

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0056R

RESOLUTION APPROVING A SPECIAL USE PERMIT AMENDMENT TO  
VERIZON WIRELESS FOR AN EQUIPMENT BUILDING AT 416 WEST  
TENTH STREET (JAMES NELSON, BUELL CONSULTING).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city clerk requesting an amendment to a special use permit issued on April 14, 1997, as Resolution 97-0916 for an equipment building for Verizon Wireless at 416 West Tenth Street, legally described as lots 65 and 67, Block 135, Duluth Proper Third Division; and

(b) Pursuant to Section 50-32 of Article IV of the Duluth City Code, 1959, as amended, such petition was duly referred to the city planning commission and such commission gave due notice of public hearing and did consider same in public hearing; and

(c) The planning commission, at its January 13, 2009, regular meeting, recommended approval of the request with conditions; and

(d) The approval was made because of the city planning commission's findings that appropriate safeguards will exist to protect the comprehensive plan and to conserve and to protect property values in the neighborhood if conditions are observed.

FURTHER RESOLVED, that the city council of the city of Duluth approves a special use permit for an equipment building, subject to the following conditions:

(a) Proper permits are to be secured prior to start of construction;

(b) The equipment shelter be limited to, constructed and maintained according to the following documents provided by Verizon Wireless:

Documents labeled T-1, A-1, A-2, A-3, A-4, A-5, A5.1, A-6, E-1 dated 12-1-08 prepared by Design 1, Robert Davis, 9973 Valley Road, Eden Prairie, MN 55344, Telephone Number 952-903-9299;

(c) That any alterations that do not alter major elements of the plan

documents may be approved by the director of community resources (aka planning and development) without further planning commission or city council action; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50 or Chapter 51.

Approved as to form:

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Attorney

PC/PLNG CF:cm 1/14/2009

STATEMENT OF PURPOSE: On January 13, 2009, the planning commission held a public hearing on the proposal and voted 11-0-0 to recommend that the city council approve the equipment building as requested.

Date filed: December 12, 2008

Action deadline: May 11, 2009