



City of Grand Island

Tuesday, May 23, 2006

Council Session

Item E1

Public Hearing on Request of Verizon Wireless for Conditional Use Permit for a 150' Telecommunications Tower Located at 13th Street and Highway 281

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: May 23, 2006

Subject: Request of Scott Goble on behalf of Verizon Wireless for Approval of a Conditional Use Permit to Construct a Telecommunication Tower at 3535 West 13th Street, Grand Island, Nebraska

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

Presenter(s): Craig Lewis, Building Department Director

Background

This is a request to allow for the construction of a 150' monopole telecommunication tower at 3535 West 13th Street. This tower is proposed to provide coverage in the west part of Grand Island and is located to receive calls from other Verizon cell sites. The Grand Island Zoning Code requires that all telecommunication towers receive the approval of the City Council in the form of a Conditional Use Permit prior to construction. The intent of the tower and telecommunication facilities and antenna regulations is 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 the engineering certification of the tower and foundation. The submittal of the engineering design after the approval of the tower location and approval of the conditional use permit is reasonable.

One additional exception to the information submitted is the omission of the tower at 3205 W.N. Front Street, the KRGi radio site. As previously discussed with other tower applications collocating due to the stringent Federal regulations appears difficult at best if not impossible.

As there are three other telecommunication towers within the one mile radius of this proposed site and the property to the west is zoned and planned to be a future residential neighborhood, the proposed construction of a new tower does not appear to be in the best interest of the area.

Alternatives

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

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council deny the request for a conditional use permit to construct a telecommunication tower at this location. The proposal does not appear to protect the future residential area to the west.

Sample Motion

Motion to deny the conditional use permit for a telecommunication tower for Verizon Wireless, based upon the finding of facts as identified by the City Council.



Non-Refundable Fee: \$155.00
Return by: _____
Council Action on: _____

Conditional Use Permit Application FOR TOWER DEVELOPMENT PERMIT

pc Building, Legal, Utilities
Planning, Public Works

1. The specific use/construction requested is: 150' MONOPOLE TELECOMMUNICATIONS TOWER AND RELATED SHELTER BUILDING FOR EQUIPMENT.
2. The owner(s) of the described property is/are: MID-COUNTRY TRADING LLC, A NEBRASKA LLC
3. The legal description of the property is: LOT ONE PARK ISLAND SQUARE SUBDIVISION.
4. The address of the property is: 13TH STREET & HIGHWAY 281, GRAND ISLAND
5. The zoning classification of the property is: COMMERCIAL
6. Existing improvements on the property is: SHOPPING CENTER
7. The duration of the proposed use is: INDEFINITE
8. Plans for construction of permanent facility is: N/A
9. The character of the immediate neighborhood is: COMMERCIAL / AGRICULTURAL
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.
11. Explanation of request: VERIZON WIRELESS NEEDS TO ERECT A 150' TOWER TO PROVIDE COVERAGE IN WEST GRAND ISLAND. SITE MUST BE STRATEGICALLY LOCATED SO AS TO PROPERLY HAND-OFF AND RECEIVE CALLS FROM OTHER VERIZON CELL SITES IN THE AREA.

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

4-11-06
Date
(417) 848-7584
Phone Number

SOOTY EYES, SELECTIVE SITE CONSULTANTS INC
REPRESENTING MID-COUNTRY TRADING & VERIZON,
574 BARN STABLE
Address

NIXA MO 65714-7159
City State Zip
(417) 848-7584

Lessor: Verizon Wireless (VAW) LLC

By: Andrew Edwards
Andrew Edwards, Real Estate Manager

Owner: Mid-Country Trading LLC

By: Raymond J. O'Connor
Raymond J. O'Connor, Managing Partner



SELECTIVE SITE CONSULTANTS, INC.

A Site Acquisition, Engineering, and Construction Quality Assurance Company



April 18, 2006

Mr. Craig A. Lewis
Building Department Director
100 East First Street
Grand Island, NE 68801

Re: Verizon Wireless Conditional Use Permit Application

Mr Lewis:

With this letter I am submitting an application for a conditional use permit on behalf of Verizon Wireless (VAW) LLC and Mr. Raymond J. O'Connor of Mid-Country Trading LLC. Verizon has entered in to a long term lease with Mr. O'Connor to construct and operate a monopole type telecommunications tower on property located at 13th Street and Highway 281. Said property and site location is further described in the supporting application documents.

This letter and the following four pages provide a general overview of the proposed project. We respectfully request your support and a determination that we have met the application criteria of the Grand Island Zoning Ordinance.

The proposed monopole tower will be 150' in height and is located such that it's center is 100' from the nearest property line as shown on the enclosed construction drawings. Based on our interpretation of the ordinance this distance meets the applicable set-back requirements.

