

1. Call to order – Roll Call
2. Approval of Minutes: Study Session – January 16, 2019 & February 6, 2019
3. Hearings
 - A. Zoning Ordinance – Small cell aesthetic requirements
Applicant: City of St. Louis Park
Case No.: 19-04-ZA
4. Other Business
5. Communications
6. Adjournment

STUDY SESSION

1. Historic Walker Lake
2. Home Occupations (no written report)

If you cannot attend the meeting, please call the Community Development office, 952.924.2575.

Auxiliary aids for individuals with disabilities are available upon request. To make arrangements, please call the administration department at 952/924-2525 (TDD 952/924-2518) at least 96 hours in advance of meeting.

UNOFFICIAL MINUTES
PLANNING COMMISSION
ST. LOUIS PARK, MINNESOTA
January 16, 2019 – 6:00 p.m.
COUNCIL CHAMBERS

MEMBERS PRESENT: Lynne Carper, Matt Eckholm, Jessica Kraft,
Lisa Peilen, Carl Robertson,
Joe Tatalovich, Alanna Franklin (youth member)

MEMBERS ABSENT: Claudia Johnston-Madison

STAFF PRESENT: Jennifer Monson, Sean Walther

1. Call to Order – Roll Call
2. Approval of Minutes of December 19, 2018

Commissioner Tatalovich made a motion to approve the December 19, 2018 minutes. Commissioner Peilen seconded the motion, and the motion passed on a vote of 6-0.

3. Public Hearings

A. Zoning Ordinance – window transparency on ground floor street facing facades

Applicant: City of St. Louis Park
Case No.: 18-70-ZA

Jennifer Monson, Planner, presented the staff report.

Commissioner Peilen asked about businesses on Minnetonka that cover their windows with brown paper and asked if the proposed ordinance would require the business to remove the paper.

Ms. Monson said that the proposed ordinance would require the removal of paper coverings.

Commissioner Peilen asked about a separate part of the ordinance dealing with directional signage on parking ramps. Discussion followed.

Mr. Walther said that directional signage on parking ramps would be allowed under the sign code, and is not prohibited by the architectural ordinance. He suggested the planning commission review this item at a later time as it is not part of the proposed ordinance.

Commissioner Carper agreed.

Commissioner Kraft asked about signage for unleased space.

Mr. Walther said the city limits the square footage for leasing signs under the sign code.

Ms. Monson said she agreed with Mr. Walther and said the proposed ordinance is for occupied spaces. Leasing signs would still have to meet the sign code.

Commissioner Carper asked a question relating to the window coverage. He discussed Trader Joe's and their inward facing store front. He stated that Trader Joe's uses signs on the back of their shelving against the windows. He said CVS is another example. He asked how the ordinance would apply to Lunds & Byerlys.

Ms. Monson explained that Trader Joe's signage is approved under a plan unit development and has its own specific signage regulations and requirements. She said she would have to double check to see what the code says. As for Lunds and Byerly's, staff would have to research what is considered the front façade of the building. It's a large lot surrounded by streets.

Mr. Carper asked about the TexaTonka Shopping Center.

Ms. Monson said the Texa-Tonka center has a lot of window signage. There are no opaque or mirrored windows. There is a lot of window signage which is easier and more affordable to take down versus replacing windows.

Commissioner Carper asked if the city is deciding what a window looks like in terms of the display or what is placed within the three feet of depth.

Ms. Monson said that as long as it's visible within the first three feet of the space, we don't care what is placed there.

Commissioner Carpers asked Ms. Monson if the ordinance prohibits anything within the three feet from being displayed.

Ms. Monson clarified that displays are permitted, as long as you can see past the merchandise for the first three feet into the commercial space.

Commissioner Carper asked what kind of percentage of that view into the space is being discussed.

Ms. Monson said ten percent of the window area is allowed to be blocked. The remaining 90 percent would need to remain open for the first three feet.

Commissioner Peilen asked a few follow up questions regarding parking ramp signage, ensuring the ordinance does not preclude directional parking signs.

Chair Robertson said he does see all those as directional signage.

