



City of Grand Island

Tuesday, July 28, 2009

Council Session

Item E1

**Public Hearing on Request from Hornady FLP on Behalf of
Midland Telecom for a Conditional Use Permit for a
Communications Tower Located at 3625 West Old Potash Highway**

Staff Contact: Craig Lewis

Council Agenda Memo

From: Craig A. Lewis, Building Department Director

Meeting: July 27, 2009

Subject: Request of Patrick Buettner, representing Midland Telecom, Telephone Systems of NE, INC., for approval of a Condition Use Permit to construct a telecommunication tower at 3625 W. Old Potash Hwy. Grand Island, NE

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

Presenter(s): Craig Lewis

Background

This is a request to allow for the construction of a 190 foot lattice telecommunication tower at 3625 W. Old Potash Hwy. to facilitate radio, high speed internet communications, and business band radio service areas.

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.
- 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.

There are nine tower locations identified within the one mile radius of the proposed site. The applicant has submitted documentation stating he has made diligent but unsuccessful efforts to collocate on the identified towers. The applicant currently has an existing tower within the one mile radius which is intended to remain; the proposal is to transfer some of the antennas from the existing tower to this new tower and location.

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

It does however appear that ten towers within a one mile radius could be reaching a saturation point of adequate or abundant towers within a one mile area.

Section 36-173 allows for an exception to the setback requirements for towers located adjacent to property owned or controlled by the City. As this property is adjacent to a drainage cell to the east, the 140' setback could be reduced by the City Council if it finds that the reduction will not cause harm to the intended use of that public property. The use of the adjacent property as a drainage cell does not appear to be adversely affected by the construction of this tower, but a 15' setback is recommended to provide access and maintenance for the tower and property.

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 if it finds 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

A motion 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.

Conditional Use Permit Application

pc: Building, Legal, Utilities
Planning, Public Works

1. The specific use/construction requested is: Construct 190 foot communications tower _____
2. The owner(s) of the described property is/are: HORNADY MANUFACTURING CO FLP
3. The legal description of the property is: CENTER TWP PT N 1/2 NE 1/4 XC 1 A ROAD 4.79 AC HWY & 3.33 AC STATE
24-11-10 18.91 AC (B)
4. The address of the property is: 03625 W OLD POTASH HWY _____
5. The zoning classification of the property is: INDUSTRIAL _____
6. Existing improvements on the property is: MANUFACTURING AND WAREHOUSE BUILDINGS
7. The duration of the proposed use is: 25 YRS _____
8. Plans for construction of permanent facility is: _____
9. The character of the immediate neighborhood is: INDUSTRIAL _____
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: Construct 190 foot communications tower and associated support structures _____

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

7-7-09

Date

Hornady FLP [Signature]

Owners(s)

382-1340

Phone Number

3625 Old Potash Hwy

Address

GI

City

NE

State

6803

Zip

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

City of Grand Island Mapsifter



Terrascan, Inc.

