



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, December 22, 2020
Category:	NEW BUSINESS
Type:	INFO/ACTION
Subject:	Request for Conditional Use Permit / Tower 139' Tall
Background Information:	<p>This is a request by the Owner and Verizon Wireless to build a wireless communication tower taller than allowed by the City Ordinance.</p> <p>This tower is proposed to be 139 feet tall and will be located in an I-2 General Industrial. The Ordinance permits towers up to 75 tall in that district and all towers taller than that require a conditional use permit.</p> <p>Article VI Supplemental Regulations, Division 6 Towers and antennas describes requirements for new towers https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_CH86_ZO_ARTVISURE_DIV6TOAN. This tower seems to comply with all requirements and all required submittals have been received.</p> <p>The conditional use permit regulations are found in Section 86-46 https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_CH86_ZO_ARTIADEN_DIV2COUSPE_S86-46ISPU and the Standards for Hearing are found in Section 86-49. https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_CH86_ZO_ARTIADEN_DIV2COUSPE_S86-49STHE.</p> <p>Aerial photo and site plans are attached.</p> <p>At the Planning Commission meeting on November 9, 2020, after a public hearing, a motion was made by Fox, seconded by Schroeder, to recommend approval as recommended by city staff to City Council. ALL VOTED IN FAVOR.</p>
Fiscal Impact:	None known.
Alternative/ Variations:	None recommended
Recommendations:	<p>Planning Commission recommends to approve the request by Donovan McCain, Verizon representative, and Sandra Mosch, owner, to grant a conditional use permit for a 139 feet tall communication tower in an I-2 General Industrial District with the following conditions:</p> <ol style="list-style-type: none"> 1. That the regulations, standards and requirements as set forth in the City Code and as pertains to the class of district in which such premises are located shall be conformed with. 2. That the City reserves the right to revoke the Conditional Use Permit in the event that any person has breached the conditions contained in this permit provided first, that the City serve the person with written notice specifying items of any default and allow the applicant a reasonable amount of time in which to repair such default. 3. That the property is maintained to conform to the Housing Code, Zoning Code, Building Code, and not cause or create negative impacts to adjacent existing or future properties. 4. That the tower meets all requirements of, and receives all required approval from, FAA and MnDOT Aeronautics.