It is my desire that this letter act as an affidavit attesting to the fact the we have made diligent but unsuccessful efforts to obtain permission to install or collocate Verizon's telecommunications facilities on a tower or useable antenna support structure within a one (1) mile radius of our proposed tower location.

Respectfully Submitted,
Selective Site Consultants, Inc.

Scott Goble
(417) 848-7584
scott.goble@sbcglobal.net



I. APPLICANT(S)

Verizon Wireless (VAW) LLC
10740 Nall Avenue, Suite 400
Overland Park, KS 66211
Mr. Andrew Edwards, Real Estate Manager
(913) 344-2892

Mid-Country Trading, LLC
PO Box 139
Grand Island, NE 68802
Mr. Ray O'Connor, Managing Member
(308) 381-2497

AGENT FOR APPLICANT(S)

Selective Site Consultants, Inc.
574 South Barn Stable Street
Nixa, MO 65714-7159
Mr. Scott Goble, Site Acquisition Manager
(417) 848-7584

II. LEGAL DESCRIPTION OF PROPERTY

Lot One (1) Park Island Square Sixth Subdivision, in the City of Grand Island, Hall County, Nebraska.

III. PROPOSED USE

Verizon proposes to construct a 150' monopole type telecommunications tower for the purpose of completing its wireless telephone service requirements of the license granted by the Federal Communications Commission. The proposed tower, once completed and on-air, will be an integral part of Verizon's digital wireless telephone network providing nationwide phone service and local emergency "911" services.

The tower will be designed to accommodate two additional carriers and Verizon will work closely with any company wishing to collocate on the tower site.



IV. WHY THIS LOCATION WAS CHOSEN

(Please refer to the enclosed map which shows existing towers within a one mile radius of the proposed Verizon tower.)

ALLTEL SELF-SUPPORT TOWER

The initial "Search Area" target was a 180' self-support tower owned by Alltel and located due north of our proposed site. The existing Alltel tower is in a place which would be suitable to accommodate Verizon's service / network requirements. We did apply for collocation on this tower but our application was subsequently declined because the tower is on Alltel's SWITCH property. While most carriers do encourage collocations on their towers, as a rule they do not allow them on towers located at their SWITCH sites.

UNITED STATES CELLULAR SELF-SUPPORT TOWER

This tower is too far south to properly accommodate Verizon's service / network requirements but even if it would work U.S. Cellular would not allow us to collocate on it. This is their SWITCH site and the same rules apply as those outlined with the Alltel SWITCH above.

VIAERO WIRELESS TOWER WHICH WAS RECENTLY APPROVED

As with the Western Wireless tower, this recently approved self-support tower is too far south to properly accommodate Verizon's service / network requirements. For additional commentary regarding this Viaero site as a potential collocation for Verizon please refer to the attached memo authored by Mr. Chris Kumke. Mr. Kumke is Verizon's Radio Frequency Engineer who is responsible for designing the Grand Island network.

NEBRASKA STATE PATROL TOWER

We contacted a Major Hobbs at the Nebraska State Patrol (402-471-4545) and were told that they do not allow commercial collocations on their communications towers.



V. TOWER & FOUNDATION DESIGN

The actual tower and foundation design and applicable structural calculations will be completed once there is certainty that the tower site will be approved. At that time Verizon will produce actual tower and foundation design drawings and engineering calculations confirming that the proposed tower will meet the Building Code, all other construction standards set forth by the City Code and federal and state law and applicable ANSI standards*.

In lieu of having these items in advance we respectfully request that the conditional use application be approved with the condition that these items be submitted to and approved by the Building Department prior to issuance of a final building permit.

If there are any questions or if you need anything further please contact me. Thank you in advance for your assistance and consideration.

* Pursuant to section 36-174 "Structural Standards for Towers Adopted", Verizon will prepare and submit for approval a tower structural analysis proving conformance to the *Structural Standards For Steel Antenna Towers and Antenna Supporting Structures*, 1991 Edition (ANSI/EI/TIA 222-E-1991).

8500 West 110th Street, Suite 300, Overland Park, Kansas 66210
Phone: (913) 438-7700 Fax: (913) 438-7777
www.selectivesite.com



Memo

To: Grand Island Building Department
From: Chris Kumke
Date: 4/19/2006
Re: Recently Approved VIAERO Wireless Tower

Viaero Tower

The proposed Viaero tower is located close to our existing "Grand Island" site that is north of the intersection of Highway 281 and West Stolley Park Road. Because of this, we would have too much overlap between our "Grand Island" site and our the Viaero site, and our coverage to the north along Highway 281 would be considerably weaker even to the point of requiring an additional site on the north end of Highway 281 to provide sufficient coverage. The proposed location on the Mid-Country Trading property near 13th Street and Highway 281 would minimize the overlap between our existing sites, provide good coverage in the mall and surrounding businesses and extend our coverage sufficiently north on Highway 281. Another benefit of our proposed location is that we will be able to split up the traffic from around the mall across multiple sectors whereas on the Viaero tower we could only cover the same area using 1 sector. Since it is a very busy commercial area, we could run into capacity issues if we serve the area with just 1 sector versus 2 or 3. Once the sector is getting close to handling all of the calls it can carry, we would need to look into building another site to offload some of the traffic. By spreading the traffic across multiple sectors, we will minimize the need to build additional capacity sites and reduce the number of overall sites needed to provide adequate service.