140 Ft from tower Base to Highway Row
marker

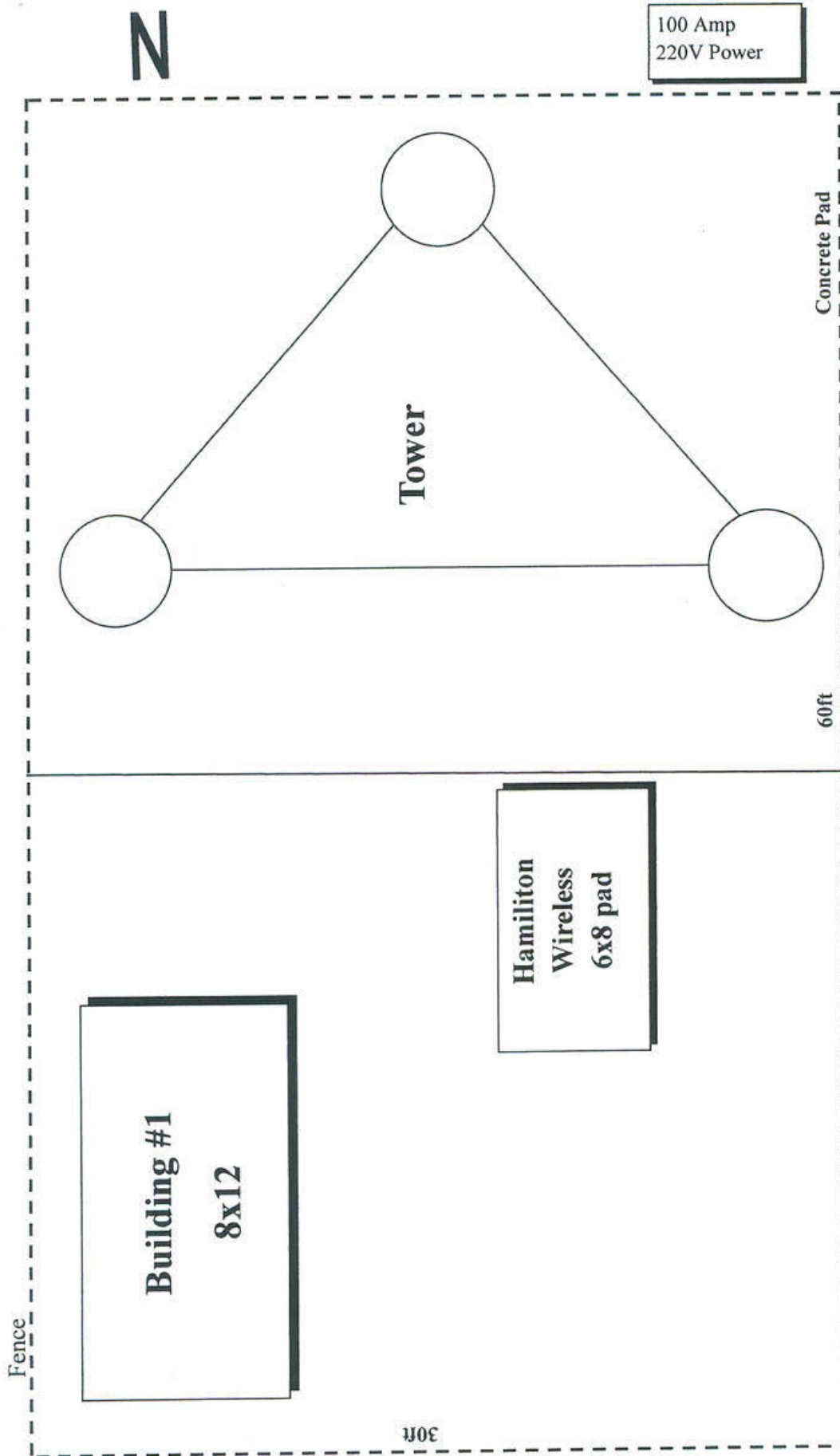
45 ft from Property Line to tower Base on
East side

Application to develop a tower

- A) Landowner: Hornady Manufacturing Inc. 3625 Old Potash Highway, Grand Island, NE 68803 308-382-1390
Tower Owner: Midland Telecom Inc. 3239 w 2nd ST. Grand Island, NE 68803 308-381-8434
- B) Legal: CENTER TWP PT N 1/2 NE 1/4 XC 1 A ROAD 4.79 AC HWY & 3.33 AC STATE 24-11-10 18.91 AC
- C) Use existing tower: See D affidavit
- D) I Patrick Buettner owner of Midland Telecom have a total of 14 antennas to install on this new communications tower. Users will include Christian FM Radio Station, High Speed Internet provider and several business band radio systems. Due to the number of antennas needed along with the wind and ice load required. There are currently no existing structures within the 1 mile radius that have the capacity.
- E) Technical specifications: See attached
- F) Color photo: See attached
- G) Foundation specifications: See attached
- H) Building Permit application: See attached