Commissioner Peilen asked how the ordinance addresses temporary signs.

Ms. Monson responded that temporary signs are allowed as long as they follow the temporary sign code requirements.

Commissioner Carper asked if staff researched other city's transparency ordinances.

Ms. Monson explained that staff researched many other ordinances both local and across the country including Minneapolis, St. Paul, Seattle, Boulder, Denver, and Cincinnati, including examples from developments in St. Louis Park.

Commissioner Carper asked Ms. Monson if she consulted with any professional such as architects who are designing the buildings, store planners who plan the inside of them and even potential business who may want to move into the community but could change their mind due to the nature of this ordinance.

Ms. Monson explained they have discussed the ordinance with the planning commission which has a variety of people from different backgrounds including several architects. She stated that staff reached out to St. Paul as they have adopted similar standards for the Grand Ave corridor. St. Paul never responded, but staff took into consideration the standards St. Paul and other cities adopted when crafting the ordinance.

Commissioner Carper explained that with his extensive history in retail he's a bit uncomfortable with the ordinance. He asked Ms. Monson if other window transparency ordinances were studied in areas of high pedestrian activity, and stated downtown Hopkins and 50th and France as examples.

Ms. Monson explained that staff researched many other ordinances both local and across the country. She stated that each treat it a bit differently, and that Minneapolis uses pedestrian overlay zones.

Chair Robertson asked if anyone had further questions for staff. Seeing none, he opened the public hearing. No one was present to speak so he closed the public hearing, and brought the discussion back to the commission.

Chair Robertson explained that planning commission has had several discussions about transparency and that he is still uncomfortable with this ordinance though he understands the intent. He stated that he believes you cannot design by formula. It can make buildings very monotonous as everything looks the same. He would prefer to see transparency as a set of guidelines rather than an ordinance. Chair Robertson said the ordinance does not give the architect enough freedom and is very limiting. He does not believe it will work.

Commissioner Eckholm said his first reaction would be to disagree with Commissioner Robertson, but remembered attending a downtown Minneapolis meeting where they were discussing the new YMCA on Nicollet. He said there was difficulty meeting Minneapolis' zoning and the innovative concept that the developer came up with, was still not approved.

Ms. Monson said the ordinance realizes that not everyone can or should meet this ordinance. That there is flexibility in the ordinance for staff, city council, or planning commission to alter the requirements.

Chair Robertson said this is a thought, but it's still not clear what is allowed and how well it will be received.

Commissioner Carper explained he is uncomfortable with the ordinance and doesn't think all businesses can get a planned unit development like Trader Joe's. He also expressed concerns about restricting the floor space within the building by three feet.

Ms. Monson explained staff feels the ordinance can be easily met and that Trader Joe's and Cub Foods signage and art would be considered alternate pedestrian amenities under the code.

Commissioner Peilen expressed concerns that the ordinance is a response to a problem with a couple buildings but it goes far into regulating.

Chair Robertson responded that zoning codes increase cost and understands that there are good reasons to it. He believes we need to also focus on affordable commercial space.

Commissioner Kraft believed the intent of the ordinance is great, but believes there are other ways to make a more active and inviting streetscape. She suggested ways to equally prioritize different options; transparency is one option another is art along with other multitude creative solution to better meet the intent of what were after.

Commissioner Carper said he agrees with spirit and intent of the ordinance but feels this may need more work. He suggested breaking the ordinance into parts.

Chair Robertson asked Mr. Walther if the commission should vote on the ordinance and take the chance it wouldn't pass or to table it and see it brought back again soon.

Mr. Walther said there is no specific direction. This was a city generated request by council and they would like to see it come to them at some stage for their action. They are looking for Planning Commission's input.

Chair Robertson said there was good conversation and feels some of things that were troubling don't seem to be addressed far enough. He stated that he would like to make sure City Council has enough information on where the Planning Commission stands. His preference would be to go forward with the vote.

Commissioner Carper clarified that city council can choose to act on this ordinance in any matter they choose, so a yes and no by the planning commission does not guarantee anything.

