

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0660R

RESOLUTION DENYING 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 denies 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 at 25 North 78th Avenue East; 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 the following to support denial of this petition:

Approved as to form:

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Attorney

PC/PLNG KD:jab 10/16/2009

STATEMENT OF PURPOSE: This resolution denies 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.

It is important that the city council provide findings to support denial of this petition to satisfy MN Statute 15.99.

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 hard copy of 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