



City of Grand Island

Tuesday, September 23, 2008

Council Session

Item E3

**Public Hearing on Request from USCOC Nebraska/Kansas LLC
for Conditional Use Permit for Construction of a 150'
Communication Tower and Equipment Shelter Located North of
Bismark Road and West of 2nd Road in Merrick County within
the Two Mile Zoning Juris**

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: September 23, 2008

Subject: Request of Jesse Hernandez, representing USCOC Nebraska/Kansas LLC for Approval of a Conditional Use Permit to Construct a Telecommunication Tower at 440 2nd Road, Merrick, County

Item #'s: E-3 & H-2

Presenter(s): Craig Lewis, Building Department Director

Background

This is a request to allow for the construction of a 150 foot monopole telecommunication tower at 440 2nd Road, Merrick County to facilitate their cellular service area. The property is currently zoned AG-2 Secondary Agricultural. 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 were two tower locations noted within the one mile radius, one was approved by the City Council at 329 S. Gunbarrel Road on July 27, 2005, that tower was never constructed and the permit for construction was canceled on January 18, 2007. The second is a small tower on Bismark Road that does not meet the needs of the applicant.

The location of this proposal does not appear to create any negative impact on the neighboring properties.

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 but as this property is in an agricultural zone landscaping does not appear appropriate.

Alternatives

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

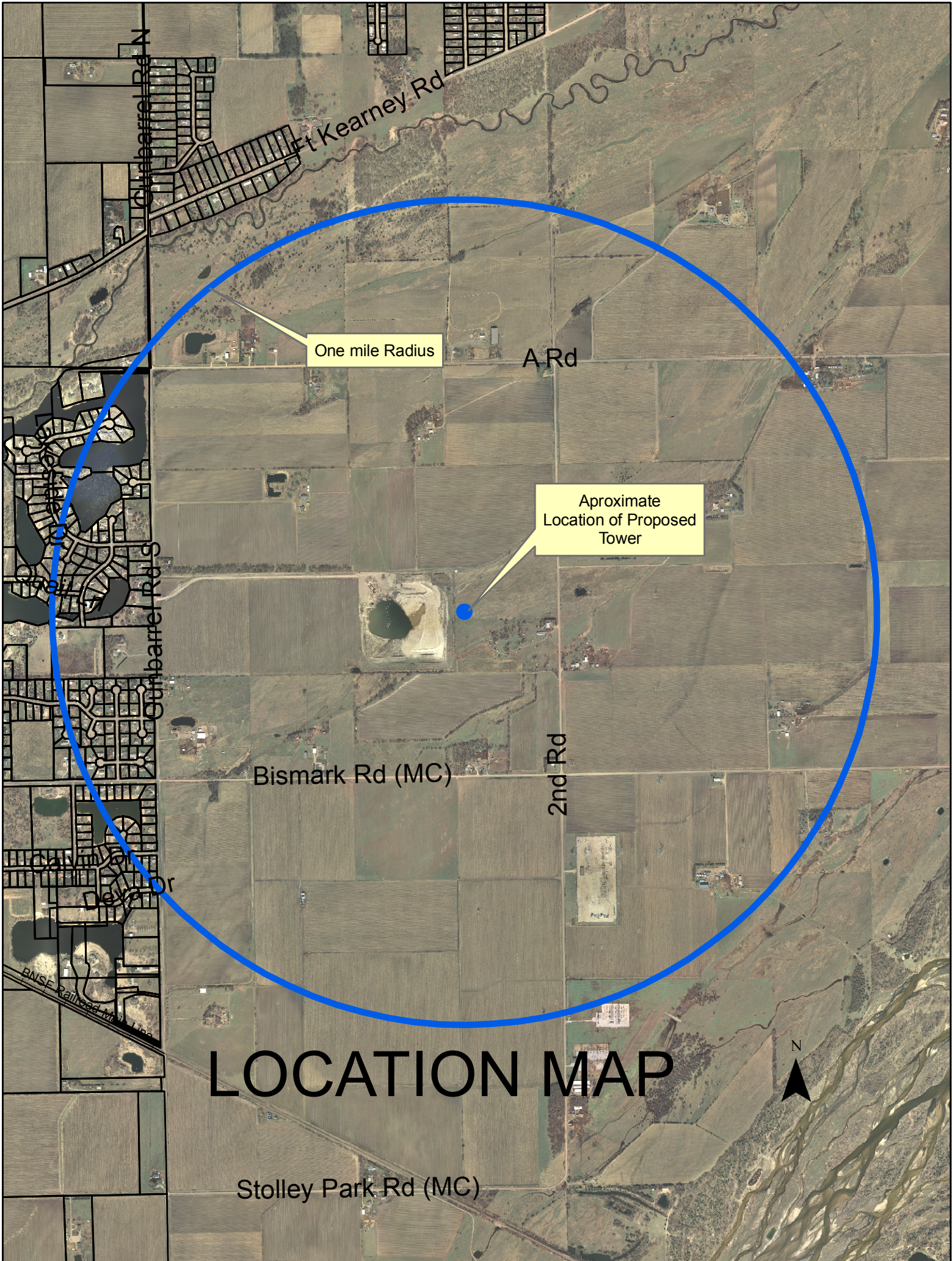
1. Approve the request for a conditional use permit finding that the proposed use is a listed conditional use in the zoning code and that it will not be detrimental to public health, safety, and the general welfare of the community.
2. Disapprove or Deny the conditional use permit, finding that the proposal 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 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.



One mile Radius

A Rd

Aproximate
Location of Proposed
Tower

Bismark Rd (MC)

2nd Rd

LOCATION MAP

N

Stolley Park Rd (MC)

Gunbarrel Rd N

Gunbarrel Rd S

Calmar Ave
Deva Dr

BNSF Railroad



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Grand Island
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