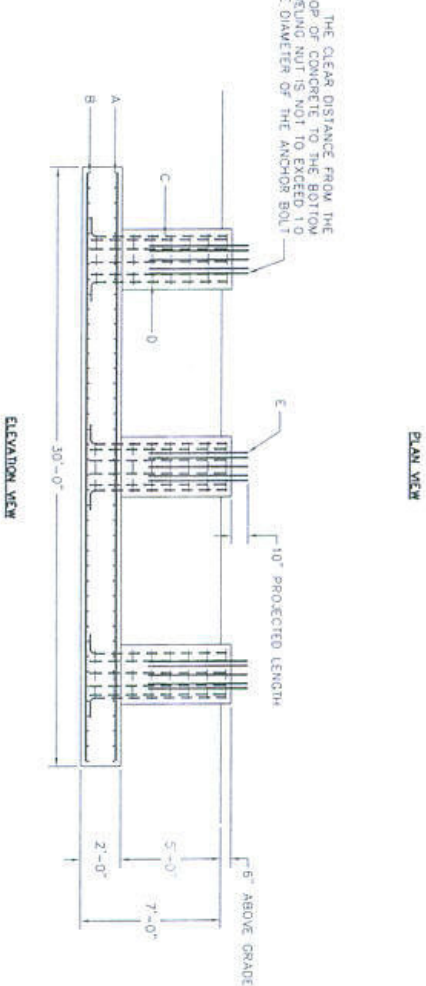
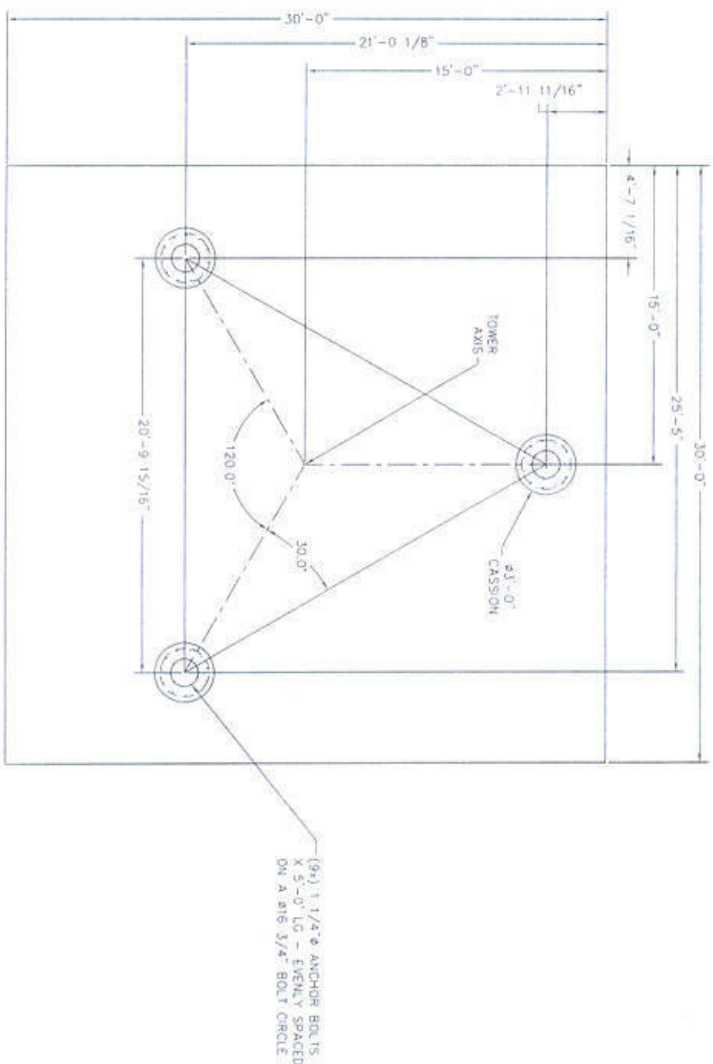
tower





**Site Plan
30' x 60'**

Water Detention Cell



MATERIAL LIST

ITEM	QTY	GRADE	DESCRIPTION	
A	80	60 KSI	#11 BARS BOTH WAYS (TOP)	29'-6"
B	80	60 KSI	#11 BARS BOTH WAYS (BOTTOM)	29'-6"
C	33	60 KSI	#9 BARS	6'-10" 12"
D	24	40 KSI	#4 TIES ON 12" CTC	12" LAP
E	27	75 KSI	1 1/4" x 75 KSI 5'-0" LONG AND 10" OF THREAD	5'-0"

QUANTITIES SHOWN ARE FOR ONE (1) SPREAD FOOTING FOUNDATION AS SHOWN.

NOTES:

