

PUBLIC HEARING – VARIANCE

Application: **Variance**

Applicant: **Steve Fester, Selective Site Consultants, Inc., on behalf of Verizon Wireless**

Agenda Item: **3 (a)**



Background Information: The applicant is requesting a Variance to exceed the 25 foot building height requirement in the Commercial District. The subject property is located at 30805 Olson Street, is zoned Commercial and is owned by Independent School District #186. The surrounding property is zoned Commercial, Light Industrial, Downtown Mixed Use and Urban Residential.

Verizon Wireless is proposing to install a small cell antenna on a light pole in the east parking lot of Pequot Lakes School. This small cell is intended to offload their existing macro tower site on Akerson Road (MNO6 Pequot Lakes) that is heavily overloaded with cellular traffic. Sector 3 of MNO6 Pequot Lakes currently covers the Pequot Lakes town area, as well as a substantial area of land beyond the town. The small cell is designed to take over a large portion of the town area’s traffic so that the existing macro tower site can focus on the areas further away from town. Verizon Wireless anticipates the small cell will offload approximately 25 to 30 percent of traffic from MNO6 Pequot Lakes Sector 3.

The existing light pole is 25 feet in height. There needs to be approximately 10 feet of separation between the antenna equipment and the existing light structures. This 10 foot separation is standard among antenna installations. If the physical separation between the antenna installation and existing lighting is insufficient, it will cause interference concerns, access concerns, and shadowing concerns that will compromise the ability to cover the Pequot Lakes town area. If Verizon Wireless places the antennas approximately 10 feet below the lights, currently at 25 feet high, the antenna will be at 15 feet antenna centerline (CL). A height of 15 feet CL is not sufficient to run the power levels they need to provide adequate coverage to the town area. This is the reason Verizon Wireless is requesting a Variance of 11 feet for a proposed centerline height of 36 feet.

Applicable Regulations:

Section 17-5.10 COMMERCIAL (C)

3. Lot, Use and Density Requirements.
Building height – feet, maximum 25

Section 17-11.7 VARIANCES

6. Variances shall be decided within the required time frame with consideration for the following:
 - A. The applicant establishes that there are practical difficulties, as defined in this ordinance, in complying with the official control, and
 - B. The plight of the landowner is due to circumstances unique to the property not created by the landowner, and
 - C. The deviation from the Ordinance with any attached conditions will still be in harmony with the general purposes and intent of the Ordinance and the Comprehensive Plan, and
 - D. The variance will not create a land use not allowed in the zone, and
 - E. The variance will not alter the essential character of the locality, and
 - F. The variance is not for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.

Staff Findings: Staff provides the following Findings of Fact for consideration by the Planning Commission:

1. The subject property is located at 30805 Olson Street and is in the “Commercial” zone.

2. The property contains the Middle and High School campus of Independent School District #186.
3. Applicant proposes to replace an existing 25 foot high light pole with a new pole housing the light structure at approximately 25 feet in height and a 10 foot separation for the small cell antenna for a total height of 36 feet.
4. The applicant has established that there are practical difficulties in complying with the Code as there needs to be 10 feet of separation between the light structure and the small cell and having either the light structure or small cell at 15 feet in height is not sufficient for either lighting or adequate cell coverage.
5. The deviation from the Code will still be in harmony with the general purposes and intent of the City Code and Comprehensive Plan.
6. The Variance will not create a land use not permitted in the Commercial zone.
7. The subject property is surrounded by Commercial, Light Industrial, Downtown Mixed Use and Urban Residential development. The Variance will not alter the essential character of the locality of the subject property.
8. The Variance does not appear to be for economic reasons alone and reasonable use of the property seems to exist under the Code.

Planning Commission Direction: The Planning Commission can approve the Variance, deny the application, or table the request if additional information is needed. If the motion is for approval or denial, Findings of Fact should be cited.

Staff Recommendation: We recommend that the application be approved without conditions.