Commissioner Carper moved that the Planning Commission approve the zoning ordinance on window transparency on the ground-floor street facing facades.

Commissioner Peilen seconded the motion.

Chair Robertson said the motion does not carry on a vote of 0-6 against the motion.

Mr. Walther said the vote needs to have an affirmative motion to recommend denial of the ordinance.

Chair Robertson requested a second motion.

Commissioner Carper made a second motion to recommend denial of the zoning ordinance for window transparency on the ground-floor street facing facades.

Commissioner Tatalovich seconded the motion, and the motion passed on a vote of 6-0.

4. Other Business
5. Communications
6. Adjournment

The meeting was adjourned at 7:30pm and was followed by a study session.

STUDY SESSION

Density bonuses in the mixed-use zoning district draft ordinance.

Ms. Monson highlighted the 2040 comprehensive plan definition for mix use. She said the mixed use land use category allows density from 20 units per acre to 75 units per acre. She said that all of the land that is being re-guided as mixed use in the comprehensive plan is already zoned C-2 which allows mixed use buildings with up to 50 units per acre with a conditional use permit. Therefore, 50 units per acre is being used a starting point for the mixed use ordinance. However, if the site is rezoned to mixed use there is a potential for a higher level of density. She said staff is looking for commission's input on items that would allow higher density, including affordable commercial space, affordable housing, green building policy, and other site amenities.

Commissioner Peilen asked a question pertaining to a previous mixed use building where one commissioner thought there wasn't mixed use enough and therefore did not support it and refers back to the slide where it talks about percentages. She asked if that building would have met the new mixed-use standards.

Ms. Monson referred to the full draft of the ordinance and stated that 25% of the primary façade on the ground floor could be used for a residential management office but cannot be used for residential amenities while the rest of the ground floor primary façade has to be a non-residential use.

Mr. Walther clarified the purpose of the definition in the comprehensive plan is to give some indication for the city's long term infrastructure planning and the metropolitan council. The definition is only a guidance and offers flexibility.

Commissioner Kraft asked for clarification on the city's Green Building policy as it seems close to the Renewable Energy resource policy.

Ms. Monson agreed the two policies overlap. She stated the Green Building policy requires developers to follow a green building system like LEED or B3, as well as meet SB2030.

Mr. Walther explained how tax increment financing works within the city as it relates to the Green Building policy.

Commissioner Eckholm suggested a density bonus option relating to the renewable energy sources. He suggested a bonus for using a battery backup system versus a diesel backup.

Chair Robertson suggested density points for a transit stop.

Commissioner Carper suggested density points for public meeting space for groups.

Mr. Walther mentioned that a lot of definition still needs to happen on the density bonus piece, and asked if the commission would be comfortable moving ahead with the remainder of the ordinance if it takes longer to figure out the density bonus options.

2. 2019 Commission Work Plan

Jacquelyn Kramer, Associate Planner, presented the planning commission 2019 work plan report and asked if anyone had questions or anything to add.

Commissioners agreed that if there are additional items they want to bring to council, they will bring them at a later time.

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Elena Roberts
Office Assistant

UNOFFICIAL MINUTES
PLANNING COMMISSION STUDY SESSION
ST. LOUIS PARK, MINNESOTA
FEBRUARY 6, 2019 – 6:00 p.m.
COUNCIL CHAMBERS

MEMBERS PRESENT: Lynne Carper, Matt Eckholm, Jessica Kraft,
Claudia Johnston-Madison, Joe Tatalovich, Lisa Peilen, Carl
Robertson, Alanna Franklin (youth member)

MEMBERS ABSENT:

STAFF PRESENT: Sean Walther, Jacquelyn Kramer, Gary Morrison, Clint Pires

1. Small cell aesthetic requirements. Ms. Kramer presented a summary of an ordinance amending the zoning ordinance proposed to be presented to the planning commission at its February 20, 2019 meeting. The ordinance proposes to amend Section 36-67 regarding Communication Towers and Antennas to remove references to communication towers and antennas located in the public right-of-way and restructure the ordinance. It was explained that communication towers and antennas to be located in the right-of-way will no longer be regulated by the zoning ordinance, but will instead be regulated by Chapter 24 of the city code that regulates streets, sidewalks and public places. Amendments to Chapter 24 are currently being processed simultaneously with the zoning ordinance amendment with the intent that the city council will act on both amendments at the same time. The amendments to Chapter 24 were also summarized for the planning commission. Clint Pires was present to answer questions pertaining to small wireless facilities, how they work and how they may be accommodated in the public right-of-way.
2. Annual Report / 2019 Work Plan. Ms. Kramer presented the annual report and work plan. There was a brief discussion. Commissioner Peilen will present the report at the annual Boards and Commission Annual Meeting on February 25, 2019.
3. C-1 District retail/service/liquor store size limits. Mr. Morrison presented an updated proposal for amendments to the C-1 District. The updated amendment proposes to establish a 5,000 sf maximum for retail and service uses up to classification 4, and a 20,000 sf maximum for uses exceeding classification 4. It also clarifies that the classification table does not apply to the residential portion of buildings containing residential uses. The planning commission agreed with the updated amendment with the exception that the retail and service uses permitted up to, and including class 4 be increased to 7,500 sf.

Respectfully submitted,
Elena Roberts
Recording Secretary

1. Zoning Ordinance Amendment – Small Wireless Facilities**Case Number:** 19-04-ZA**Recommended Action:** Chair to close public hearing.**Action:** Motion to recommend approval of an ordinance amending Sections 36-142 and 36-367 of the zoning ordinance pertaining to small wireless facilities.

Background: The proposed amendment creates design and location requirements for new small cell wireless technology proposed on private property.

Amendments to Chapter 36 - Zoning and Chapter 24 – Streets, Sidewalks, and Public Places are precipitated by laws passed by the State of Minnesota and rulings passed by the Federal Communications Commission (FCC). The state law and federal rules both restrict local governments' ability to apply standard land use controls on small cell wireless facilities located in the public right-of-ways. While these laws and rulings limit local government control of facilities in public right-of-way, they allow for reasonable land use controls on facilities located on private or government owned property.

An ordinance amending Chapter 24 of the city code is also proposed to similarly regulate small cell wireless facilities located in the public right-of-way. Chapter 24 is not part of the zoning ordinance, therefore, it is not included in this public hearing. The content of that amendment, however, is attached to the report for your information. The city council will conduct the public hearing for the amendment to Chapter 24 the same evening that they consider the zoning amendment on March 4, 2019.

The Federal Communications Commission has set a deadline of April 15, 2019 for municipalities to publish aesthetic requirements for small wireless facilities. It is the city's desire to have an ordinance effective prior to that date.

Summary of ordinance: Staff prepared the attached zoning amendment to:

1. Clarify existing regulations.
2. Remove references in Chapter 36 regarding communication towers and antennas that are located in public right-of-way, and moving those regulations to Chapter 24.
3. Establish design criteria that are consistent with current technology and the design criteria proposed in the amendment to Chapter 24.

Previous action: Planning commission most recently reviewed the proposed ordinance at its study session held February 8, 2019.

Recommendation: Staff recommends approval of the attached ordinance amending Sections 36-142 and 36-367 of the zoning code pertaining to small wireless facilities.

Attachments: Draft zoning ordinance
Summary of criteria proposed to be adopted into Chapter 24

Prepared by: Jacquelyn Kramer, Associate Planner

Reviewed by: Gary Morrison, Assistant Zoning Administrator
Sean Walther, Planning and Zoning Supervisor

Ordinance No. ____-19

Ordinance regarding small wireless facilities

The City of St. Louis Park does ordain:

Section 1. Chapter 36 of the St. Louis Park City Code is hereby amended by adding underscored text and deleting strikethrough text. Section breaks are represented by ***.

Sec. 36.142. Descriptions.

(c) Institutional uses. The following are typical of the institutional uses referred to in this chapter.