- 1) CONCRETE SHALL ATTAIN ULTIMATE COMPRESSION STRENGTH OF 4000 PSI AT 28 DAYS.
- 2) REINFORCING STEEL SHALL CONFORM TO ASTM A615 GRADE SPECIFICATIONS.
- 3) MINIMUM CONCRETE COVER ON ALL REINFORCING STEEL.
- 4) SLOES OF EXCAVATIONS MAY REQUIRE TO BE BRACED OR SLOED BACK AS REQUIRED FOR STABILITY AND IN ACCORDANCE WITH ALL APPLICABLE SAFETY REGULATIONS.
- 5) DESIGN BASED ON SOILS REPORT BY USC & ASSOCIATES, INC., DATED MARCH 24, 2009, PROJECT NO. 091115.
- 6) REINFORCING STEEL MEMBERS ARE TO BE EVENLY SPACED.
- 7) STEEL AND CONCRETE QUANTITIES SHOWN ARE TOTAL FOR ONE SPREAD FOUNDATION AS SHOWN.
- 8) IT IS THE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT ALL PRACTICES AND PROCEDURES UTILIZED DURING WORK REQUIRED ON THE FOUNDATION DO NOT ENDANGER THE SAFETY OF ANY PERSONNEL NOT THE STRUCTURAL INTEGRITY OF THE FOUNDATION.
- 9) ALL BACK FILL TO BE PLACED IN 6" LIFTS AND COMPACTED TO ASTM D-1557 STANDARDS.
- 10) EXPOSED EDGES OF FOUNDATION TO BE CHAMFERED 1" X 45°.
- 11) ACI STANDARDS APPLY TO BENDING REINFORCING STEEL (ACI 318-02 SECTION 7.2).
- 12) USE STEEL TEMPLATES PROVIDED BY ECI FOR PROPER ANCHOR BOLT PLACEMENT.
- 13) REFERENCE ECI "TERMS AND CONDITIONS RELATED TO SALES" SHEET FOR ADDITIONAL NOTES.

DESIGN RELATIONS.

TOTAL SHEAR = 50.7 KIPS
MAX. UPLIFT = 281.472 KIPS PER LEG
OVERTURNING MOMENT = 5505.81 FT KIPS
CONCRETE QTY = 79.99 CU YDS

