



**CITY OF COLUMBIA HEIGHTS
PLANNING AND ZONING COMMISSION
PLANNING REPORT**

CASE NUMBER: 2020-1202
DATE: December 1, 2020
TO: Planning Commission
APPLICANT: SEH/City of Columbia Heights
DEVELOPMENT: New Wireless Communication Tower and Fence
LOCATION: 3939 Central Avenue NE
REQUEST: Conditional Use Permits
PREPARED BY: Elizabeth Hammond/Aaron Chirpich

INTRODUCTION

SEH on behalf of the City of Columbia Heights has requested a Conditional Use Permit (CUP) to construct a wireless communication tower and a CUP to construct a fence surrounding the tower, at the property located at 3939 Central Ave NE. The tower and fence will be installed behind the library on the southeast corner of the property adjacent to and north of 39th Ave. Plans have been submitted illustrating the proposed location and specifications of the tower and fence design. The new tower is being constructed to relocate cell antennas that were on top of the roof at the former bank building at 3989 Central Avenue. As part of the redevelopment of that site, the City has agreed to construct the new tower. The primary tenant in top position on the new tower will be AT&T. The tower is being designed to hold up to three additional carriers for a total of four. The additional carriers have not been identified at this time.

The Planning Commission must hold a public hearing and make a recommendation to the City Council on the CUP's. The following analysis is provided for your consideration.

ZONING ORDINANCE

The Zoning Ordinance has specific requirements for the installation of a new wireless communication tower, and staff has reviewed the requirements to confirm that the proposed tower achieves those standards.

- The tower will be 180 feet in height. The Zoning Code allows towers exceeding 80 ft. in height to be located in the Central Business District with a Conditional Use Permit.
- The fence is 60 ft. by 60 ft. in size, 8 ft. in height and will surround the perimeter of the tower. The Zoning Code allows non-residential fences up to 8 ft. in height without the necessity for a land use variance. However, fences over 6 ft. in height require a CUP.

- The tower will be a monopole design limiting the overall footprint, with four levels of antennae brackets on the top allowing for four tenants. In order to limit the number of towers in the City and foster shared use of the towers, the Zoning Code requires that all new wireless communications towers be constructed with excess capacity for co-location, based on the height of the tower. In this case, due to the height of the proposed tower, the code requires that the tower allow for up to three additional users (communication providers).
- The tower is designed to fold onto itself completely.
- The tower meets the setback requirement to the nearest lot line. The code requires that the tower (if a collapsible design) must be a distance equal to 20% of the tower height away from the nearest lot line. The tower height is 180 feet in height, and 20% of the height is 36 feet. The tower will be 57 feet from the south lot line (nearest lot line), achieving the setback requirement.
- The zoning code requires a visual impact analysis to be required as part of the application submittal for any tower over 80 ft. in height. There are photos attached taken from various distances around the city illustrating the towers visual impact.
- The Zoning code requires that the new tower meet separation requirements from existing towers. The distance that is required to be achieved is determined by the height of the existing and proposed tower. In this case, both the new and existing tower exceed 151 ft. and per the code, the new tower must be a minimum of 1,000 ft. from the existing tower. The nearest existing tower is 1, 600 ft. from the new tower achieving this requirement.

FINDINGS OF FACT

The City Council shall make each of the following findings before granting a conditional use permit:

- (a) The use is one of the conditional uses listed for the zoning district in which the property is located, or is a substantially similar use as determined by the Zoning Administrator.

The Zoning code specifically allows towers exceeding 80 ft. in height to be located in the Central Business District upon approval of a CUP. The Zoning code specifically requires that fences greater than 6 ft. in height require a CUP. Because this is a non-residential fence and used for a use in a commercially zoned property the fence can be up to 8 feet without the need for a variance.

- (b) The use is in harmony with the general purpose and intent of the comprehensive plan.

This is correct.

- (c) The use will not impose hazards or disturbing influences on neighboring properties.

This is correct. Staff does not anticipate there to be any hazards or disturbing influences on neighboring properties due to the tower and fence construction.

- (d) The use will not substantially diminish the use of property in the immediate vicinity.

This is correct.

- (e) The use will be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.

This is correct. The area surrounding the tower will be surrounded with a fence and landscaping buffer minimizing the visual impact to the best extent possible.

- (f) The use and property upon which the use is located are adequately served by essential public facilities and services.

This is correct.

- (f) Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.

This is correct. Staff does not anticipate there to be any effect on the traffic to local surrounding public streets or on site circulation of traffic.

- (g) The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.

This is correct. Other than a minimal visual impact, the tower will not have a negative effect on the other uses in the area.

- (h) The use complies with all other applicable regulations for the district in which it is located.

This is correct. Applicable regulations are achieved.

RECOMMENDATION

Staff recommends approval of the Conditional Use Permit for the Wireless Communication Tower and the 8 ft. tall fence surrounding the tower, subject to certain conditions of approval.

1. The area surrounding the tower/fence shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from surrounding property. The standard buffer shall consist of a landscaped strip 10 feet wide outside the perimeter of the compound. Existing mature growth and natural land forms on the site shall be preserved to the maximum extent possible.
2. All required state and local codes, permits, licenses and inspections will be met and in full compliance.

ATTACHMENTS

Resolution No. 2020-

Applications

Narrative

Geotechnical Evaluation Summary

Photos

Site Plans