

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0659R

RESOLUTION GRANTING A SPECIAL USE PERMIT TO AT&T MOBILITY FOR A 180-FOOT WIRELESS COMMUNICATIONS MONOPOLE AND ASSOCIATED GROUND EQUIPMENT AT 25 NORTH 78TH AVENUE EAST (SHANE BEGLEY).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council grants the request for a special use permit submitted by Shane Begley, Begley Wireless Consulting Services, representing AT&T Mobility for a multi-tenant (four total) wireless communications facility including a 180 foot tall monopole, 60 foot x 60 foot fenced gravel compound and 12 foot by 20 foot communications equipment building on property owned by Lonnie and Rebecca Maul and legally described as:

An area for lease parcel purposes over, under and across that part of Lots 5 and 6, Block 14, Norton's Lakewood Gardens, according to the recorded plat thereof and situate in St. Louis County, Minnesota (010-3530-02890), described as follows and containing 3,600 square feet:

Commencing at the northwest corner of the Northeast Quarter of Section 34, Township 51, Range 13, said St. Louis County; thence south 00 degrees 08 minutes 45 seconds west, bearings based on St. Louis County Coordinate Grid, along the west line of said Northeast Quarter, a distance of 1,773.09 feet; thence south 89 degrees 51 minutes 15 seconds east a distance of 35 feet to the point of beginning of the lease parcel to be described; thence continuing south 89 degrees 51 minutes 15 seconds east a distance of 60 feet; thence south 00 degrees 08 minutes 45 seconds west a distance of 60 feet; thence north 89 degrees 51 minutes 15 seconds west a distance of 60 feet; thence north 00 degrees 08 minutes 45 seconds east a distance of 60 feet to said point of beginning; and

(b) Pursuant to Section 50-32 and Section 50-35(ff) of [Chapter 50,] Article IV, of the Duluth City Code, 1959, as amended, such request 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 city planning commission, at their regular meeting on October 13, 2009, considered the petition's effect on the comprehensive plan and property values in the neighborhood (FN 09092); and

(d) At the meeting described in (c) above, the city planning commission considered a motion to approve the petitioned special use permit with conditions and such motion failed by a vote of 5-5 and, therefore, no recommendation is made by the body; and

(e) The city council finds 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 a multi-tenant (four total) wireless communications facility including a 180 foot tall monopole, 60 foot x 60 foot fenced gravel compound and 12 foot by 20 foot communications equipment building subject to the following condition:

The site improvements be limited to, constructed and maintained according to the following documents drafted by Edge Consulting Engineers, Inc., entitled "61 Junction (DL2170)" dated 07/14/2009, Sheets C-1, C-2, C-3, S-1, S-2, A-1 and shown on Public Document No. \_\_\_\_\_.

Approved as to form:

\_\_\_\_\_  
Attorney

PC/PLNG KD:jab 10/16/2009

STATEMENT OF PURPOSE: This resolution grants a special use permit to AT&T Mobility for construction of a multi-tenant (four total) wireless communications facility including a 180 foot tall monopole, 60 foot x 60 foot fenced gravel compound and 12 foot by 20 foot communications equipment building at 25 North 78th Avenue East near the Highway 61 Expressway.

The applicant states "the objective of this site is to improve coverage at the junction of Highway 61 and the scenic bypass" and that "in-car coverage is needed along the entire stretch of Highway 61." Attached to the resolution are copies of the coverage maps provided by the applicant that show needed areas.

Special use permit requirements are summarized on Page 2 of the staff report and the proposal meets all of the requirements except, possibly, the last one requiring tower design "to blend into the proposed site so as to minimize its visual impact on the surrounding area, where reasonably possible." It's difficult to determine what is reasonably possible to do to make a 180 foot tall monopole tower blend into the North Shore landscape. The applicant has provided four photo simulations taken from various angles and distances from the proposed site.

On October 13, 2009, the city planning commission held a public hearing on the proposal and a motion to recommend that the city council approve the communications facility as requested, with conditions, failed by a 5-5 vote and, therefore, no recommendation is made by the city planning commission.

Request filed: August 13, 2009  
Action deadline: December 11, 2009