



City of Grand Island

Tuesday, January 14, 2014

Council Session

Item E-3

Public Hearing on Request from G.E. Enterprises Trust, Gerald Sweley, Co-Trustee on behalf of Viaero Wireless for a Conditional Use Permit for a Wireless Communication Tower located ½ Mile East of Gunbarrel Road and North of A Road (Merrick County)

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig Lewis, Building Department Director

Meeting: January 14, 2014

Subject: Request of Chris Riha, Representing Viaero Wireless for Approval of a Conditional Use Permit to Construct a Telecommunication Tower at 149 A Road, Merrick Co.

Item #'s: E-3 & H-1

Presenter(s): Craig Lewis, Building Department Director

Background

This is a request to allow for the construction of a 110 foot lattice telecommunication tower at 149 A Rd. Merrick County to facilitate their cellular service area. The property is currently zoned AG-2, Secondary Agricultural Zone. 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 towers within a one mile radius has been submitted by the applicant. There is one tower identified within the one

mile radius of the proposed site, at 440 2nd Road, Merrick County. This tower has been determined by the applicant as impractical for collocation.

The proposed site is within the airport approach zone and a letter from the Federal Aviation Administration dated December 2, 2013 has been submitted along with the application stating the proposal does not exceed obstruction standards and would not be a hazard to air navigation. The letter further states that based on the evaluation, marking and lighting are not necessary for aviation safety.

Landscaping of the site is not required as landscape regulations are not applicable within the AG-2 zoning classification.

Alternatives

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

1. Approve the 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 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 request for a 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.



Non-Refundable Fee: \$1,000.00
Return by: _____
Council Action on: _____

Conditional Use Permit Application

pc: Building, Legal, Utilities
Planning, Public Works

1. The specific use/construction requested is: Wireless Communication Tower for VIAERO WIRELESS.
2. The owner(s) of the described property is/are: Land: G.E. ENTERPRISES TRUST
**See Enclosed 5-Page Option Agreement For Permanent Easement - EXHIBIT A.* Tower & Misc. Improvements: VIAERO WIRELESS
3. The legal description of the property is: Pt. SE $\frac{1}{4}$ SW $\frac{1}{4}$ 7-11N-8W of the 6th P.M.,
**See Enclosed Survey - EXHIBIT B.* Merrick County, Nebraska.
4. The address of the property is: East of 135 A Road, Grand Island, NE 68801
**See Enclosed Address of Property Map - EXHIBIT C.*
5. The zoning classification of the property is: Agricultural (AG-2)
6. Existing improvements on the property is: N/A - Cool/Warm Season Grasses for/Grazing.
**See Enclosed (4) Tower Site Pictures - EXHIBIT D.* Livestock
7. The duration of the proposed use is: Unknown
**See Enclosed (4) Tower Site Pictures - EXHIBIT E1. & EXHIBIT E2.*
8. Plans for construction of permanent facility is: 2014
9. The character of the immediate neighborhood is: Agriculture
**See Enclosed (4) Tower Site Pictures - EXHIBIT E1 & EXHIBIT E2.*
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 200-FT Radius Map - EXHIBIT F1 & Property Owners within 200 Feet - EXHIBIT F2.*
11. Explanation of request: VIAERO WIRELESS is proposing to construct a 110-FT Self-Support Lattice Tower with accompanying Improvements to help improve their Frequency Strength on the East Side of Grand Island & surrounding County Townships.
**See Enclosed Colored Photo Simulation from "A" Road - EXHIBIT G.*
**See Enclosed Supporting Material for Justification of Site - EXHIBITS H1 & H2.*