SITE: GRAND ISLAND, NE

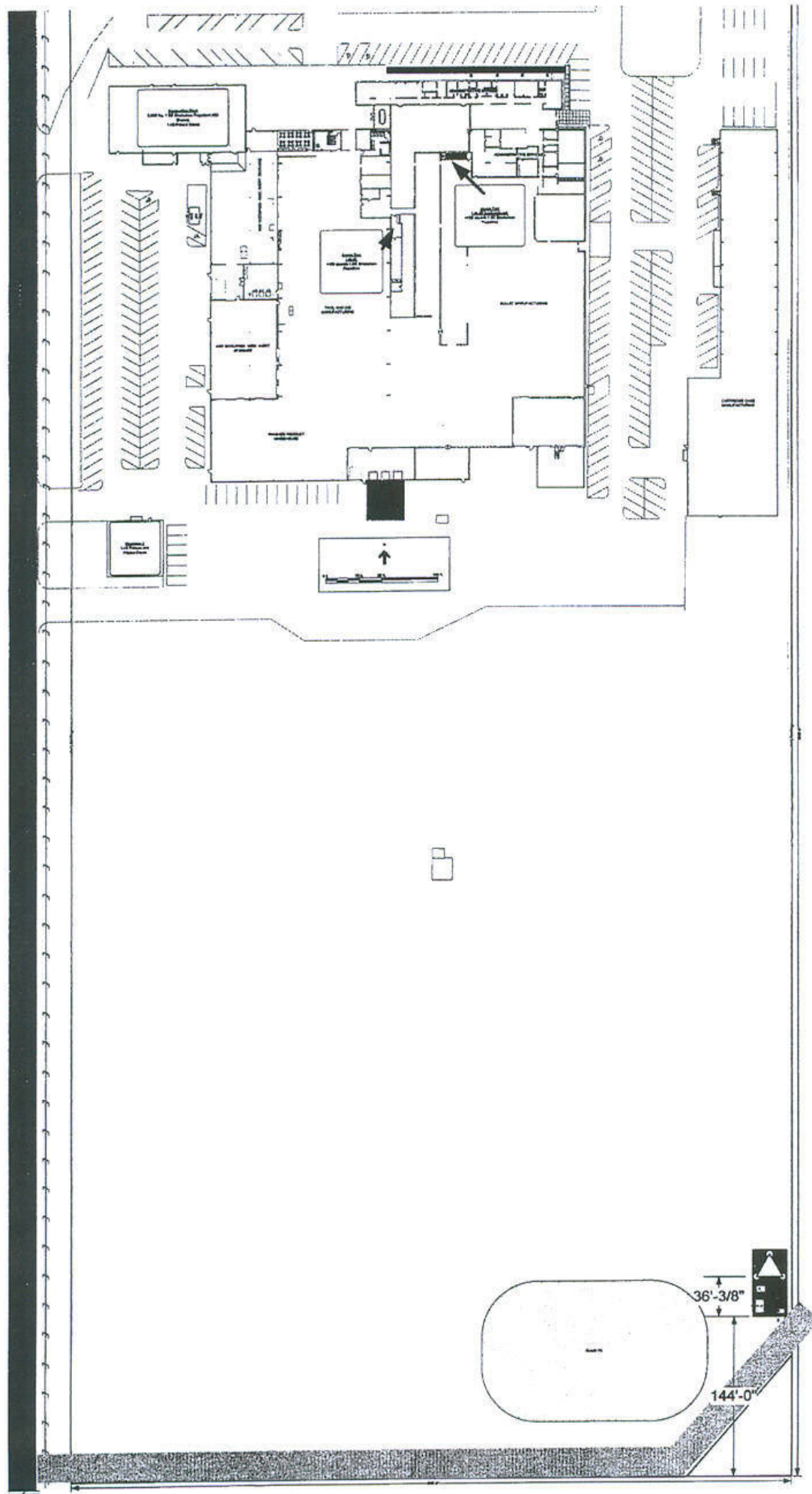
SPREAD FOOTING FOUNDATION
190' EEI SSTA

EMERSON ENGINEERING, INC.
CONSULTING ENGINEERS
4400 WEST 31ST STREET
TAMARAC, SD 57078
(605) 665-9785

DATE: 04/10/09
BY: TR
CHECKED:

78240

DWG # 78240E01 SHEET E01 OF



↑
N

State of
NE
city water
cell

Highway 30

Names and addresses of all owners of other structures located within a 1 mile radius of proposed communications tower location

State of Nebraska

Po box 94907

Lincoln NE 68509 402-471-4545

JRK Broadcasting

3205 West North Front ST

Grand Island, NE 68803 308-381-1430

All Tel Communications

1120 Sanctuary Pkwy

Alpharetta, GA 30009 770-797-1070

US Cellular Corp

8410 W Bryan Bawr Ave

Chicago, IL 60631 773-399-8900

Wireless II LLC

2000 Corporate Drive

Canonsburg, PA 15317 888-867-7666

I have made diligent but unsuccessful efforts to obtain permission to install or co-locate on existing tower structures. All existing structures either do not allow co-location renters or are unable to accommodate the antenna's we wish to install.

Patrick Buettner

President , Midland Telecom Inc.

A handwritten signature in black ink, appearing to read "Pat Buettner". The signature is written in a cursive, flowing style.

ANDERSON/MELODEE A

Address:

City, State:

Zipcode:

3823 S HWY 34
GRAND ISLAND NE
68801

Address:

City, State:

Zipcode:

GARY'S QUALITY AUTOMOTIVE INC
3703 W OLD POTASH HWY
GRAND ISLAND NE
68803-

Current Owner:

Address:

City, State:

Zipcode:

WEBB/JOHN P & LISA L
204 S CLAUDE RD
GRAND ISLAND NE
68803-0000
QUAD ENDEAVORS LLC

Current Owner:

Address:

City, State:

Zipcode:

25 LILLIAN LN
DONIPHAN NE
68832-

Current Owner:

Address:

City, State:

Zipcode:

HIGHLAND PARK LAWN COMPANY
402 S CLAUDE RD
GRAND ISLAND NE
68803-0000

Current Owner:

Address:

City, State:

Zipcode:

TWIN VALLEY INVESTMENTS LTD
502 CLAUDE RD
GRAND ISLAND NE
68803-

Current Owner:

Address:

City, State:

Zipcode:

HANCOCK/ROBERT D & PATRICIA J
5938 N 80TH RD
CAIRO NE
68824-

Current Owner:

Address:

City, State:

Zipcode:

ROOKSTOOL/TEDDY O
3724 ARCH AVE
GRAND ISLAND NE
68803-0000

Current Owner:

Address:

City, State:

Zipcode:

