

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0146R

RESOLUTION GRANTING A SPECIAL USE PERMIT TO AT&T FOR A
190 FOOT WIRELESS COMMUNICATIONS MONOPOLE AND ASSOCIATED
GROUND EQUIPMENT AT 110 SPRING STREET (JAMES CHESHIRE).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council grants the request for a special use permit submitted by James Cheshire, Wireless Planning LLC, representing AT&T, for a multi-tenant (four total) wireless communications facility including a 190 foot tall monopole, 60 foot x 60 foot fenced compound, and 12 foot by 20 foot communications equipment building on property leased from Tate & Lyle Ingredients Americas, Inc. and legally described as part of Government Lot 3, Section 23, Twp 49N, Rng 15W, lying between the southeasterly line of the Burlington Northern Railroad and the harbor line; 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 March 9, 2010, considered the petition's effect on the comprehensive plan and property values in the neighborhood and voted 5-3 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 190 foot tall monopole, 60 foot x 60 foot fenced compound and 12 foot by 20 foot communications equipment building subject to the following conditions:

(a) The site improvements be limited to, constructed and maintained

according to the documents titled "AT&T Site Number DL2147, Morgan Park" prepared by Ulteig Engineers, dated 01/15/2010, sheets DL2147-T01, DL2147-C01, DL2147-C02, DL2147-L01, DL2147-S02, DL2147-S04 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 alternations 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

PC/PLNG KD:tmf 3/12/2010

STATEMENT OF PURPOSE: This resolution grants a special use permit to AT&T for construction of a multi-tenant (four total) wireless communications facility including a 190 foot tall monopole 60 foot x 60 foot fenced compound and 12 foot by 20 foot communications equipment building at 110 Spring Street (the Tate & Lyle Ingredients plant) in Riverside.

The applicant is proposing a wireless communications tower in this location "to provide reliable in-building coverage for homes in Morgan Park, Smithville, and Riverside" and to correct a problem in the area where E911 calls are routed to a tower in Oliver, Wisconsin, causing confusion for emergency responders (see letter from Douglas County E911). The applicant has provided coverage maps to show the areas that will be covered by the new tower.

The applicant reports that they considered co-locating their antenna on an existing tower near the base of Spirit Mountain and one on top of Spirit Mountain, but that neither site will meet the coverage objectives listed above. The alternative towers are located at elevations that are too high to provide acceptable coverage at river level and would also result in additional misplaced E911 calls in Wisconsin. The antenna at the proposed site will be angled so that the signal is only directed to the Minnesota side of the river. The applicant indicates that there are no other tall structures in the search area that will meet their coverage objectives.

The applicant has met the special use permit requirements by locating in a manufacturing zone and proposing a multi-tenant tower. However, it is difficult to determine what is reasonably possible to do to make a 190' monopole tower blend into the Saint Louis River landscape. The applicant has provided simulations that show how the proposed tower will look from ten locations in the surrounding area.

On March 9, 2010, the city planning commission held a public hearing on the proposal and voted 5-3 to recommend that the city council approve the communications facility as requested, with conditions. Prior to the vote, the commission heard testimony regarding bird migration in the area and the potential impacts the tower might have on birds. See email.

Request filed: January 22, 2010

Action deadline: May 22, 2010