- (1) *Antenna* means any free-standing structure or device attached to a building, pole, tower, utility structure, or similar structure used for the purpose of collecting or transmitting electromagnetic waves through the air, including but not limited to small wireless facilities, wireless facilities, wireless telecommunication facilities, directional antennas, such as panels, microwaves dishes, and satellite dishes, and omni-directional antennas, such as whip antennas, except for Building-Mounted antennas for private use on the premises where it is located, such as amateur radio antennas, and antennas receiving television or radio signals.
- (2) *Communication tower* means a free-standing structure ~~which~~ the primary purpose of which is to support one or more antennae and includes accessory uses directly related to the tower, such as utility buildings. Communication tower includes wireless support structure.

(16) *Micro wireless facility.* A small wireless facility that is no larger than 24 inches long, 15 inches wide, and 12 inches high, and whose exterior antenna, if any, is no longer than 11 inches.

(17) *Small wireless facility.*

a. a wireless facility that meets both of the following qualifications:

- (i) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna

and all its exposed elements could fit within an enclosure of no more than six cubic feet; and

(ii) all other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfers switches, cutoff switches, cable, conduit, vertical cable runs for connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment, is in aggregate no more than 28 cubic feet in volume; or

b. a micro wireless facility.

(18) *Wireless facility.* Equipment at a fixed location that enables the provision of wireless services between user and equipment and a wireless service network, including: (1) equipment associated with wireless service; (2) a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration; and (3) a small wireless facility. Wireless facility does not include: (1) wireless support structures, (2) wireline backhaul facilities, or (3) coaxial or fiber-optic cables between utility poles or wireless support structures, or that are not otherwise immediately adjacent to or directly associated with a specific antenna.

(19) *Wireless service.* Any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi whether at a fixed location or by means of a mobile device that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the *Communications Act of 1934*, as amended, including a cable service under United States Code, title 47, section 522 clause (6).

(20) *Wireless support structure.* A new or existing structure designed to support or capable of supporting small wireless facilities, as reasonably determined by the city.

(21) *Wireless telecommunication facility.* Equipment used to provide wireless telecommunication or data services, including all antennas, radios, support devices, equipment including ground equipment, associated cables, and attachments.

Article V. Special Provisions

Sec. 36-367. Communication towers and antennas.

(c) Communication Tower and Antenna Design Requirements. Communication towers and antennas proposed or modified anywhere in the city shall meet the following design requirements:

- (1) Communication towers up to 120 feet in height shall be of a monopole type.
- (2) The city may impose reasonable requirements to preserve the design, appearance or intended purpose of a structure when collocation is proposed.
- (3) Antenna designs and mounts shall be designed to minimize visual impact.
- (4) All small wireless facilities and their support structures must use the same color and/or finish as the pole they are mounted to.
- (5) Antenna must be mounted within two (2) inches of the support pole.
- (6) With the exception of the antenna, all components of the small wireless facilities, including wires and conduit must be located inside the building, structure, or pole it is attached to, and inside the, mounting bracket used to attach the antenna to the building, structure or pole it is attached to. Wires and conduit must also be placed underground when applicable. Components of the antenna may be screened from off-site views when located on the roof of a building.
- (7) Communication towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state law or regulation that preempts local regulations. Wireless facilities and lighting may collocate if the lighting is intended for pedestrian or traffic safety or to illuminate parking lots or recreational fields.
- (8) All small wireless facilities and support facilities must comply with city's noise regulations.
- (9) Back-up battery facilities that generate noise are prohibited.
- (10) Small wireless facilities shall not obstruct city street and wayfinding signage.
- (11) The use of any portion of a communication tower for displaying flags or signs other than warning or equipment information signs is prohibited.
- (12) No stickers, signs, or decals are allowed to be visible on small wireless facilities. The exception to this rule are safety alerts required by law. These must be placed on the back or underside of facilities.

- (13) Ground equipment associated with a communication tower or antenna shall be housed in a building. The building shall meet the architectural design standards of the Zoning Ordinance, and shall meet the minimum communication tower setback requirements of the underlying zoning district. This provision shall not apply to small wireless facilities.
- (14) Wireless facilities and wireless support structures shall maintain at least eight feet of clearance from other poles, furniture, landscaping, art and other obstructions.
- (15) All small wireless facilities must be mounted so that there is a vertical clearance of at least twelve (12) feet between the facility and the grade at the base of the structure.
- (16) Every communication tower or free-standing antenna shall be protected to discourage climbing of the tower or antenna by unauthorized persons.
- (17) No small wireless facility may extend more than ten (10) feet above its wireless support structure.