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

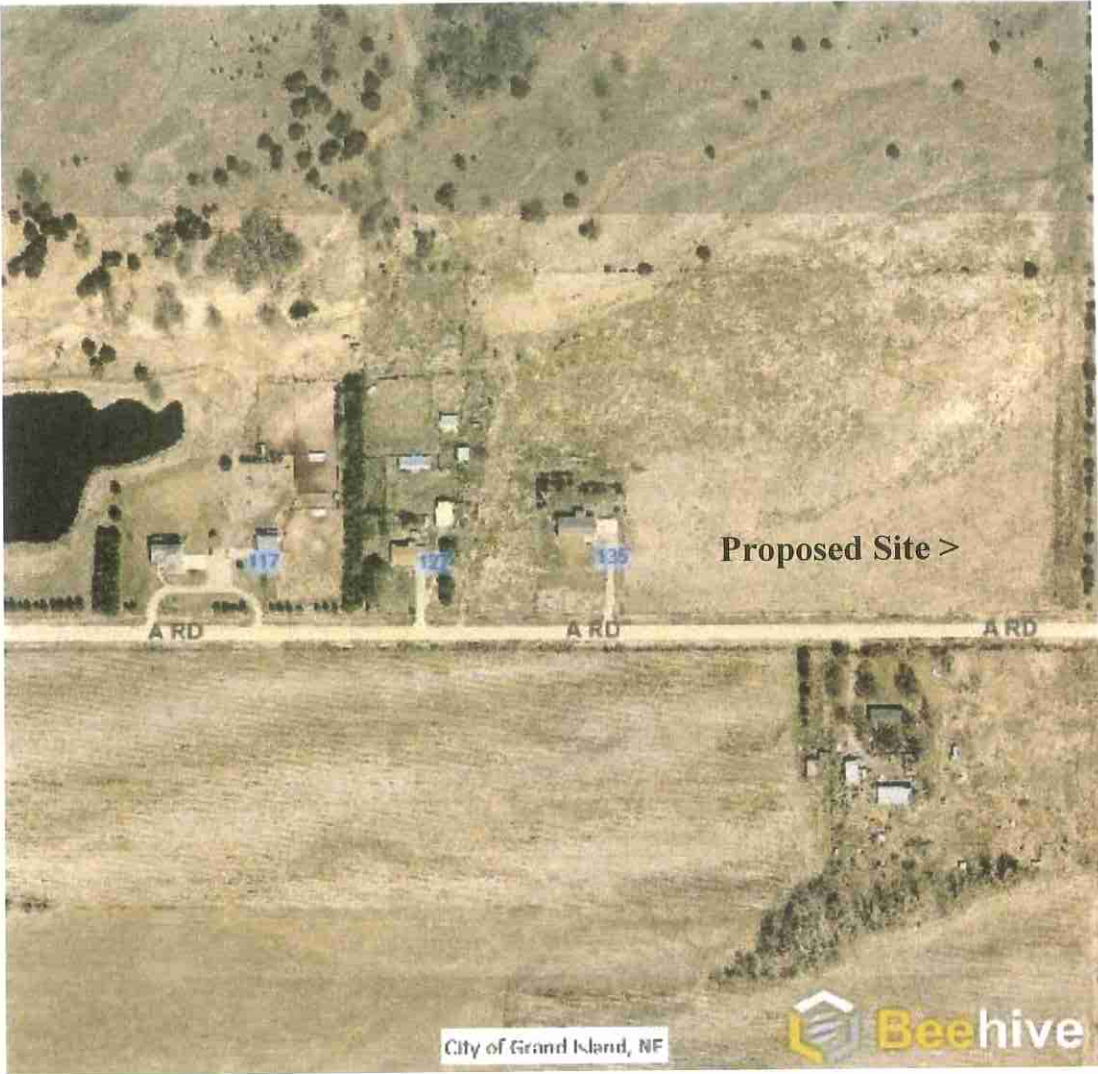
Gerald Sweley Co-Trustee, Land: G.E. ENTERPRISES TRUST, Gerald Sweley,
12/30/13 Date Co-Trustee.

