



# **City of Grand Island**

**Tuesday, February 24, 2015**

**Council Session**

## **Item E-1**

**Public Hearing on Request from Midland Ag Services, Inc. on behalf of Verizon Wireless for a Conditional Use Permit for a 133' Monopole for Wireless Telecom located at 1203 South Stuhr Road**

**Staff Contact: Craig Lewis**

# **Council Agenda Memo**

**From:** Craig A. Lewis, Building Department Director

**Meeting:** February 24, 2015

**Subject:** Request of Jeffery Skinner, representing Verizon Wireless for Approval of a Conditional Use Permit to Allow Construction of a Telecommunication Tower at 1203 S. Stuhr Road

**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 133 foot monopole telecommunication tower at 1203 S. Stuhr Road to facilitate their cellular service area. The property is currently zoned T-A Transitional Agriculture. The Grand Island Zoning Code requires that all communication 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. It appears reasonable to delay the submittal of these 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.

An affidavit supplying evidence that it is not practical to collocate with any towers within a one mile radius has been submitted by the applicant. There are two towers within the one mile radius of the proposed site, one was identified in the affidavit at 589 S. Stuhr

Road and that 85' tower has been determined by the applicant as impractical for collocation. The second tower is at 636 S. Shady Bend Road. That 80' tower is owned by the Seventh Day Adventist church and utilized for a low power FM transmissions, it would not appear capable of supporting additional equipment.

The proposed site is within the airport approach zone, a determination of no hazard to air navigation has been received from the Federal Aviation Administration, issued September 26, 2014.

Airport Administration recently requested that a tower constructed in the Airport approach zone be lighted. The City Council confirmed that request and approved the construction with a condition that the tower be lighted.

Staff continues to support lighting of communication towers only if required by the Federal Aviation Administration but if required as a condition of approval within the airport approach zone would suggest that such lighting be in conformance with FAA Advisory Circular AC 70/7460-1K.

The proposed tower is also within approximately 106' of a 65' utility easement utilized for a 115 KVA electrical transmission line. Utilities would recommend if approved that the tower be designed and certified that upon failure the fall zone would be limited to an 80' radius from the base of the tower protecting the transmission lines.

### **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 with conditions identified for a conditional use permit to construct this communication 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: \$1,000.00

Return by:

Council Action on: 2-24-15

## Conditional Use Permit Application

 pd: Building, Legal, Utilities  
 Planning, Public Works

1. The specific use/construction requested is: 133' monopole for wireless telecom
2. The owner(s) of the described property is/are: Midland Ag Services, Inc., a Nebraska Corporation
3. The legal description of the property is: A tract of land comprising the West 1/2 of Section 23, Township 11N, Range 9 W
4. The address of the property is: Vacant Parcel / Parcel ID#: 400207044 1203 So. Stuhr Road
5. The zoning classification of the property is: Transitional AG
6. Existing improvements on the property is: None
7. The duration of the proposed use is: Length of lease
8. Plans for construction of permanent facility is: Attached
9. The character of the immediate neighborhood is: Production and non production Ag fields with mix of sparse rural residential
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: Grand Island City Ordinance requires any new tower construction receive approval of CUP. Verizon has a response from RF Department demonstrating the need for a tower facility in this area in order to provide the continuing services their customers are accustomed to receiving.

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

1-19-15

Date

Midland Ag Services, Inc.  
 Owners(s) by Roger R. Shuchman  
Pres.
308-380-4837

Phone Number

1012 South Shady Bend Road

Address

Grand Island

City

NE

State

68801

Zip

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









Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
2601 Meacham Boulevard  
Fort Worth, TX 76193

Aeronautical Study No.  
2014-ACE-2193-OE  
Prior Study No.  
2013-ACE-3382-OE

Issued Date: 09/26/2014

Mikhail Raznobriadsev  
Alltel Communications of Nebraska, Inc.  
1120 Sanctuary Prkwy  
Suite 150 GASA5REG  
Alpharetta, GA 30004

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Monopole New Fair
Location:	Grand Island, NE
Latitude:	40-54-31.58N NAD 83
Longitude:	98-18-51.13W
Heights:	1843 feet site elevation (SE) 133 feet above ground level (AGL) 1976 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- ☒ At least 10 days prior to start of construction (7460-2, Part 1)  
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 03/26/2016 unless:

- the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- extended, revised, or terminated by the issuing office.

- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before October 26, 2014. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager, Airspace Regulations & ATC Procedures Group, Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591.

This determination becomes final on November 05, 2014 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Regulations & ATC Procedures Group via telephone -- 202-267-8783 - or facsimile 202-267-9328.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).



