



NORTHWEST ASSOCIATED CONSULTANTS, INC.

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422
Telephone: 763.231.2555 Website: www.nacplanning.com

MEMORANDUM

TO: Sunfish Lake Mayor and City Council

FROM: Michelle Barness

DATE: January 13, 2016

RE: Sunfish Lake – 2035 Charlton Road – SAC Wireless/AT&T
Conditional Use Permit Extension

NAC FILE: 211.02 - General

**1/19/16 CC
Mtg.
Agenda Item
6a**

BACKGROUND

In January of 2015 the City Council approved a Conditional Use Permit (CUP) request for wireless antenna improvements submitted by SAC Wireless on behalf of AT&T. AT&T has not yet begun the antenna improvements approved with the CUP. According to Zoning Ordinance Section 1204.06 a conditional use permit shall become null and void twelve (12) months after the date of approval unless the applicant has substantially started the construction of alteration or use requested as part of the conditional use. However, the applicant has the right to submit an application to extend the approval of a CUP 30 days prior to the expiration of the original approval. The extension application must state the facts of the request and explain the additional time being requested to begin the proposed construction. The request must be reviewed and decided upon by the City Council prior to the lapse of approval of the original request.

SAC Wireless, again on behalf of AT&T, has submitted an extension request, attached to this memorandum as Exhibit A. The applicants explain that the work was never started due to equipment shortages. AT&T is formally requesting a six month extension of the CUP to complete the project. A draft CUP extension approval resolution is provided for Council consideration.

RECOMMENDATION

The Zoning Ordinance states that in considering whether or not to grant an extension, the City Council shall consider such factors as the type, design, and size of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay. It

appears that the equipment shortages indicated were beyond the control of the applicant, and as such staff is recommending approval of the extension request. Staff requests the Council review the extension request and draft resolution and make a decision as to whether to approve the CUP extension for SAC Wireless / AT&T for the next six months.

c: Catherine Iago, City Clerk
Tim Kuntz, City Attorney
Don Sterna and Eric Eckman, City Engineers
Mike Andrejka, Building Official
Jim Naves, City Forester
Ron Wasmund, Septic System Inspector
Tony Phillips, SAC Wireless



December 15, 2015

City of Sunfish Lake
Northwest Associated Consultants, Inc.
4800 Olson Memorial Hwy – Suite 202
Golden Valley, MN 55422
Attn: Michelle Barness

RE: CUP Extension Request -AT&T Site 10102819 – 2035 Charlton Road

Dear Ms. Barness;

As you know, SAC Wireless is working with AT&T to upgrade their equipment at the above referenced location. A Conditional Use granting permission for this work was adopted on January 6, 2014. A copy of that Resolution is attached for reference. Due to equipment shortages, the work was never started. AT&T would like to formally request a Six (6) Month Extension of this CUP to complete the project. Please present this Extension Request to the City Council at the January meeting for Approval.

We greatly appreciate your help with this request.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Tony Phillips', is written over the 'Best Regards,' text.

Tony Phillips
Zoning & Permitting Manager
SAC Wireless for AT&T
540 W. Madison – 16th Floor
Chicago, IL 60661
847-331-3659
tony.phillips@sacw.com

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. _____

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT EXTENSION FOR SAC
WIRELESS / AT&T FOR ANTENNA UPDATES ON THE EXISTING WIRELESS
COMMUNICATION TOWER LOCATED AT 2035 CHARLTON ROAD, DAKOTA
COUNTY, MINNESOTA.**

WHEREAS, SAC Wireless, on behalf of AT&T, has submitted an application for a six month conditional use permit extension to permit antenna updates on the existing wireless communication tower on the property located at 2035 Charlton Road, legally described on the attached Exhibit A; and

WHEREAS, City staff reviewed the application and judged it to be complete, and provided the extension request and a planning memorandum dated January 13, 2016, prepared by Northwest Associated Consultants, to the City Council for consideration; and

WHEREAS, the Sunfish Lake City Council considered the application for a conditional use permit extension at their meeting on January 19, 2016 and finds that the request meets the requirements for extension approval detailed in Sunfish Lake Zoning Ordinance Section 1204.06.

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Sunfish Lake hereby approves the conditional use permit extension for SAC Wireless/AT&T dated December 15, 2015, to permit the initiation of antenna updates on the existing wireless communication tower on the property located at 2035 Charlton Road, Dakota County, MN through July 20th, 2016 (six months from the date of this approval resolution).

This resolution is adopted by the City Council of the City of Sunfish Lake this 19th day of January 2016.

Molly Park, Mayor

Attest:

Catherine Iago, City Clerk