



MAYOR & COUNCIL COMMUNICATION

DATE: May 6, 2014
REGULAR
ITEM # 8
RESOLUTION 2014-30

AGENDA ITEM: Verizon Wireless Telecommunications Tower Conditional Use Permit

SUBMITTED BY: Kyle Klatt, Community Development Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
Garrett Lysiak, P.E. OWL Engineering and EMC Test Labs
Nick Johnson, City Planner

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemCommunity Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

POLICY RECCOMENDER: The Planning Commission and Staff have recommended approval of a Conditional Use Permit (CUP) for a new 125-foot wireless communications tower on the site of the Oakland Junior High School. The proposed tower is the first new such facility that has been requested under the wireless communications ordinance updated in 2009. The recommendation is based partially on the report and analysis performed by the City’s wireless communications consultant.

FISCAL IMPACT: None – All City review and consultant costs are being recuperated through the required application and escrow fee. The school district will be leasing the land on which the tower is located to Verizon Wireless.

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a request from Faulk and Foster Real Estate, Inc. (c/o Blake Conklin) on behalf of Verizon Wireless Communications for a Conditional Use Permit to install a new 125-foot telecommunications tower on the site of the Oakland Junior High School in Lake Elmo. As per the ordinance, the City has retained the services of a consulting engineer to review the plans for

compliance with these requirements. The consultant's report and the findings adopted by the Planning Commission indicate that the applicant has complied with the City's requirements related to the construction of a new tower in the community.

The Planning Commission and Staff are recommending that the City Council approve the Conditional Use Permit request with the conditions outlined below. The recommended motion to take action on the request is as follows:

“Move to adopt Resolution 2014-30, approving a Conditional Use Permit Amendment request by Verizon Wireless to construct a 125 foot telecommunications tower on the site of the Oakland Junior High School.”

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT: The attached staff report to the Planning Commission provides detailed information concerning the request and a list of comments from Staff. Also attached is the report prepared by the City's wireless communications consultant. The Planning Commission considered the application for a Zoning Map amendment and PUD Concept Plan at its March 24, 2014 meeting and conducted a public hearing on the request at this time. A representative from Faulk and Foster Real Estate addressed the Commission to further explain the project and to answer questions. The City's consultant was also in attendance to present his report and answer questions from the Planning Commission.

Dennis Bloom, Director of Operation of Stillwater Area Public Schools, addressed site-related questions. He responded to questions concerning the potential safety issues associated with baseballs entering the fenced in portion of the cell tower. He noted that additional landscaping is not necessary. Bloom further explained that the school district has other properties with monopole wireless towers and the district has not experienced any problems related to the operations of these facilities.

The Commission received no other comments from the public concerning the request.

After discussing the conditions of approval and amending one of the conditions as drafted by Staff, the Planning Commission unanimously recommended approval of the Conditional Use Permit request from Verizon Wireless.

BACKGROUND INFORMATION (SWOT):

Strengths: The proposed tower and tower location has been found to comply with the City's recently updated wireless communications ordinance

Weaknesses: The tower is a monopole design, but will be taller and more visible than surrounding buildings and landscape features

Opportunities: The tower will provide wireless service to a portion of the community in which coverage gaps exist

Threats: None – the City’s wireless communications consultant addressed concerns that the tower could lead to health issues

RECOMMENDATION: Based on the above Staff and Planning Commission report, the Planning Commission and Staff are recommending that the City Council approve the Conditional Use Permit request for a new wireless communications tower with the following conditions of approval:

- 1) The applicant shall enter into a wireless communications tower agreement with the City prior to the issuance of a building permit for the proposed facility.
- 2) The applicant shall abide by the minimum conditions as listed in Section 150.123 of the Lake Elmo City Code concerning wireless communications facilities.
- 3) All lighting associated with the facility shall comply with the City’s lighting ordinance.
- 4) The applicant shall not prohibit the locating of additional carriers and their equipment within the space to be leased for the tower.

The suggested motion to adopt the Planning Commission recommendation is as follows:

“Move to adopt Resolution 2014-30, approving a Conditional Use Permit Amendment request by Verizon Wireless to construct a 125 foot telecommunications tower on the site of the Oakland Junior High School.”

ATTACHMENTS:

1. Resolution 2014-30
2. Planning Commission Report, 4/28/14
3. Report from OWL Engineering (Garrett Lysiak) with Attachments
4. Application Form
5. Legal Description
6. Application Narrative and Ordinance Review
7. Verizon Coverage Maps
8. Tower Photo Simulations
9. Co-Location Statement from Certified Engineer
10. Verizon PCS Broadband License Information
11. Letter of Authorization – Stillwater School District
12. Interference Letter from Verizon Wireless
13. Search Area Map
14. Detailed Plans and Specifications – Proposed Verizon Tower and Antenna