A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact Vee Stewart, at (816) 329-2508. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-ACE-2193-OE.

**Signature Control No: 217331824-230397742**

( DNH )

John Page

Manager, Obstruction Evaluation Group

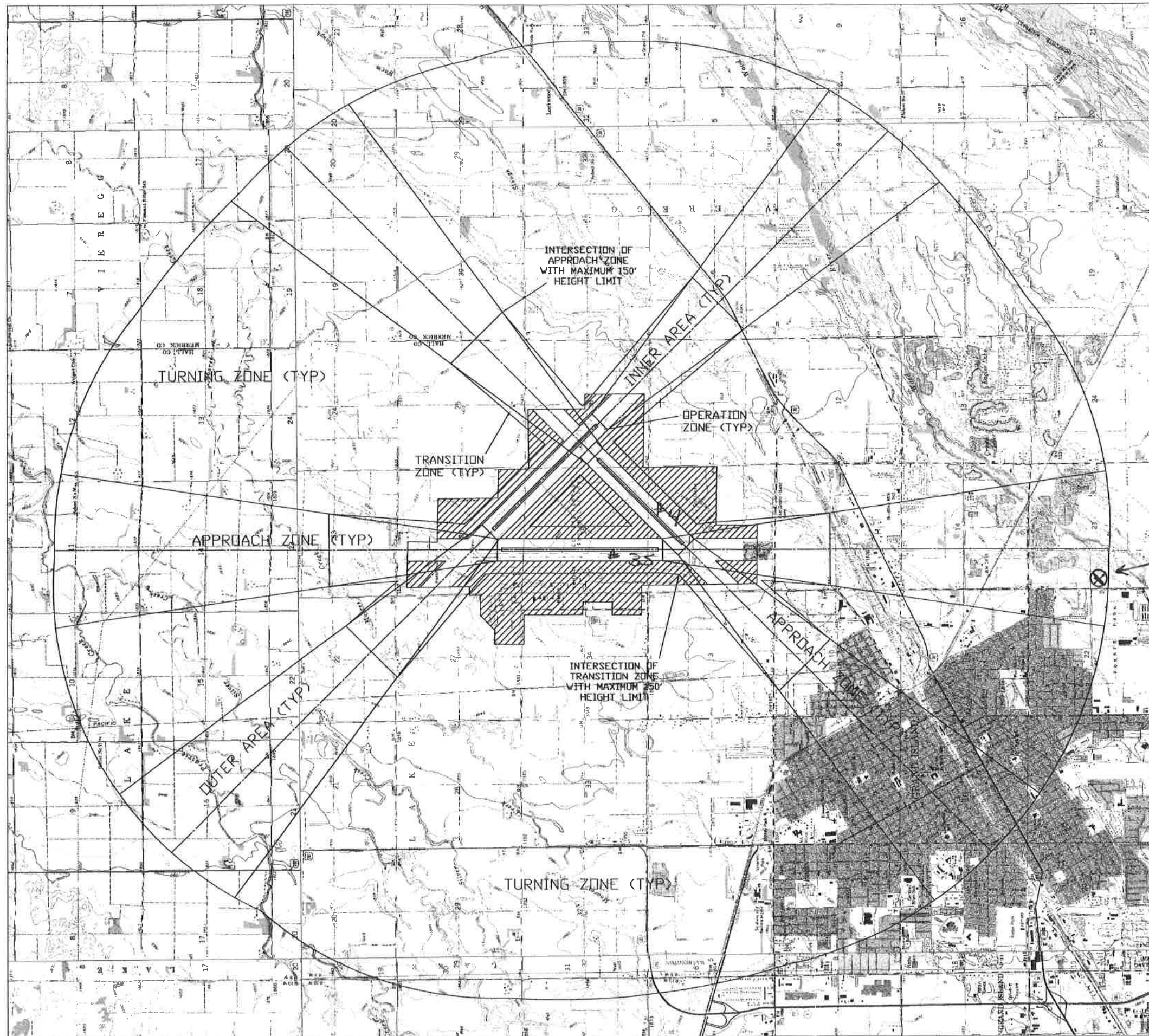
Attachment(s)

Additional Information

Frequency Data

Map(s)

