

RESOLUTION NO.: 87-2010
INTRODUCED BY: O'Toole

A RESOLUTION CONFIRMING THE ACTION OF THE PLANNING COMMISSION WITH RESPECT TO THE APPROVAL OF A CONDITIONAL USE PERMIT AND THE SITE PLAN FOR A WIRELESS TELECOMMUNICATIONS TOWER AT 24400 HIGHLAND ROAD.

WHEREAS, the Planning Commission at a special meeting on November 17, 2010, passed a motion to recommend to Council the approval of an application for a conditional use permit and a site plan submitted by Stategis LLC, as agent for T-Mobile Central LLC, to lease a portion of the premises at 24400 Highland Road in the City of Richmond Heights for a wireless telecommunication tower and antenna facility conditioned upon the applicant receiving Federal Aviation Administration ("FAA") approval of the proposed height of the tower and providing landscaping as specified by the City; and

WHEREAS, Council desires to confirm the action of the Planning Commission by approving a conditional use permit and the proposed site plan for the wireless telecommunication facility that complies with the City's ordinances and as an accommodation under the Federal Telecommunications Act of 1996, Public Law 104-104, and specifically 47 U.S.C. §332(c)(7), with the conditions specified by the Planning Commission;

NOW, THEREFORE, Be It Resolved by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: The action of the Planning Commission of the City of Richmond Heights taken at its November 17, 2010 special meeting in recommending to Council the approval of a conditional use permit and a site plan for a wireless telecommunication tower facility at 24400 Highland Road, in the City of Richmond Heights, be, and the same is hereby, confirmed so as to approve the site plan (File # 6-137-024, dated October 19, 2010) and said approval is conditioned upon compliance with the provisions of Zoning Code Sections 1172.02 and 1172.03 and also conditioned upon:

- a. receipt by the City of written approval by the FAA of the proposed height of the tower prior to issuance of a building permit; and
- b. provision of landscaping as specified by the City.

Section 2: The Clerk is hereby instructed to mail a copy of this Resolution to the applicant.

Section 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED:_____

Daniel J. Ursu, Mayor

APPROVED:_____

ATTEST:_____

Betsy Traben
Clerk of Council

David H. Roche
President of Council