

**CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA**

RESOLUTION NO. 2014-030

*A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE
CONSTRUCTION OF A 125-FOOT WIRELESS COMMUNICATION TOWER AT 820
MANNING AVENUE*

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Faulk and Foster Real Estate, Inc. (acting on behalf of Verizon Wireless Communications), 588 Three Mile Road NW, Suite 102, Grand Rapids, MI (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a Conditional Use Permit to construct a new 125-foot wireless communications tower and related antenna equipment on the site of the Oakland Junior High School at 820 Manning Avenue North, a copy of which is on file with the City; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on April 28, 2014; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated May 6, 2014; and

WHEREAS, the City Council considered said matter at its May 6, 2014 meeting.

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Conditional Use Permit (CUP) are found in the Lake Elmo Zoning Ordinance, Section 154.106.
- 2) That all the submission requirements of said Section 154.106 have been met by the Applicant.
- 3) That the proposed Conditional Use Permit is to construct a new 125-foot high wireless communications tower and related antenna equipment on the site of the Oakland Junior High School in Lake Elmo at 820 Manning Avenue. The proposed tower would be

located directly north of the school building and at the western edge of the school's northern parking lot.

- 4) That the proposed Conditional Use Permit will be located on property legally described as follows and commonly known as 820 Manning Avenue North:

The following parts of the North Half of the Northeast Quarter (N1/2 of NE1/4) of Section Thirty-six (36), Township Twenty-nine (29) North, Range Twenty-one (21) West described as follows: The East 666 feet of the said North Half of the Northeast Quarter and the West 234.9 feet of the East 900.9 feet of the South 891.8 feet, subject to public roadways along the North and East side thereof and containing 25 acres more or less together with a perpetual easement for utility purposes including but not limited to underground gas lines, electrical transmission lines, and drainage, said easement tract being the south 50 feet of the West 1,571.1 feet of the East 2,472.5 feet of the said North Half of the Northeast Quarter (N1/2 of NE1/4) of Section Thirty-six (36).

- 5) That a wireless communications tower is designated as a Conditional Use within the PF – Public Facility Zoning District in Section 150.111 of the City Code; and
- 6) That the proposed use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.
- 7) That the use conforms to the City of Lake Elmo Comprehensive Plan.
- 8) That the use is compatible with the existing neighborhood.
- 9) That the proposed use meets all specific development standards for such use listed in Section 150.110 through 150.123 of the City Code.
- 10) That the proposed use will be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
- 11) That the proposed use will not be hazardous or create a nuisance as defined under this Chapter to existing or future neighboring uses.
- 12) That the proposed use will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- 13) That the proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

- 14) That the proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- 15) That vehicular approaches to the property, where present, will not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- 16) That the proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for a Conditional Use Permit is granted subject to the following conditions:

- 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.

Passed and duly adopted this 6th day of May 2014 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Dean A. Zuleger, City Administrator