Chris Kumke
Radio Frequency Engineer
Verizon Wireless
913-696-5973

AFFIDAVIT

STATE OF NEBRASKA)
)
COUNTY OF HALL) ss.

Raymond J. O'Connor, Managing Member of Mid-Country Trading LLC, a Nebraska limited liability company, first duly sworn upon his oath, deposes and states as follows:

1. Mid-Country Trading LLC is the owner of property in Hall County Nebraska, Parcel ID# 400355892, located in the city of Grand Island, Nebraska, described herein and hereby referred to as the "Property";
2. Mid-Country Trading LLC has entered into a Lease for the Property with Verizon Wireless (VAW) LLC to allow for the development of wireless communication facilities; and
3. Raymond J. O'Connor, Managing Member of Mid-Country Trading LLC is authorized to execute this instrument.
4. I have authorized Selective Site Consultants, Inc. and the legal firm of Polsinelli, Shalton, Welte, Suelthaus to act as Agent on behalf Mid-Country Trading LLC and Verizon Wireless (VAW) LLC, to file applications for zoning entitlements and any other necessary applications to allow for the above referenced project on the Property.

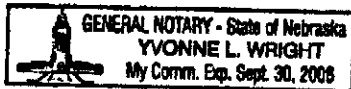
Legal Description of the Property: *Lot Two (2), Park Island Square Subdivision, Lot Two (2), Park Island Square Fourth Subdivision and all of Lot One (1), Park Island Square Second Subdivision, excepting therefrom that portion of said Lot One (1), Park Island Square Second Subdivision platted as a portion of Lot One (1), Park Island Square Third Subdivision, all located in the City of Grand Island, Hall County, Nebraska.*

OWNER:
Mid-Country Trading LLC,
a Nebraska limited liability company

By: *[Signature]*
Raymond J. O'Connor, Managing Member

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Subscribed and sworn to before me this 14TH day of FEBRUARY, 2006.



[Signature]
Notary Public

My Appointment Expires: 9/30/06

(SEAL)



Memo

To: Grand Island Zoning Board
From: Chris Kumke
Date: 4/18/2006
Re: Vaiero Tower

Vaiero Tower

The proposed Vaiero Tower is located close to our existing "Grand Island" site that is north of the intersection of Highway 281 and West Stolley Park Road. Because of this, we would have too much overlap between our "Grand Island" site and our proposed "Jabba" site and our coverage to the north along Highway 281 would be considerably weaker even to the point of requiring an additional site on the north end of Highway 281 to provide sufficient coverage. The proposed location of our "Jabba" site near 3535 North 13th, would minimize the overlap between our existing sites, provide good coverage in the mall and surrounding businesses and extend our coverage sufficiently north on Highway 281. Another benefit of our proposed "Jabba" location is that we will be able to split up the traffic from around the mall across multiple sectors whereas on the Vaiero Tower we will serve the entire area on 1 sector. Since this is a very busy commercial area, we could run into capacity issues if we serve the area with just 1 sector versus 2 or 3. Once the sector is getting close to handling all of the calls it can carry, we would need to look into building another site to offload some of the traffic. By spreading the traffic across multiple sectors, we will minimize the need to build additional capacity sites and reduce the number of overall sites needed to provide adequate service.

Chris Kumke
Radio Frequency Engineer
Verizon Wireless
913-696-5973

**ALLEN 281 LLC
1115 WEST 2ND STREET, P O BOX 987
HASTINGS NE 68902-0987**



May 8, 2006

RaNae Edwards, City Clerk
City of Grand Island
P.O. Box 1968
Grand Island, NE 68802-1968

Dear Ms. Edwards:

We received your letter dated April 25, 2006 concerning a Conditional Use Permit for a 150' Monopole Telecommunications Tower to tentatively be located at 13th Street and Highway 281 in Grand Island.

We vehemently object to placement of this Tower near our property. Could you please send us information on the details of this transaction and how we go about objecting to it? Is it best to be represented by an attorney? Will a decision be made at the Tuesday, May 23rd City Council meeting?

Also, it would be helpful if you could include names, addresses, and e-mail addresses of the mayor of Grand Island and all Councilpersons in this mailing.

We appreciate your assistance with this Ms. Edwards.

Sincerely,

Robert M. Allen
Manager

RMA/cmg