

City of Scottsbluff, Nebraska

Monday, August 11, 2014

Regular Meeting

Item NewBiz1

Special Use Permit

Special Use Permit: Cell Tower

Applicant: NE Colorado Cellular

Owner: Scottsbluff Country Club

Address: 5014 1/2 Avenue I

Location: North of Mtne Bldg Scottsbluff Country Club

Staff Contact: Annie Urdiales



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To:	Planning Commission	Zoning:	R-1
From:	Development Services Department	Property Size:	N/A
Date:	August 11, 2014	# Lots/Units:	1
Subject:	Special Permit Request – Viaero WCT		
Location:	Scottsbluff Country Club NW Scottsbluff		

Background: The applicant(s), NE Colorado Cellular Inc. d/b/a Viaero Wireless has requested a (conditional) special use permit to allow for a 75' monopole type tower and supporting equipment. This type of tower is a permitted use in the agricultural zoning district with approval of a special use permit through the Planning Commission. Viaero has met with the property owners of the land in which they are placing the cell tower and have received approval from the Scottsbluff Country Club board. The cell tower will be situated on the west edge of the golf course just north of the maintenance building.

We have cell towers in other areas of the City, this one is located within the two mile extra territorial area and this is the first conditional use permit applied for under our new code for Wireless Communication Facilities.

Analysis: The property is zoned R-1 Single Family Residential. The applicant has submitted all proper paper work for the permit. The surrounding properties to the east, north, and south are zoned A-Agricultural and property directly to the south is also zoned R-1 Residential.

Plans will be submitted to Development Services and reviewed when the building permit is applied for.

Lot Sizes: The acreage for the Scotts Bluff Country Club is approximately 128 acres. A site plan showing layout of the tower is attached and will sit in an area of approximately 1,000 sq. ft. parcel.

Planner's Report:

- 1.) The use will not be injurious to neighboring uses,
- 2.) The use will not create special hazards or problems,
- 3.) The Comprehensive Plan Future Land Use Map supports the use,
- 4.) The use is in accordance with the intents and purposes of the Code, plus reasonable conditions can be included if deemed necessary and appropriate.

Please note that per 25-13-9 that a building permit must be issued within one year of approval of the Conditional Use Permit or the Permit expires and per 25-13-11 that the Permit may not be transferred with change of ownership of the land.

Staff Recommendation: Approve a Special (Conditional Use Permit) to allow for a cell tower supporting equipment in a R-1 Residential zoning district with no additional conditions.

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Findings of Fact could include; the property significantly abuts Highway 71; the use fits the existing neighborhood at this location; the zoning is in accordance with the Comprehensive Plan and per 25-13.3:

- 1.) Cell Towers represent services that are required by the community and the use is consistent with the surrounding zonings and uses,
- 2.) The use will not be injurious to neighboring uses,
- 3.) The use will not create special hazards or problems,
- 4.) The Comprehensive Plan Future Land Use Map supports the use,
- 5.) The use is in accordance with the intents and purposes of the Code.

The Planning Commission does need to formally act on the matter.

RECOMMENDATION

Approve

Make a motion to approve the special use permit to allow for a Cell Tower and supporting equipment at 5014 ½ Avenue I (Scottsbluff Country Club) in a R-1 Single Family Residential Neighborhood zoning district subject to the following condition(s):

Deny

Make a motion to disapprove the special use permit to allow for a Cell Tower and supporting equipment at 5014 ½ Avenue I (Scottsbluff Country Club) in a R-1 Single Family Residential Neighborhood zoning district, for the following reason(s):

Table

Make a motion to TABLE the special use per for a Cell Tower and supporting equipment at 5014 ½ Avenue I (Scottsbluff Country Club) in a R-1 Single Family Residential Neighborhood zoning district for the following reason(s):





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

Aeronautical Study No.
2014-ACE-1841-OE

Issued Date: 05/12/2014

Kevin P. Delaney
Industrial Tower and Wireless, LLC.
40 Lone Street
Marshfield, MA 02050

**** 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:	Antenna Tower Scottsbluff Country Club
Location:	Scottsbluff, NE
Latitude:	41-53-58.30N NAD 83
Longitude:	103-41-06.80W
Heights:	3957 feet site elevation (SE) 75 feet above ground level (AGL) 4032 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, 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)

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 11/12/2015 unless:

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

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 our office at (817) 321-7755. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-ACE-1841-OE.

Signature Control No: 216372978-217661202

(DNE)

Debbie Cardenas
Technician

Attachment(s)
Frequency Data

cc: FCC

Frequency Data for ASN 2014-ACE-1841-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
698	806	MHz	1000	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W