

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0122R

RESOLUTION GRANTING A SPECIAL USE PERMIT TO PINNACLE TOWERS ACQUISITION LLC FOR A 60-FOOT WIRELESS COMMUNICATIONS MONOPOLE AND ASSOCIATED GROUND EQUIPMENT AT 3456 HAINES ROAD (NICK LIMBEROPOULOS).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council grants the request for a special use permit submitted by Nick Limberopoulos, Crown Castle USA Inc., representing Pinnacle Towers Acquisition LLC and AT&T, for a multi-tenant (four total) wireless communications facility including a 60-foot tall monopole, fenced compound with a communications equipment platform on property owned by the state of Minnesota (tax forfeited land) legally described as a 1,600 square foot site located within the SW 1/4 of Section 31, Twp 50N, Rng 14W; and

(b) Pursuant to Section 50-32 and Section 50-35(ff) 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 February 16, 2010, considered the petition's effect on the comprehensive plan and property values in the neighborhood (FN 10002) and voted unanimously to recommend approval of the petitioned for wireless communications facility, with conditions; and

(d) 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 60-foot tall monopole and fenced compound with a communications equipment platform subject to the following conditions:

(a) The site improvements be limited to, constructed and maintained according to the following documents titled "DLTHMNU2085, 40th & Haines Road, AT&T UMTS Wood Pole Replacement" prepared by Black & Veatch, dated 11/23/2009, Sheets C-2 and C-3, and Sheet C-1 received 02/08/2010 and shown on Public Document No. _____; and

(b) That the applicant secure all permits required by federal, state, county, or city laws and regulations; and

(c) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the land use supervisor without further planning commission or city council action; however no such administrative approval shall constitute a variance from the provisions of Chapter 50, Article IV.

Approved as to form:

Attorney

PLANNING/PC KD:jab 2/26/2010

STATEMENT OF PURPOSE: This resolution grants a Special Use Permit to Pinnacle Towers Acquisition LLC and AT&T Mobility for construction of a multi-tenant (four total) wireless communications facility including a 60-foot tall monopole, fenced compound and communications equipment platform at 3456 Haines Road.

This action will allow the applicant to replace an existing 60-foot tall wood pole with a steel monopole of the same height. The reason for the replacement is to accommodate the increased structural loading of a proposed modification to the antenna array to deploy the next generation of wireless communications technology.

On February 16, 2010, the city planning commission held a public hearing on the proposal and voted unanimously to recommend that the city council approve the communications facility as requested, with conditions.

Request filed: November 24, 2009

Action deadline: March 24, 2010