LEVANDER/BRIAN D & ANNETTE R
3708 WESTGATE RD
GRAND ISLAND NE
68803-

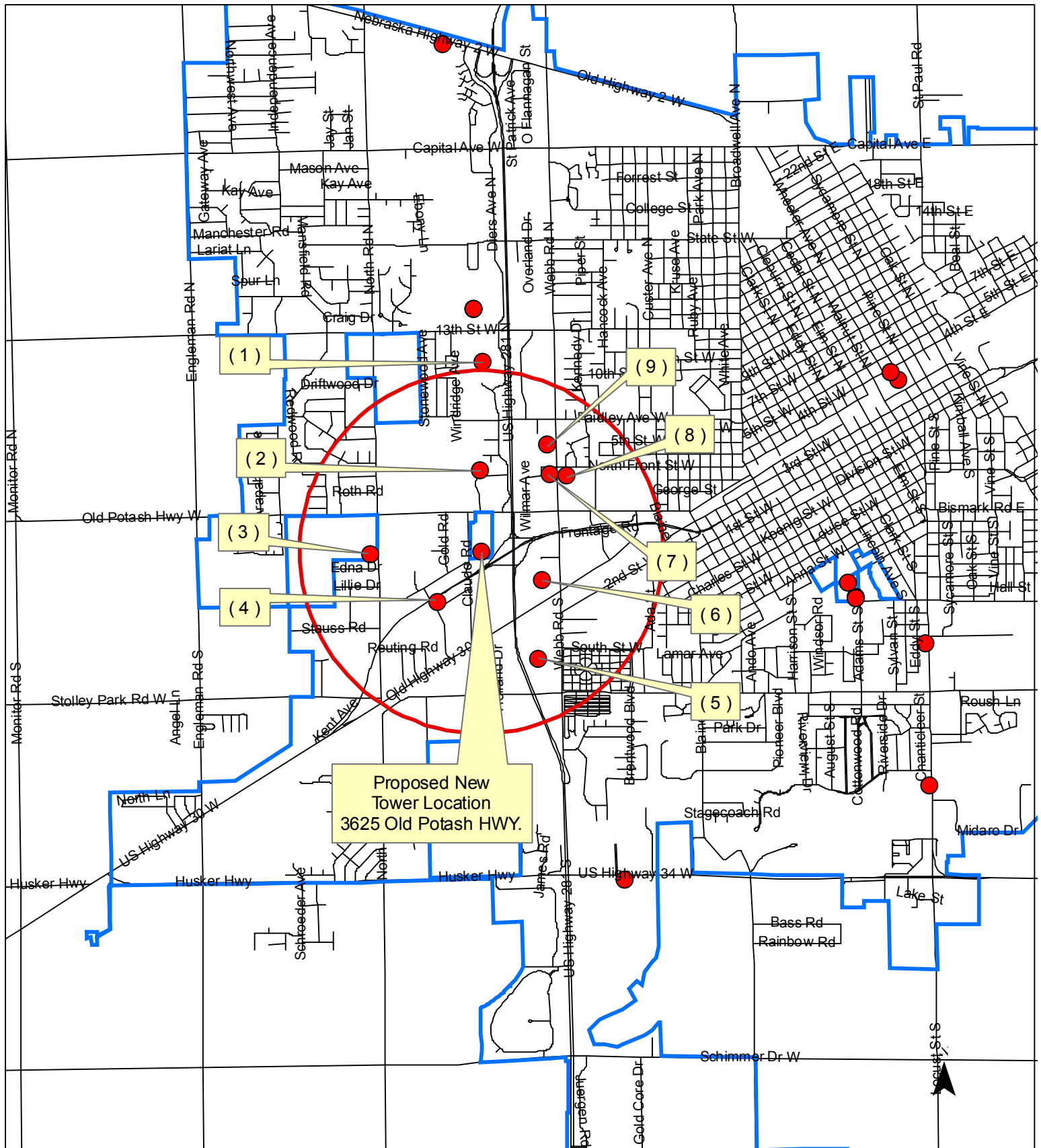
Current Owner:

Address:

City, State:

Zipcode:

R & D INVESTMENTS LLC
A NEBR LIMITED LIABILITY CO
120 DIERS AVE
GRAND ISLAND NE
68803-0000



- (1) 3535 W 13th St. ----- Verizon Wireless
- (2) 3560 Kufman Ave. ----- Nebraska Cellular
- (3) 510 N North Rd. ----- Pinpoint Communication
- (4) 3820 Arch Ave. ----- PlatteValley Communication
- (5) 1624 S Webb Rd. ----- IPCS Wireless

- (6) 3230 W Old HWY # 30 ----- Midland Telecom
- (7) 305 Wilmar Ave ----- Viaero Wireless
- (8) 3205 W.N. Front St. ----- JRK Broadcasting
- (9) 518 N Webb Rd. ----- State of Nebraska