went back and forth with the church and the engineer from Verizon Wireless in order to meet the design standards.

Batterson asked about the major design concerns.

Schmidt said the major concern is the lack of opening and the flat sides of the proposed bell tower.

Nordstrom asked about Bloomington's code history with places of assembly and antennas. Churches frequently change over time.

Markegard stated Bloomington has spent time looking at how best to provide wireless service in predominantly residential areas, with one possibility being integration with school sites and places of assembly sites. It is difficult to provide cell service to residential neighborhoods. Code was amended to allow antennas at place of assembly sites provided they are integrated with bell towers, steeples or similar structures. There are 5 or 6 bell towers throughout Bloomington that have antennas but blend in with the architecture of the church. If there is more than one structure, the Codes are meant to ensure the structures appear as architecturally coordinated elements rather than as a tower farm.

Nordstrom asked if there was any input from churches during the code amendment to allow antennas at place of assembly sites.

Markegard said the code amendment included a public hearing and the standard notification process for Code amendments. Input would have been provided through the public hearing.

Nordstrom noted the code amendment did not come as a surprise.

Markegard said there was an opportunity for public input.

Goodrum asked if the antenna code section only pertains to antennas standards or does it apply when an applicant requests to build a second bell tower.

Markegard said the City Code section under "Antenna Mounting" would apply if the bell tower is used to camouflage the antenna.

Goodrum asked if the proposed bell tower could be constructed without the antenna under the same Code section.

Markegard said that is a weakness in the Code and City may want to address the issue.

Scott Buell, Verizon Wireless, said Schmidt has given an adequate summary. He respected staff's recommendations but felt as though Verizon is meeting all Code requirements. Before installation of the bell tower, Verizon Wireless must meet NEPA and NHPA regulations. He showed the Minnesota Historical Society letter that indicated no property will be affected by the proposed antenna. Zoning approval is the last approval before Verizon can move forward. The demand for wireless service is consumer driven and is needed to provide emergency response and to improve wireless coverage for residents. He provided landline and wireless statistics and identified the demand for this network.

Buell noted the nine design elements cited are not identified in the Code, instead, they are more of design features. He believed those missing design elements were minor. The proposed site is perfect for their request. He noted there were no comments from other City departments, according to the

Development Review Committee minutes. Schmidt did remind City staff and the applicant that the other tower must be architecturally consistent with the existing tower. They went back to address the design standards and the proposal is the best they can do.

Since the DRC meeting, staff articulated alternative options in order to meet Code requirements. The main issues were: the bell tower is not concave, there is no opening or bells inside the tower. He argued that conforming to the Code's requirements would not be feasible because a concave design would not allow enough space to install the antennas. He presented an image of the proposed tower if antennas were inside a concave tower. He argued that an antenna cannot fit entirely in the tower. There needs to be at least 2 antenna spectrums to guarantee effective wireless installation. Therefore, a concave element does not work.

He argued it is a better design to not have cutouts or openings. All maintenance has to be done from the inside of the tower. The opening in the façade would require a ladder to maintain the antenna, which would not be feasible. He addressed why staff's alternative options will not work. The church congregation approved the proposed location and has a signed lease for that location. Making the proposed bell tower so it follows the curvature of the church would require bumping out the façade. The third alternative called for relocation of the tower to the south portion of the property. The church congregation did not approve that proposal. The last alternative would move the existing T-Mobile antenna to the proposed Verizon tower and demolish the existing. The existing bell tower was provided by five families and therefore would be difficult to demolish. Despite staff's considerations, the bell tower does not conflict with the City Code.

Goodrum asked about the location south of the church and if allowed, can they provide the same service.

Buell said that location has not been assessed and would have to review with the service team at Verizon Wireless.

Goodrum asked why the church is adamant about the location.

Curt Walter said the congregation voted on the location of the bell tower.

The public hearing was closed via a motion.

Batterson said complementary is the best way to create a cohesive whole and an interesting area. Verizon Wireless has done a good job in creating a bell tower that complements the existing tower and works for the needs of Verizon Wireless at the same time. The contrast of the open and closed façade is a great way to complement the area. Poor cell coverage would create economic issues for the City.

Fischer said cell coverage is vital. He liked that staff held the applicant accountable to a high design standard but agreed that the tower seems to fit the need of the congregation and Verizon Wireless.

Goodrum said he drove down East Old Shakopee Road and believes the bell tower is out of view from the road except for a short period. The technology is needed to service the surrounding neighborhood and agreed that the tower does not have to match exactly. He provided Masonic Homes as an example.

Spiess agreed.

Nordstrom said he is frustrated that the City Code analyzes design standards to a point where it overlooks the perspective of the viewer. There is a line between looking good and looking spectacular.

Goodrum applauded staff for enforcing the Code and looking at other options.

Nordstrom announced the item is a final decision by Planning Commission unless an appeal is received by 4:30p.m. on November 10, 2015.

ACTIONS OF THE COMMISSION:

M/Spiess, S/Fischer: To close the public hearing. Motion carried 5-0.

M/Spiess, S/Batterson: In Case 3400A-15, having been able to make Required Findings, I move to adopt the revised final site plans and building plans for a 65-foot bell tower with screened communication antennas at 927 East Old Shakopee Road subject to the conditions of approval listed in the staff report from November 5, 2015.
Motion carried 5-0.

CONDITIONS OF APPROVAL:

The revision to Final Site and Building Plans is subject to the following conditions being satisfied prior to the issuance of development-related permits:

- 1) The bell tower and equipment enclosure design and location must be as shown on the plans approved in Case 3400A-15, subject to the maximum height of 65-feet, including the lightning rod;
- 2) The Grading, Drainage, Utility, and Erosion Control plans must be approved by the City Engineer;

and subject to the following additional conditions:

- 3) Any provision of bells or any type of sound system proposed for the bell tower must be reviewed for approval by the Planning Manager;
- 4) Before an additional provider co-locates on this tower, a minor revision to the Final Site and Building Plans must be submitted and administratively approved;
- 5) The bell tower is limited to cellular, PCS, or ESMR antennas unless other uses are specifically and individually approved by the Issuing Authority;
- 6) In the event that the proposed facility causes interference with a public safety communication system, the applicant must eliminate that interference;
- 7) No business signage related to communications systems is allowed on the bell tower, equipment enclosure, or elsewhere on the property; and
- 8) All construction related parking, loading and unloading, staging, and material storage must occur on-site and off adjacent public streets except as may be approved by the Director of Public Works for a temporary period.

While the use and improvements must comply with all applicable local, state, and federal codes, the applicant should pay particular attention to the following Code requirements:

- 1) Bell tower and site security lighting must satisfy the requirements of Section 21.301.07.