(d) Free-Standing Antennas. Any antenna that is a separate structure and not attached to a building shall comply with all height and other requirements of this Chapter relating to Towers.

(ee) Co-Location Requirements.

- (1) A proposal for a new communication tower or antenna shall not be approved unless the applicant shows that the antenna cannot be reasonably accommodated on an existing pole, structure, communication tower or building.
- (2) The owner of any communication tower exceeding 50 feet in height constructed after the effective date of this Ordinance shall permit the reasonable joint use of the structure for other antennas.

(f) Building-Mounted Antennas.

- (1) Antennas attached to a building shall be no higher than 10 feet above the highest point of the building.
- (2) All building-mounted equipment shall be consistent with the architectural features of the building and be painted to match the color of the building exterior, roof or sky, whichever most effectively screens the equipment, as determined by the Zoning Administrator.

~~(d) Communication Tower Setbacks.~~

- ~~(1) Monopoles shall be setback at least 10 feet from all lot lines. Communication towers of all other construction types shall be setback a distance equal to 1.5 times their engineered collapse radius or a distance equal to their height, whichever is less.~~
- ~~(2) All communication towers shall be located a minimum distance of twice their height from any parcel zoned or used for residential purposes, or zoned mixed use.~~
- ~~(3) Communication towers shall not be located between a principal structure and a public street, with the following exceptions:

 - ~~a. In industrial zoning districts, communication towers may be placed between the building and the side lot line abutting a street.~~
 - ~~b. On sites adjacent to public streets on all sides, communication towers may be placed between the building and either the side lot line abutting a street or the rear lot line.~~~~

(eg) Location specific regulations for communication towers and antennas.

- (1) Residential Zoning Districts.
 - ~~a. No more than one communication tower is allowed per parcel zoned and used for residential. Communication towers located on parcels occupied by residential dwellings are only allowed in the rear yard.~~
- (2) Communication towers located on parcels occupied by residential dwellings are only allowed in the rear yard.
- ~~(3) b.~~ Communication towers and antennas located on property zoned residential, and used for residential purposes shall be limited to communication towers and antennas used for the private enjoyment of those on the premises.
- ~~(2) Antennas in the Public Right of Way. Antennas may co-locate on existing poles or communication towers in the City, County, or State right of way within any zoning district. A City Public Works permit for uses in the public right of way and written permission from applicable jurisdictions are required.~~
- (4) Monopoles shall be setback at least 10 feet from all lot lines. Communication towers of all other construction types shall be setback a distance equal to 1.5 times their engineered collapse radius or a distance equal to their height, whichever is less, except that all communication towers located on private property shall be located a minimum distance of twice their height from any parcel zoned or used for residential purposes, or zoned mixed-use.
- (5) All equipment located on the ground shall be set back as to comply with the minimum yards of the zoning district they are located in, except that equipment located entirely underground is allowed to encroach into the required yards.

(6) Communication towers shall not be located between a principal structure and a lot line adjacent to a street, with the following exceptions:

a. In industrial zoning districts, communication towers may be placed between the building and the side lot line abutting a street.

b. On sites adjacent to public streets on all sides, communication towers may be placed between the building and either the side lot line abutting a street or the rear lot line.

(7) Public Right-of-Way. Communication towers and antennas may be installed in the public right-of-way as permitted by Chapter 24, Article VII, Division 2 of the St. Louis Park City Code.

~~(38)~~ A communication tower that complies with all other requirements of this chapter is allowed as a conditional use in a wetland, public waters wetland, Wetland Conservation Act (WCA) wetland, flood fringe district or general floodplain district. The standards for the issuance of a conditional use permit shall be the general criteria contained in this chapter applicable to all conditional use permits and the specific requirements for conditional uses in the flood fringe and general floodplain districts. The tower shall also comply with all other applicable laws and regulations.

