



City of Grand Island

Tuesday, March 10, 2009

Council Session

Item H1

Consideration of Request from Viaero Wireless for a Conditional Use Permit for a Wireless Telecommunications Tower Located at 1817 Waugh Street

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: March 10, 2009

Subject: Request of Chris Riha, Representing, Viaero Wireless for Approval of a Condition Use Permit to Construct a Telecommunication Tower at 1817 Waugh Street

Item #'s: H-1

Presenter(s): Craig Lewis, Building Department Director

Background

This item was referred to this meeting from the February 24, 2009 City Council meeting.

This is a request to allow for the construction of a 100 foot monopole telecommunication tower at 1817 Waugh Street to facilitate their cellular service area. The property is currently zoned R-3, medium density residential, 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 of the tower and improvements will need 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, neither tower would facilitate the applicants proposed needs.

There were two deficiencies noted in the application, one was the exact location of the tower, to verify the required setbacks from adjacent property lines and the second is a landscaping plan. A landscaping plan is required as the proposal is to purchase the property and create an independent lot for the tower requiring landscaping to be installed adjacent to the streets in compliance with the City zoning regulation. The applicant has acknowledged the requirement and will include installation of street yard landscaping along with the development of the site.

The proposed tower location will be within the airport turning zone but appears to be 33' below the 150' height restriction imposed by the approach zone, a memorandum was sent to the Central Nebraska Regional Airport requesting their review and comment on February 6, 2009, as of this writing no concerns has been received.

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: \$200.00
Return by:
Council Action on:

Conditional Use Permit Application

pc: Building, Legal, Utilities
Planning, Public Works

- 1. The specific use/construction requested is: Wireless Telecommunication Monopole Site.
2. The owner(s) of the described property is/are: NE COLORADO CELLULAR, INC. d/b/a VIAERO WIRELESS
*See Enclosed 6-Page Purchase Agreement - EXHIBIT A.
3. The legal description of the property is: Lots 2, 4 & 6, Blk. 29, Gilberts 3rd Add., to the City of Grand Island, Hall County, NE.
*See Enclosed Survey - EXHIBIT B.
4. The address of the property is: 1900 Block on N. Huston Avenue.
5. The zoning classification of the property is: R3 Medium Density Residential Zone.
*See Enclosed Zoning Map - EXHIBIT C.
6. Existing improvements on the property is: Playground Equipment.
7. The duration of the proposed use is: Unforeseen.
8. Plans for construction of permanent facility is: Mid to Late-2009.
9. The character of the immediate neighborhood is: Commercial & Residential.
*See Enclosed 2 Pages of 4 Pictures - EXHIBITS D & E.
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 16-Page Property Owners Report - EXHIBIT F.
11. Explanation of request: VIAERO WIRELESS is proposing to construct a 100-FT Monopole, 9'W x 17'L x 9'H Aggregate Building for housing supporting Electronic Equipment, Backup Generator & 1,000 GA buried Propane Tank - all enclosed by a Padlocked Oriental Cedar Wood Fence. Purpose of Site is to improve Frequency Strength in immediate Proposed Area.

*See Enclosed Color Photo - Simulation Photo - EXHIBIT G.
I/We do hereby certify that the above statements are true and correct and this application is signed as an acknowledgement of that fact.
*See Enclosed Supporting Material for Justification of Site - EXHIBIT H.

2/3/09
Date

Chris R. Riha, Owners(s) Site Acquisition Manager
for VIAERO WIRELESS.

(970) 867-6767
Phone Number

1224 W. Platte Avenue
Address

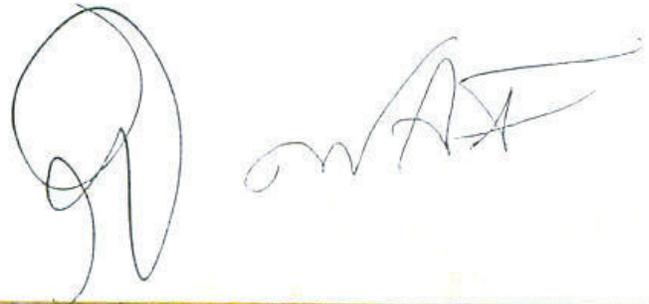
Fort Morgan, CO 80701
City State Zip

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



[Handwritten signature]

GRAND ISLAND, NE 5-PTS SITE



Scale: 1/16th Inch = 1.84+/- Feet

