

**Devils Lake Planning Commission**  
**6-26-08**

Present: Tom Traynor, Terry Thompson, Frank Mack, Ray Sletteland, Larry Liere, Tim Greene, Fred Bott, Gary Martinson.

Larry opened the public hearing to review the proposed ordinance to make zoning changes as discussed at the last meeting. It was noted that the ordinance needed to include cell phone and other towers as a conditional use permit in highway commercial zoning districts.

Larry asked if there was a change in the sidewall height for garages.

Gary said the only change was on total area square footage.

Larry closed the hearing and opened the public hearing to review a request for a conditional use permit to place a cell phone tower in a highway commercial zone.

Tom Forshee, representing Faulk and Foster, explained the request for Alltel Communications to place a cell phone tower at the back of a vacant lot at Al's Body Shop (Lot 3, Block 2, Railroad Subdivision). They are submitting an application at this time assuming the ordinance for zoning changes is approved. Their existing tower is located at the Railroad depot on Railroad Ave. Their engineering studies show that a change in tower location and better technology would provide better reception and fewer dropped calls. The tower would be a free standing 150' tower.

Gary asked what would happen with the old tower.

Tom Forshee said the other entities using the tower would continue to use that site. The new site would be fenced, have a small building, concrete foundation. The tower would be close to 165' including the lightning rod. There is usually no light on the towers; according to FAA regulations, any tower under 200' does not require a light. Alltel will be leasing the property from Al's Body Shop and will own the tower itself.

Gary asked who would be responsible for the tower if it should ever be abandoned.

Larry asked if each antennae that is added to the tower would be a separate conditional use permit.

Ray asked if there was a minimum distance required around the tower in case the tower fell.

Tom Forshee stated that the tower is designed to essentially fall on itself.

Larry closed the public hearing and opened the public hearing for review of the final plat for Davis Commercial Park.

There were no comments on the plat.

Larry closed the public hearing and opened the regular meeting. Ray made a motion to approve the minutes of the last meeting. Motion 2<sup>nd</sup> by Terry. Carried.

Tim made a motion to recommend approval of the proposed ordinance to address zoning changes, including adding cell phone and other towers as a conditional use in highway commercial zoning.

Ray asked how many hearings were required for the zoning changes.

The Planning Commission holds a public hearing and the City Commission has two readings of the proposed ordinance.

Larry said he was concerned about the 10' sidewall height for garages.

Gary said anyone wishing to have higher walls can go to the Board of Adjustment and ask for a variance.

Motion carried.

Terry made a motion to recommend approval of a conditional use permit to allow Alltel Communications to place a cell phone tower at Al's Body Shop (Lot 3, Block 2, Railroad Subdivision) contingent upon approval of the ordinance for zoning changes. Motion 2<sup>nd</sup> by Frank.

Larry asked if we should add aesthetics to the conditional use permit.

Fred felt we need to be careful not to get too detailed.

Gary said conditional use permits allow each application to be reviewed for aesthetics, fences, etc, and the Planning Commission can attach special conditions to each conditional use permit.

Larry asked about insurance coverage should the tower ever fall and cause damage.

Tom Forshee said there would be insurance coverage and if the tower fell, it would actually fall in on itself.

Ray asked who would be responsible for the removal of the concrete foundation if it were ever abandoned.

Gary said that would be the concern of the property owner leasing the land.

Motion carried.

Ray made a motion to recommend approval of the final plat of Davis Commercial Park. Motion 2<sup>nd</sup> by Tim. Carried.

Tim made a motion to adjourn the meeting. Motion 2<sup>nd</sup> by Terry. Carried.

Respectfully submitted,

Helen Carlson  
Recording Secretary