

Watertown City Council

May 14, 2019

Agenda Item: Consider Amendment to Conditional Use Permit for Cellular Antenna Located at 700 Lewis Avenue N.	PC DATE: 4.25.2019
Request for Action: Consideration of Conditional Use Permit Amendment	CC Date: 5.14.2019
Department: Planning	

REQUEST:

SAC Wireless, (Applicant) requests that the City consider the following action for the property located at 700 Lewis Avenue North (PID No. 850040300).

- a. A conditional use permit amendment to allow replacement of existing antennae and associated equipment on the existing tower.
- b. Site plan review for the subject property.

APPLICABLE REGULATIONS:

Chapter 60 -Wireless Communications Towers and Antenna (See Chapter 60)

SITE LOCATION:

700 Lewis Avenue N.



BACKGROUND:

The City has received an application from AT&T and SAC Wireless to replace/upgrade several antennas and radio equipment on the existing wireless communications tower located at 700 Lewis Avenue N. There are currently three (3) different carriers on the existing tower. In 2016, the City approved an amendment to the original conditional use permit to allow T-Mobile to replace and upgrade existing antennas and radio equipment on the same tower. The City initially issued a conditional use permit to allow the construction of the wireless communications tower in 2006. The resolution approving the initial application did not specifically provide for replacement of any equipment on the tower. The City has amended the conditional use permit for T-Mobile and is now being asked to do the same for AT&T. The proposed replacement antennas are larger than the existing antennae's and historically, the City has required similar towers to amend their CUP for anything that increases the quantity, size or ground equipment located on or at the base of the tower. The amendment would clarify that any future replacement of existing equipment relating to the AT&T antennas could be approved administratively rather than through the amendment process.

There are three existing antennas that are proposed to be replaced on the tower. The existing antennas are at an elevation of 182 feet. There are currently twelve (12) antennas at this height. In addition to the antenna replacement and additional radio equipment, the applicant would add some minor ground equipment within the existing fenced lease area. The additional ground equipment includes an electrical cabinet and associated cabling.

The applicant has provided the City with a structural analysis done by a third-party engineer which confirms that the tower can accommodate the proposed new antennas.

The proposed improvements are consistent with upgrades to other similar towers and will allow for transmission of new technology (LTE, 5G). The overall visual impact will be minor due to this being a replacement of existing antennas. The City requires that all commercial development/redevelopment to also obtain site plan review approval.

PUBLIC COMMENT:

The City received no public comment regarding the requested actions in writing and or at the public hearing.

PLANNING COMMISSION DISCUSSION/RECOMMENDATION:

Planning Commissioners discussed the requested actions and asked questions of staff. Commissioners asked and staff noted that there is one additional user on this tower that has not requested an upgrade to their equipment. Staff noted that the City has consistently applied the same review standard to other towers as well and would continue to amend the CUP's with the new language. Commissioners found that the criteria for granting a CUP amendment and site plan review approval had been met and recommended approval to the City Council with the findings and conditions contained herein.

SUMMARY:

The Planning Commission recommended approval to the City Council of the request for an amendment to the conditional use permit and site plan review with the following findings and conditions:

1. The proposed conditional use permit amendment and site plan review meets all applicable conditions, criteria and restrictions stated in the City of Watertown Ordinance.
2. All conditions of the original conditional use permit shall remain. The Conditional Use Permit Amendment shall include the following additional conditions:
 - a. The conditional use permit shall be reviewed annually by the City.
 - b. The antennas shall be installed in accordance with the approved plans and tower elevations.
 - c. The City can administratively approve any replacement of existing antennas. Any expansion or increase to the size of the existing ground equipment, buildings or number of antenna will be subject to the City's review and an amendment to the conditional use permit.
3. The Applicant shall pay for all costs associated with the City's review of the conditional use permit amendment and site plan review.

ATTACHEMENTS:

1. Applications – Site Plan Review and Conditional Use Permit Amendment
2. Antenna Replacement Plans
3. Structural Engineers Letter

RESOLUTION NO. 2019-69
CITY OF WATERTOWN

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT AND SITE
PLAN REVIEW AS REQUESTED BY SAC WIRELESS, LLC FOR THE
PROPERTY LOCATED AT 700 LEWIS AVENUE N**

WHEREAS, the City of Watertown (the “City) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2009 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, SAC Wireless, LLC (Applicant) requests that the City consider the following action for the property located at 700 Lewis Avenue N (PID No. 850040300).

WHEREAS, the property is legally described on **EXHIBIT A** attached hereto; and

WHEREAS, the Property is zoned P-2 Public Building or Facility; and

WHEREAS the conditional use permit amendment and site plan review meets all requirements and standards of the City of Watertown ordinance; and

WHEREAS the Planning Commission held a public hearing on April 19, 2019 to review the application for a conditional use permit amendment and site plan review following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATERTOWN, MINNESOTA, that it should and hereby does approve the application by T-Mobile for an amendment to the conditional use permit per the City’s regulations with the following conditions:

1. The proposed conditional use permit amendment meets all applicable conditions and restrictions stated in Chapter 60 -Wireless Communications Towers and Antenna, in the City of Watertown Code of Ordinances.
2. The proposed conditional use permit amendment and site plan review meets all applicable conditions, criteria and restrictions stated in the City of Watertown Ordinance.

3. All conditions of the original conditional use permit shall remain. The Conditional Use Permit Amendment shall include the following additional conditions:
 - a. The conditional use permit shall be reviewed annually by the City.
 - b. The antennas shall be installed in accordance with the approved plans and tower elevations attached hereto as **EXHIBIT B**.
 - c. The City can administratively approve any replacement of existing antennas. Any expansion or increase to the size of the existing ground equipment, buildings or number of antennae will be subject to the City's review and an amendment to the conditional use permit.
4. The Applicant shall pay for all costs associated with the City's review of the conditional use permit amendment and site plan review.

This resolution was adopted by the City Council of the City of Watertown on this 14th day of May 2019, by a vote of ____ ayes and ____ nays.

By: _____
Steve Washburn, Mayor

ATTEST: _____
Lynn Tschudi, City Clerk-Treasurer