~~(f) **Communication Tower and Antenna Design Requirements.** Proposed or modified communication towers and antennas shall meet the following design requirements.~~

~~(1) Communication towers up to 120 feet in height shall be of a monopole type.~~

~~(2) Antenna designs and mounts shall be designed to minimize visual impact.~~

~~(3) Communication Tower Lighting. Communication towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state law or regulation that preempts local regulations.~~

~~(4) Signs, Advertising and Display. The use of any portion of a communication tower for displaying flags, signs other than warning or equipment information signs is prohibited.~~

~~(5) Associated Equipment. Ground equipment associated with a communication tower or antenna shall be housed in a building. The building shall meet the architectural design standards of the Zoning Ordinance, and shall meet the minimum communication tower setback requirements of the underlying zoning district.~~

~~(gh) **Communication Tower Construction and Maintenance Permit Requirements.** All antennae and communication towers erected, constructed, or located within the City shall obtain a building permit.~~

~~(1) Construction Requirements. All antennae and communication towers erected, constructed, or located within the City shall obtain a building permit. Every communication tower or free-standing antenna shall be protected to discourage climbing of the tower or antenna by unauthorized persons.~~

(2i) Maintenance Requirements. Communication tower and antenna shall be structurally sound. Additionally, finish and paint shall be maintained in good condition, free from rust, graffiti, peeling paint, or other blemish.

~~**(h) Building Mounted Antennas.**~~

~~(1) Antennas attached to a building shall be no higher than 30 feet above the highest point of the building.~~

~~(2) All building-mounted equipment shall be consistent with the architectural features of the building and be painted to match the color of the building exterior, roof or sky, whichever is most effective, as determined by the Zoning Administrator.~~

~~**(i) Free Standing Antennas.** Any antenna that is a separate structure and not attached to a building shall comply with all height and other requirements of this Chapter relating to Towers.~~

Section 2. The remainder of Section 36-367 shall be renumbered in accordance with the amendments above.

Section 3. This ordinance shall take effect fifteen days after its publication.

First Reading	March 4, 2019
Second Reading	March 18, 2019
Date of Publication	(date)
Date Ordinance takes effect	(date)

Reviewed for administration:

Adopted by the City Council (insert date)

Thomas K. Harmening, City Manager

Jake Spano, Mayor

Attest:

Approved as to form and execution:

Melissa Kennedy, City Clerk

Soren Mattick, City Attorney

Summary of criteria proposed to be adopted into Chapter 24

- (1) Wireless support structures in the public right of way are permitted with the following conditions:
 - a. All wireless support structures must meet the requirements of the adopted wireless support structure design criteria. New structures, replacement of existing structures and modifications to existing structures shall be at the expense of the applicant. *(Note: When replacing a pole, this criteria requires the new structure to match the previous structure in every way. If they are unable to, then as an alternative, they can install a plan b pole that is bland in every way, designed to blend in and be overlooked.)*
 - b. Wireless support structures shall not exceed 50 feet in height except that a wireless support structure that replaces an existing wireless support structure in the public right-of-way that is greater than 50 feet in height may be placed at the height of the existing wireless support structure.
 - c. Preference shall be given to locating small wireless facilities in the boulevard, rather than medians.
 - d. To facilitate maintenance and visibility, wireless facilities and wireless support structures shall maintain at least eight feet of clearance from other poles, furniture, landscaping, art and other objects located in the right-of-way.
 - e. Wireless support structures proposed to be installed on a block with an approved streetscape plan must install a structure consistent with the design required by the plan.
- (2) Small wireless facilities shall be placed on a wireless support structure, and shall meet the following requirements:
 - a. Small wireless facilities shall co-locate on existing structures. Exceptions shall be granted by the City Engineer when co-location will impair the primary purpose and intent of existing structures or any attachments thereto.
 - b. When installing a new wireless support structure, the new structure shall not impair or reduce the effectiveness of existing or planned structures, signage or other equipment intended to provide or improve public health, welfare and/or safety.
 - c. Equipment design and mounts shall be designed to minimize visual impact.
 - d. The small wireless facilities (with the exception of antenna) must be located inside the structure. The antenna must be mounted within two (2) inches of the support pole.
 - e. The small wireless facility must use the same color and/or finish as the structure it is mounted to. Alternative colors and finishes may be approved by the City Engineer to improve aesthetics and/or compatibility with other attachments to the structure.
 - f. Wires servicing small wireless facilities must be located inside the wireless support structure, mounting brackets, and underground.

