



City of Grand Island

Tuesday, December 27, 2016

Council Session

Item E-1

Public Hearing on Request from Viaero Wireless for a Conditional Use Permit to allow for a 55' Telecommunication Tower located at 2485 N. Diers Avenue

Council action will take place under Requests and Referrals item H-1.

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: December 27, 2016

Subject: Request of Chris Riha, representing Viaero Wireless for approval of a Condition Use Permit to Construct a Telecommunication Tower at 2485 N. Diers Avenue

Presenter(s): Craig Lewis, Building Department Director

Background

This is a request to allow for the construction of a 50 foot monopole telecommunication tower with a 5 foot dish antenna for a total height of 55 feet at 2485 N. Diers Ave. The property is currently zoned B-2 General Business, the Grand Island Zoning Code requires that all telecommunication towers receive the approval of City Council in the form of a conditional use permit prior to construction.

The intent of the tower and telecommunication facilities and antenna regulations are to protect residential areas and land uses from the potential adverse impact of the installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use/collocation of towers, and to ensure that towers and antennas are compatible with the surrounding land uses.

Discussion

The City Code specifies eight items to be submitted with the application for a tower development permit, all of those items have been submitted, with the exception of;

1). the engineering of the tower and foundation design, and, 2). a building permit application for the proposed tower. It appears reasonable to delay the submittal of these two items until after the City Council has approved the location. At the time of a request for a building permit then the engineering for the construction needs to be submitted before a building permit would be issued.

Information attesting to a diligent effort to collocate with any tower within a one mile radius has been submitted by the applicant.

There are four tower locations within the one mile radius;

3721 W. Hwy #2 150' tower,
3532 N .Diers Ave. radio station tower not recorded,
3690 W. State Fire Station #4 60' tower,

3644 W. 13th 180' tower.

None of the existing towers appear to provide adequate colocation possibilities. The location of this proposal does not appear to create any negative impact on the neighboring properties. The proposal is to facilitate a retail store proposed to be constructed on this site.

Section 36-177 addresses landscaping for tower sites and states that all tracts on which towers are located shall be subject to landscape requirements of the City code, landscaping requirements will be enforced with the construction of the retail facility.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the request for a conditional use permit finding that the proposed use is a listed conditional use in the zoning code and that it will not be detrimental to public health, safety, and the general welfare of the community.
2. Disapprove or /Deny the conditional use permit, finding that the proposal does not conform to the purpose of the zoning regulations.
3. Modify the conditional use to meet the wishes of the Council
4. Refer the matter to a special committee for a determination of a finding of fact.
5. Table the issue.

Recommendation

City Staff recommends that the Council approve the request for a conditional use permit to construct this 55 foot telecommunication tower, finding that the request does promote the health, safety, and general welfare of the community, protects property against blight and depreciation, and is generally harmonious with the surrounding neighborhood.

Sample Motion

Move to approve the requested conditional use permit as specified in the staff recommendation published in the Council packet and presented at the City Council meeting and finding that the application will conform with the purpose of the zoning regulations.

Conditional Use Permit Application

pc: Building, Legal, Utilities
 Planning, Public Works

1. The specific use/construction requested is: Wireless Telecommunication Tower (50-FT Monopole) for VIAERO WIRELESS's Retail Store. *See enclosed Exhibit A1 - Simulated Picture. The construction of the Monopole will comply with Article XI & other Zoning Requirements. *See enclosed Exhibit A2 - Article XI.
2. The owner(s) of the described property is/are: (Land) MOUNTAIN TOWER & LAND, LLC. *See enclosed Exhibit B - 3-Page Special Warranty Deed. (Monopole) NE COLORADO CELLULAR, INC.
3. The legal description of the property is: Lot Six (6), Menard Second Subdivision, in the City of Grand Island, Hall County, Nebraska. *See enclosed Exhibit C - 2-Page Survey.
4. The address of the property is: 2485 N. Diers Avenue. *See enclosed Exhibit D - Address of Property Map.
5. The zoning classification of the property is: B-2 General Business Zone. *See enclosed Exhibit E - Zoning District Map.
6. Existing improvements on the property is: N/A - Miscellaneous Grasses. *See enclosed Exhibits F1 & F2 - Pictures.
7. The duration of the proposed use is: Unknown.
8. Plans for construction of permanent facility is: 2017.
9. The character of the immediate neighborhood is: Business.
10. There is hereby **attached** a list of the names and addresses of all property owners within 200' of the property upon which the Conditional Use Permit is requested. *See enclosed Exhibit G1 - 200-FT Radius Map and Exhibit G2 - 4-Page List of Property Owners within 200 Feet.
11. Explanation of request: Construct a 50-FT Monopole as an Assesory to our Retail Store and to improve the Voice & Data Coverage of VIAERO WIRELESS's Network in the immediate area. *See enclosed Exhibit A1 - Simulated Picture.

I/We do hereby certify that the above statements are true and correct and this application is signed as an acknowledgement of that fact.

12/14/16
 Date

Chas. P. Rebo, Sr. Ag. Specialist
 NE COLORADO CELLULAR, INC.
 d/b/a VIAERO WIRELESS
 Owners(s)

(970) 867-6767
 Phone Number

1224 W. Platte Avenue
 Address

Ft. Morgan, CO 80701
 City State Zip

Please Note: Delays May Occur if Application is Incomplete or Inaccurate.

Address of Property

City of Grand Island, NE