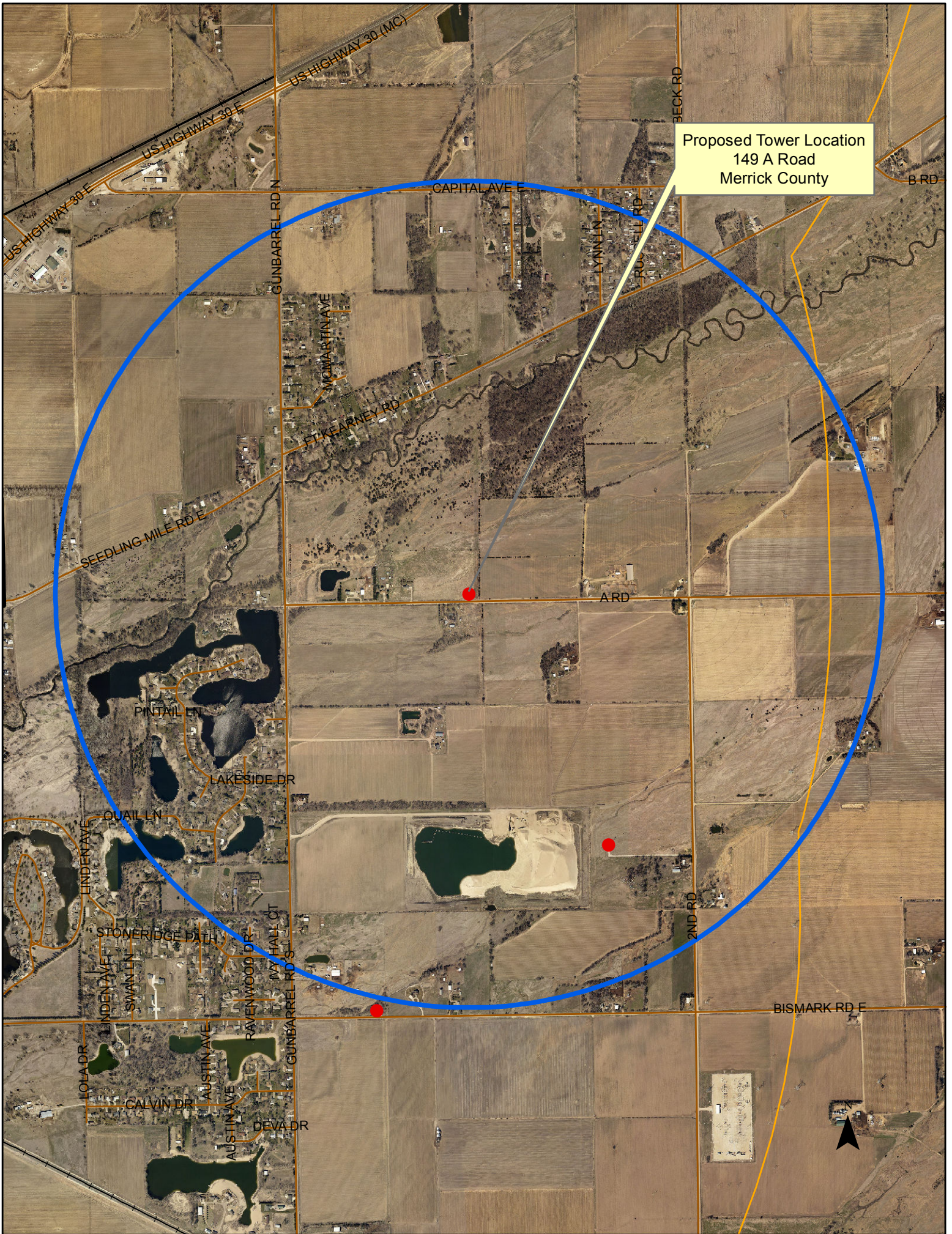
Chris R. Rida Site Acquisition Specialist for VIAERO WIRELESS. Tower & Misc. Improvements: MOUNTAIN TOWER &
(Sweley) 308-382-0381 Phone Number (Sweley) 127 A. Road, Grand Island, NE 68801. Address
 (VIAERO WIRELESS) 970-867-6767 (VIAERO WIRELESS) 1224 W. Platte Avenue,
 Fort Morgan, CO 80701

City State Zip

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

Address of Property





Proposed Tower Location
149 A Road
Merrick County