



# Planning Commission Minutes

July 22, 2019

MEMBERS PRESENT: Chairperson Allysen Hoberg, Commissioners Bryan Pynn, Sean Hayford Oleary, Peter Lavin, James Rudolph, and Kathryn Quam

MEMBERS ABSENT: Commissioner Susan Rosenberg

STAFF PRESENT: Matt Brillhart, Associate Planner  
Sadie Gannett, Assistant Planner

OTHERS PRESENT: Andrew Biggerstaff, Kennedy & Graven (City Attorney's office)  
See attached sign-in sheet for additional speakers

Chairperson Hoberg called the meeting to order at 7:00 p.m.

## APPROVAL OF MINUTES

M/Rudolph, S/Pynn to approve the minutes of the May 29, 2019 meeting.

*Motion carried: 6-0*

## OPEN FORUM

No members of the public spoke.

## ITEM #1 APPROVAL OF AGENDA

M/Lavin, S/Pynn to approve the agenda.

*Motion carried: 6-0*

## PUBLIC HEARING(S)

### ITEM #2

#### **19-VAR-04 – Consideration of a request for variances to allow construction of an attached garage addition at 2015 Forest Drive.**

Associate Planner Matt Brillhart presented the staff report.

M/Pynn, S/Rudolph to close the public hearing.

*Motion carried: 6-0*

M/Lavin, S/Pynn to recommend approval of the conditional use permit for a restaurant at 7120 Chicago Avenue S.

*Motion carried: 6-0*

### ITEM #3

#### **19-CUP-03 -04 -05 -06 -07 -08 -09– Consideration of a request for conditional use permits to allow small wireless facilities at multiple addresses throughout the city.**

Assistant Community Development Director Melissa Poehlman presented the staff report, adding that the site adjacent to 7116 Lyndale may be changed to 7108 Lyndale, due to a relocated light pole as part of the Lyndale Avenue reconstruction project.

Public hearing speakers (see attached sign-in sheet) asked questions regarding the definition of “co-location”, potential costs to the public, and potential health risks of 5G wireless signals.

M/Quam, S/Rudolph to close the public hearing.

*Motion carried: 6-0*

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Poehlman clarified that AT&T was the only applicant at this time, and other carriers could apply for other locations in the future. She stated that “collocate” means using or replacing an existing pole primarily used for street lighting or public utilities, rather than installing a separate pole for exclusive use to support wireless facilities.

Commissioner Hayford Oleary inquired if multiple carriers can be required to use the same pole vs. each provider needing a separate pole. Poehlman clarified that it was not a requirement that the carriers would need to share a single pole vs. separate.

Regarding questions of health, Poehlman stated that the State Legislature and Federal government have tied cities’ hands and limited the ability to stop these facilities. The Federal government has decided on the question of health impacts. Poehlman further stated that the Planning Commission’s discretion in this CUP process was largely limited to questions of neighborhood character, by potentially regulating the quantity/frequency of pole locations.

Commissioner Lavin inquired if the City could limit installations around residents with known electromagnetic sensitivity.

Addressing general health questions, Andrew Biggerstaff (City Attorney’s office) stated that to reject an application, the City would have to show that the federal government ruling (on health impacts) is wrong. To Commissioner Lavin’s question, Biggerstaff stated that the city can impose “reasonable conditions” on any CUP, but what those conditions are, and how sensitivities could be proven, what documentation the City would require from residents making that claim would all need further analysis.

Commissioner Hayford Oleary inquired if the Commission could amend the findings to state that this is reasonable because it uses existing poles, as compared to adding a large number of additional poles to a block?

Responding to a number of questions from the Commission, Valerie Brugger (AT&T representative) clarified that each carrier’s equipment would likely be on separate poles, due to equipment capacity on each pole, as well as interference. Poles or equipment would have identification stickers.

Commissioner Hoberg inquired if customers contact AT&T regarding gaps in coverage or how is that identified? Ms. Brugger replied that both customer feedback as well as monitoring their network for gaps. Commissioner Rudolph inquired at what distance another provider’s equipment would interfere. Ms. Brugger stated that they don’t have exact number. Commissioner Lavin inquired if the City has a plan of how densely these poles can be located? Would it be 2 per block, 3 per block, etc.? Poehlman stated that there is nothing in the City Code regarding spacing. Mr. Biggerstaff added that the Legislature may also prohibit separation requirements, but will have to confirm. Commissioner Lavin inquired if we could relay suggestions to the City Council regarding placement near those with sensitivity? Poehlman replied that city staff can continue to study this. There would have to be some standards as to a safe radius, a list of specific health concerns, etc.

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M/Hayford Oleary, S/Pynn to recommend approval of conditional use permits, amending Finding #2 to state that the applications are not counter to the Comprehensive Plan's aesthetic criteria because there is not currently an excessive concentration of small wireless facilities in these locations.

*Motion carried: 6-0*

Poehlman clarified for the Commission the limited aspects staff would be studying, rather than studying the health impacts of 5G generally.

#### **LIAISON REPORTS**

Community Services Advisory Commission: Commissioner Pynn discussed park improvements.

City Council: No report.

HRA: Commissioner Quam gave an update on the first-time homebuyer program.

Richfield School Board: Commissioner Rudolph gave an update on the school construction projects.

Transportation Commission: Commissioner Hayford Oleary gave an update on Lyndale Avenue reconstruction and announced a bike ride event with the Mayor, taking place on 66th Street.

Chamber of Commerce: Commissioner Lavin provided an update on Chamber of Commerce activities and events.

#### **CITY PLANNER'S REPORT**

Poehlman noted that the 2040 Comprehensive Plan was nearing final approval by the Metropolitan Council and noted the Urban Wildland race taking place on July 27.

#### **ADJOURNMENT**

M/Rudolph, S/Pynn to adjourn the meeting.

The meeting was adjourned by unanimous consent at **8:38 p.m.**

*Motion carried: 6-0*

  
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Planning Commission Secretary

