



City of Grand Island

Tuesday, September 23, 2008

Council Session

Item E2

**Public Hearing on Request from Viaero Wireless for Conditional
Use Permit for Wireless Telecommunication Tower Located in the
600 Block on Stuhr Road, North of Bismark Road**

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: September 23, 2008

Subject: Request from Chris Riha representing Viaero Wireless for Approval of a Conditional Use Permit to Construct a Telecommunication Tower at 595 S. Stuhr Road

Item #'s: E-2 & H-1

Presenter(s): Craig Lewis, Building Department Director

Background

This is a request to allow for the construction of a 90 foot lattice telecommunication tower at 595 S. Stuhr Road to facilitate their cellular service area. The property is currently zoned M-2, heavy manufacturing. 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 were two towers identified within the

one mile radius of the proposed site, one was the existing tower at City Hall and the other is a small tower at 636 S Shady Bend Road, neither tower would facilitate the applicants proposed needs.

There were two deficiencies noted in the application, one was the proposed tower height of 90' would require a setback of 45' and the proposed site to be obtained was only 94.5' in width. The tower height at the proposed site would be limited to 85' requiring a setback from adjacent property line of 40', which the proposed site could accommodate. The second issue was that code requires landscaping along Stuhr Road and the applicant has acknowledged the requirement and will include installation along with the development of the site.

An additional requirement to the development of this site will be the subdivision of this property as an independent lot. That subdivision will need to proceed through Regional Planning and later City Council approval.

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.