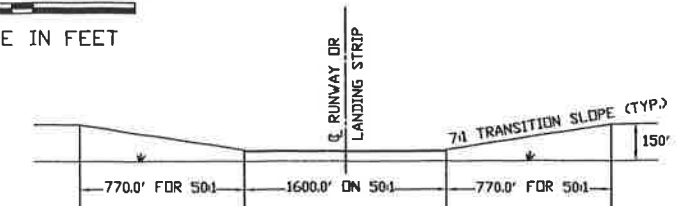
cc: FCC



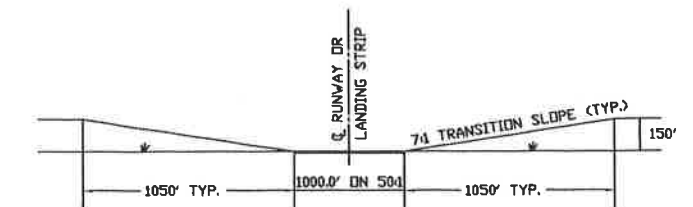
GRADE ELEVATIONS ON RUNWAY ENDS (MSL)  
 RUNWAY ELEVATION OF RUNWAY END 17 = 1843.7'  
 RUNWAY ELEVATION OF RUNWAY END 35 = 1846.7'  
 RUNWAY ELEVATION OF RUNWAY END 13 = 1840.4'  
 RUNWAY ELEVATION OF RUNWAY END 31 = 1841.1'  
 RUNWAY ELEVATION OF RUNWAY END 4 = 1846.2'  
 RUNWAY ELEVATION OF RUNWAY END 22 = 1841.1'



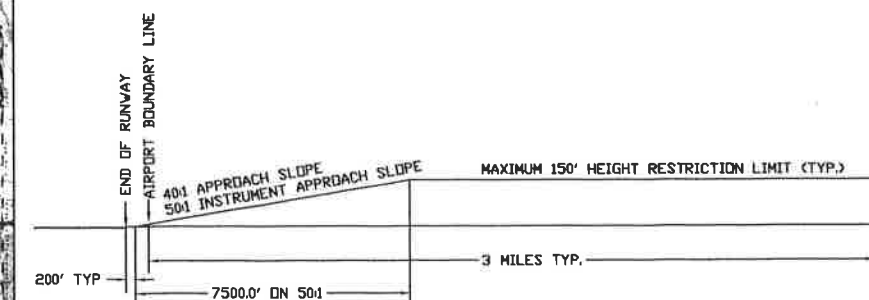
0 2500 5000  
 SCALE IN FEET



TYPICAL CROSS SECTION OF APPROACH ZONE  
 AT A POINT 2000' FROM END OF OPERATION  
 ZONE.



TOWER LOCATION 1976' AMSL  
 TYPICAL TRANSVERSE CROSS SECTION ALONG  
 OPERATION ZONE.



APPROACH ZONE PROFILE

NOTE: IN THE TURNING ZONES AND THE OUTER AREAS OF THE APPROACH  
 ZONES ANY OBJECT HIGHER THAN 150' ABOVE THE NEAREST POINT  
 OF THE LANDING AREA IS CONSIDERED AN OBSTRUCTION.

ARP (AIRPORT REFERENCE  
 POINT) COORDINATES

LATITUDE: 40° 58' 3" N  
 LONGITUDE: 98° 18' 31" W

NEBRASKA  
 DEPARTMENT OF AERONAUTICS  
 ENGINEERING DIVISION

ZONING MAP  
 CENTRAL NEBRASKA REGIONAL  
 GRAND ISLAND, NEBRASKA

SUBMITTED: JS	DRAWN BY: JS
CHECKED:	DRAWING NO: ZN-GI-02
APPROVED:	DATE: 7-17-2002
SHEET NO. 1	



February 19, 2015

Mayor Jeremy Jensen  
City of Grand Island  
P.O. Box 1968  
Grand Island, NE, 68802

Dear Mayor Jensen,

This letter is in support for approval of the request by Verizon Wireless to build a cell tower on property owned by Midland Ag Services. The property in question is adjacent to the east of Fonner Park across Stuhr Road.

Our interest is of course for the 11-days each year that Fonner Park becomes the Nebraska State Fairgrounds. Having welcomed over 1.6 million visitors since 2010, one can imagine how hard the cell towers are worked during our peak times.

Cell service during the State Fair becomes so limited that it is impossible to place or receive a call. Many of our vendors use cell service to perform financial transactions, and are unable to do so during peak times. Our biggest concern is the potential inability of a State Fair employee or one of our guests to connect to first responders, should an emergency arise.

We have worked closely with Verizon over the past 5-years to try and alleviate the situation. Verizon has placed portable cell towers on the fairgrounds to work in conjunction with other towers, but to no avail. In our talks with Verizon, they explain a tower is necessary to better manage the overloads we experience.

We support approval and thank you for your consideration.

Sincerely,

Joseph McDermott, CFE  
Executive Director  
Nebraska State Fair

PC: Marlan Ferguson, Grand Island City Administrator  
Members, Grand Island City Council