

**CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2015-03**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR
10629 JAMACA AVENUE N
(VERIZON WIRELESS)**

WHEREAS, Martin Consulting, LLC on behalf of Verizon Wireless (“Applicant”) has submitted an application for a Conditional Use Permit construct a telecommunications monopole to be located at 10629 Jamaca Avenue North in the City of Grant, Minnesota; and

WHEREAS, the existing site includes two parcels identified as PIDs 0903021140003 and 1003021230004 per Washington County records, and is currently used a principal residence by Ricki and Patricia DeMars (“Owner”), and is approximately 22 acres in size; and

WHEREAS, the parcels are legally described as follows:

Parcel 1

PID – 0903021140003

Lot 7, Block 2, Kendrick Estates

Parcel 2

PID – 1003021230004

Lot 6, Block 2, Kendrick Estates

WHEREAS, the City Council has considered the Applicant’s request at a duly noticed Public Hearing which took place on February 3, 2015 and recommended approval of the application subject to certain conditions.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA, that it does hereby approve the request of Martin Consulting, LLC on behalf of Verizon Wireless for a Conditional Use Permit, based upon the following findings pursuant to Section 32-147 of the City’s Zoning

Ordinance which provides that a Conditional Use Permit may be granted “if the applicant has proven to a reasonable degree of certainty” that specific standards are met. The City Council’s Findings relating to the standards are as follows:

- The use is designated in Section 32-245, table of uses, as a conditional use for the Agricultural A1 zoning district.
- The use conforms to the city’s comprehensive plan, and maintains large lot sizes in compliance with the guided land used designation.
- The Applicant successfully demonstrated through the submitted materials that there are no preferred locations or support structures available within the City.
- The Applicant supplied a statement that the National Environmental Protection Act (NEPA) review did not disclose any significant environmental impacts that could not be mitigated.
- The use will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood if conditions of the permit are met.
- The use meets conditions or standards adopted by the city (through resolutions or other ordinances).
- The use will not create additional requirements for facilities and services at public cost beyond the city’s normal low density residential and agricultural uses.
- The use will not result in the destruction, loss or damage of natural, scenic, or historic features of importance.
- The use will not increase flood potential or create additional water runoff onto surrounding properties.

FURTHER BE IT RESOLVED, that the following conditions of approval of the Conditional Use Permit shall be met:

1. The Owners shall record this Resolution, inclusive of certain Restrictive Covenants approved by the City against Parcel 1 and Parcel 2 prior to execution of the Conditional Use Permit to ensure that both Parcel 1 and Parcel 2 are jointly considered for purposes of this Application, and that the parcels may not be sold or transferred independently of each other. The Restrictive Covenants are attached as **Exhibit A**.
2. The Equipment Shelter should be designed to be architecturally compatible with other existing structures on the site, including color and material selection.

3. The plan set shall be updated to include the extents of both parcels (PIDs 0903021140003 and 1003021230004).
4. The Landscape Plan shall be updated to include 6 additional black hills spruce trees to be staggered on the east side of the designated Land Area.
5. An updated plan set reflecting the City Engineer's recommendations and requirements shall be submitted prior to issuance of any building permit.
6. All ground equipment, including the Equipment Shelter, fencing and vegetation shall be kept in good repair and shall be maintained in compliance with the standards set forth in the Conditional Use Permit.
7. All antennas shall be construction in compliance with city building and electrical codes. A building permit must be obtained prior to construction
8. No advertising, of any type, shall be affixed to the monopole or any components within the Land Area.
9. Antennas shall not be artificially lit and may not display any strobe lights.
10. The Applicant must obtain all necessary, applicable, federal state and local agency permits prior to construction of the monopole and installation of the antennas.
11. Written statement from the Fire Department shall be submitted as indicated in Section 32-449(8) prior to a building permit being issued.
12. All antennas shall be shall be subject to state and federal regulations pertaining to nonionizing radiation and other health hazards related to such facility. If new, more restrictive standards are adopted, antennas shall be brought into compliance with the new standards by the owner and operator. The cost of verification of compliance shall be borne by the owner and operation of the antenna.
13. Any future antenna installation shall be subject to the regulations and standards as set forth in Section 32-446 Permit Requirements, or corresponding section, of the City's adopted ordinances.
14. The Owner/Operator of the tower shall be required to submit yearly proof of insurance and compliance of operations.

15. Every five years the applicant shall submit a report consistent with those requirements stated within Section 32-449(c), or corresponding section, of the City's adopted ordinance.
16. All escrow amounts shall be brought up to date and kept current.
17. The Owner shall obtain all necessary permits from Washington County, Minnesota Department of Health, MPCA, and the United States Government which are necessary in carrying out its operations on the premises including a building permit.

Adopted by the Grant City Council this 3rd day of March, 2015.

Tom Carr, Mayor

State of Minnesota)
) ss.
County of Washington)

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on _____, 2015 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington County, Minnesota this _____ day of _____, 2015.

Kim Points
Clerk
City of Grant

EXHIBIT A

RESTRICTIVE COVENANTS

1. Parcel 1 and Parcel 2, as defined in the Resolution adopted by the City of Grant, shall be considered by the City as a single parcel for development purposes and shall not be sold, conveyed or transferred without the conveyance of both Parcel 1 and Parcel 2 jointly.
2. Any sale, conveyance or transfer of one Parcel without the simultaneous sale, conveyance or transfer of the other shall be deemed void without the express written consent of the Grant City Council.
3. These Restrictive Covenants shall be recorded against both Parcel 1 and Parcel 2 in conjunction with the recording of the Resolution in order to place the public on notice that Parcel 1 and Parcel 2 are forever considered by the City as one parcel and shall not be severed or sold, transferred or conveyed separately without the express written consent of the Grant Council.
4. These Restrictive Covenants do not require the formal combination of Parcels 1 and Parcel 2 or the elimination of the current Parcel Identification Numbers.
5. In accordance with the approvals contained within the Resolution, the City will not require any existing building(s) and/or structure(s) to be razed.