

**SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of 6-26-06**

SUBJECT: Conditional Use Permit No. 21 – Cellular Tower

PETITIONER: Verizon Wireless

PLANNING COMMISSION PUBLIC HEARING: May 9, 2006.

PLANNING COMMISSION ACTION: Recommendation of approval.

SUMMARY: THIS RESOLUTION WILL APPROVE A REQUEST BY VERIZON WIRELESS FOR A CONDITIONAL USE PERMIT REVIEW AND APPROVAL TO ALLOW A 149 FOOT TALL MONOPOLE CELLULAR TOWER ON ELISENAL NORTH OF HOME DEPOT.

ITEMS ATTACHED AND PREVIOUSLY TRANSMITTED:

1. Letter to City Council.
2. Resolution for Council action.
3. Staff Report to the Planning Commission dated May 3, 2006. (See packet from June 12, 2006 meeting.)
4. Memo to Planning Commission dated May 18, 2006. (See packet from June 12, 2006 meeting.)
5. Planning Commission minutes of May 23, 2006. (See packet from June 12, 2006 meeting.)
6. Map showing location of property. (See packet from June 12, 2006 meeting.)
7. Site Plan. (See packet from June 12, 2006 meeting.)

CITY COUNCIL ACTION:

1. Public hearing is required. Date: June 26, 2006.
2. 3/5 vote required to approve resolution.



Jon Lynch, AICP
Assistant City Manager

JL/djm

6-22-06



June 22, 2006

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Honorable Mayor and City Council
City Hall - 333 West Ellsworth Street
Midland, Michigan

Dear Councilmen:

At its meeting on Tuesday, May 23, 2006, the Planning Commission considered Conditional Use Permit No. 21, the request by Verizon Wireless to allow a 149 foot tall monopole cellular tower on Elisenal north of Home Depot. The following action was taken:

It was moved and seconded that the Planning Commission recommend to City Council approval of Conditional Use Permit No. 21 contingent upon:

1. The equipment shelter is setback at least 25 feet from the front property line as required by the Zoning Ordinance.
2. All barbed wire is removed from the proposed site fence.
3. The access driveway is constructed of sufficient material to support a 60,000 lb. fire apparatus in all weather conditions.
4. The maintenance/removal affidavit is provided to the City Attorney prior to Conditional Use Permit approval.
5. The petitioner agrees to co-location requirements set forth in the Zoning Ordinance.

Vote on the motion:

YEAS: Eyre, Jocks, Mead, Rapanos, and Senesac

NAYS: None

ABSENT: Gaynor, Kozakiewicz and Svenson

Since the Planning Commission vote a removal agreement has been received, allowing condition 4 to be removed from the resolution of approval. It should also be noted that while the petition initially requested a 140' tall tower, the Zoning Board of Appeals has approved a dimensional variance to permit construction of a 149' tall tower.

On June 12, 2006 the City Council set a public hearing for the June 26, 2006 City Council meeting.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jon Lynch', with a long horizontal flourish extending to the right.

Jon Lynch, AICP
Assistant City Manager

JL/djm

LETTER OF TRANSMITTAL – Conditional Use Permit #21 PH



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BY COUNCILMAN

WHEREAS, Verizon Wireless has submitted a request for a conditional use permit review and approval to allow a 149 foot monopole cellular tower at Elisenal north of Home Depot; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and

WHEREAS, the Planning Commission has submitted its recommendation of approval, contingent upon the following:

1. The equipment shelter is setback at least 25 feet from the front property line as required by the Zoning Ordinance.
2. All barbed wire is removed from the proposed site fence.
3. The access driveway is constructed of sufficient material to support a 60,000 lb. fire apparatus in all weather conditions.
4. The petitioner agrees to co-location requirements set forth in the Zoning Ordinance.

in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council finds the request for the conditional use permit to be in accord with Section 28.03 of the Zoning Ordinance of the City of Midland, and hereby approves Conditional Use Permit No. 21, in accord with documents provided and submitted at the meeting of June 12, 2006.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, June 26, 2006.

Selina Tisdale, City Clerk