- g. Small wireless facilities mounted to the exterior of, or projecting outside of the wireless support structure must maintain a vertical clearance of at least twelve (12) feet between the facility and the grade at the base of the structure.
 - h. No stickers, signs, or decals are allowed to be visible on small wireless facilities. The exception to this rule are safety alerts required by law. The city may impose reasonable requirements to preserve the design, appearance or intended purpose of a structure when collocation is proposed.
 - i. Small wireless facilities and support facilities must comply with city's noise regulations.
- (3) Equipment associated with the antenna of a small wireless facility may be located on the ground if the City Engineer determines there is not sufficient space to locate the equipment on the structure. The equipment shall meet the following requirements:
- a. Ground-mounted equipment shall not disrupt traffic or pedestrian circulation and shall not interfere with vehicle or pedestrian intersection sight lines;
 - b. Ground-mounted equipment shall not create a safety hazard;
 - c. The ground-mounted equipment shall be located where the side lot line meets the front lot line. If this is not feasible, then it shall be located in an area so to minimize impacts on adjacent property;
 - d. If placed above grade, ground-mounted equipment must be limited to three feet in height and 28 cubic feet in cumulative size;
 - e. The equipment shall not impede pedestrian travel on sidewalks and trails. A minimum travel path of six feet in width shall be maintained between the equipment and the edge of sidewalk and/or other obstructions.
 - f. The colors and/or materials of ground equipment protective screening shall be designed to blend into the streetscape, match existing buildings adjacent to the right of way or shall be wrapped in a public art graphic. The design of ground equipment shall minimize their visual impact in the right of way.
 - g. Equipment located on the ground shall be encased in a protective screening enclosure so that no wires, cables or sharp edges are exposed.



Planning Commission
Meeting Date: February 20, 2019
Study Session Item 1

1. Walker Lake Small Area Revitalization Plan and Design Guidelines

RECOMMENDED ACTION: None at this time

SUMMARY: Activation and revitalization efforts for Historic Walker Lake have been a city priority for several years. In October 2018, the city began a process to create a small area revitalization plan and design guidelines for the Historic Walker Lake study area. The small area plan will provide development concepts and project ideas that enhance the area's identity, activity, appeal, and economic vitality. The study includes a parking analysis with land use and policy recommendations, and will include recommended design standards to regulate future investment that occurs in the area. The plan will also identify opportunities for public art, wayfinding and placemaking. Finally, the study will include an implementation plan that includes cost estimates and identifies potential funding sources.

Since hiring the consultant, Asakura Robinson, in October, the city has hosted two community meetings and a business owner meeting for the Historic Walker Lake revitalization and small area plan. In addition, over 40 percent of area businesses and property owners have been surveyed to better inform the plan.

Study Session February 20: Staff will present a summary of the existing condition report and preliminary plan recommendations to planning commission.

NEXT STEPS: At a future planning commission study session, the consultant and staff will present the final small area plan and plan recommendations.

Additional steps for the planning commission will depend on the final plan recommendations, but are likely to include proposed amendments to the zoning ordinance, specifically relating to parking, use, building size, setbacks and massing requirements.

ATTACHMENTS:

- Map of Historic Walker Lake study area
- [Public meeting summary November 14, 2018](#), available on the city's website or for viewing in the city's Community Development Department
- [Existing conditions draft](#), available on the city's website or for viewing in the city's Community Development Department

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Reviewed by: Sean Walther, Planning and Zoning Supervisor

Historic Walker Lake

Small Area Revitalization Plan
Study Area



Source: Community Development 2018

